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2015 LEGISLATIVE HISTORY

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, January 5, 2015, at 3:00 p.m.

Roll Call Present: Councilmembers Gunderson, Madrigal, and Zoslocki
Absent: None
Also Present: Councilmember Kenoyer

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider accepting: (i) the City's Fiscal Year 2013-2014 Comprehensive Annual Financial Report from external auditors Brown and Armstrong; (ii) the Fiscal Year 2013-2014 audited financial statements and audit reports for nine Community Facilities Districts; (iii) the Fiscal Year 2013-2014 audit reports for various Joint Powers Agencies audits; (iv) the City's Fiscal Year 2013-2014 City of Modesto and Stanislaus Drug Enforcement Agency Single Audit reports; and (v) the Information Technology risk assessment Agreed Upon Conditions reports and forwarding to Council for approval. (Funding Source:)

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

ACTION: Motion (Madrigan/Zoslocki;unan.) accepting : (i) the City's Fiscal Year 2013-2014 Comprehensive Annual Financial Report from external auditors Brown and Armstrong; (ii) the Fiscal Year 2013-2014 audited financial statements and audit reports for nine Community Facilities Districts; (iii) the Fiscal Year 2013-2014 audit reports for various Joint Powers Agencies audits; (iv) the City's Fiscal Year 2013-2014 City of Modesto and Stanislaus Drug Enforcement Agency Single Audit reports; and (v) the Information Technology risk assessment Agreed Upon Conditions reports and forwarding to Council for approval.

2. Consider accepting the Auditor's report on compliance with requirements applicable to the Federal Aviation Passenger Facility Charge (PFC) program and on internal control over compliance, prepared by external auditors Brown and Armstrong, for fiscal year ended June 30, 2014 and forwarding to Council for approval. (Funding Source: Not Applicable)

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

ACTION: Motion (Zoslocki/Madrigan;unan.) accepting the Auditor's report on compliance with requirements applicable to the Federal Aviation Passenger Facility Charge (PFC) program and on internal control over compliance, prepared by external auditors Brown and Armstrong, for fiscal year ended June 30, 2014 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:30 p.m.

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 06, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Jeff Norman

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Acknowledgement of a Certificate of Achievement awarded to the City of Modesto, Fleet Division by California Highway Patrol. (Funding Source: Not Applicable)
Public Works; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Steve Fischio, Public Works Operations Manager, acknowledged the Certificate of Achievement awarded to the City of Modesto, Fleet Division by California Highway Patrol.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider accepting the resignations of: (i) Galena Gilstrap; (ii) Scott Hallmon; and (iii) Jacky Deabler from the City of Modesto Human Relations Commission. (Funding Source: Not Applicable)
 - Resolution accepting with regret the resignation of Galena Gilstrap from the City of Modesto Human Relations Commission, effective October 17, 2014.
 - Resolution accepting with regret the resignation of Scott Hallmon from the City of Modesto Human Relations Commission, effective December 15, 2014.

- Resolution accepting, with regret, the resignation of Jacky Deabler from the City of Modesto Human Relations Commission, effective December 26, 2014.
Administrative Services; Joe Lopez, 571-5126 , joelopez@modestogov.com

ACTION: Resolution 2015-01 (Lopez/Gunderson; 7/0) accepting with regret the resignation of Galena Gilstrap from the City of Modesto Human Relations Commission, effective October 17, 2014.

ACTION: Resolution 2015-02 (Lopez/Gunderson; 7/0) accepting with regret the resignation of Scott Hallmon from the City of Modesto Human Relations Commission, effective December 15, 2014.

ACTION: Resolution 2015-03 (Lopez/Gunderson; 7/0) accepting, with regret, the resignation of Jacky Deabler from the City of Modesto Human Relations Commission, effective December 26, 2014.

3. Consider appointing Steve Rank to the Downtown Improvement District Advisory Board. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Steve Rank to the Downtown Improvement District Advisory Board for a three-year term to expire January 1, 2016.
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Resolution 2015-04 (Lopez/Madriral; 7/0) approving the appointment of Steve Rank to the Downtown Improvement District Advisory Board for a three-year term to expire January 1, 2016.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in Modesto; he requested to meet with the City Manager.
- Vernon Price spoke regarding homeless in Modesto and the Salvation Army shelter hours; he requested to be placed on an upcoming Agenda to stop the use of CDBG money to the Salvation Army.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-11: (Lopez/Madriral;unan.)

CONSENT ITEMS

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

Consent

4. Consider approving the Minutes from the December 9, 2014 Council meeting.

(Funding Source: Not Applicable)

- Motion approving the Minutes from the December 9, 2014 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the Minutes from the December 9, 2014 Council meeting.

Consent

5. Consider accepting the Monthly Investment Report for July 2014. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for July 2014.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) accepting the Monthly Investment Report for July 2014.

Consent

6. Consider authorizing the award of bid for the purchase of one Truck with Service Body vehicle for the Utilities Department, Stormwater Collection Division, through the Public Works Department, Fleet Services Division, to Interstate Truck Center LLC, Stockton, CA, for an estimated total cost of \$172,391. (Funding Source: Stormwater Collection Fund)
 - Resolution authorizing the award of bid for the purchase of one Truck with Service Body vehicle for the Utilities Department, Stormwater Collection Division, through the Public Works Department, Fleet Services Division, to Interstate Truck Center LLC, Stockton, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$172,391.
Finance; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-05 (Lopez/Madrigan; 7/0) authorizing the award of bid for the purchase of one Truck with Service Body vehicle for the Utilities Department, Stormwater Collection Division, through the Public Works Department, Fleet Services Division, to Interstate Truck Center LLC, Stockton, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$172,391.

Consent

7. Consider approving a 15 day agreement between the City of Modesto and the Salida Fire Protection District for Fire and Emergency Response Services. (Funding Source: Not Applicable)
 - Resolution approving a 15 day agreement between the City of Modesto and the Salida Fire Protection District for Fire and Emergency Response Services and authorizing the City Manager, or his designee, to execute the agreement.
Fire; Sean Slamon, 572-9590, sslamon@modestorfa.org,

ACTION: Resolution 2015-06 (Lopez/Madrigan; 7/0) approving a 15 day agreement between the City of Modesto and the Salida Fire Protection District for Fire and Emergency

Response Services and authorizing the City Manager, or his designee, to execute the agreement.

Consent

8. Consider: (i) amending the Fiscal Year 2014/15 Capital Improvement Program (CIP) budget in the amount of \$115,000; and (ii) accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$101,810 and authorizing the City Manager, or his designee, to execute the necessary grant funding documents. (Funding Source: CMAQ Funds, Local Match - LTF - Streets and Roads Fund)
- Resolution amending the Fiscal Year 2014/15 Capital Improvement Program (CIP) budget in the amount of \$115,000.
 - Resolution accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$101,810, and authorizing the City Manager, or his designee, to execute the necessary grant funding documents.

Public Works; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2015-07 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2014/15 Capital Improvement Program (CIP) budget in the amount of \$115,000.

ACTION: Resolution 2015-08 (Lopez/Madrigan; 7/0) accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$101,810, and authorizing the City Manager, or his designee, to execute the necessary grant funding documents.

Consent

9. Consider approving a Purchase and Sale Agreement between the City of Modesto and Libitzky Holdings, L.P., a California Limited Partnership, and Eric S. Schmier and Kenneth J. Schmier, for a Temporary Construction Easement in the amount of \$36,907, for the Downstream Improvements Tier 1 North Tank Project. (Total estimated costs for land expenditures for the project are \$38,275) (Funding Source: Water Fund-CIP)
- Resolution approving a Purchase and Sale Agreement between the City of Modesto and Libitzky Holdings, L.P., a California Limited Partnership, and Eric S. Schmier and Kenneth J. Schmier, for acquisition of a 2.33 acre Temporary Construction Easement, located at 4524 Tully Road (APN 046-012-005), in the amount of \$36,907, for the Downstream Improvements Tier 1 North Tank Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.
 - Resolution authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for a 2.33 acre Temporary Construction Easement for the acquisition of property interests (APN 046-012-005) located at 4524 Tully Road, owned by Libitzky Holdings, L.P., a California Limited Partnership, and Eric S. Schmier and Kenneth J. Schmier, to be purchased by the City of Modesto for the Downstream Improvements Tier 1 North Tank Project.

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

ACTION: Resolution 2015-09 (Lopez/Madrigan; 7/0) approving a Purchase and Sale Agreement between the City of Modesto and Libitzky Holdings, L.P., a California Limited

Partnership, and Eric S. Schmier and Kenneth J. Schmier, for acquisition of a 2.33 acre Temporary Construction Easement, located at 4524 Tully Road (APN 046-012-005), in the amount of \$36,907, for the Downstream Improvements Tier 1 North Tank Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2015-10 (Lopez/Madrigan; 7/0) authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for a 2.33 acre Temporary Construction Easement for the acquisition of property interests (APN 046-012-005) located at 4524 Tully Road, owned by Libitzky Holdings, L.P., a California Limited Partnership, and Eric S. Schmier and Kenneth J. Schmier, to be purchased by the City of Modesto for the Downstream Improvements Tier 1 North Tank Project.

Consent

10. Consider accepting the work by Collins Electrical Company, Inc. of Modesto, CA, for the Railroad Pre-Traffic Signal and Intersection Improvements at 7th Street and B Street Project as complete and authorizing payment of amounts totaling \$313,116. (The total project cost is \$383,191, which included construction contingency, engineering design, and construction administration.) (Funding Source: 100% Section 130 Grant/Surface Transportation Fund)

- Resolution accepting the work by Collins Electric Company for the Railroad Pre-Traffic Signal and Intersection Improvements at 7th Street and B Street Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$313,116.

Utilities; Rob Christensen, 577-5423, rchristensen@modestogov.com

ACTION: Resolution 2015-11 (Lopez/Madrigan; 7/0) accepting the work by Collins Electric Company for the Railroad Pre-Traffic Signal and Intersection Improvements at 7th Street and B Street Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$313,116.

Consent

11. Consider certifying the Final Master Environmental Impact Report for the City of Modesto Wastewater System Upgrades Project (SCH No. 2013082006) in accordance with the California Environmental Quality Act (CEQA), and making certain findings concerning Environmental Impacts, Mitigation Measures, and Alternatives to the Project, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations, in connection with approval of the Project contemplated by the Final Master Environmental Impact Report. (Funding Source: Wastewater Fund)

- Resolution certifying the Final Master Environmental Impact Report for the City of Modesto Wastewater System Upgrades Project (SCH No. 2013082006) in

accordance with the California Environmental Quality Act, and making certain findings concerning environmental impacts, mitigation measures, and alternatives to the project, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations, all in connection with approval of the project contemplated by the Final Environmental Impact Report.

Utilities; Jennifer Pratt, 342-4570, jpratt@modestogov.com

ACTION: Resolution 2015-12 (Lopez/Madriral; 7/0) certifying the Final Master Environmental Impact Report for the City of Modesto Wastewater System Upgrades Project (SCH No. 2013082006) in accordance with the California Environmental Quality Act, and making certain findings concerning environmental impacts, mitigation measures, and alternatives to the project, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations, all in connection with approval of the project contemplated by the Final Environmental Impact Report.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked the City of Modesto Electrical staff.

Councilmember Madriral attended the groundbreaking of the high speed rail project in Fresno.

Mayor Marsh announced the memorial service for former Councilmember Dave Geer on Thursday morning and asked for a moment of silence.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010 10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP

(Open to the Public)

12. Economic and Financial Sustainability Workshop. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ADJOURNMENT

This meeting adjourned at 5:50 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Anticipated litigation pursuant to subdivision (b)(c) of Section 54956.9 of the Government Code. One potential case.

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez
Agency Negotiators: Jim Holgersson, City Manager
Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(a) of the Government Code)
Name of case: Rodriguez v. City of Modesto
United States District Court
Federal Case No: 1:10-CV-01370-LJO-MJS

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

Monday January 12, 2015, at 5:07 p.m.

Roll Call - Present: Councilmembers Madrigal, Kenoyer (alternate)

Absent: Councilmember Cogdill Jr. and Mayor Marsh

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

Consent

1. Consider reviewing the recommended budget adjustments to the FY2014-15 Annual Operating and Capital Improvement Project Budget and refer to City Council for consideration and approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; majority; Marsh absent) accepting the recommended budget adjustments to the FY2014-15 Annual Operating and Capital Improvement Project Budget and refer to City Council for consideration and approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:13 p.m.

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2008
1010 10th Street
Modesto, California
Thursday, January 22, 2015, at 3:30 p.m.

Roll Call - Present: Councilmembers Madrigal, Kenoyer and Gunderson
Absent: None

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider recommending the appointment of Chris Guptil to fill a current vacancy on the Tuolumne River Regional Park Citizen's Advisory Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
Parks, Recreation and Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Motion (Kenoyer/Gunderson;unan.) approving the appointment of Chris Guptil to fill a current vacancy on the Tuolumne River Regional Park Citizen's Advisory Committee and forwarding to Council for approval on February 10, 2015.

2. Consider reappointing as members of the Golf Course Advisory Committee: (i) Harold Aycock representing the Modesto Golf Club; and (ii) member-at-large Nancy Norton and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Gunderson;Kenoyer;unan.) reappointing as members of the Golf Course Advisory Committee: (i) Harold Aycock representing the Modesto Golf Club; and (ii) member-at-large Nancy Norton and forwarding to Council for approval on February 10, 2015.

3. Consider recommending an appointment for one (1) vacancy to the Board of Building Appeals and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; William Crew, 577-5242, wcrew@modestogov.com

ACTION: Motion (Gunderson;Kenoyer;unan.) appointing Brad Wungluck to fill one (1) vacancy on the Board of Building Appeals and forwarding to Council for approval on February 10, 2015.

4. Consider recommending appointments for two (2) vacancies to the Disabled Access Appeals Board and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; William Crew, 577-5242, wcrew@modestogov.com

ACTION: Motion (Gunderson;Kenoyer;unan.) appointing Philip Anselmo for one (1) vacancy to the Disabled Access Appeals Board and forwarding to Council for approval on February 10, 2015.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:56 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 27, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Kenoyer, Lopez, Madrigal, Zoslocki, Vice Mayor Gunderson
Absent: Mayor Marsh

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein, College Ave. Congregational Church

City Clerk's Announcements: Item 3 - continued to future Council meeting date at the request of Solar City

Declaration of Conflicts of Interest: None

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

- Vice Mayor Gunderson acknowledged Modesto Boy Scout Troop 111.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to Alexa Adams, Enochs High School Biotech Program student. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Vice Mayor Gunderson presented a Certificate of Recognition to Alexa Adams, Enochs High School Biotech Program student.

2. Presentation by Adrian Harrell, Modesto Sister Cities International. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation made by Adrian Harrell, Modesto Sister Cities International.

Continued to future Council meeting

3. Presentation by the Modesto Chamber of Commerce to Solar City. (Funding Source: Not Applicable)

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

ACTION: Item to be continued to a future Council meeting.

PUBLIC COMMENT PERIOD

ACTION: Bob Dittman spoke regarding a proposed medical marijuana Ordinance in Modesto and effects of neighborhood cultivation.

ACTION: Michael Joseph, Guardian Angels, spoke regarding mission of the Guardian Angels in Modesto.

ACTION: Francis O'Brien spoke regarding burglars and vandalism at his business and other businesses on Sisk Road.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-13: (Lopez/Zoslocki; unan.; Mayor Marsh absent)

CONSENT ITEMS

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

Consent

4. Consider approving the Minutes from the January 6, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the January 6, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Zoslocki; 6/0; Mayor Marsh absent) approving the Minutes from the January 6, 2015 Council meeting.

Consent

5. Consider approving the Final Map of Millbrook Manor Phase I in the Village One Specific Plan Area of the City of Modesto. (Funding Source: Not Applicable)
 - Resolution approving the Final Map of Millbrook Manor Phase I Subdivision in the Village One Specific Plan Area of the City of Modesto, and authorizing the City Clerk to sign the Final Map and record it with the County Clerk Recorder's Office.
Community and Economic Development; Bill Sandhu, 341-2906, bsandhu@modestogov.com

ACTION: Resolution 2015-13 (Lopez/Zoslocki; 6/0; Mayor Marsh absent) approving the Final Map of Millbrook Manor Phase I Subdivision in the Village One Specific Plan Area of the City of Modesto, and authorizing the City Clerk to sign the Final Map and record it with the County Clerk Recorder's Office.

Consent

6. Consider accepting the Monthly Investment Report for August 2014. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for August 2014.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Zoslocki; 6/0; Mayor Marsh absent) accepting the Monthly Investment Report for August 2014.

Consent

7. Consider accepting the Monthly Investment Report for September 2014. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for September 2014.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Zoslocki; 6/0; Mayor Marsh absent) accepting the Monthly Investment Report for September 2014.

Consent

8. Consider accepting the Monthly Budget Adjustments Report for November and December 2014 and amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget. (Funding Source: Various)
- Resolution amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2015-14 (Lopez/Zoslocki; 6/0; Mayor Marsh absent) amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget.

Consent

9. Consider approving a Special Event Entertainment Permit for Tresetti's Fat Tuesday as outlined by the City of Modesto Ordinance No. 3492-C.S. (Funding Source: Not Applicable)
- Resolution approving a Special Event Entertainment Permit for Tresetti's Fat Tuesday as outlined by the City of Modesto Ordinance No. 3492-C.S. and authorizing the Permit Administrator to execute the Special Event Entertainment Permit and all related documents

ACTION: Resolution 2015-15 (Lopez/Zoslocki; 6/0; Mayor Marsh absent) approving a Special Event Entertainment Permit for Tresetti's Fat Tuesday as outlined by the City of Modesto Ordinance No. 3492-C.S. and authorizing the Permit Administrator to execute the Special Event Entertainment Permit and all related documents

Consent

10. Consider approving a Second Amendment to an Agreement with Dokken Engineering:

(i) to modify the Scope of Services in Amendment 1 to the Agreement for Design support; and (ii) to approve additional environmental and design support during construction of the State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$103,590.00. (Funding Source: State Route (SR) 99 Proposition 1B Bond Savings (\$41,630,000))

- Resolution approving a modification to the Scope of Services in Amendment 1 to the original Dokken Engineering Agreement for Design Support During Construction of the State Route 99/Pelandale Avenue Interchange Reconstruction Project to provide Environmental Support and Design Support during construction, and authorizing the City Manager, or his designee, to execute the Amendment.
- Resolution approving a Second Amendment to the Agreement with Dokken Engineering for Design Support during construction of the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$103,590; and authorizing the City Manager, or his designee, to execute the Amendment.

Public Works; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2015-16 (Lopez/Zoslocki; 6/0; Mayor Marsh absent) approving a modification to the Scope of Services in Amendment 1 to the original Dokken Engineering Agreement for Design Support During Construction of the State Route 99/Pelandale Avenue Interchange Reconstruction Project to provide Environmental Support and Design Support during construction, and authorizing the City Manager, or his designee, to execute the Amendment.

ACTION: Resolution 2015-17 (Lopez/Zoslocki; 6/0; Mayor Marsh absent) approving a Second Amendment to the Agreement with Dokken Engineering for Design Support during construction of the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$103,590; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

11. Consider rejecting the bids for the Tivoli Test Well project, and authorizing City staff to re-advertise the project with an amended scope of work. (Funding Source: Water Fund - CIP)
- Resolution rejecting the bids for the Tivoli Test Well project, and authorizing City staff to re-advertise the project with an amended scope of work.

Utilities; Kris Ohlson, 571-5869, kohlson@modestogov.com

ACTION: Resolution 2015-18 (Lopez/Zoslocki; 6/0; Mayor Marsh absent) rejecting the bids for the Tivoli Test Well project, and authorizing City staff to re-advertise the project with an amended scope of work.

Consent

12. Consider approving the appointments of Councilmember Bill Zoslocki as the City's representative, and Councilmember Tony Madrigal as the alternate, to serve on the North Valley Regional Recycled Water Project Joint Powers Policy Committee.

(Funding Source: Not Applicable)

- Resolution approving the appointments of Councilmember Bill Zoslocki as the City's representative, and Councilmember Tony Madrigal as the alternate, to serve on the North Valley Regional Recycled Water Project Joint Powers Policy Committee.

Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Resolution 2015-19 (Lopez/Zoslocki; 6/0; Mayor Marsh absent) approving the appointments of Councilmember Bill Zoslocki as the City's representative, and Councilmember Tony Madrigal as the alternate, to serve on the North Valley Regional Recycled Water Project Joint Powers Policy Committee.

Consent

13. Consider authorizing: (i) the sole source procurement and implementation of the Oracle eAM Enterprise Asset Management Program from AST Corporation in the amount of \$580,200 and the license for the Oracle eAM Module from Oracle for an estimated total cost of \$93,034, with a contingency amount of \$58,000 for the Utilities Department, Wastewater Services Division with a total project cost of \$731,234; and (ii) amending the Fiscal Year 2014-2015 Wastewater Operations Administration budget by \$731,234 from Wastewater Fund Reserves to fully fund the procurement, implementation, and licensing for the Oracle eAM. (Funding Source: Wastewater Fund)

- Resolution authorizing the sole source procurement and implementation of the Oracle Enterprise Asset Management Program from AST Corporation in the amount of \$580,200 and the license for the Oracle eAM Module from Oracle for an estimated total cost of \$93,034, with a contingency amount of \$58,000 for the Utilities Department, Wastewater Services Division with a total project cost of \$731, 234.
- Resolution amending the Fiscal Year 2014-2015 Wastewater Operations Administration budget by transferring \$731, 234 from Wastewater Fund Reserves to fully fund the procurement, implementation, and licensing for the Oracle eAM Enterprise Asset Management Program.

Utilities; Laura Anhalt, 577-6224, lanhalt@modestogov.com

ACTION: Resolution 2015-20 (Lopez/Zoslocki; 6/0; Mayor Marsh absent) authorizing the sole source procurement and implementation of the Oracle Enterprise Asset Management Program from AST Corporation in the amount of \$580,200 and the license for the Oracle eAM Module from Oracle for an estimated total cost of \$93,034, with a contingency amount of \$58,000 for the Utilities Department, Wastewater Services Division with a total project cost of \$731, 234.

ACTION: Resolution 2015-21 (Lopez/Zoslocki; 6/0; Mayor Marsh absent) amending the Fiscal Year 2014-2015 Wastewater Operations Administration budget by transferring \$731, 234 from Wastewater Fund Reserves to fully fund the procurement, implementation, and licensing for the Oracle eAM Enterprise Asset Management Program.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal represented the City of Modesto at an event in Milpitas yesterday for an Indian cultural celebration.

Councilmember Lopez spoke regarding Council in the Park on Earth Day, April 18, 2015; he also requested the City Manager to have staff give a report on reducing speed limits in front of all schools from 25 mph to 15 mph at the next Safety & Communities meeting on March 9, 2015.

Councilmember Kenoyer thanked City employees: Jocelyn Reed and her staff; also Bill Sandhu and City electricians.

Councilmember Gunderson recently helped with the “9 to 99 Clean Up Project.”

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on January 11, 2015 and January 17, 2015

14. Hearing to consider: (i) approving rental rate increases at the Modesto Centre Plaza; and (ii) authorizing the Business Center Manager to approve negotiated room rental pricing and rescinding Resolution No. 2003-59. (Funding Source: Community Center Operations Fund)

- Resolution amending Exhibit “B of Modesto City Council Resolution No. 86-1184 to revise rental rates at the Modesto Centre Plaza, authorizing the Business Center Manager to approve negotiated room rental pricing, and rescinding Resolution No. 2003-59.

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

ACTION: Resolution 2015-22 (Kenoyer/Lopez; 6/0; Mayor Marsh absent) amending Exhibit “B of Modesto City Council Resolution No. 86-1184 to revise rental rates at the Modesto Centre Plaza, authorizing the Business Center Manager to approve negotiated room rental pricing, and rescinding Resolution No. 2003-59.

NEW BUSINESS

15. Consider accepting the Auditor’s report on compliance with requirements applicable to the Federal Aviation Passenger Facility Charge program and on internal control over compliance, prepared by external auditors Brown and Armstrong, for fiscal year ended June 30, 2014. (Funding Source: Not Applicable)

- Resolution accepting the Auditor’s report on compliance with requirements applicable to the Federal Aviation PFC program and on internal control over compliance for fiscal year ended June 30, 2014.

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

ACTION: Resolution 2015-23 (Lopez/Cogdill; 6/0; Mayor Marsh absent) accepting the Auditor's report on compliance with requirements applicable to the Federal Aviation PFC program and on internal control over compliance for fiscal year ended June 30, 2014.

16. Consider accepting: (i) the City's Fiscal Year 2013-2014 Comprehensive Annual Financial Report (CAFR) from external auditors Brown Armstrong; (ii) the Fiscal Year 2013-2014 audited financial statements and audit reports for nine Community Facilities Districts; (iii) the Fiscal Year 2013-2014 audit reports for various Joint Powers Agencies and other audits as attached to this staff report; (iv) the Information Technology risk assessment Agreed Upon Conditions report; and (v) the City's Fiscal Year 2013-2014 City of Modesto and Stanislaus Drug Enforcement Agency Single Audit reports. (Funding Source: Not Applicable)
- Resolution accepting the Fiscal Year 2013-2014 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies and grant programs, the Information Technology Risk Assessment Agreed Upon Conditions, and the City of Modesto and Stanislaus Drug Enforcement Agency Single Audit reports.

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

ACTION: Resolution 2015-24 (Lopez/Cogdill; 6/0; Mayor Marsh absent) accepting the Fiscal Year 2013-2014 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies and grant programs, the Information Technology Risk Assessment Agreed Upon Conditions, and the City of Modesto and Stanislaus Drug Enforcement Agency Single Audit reports.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Section
54956.8 of the Government Code).

Property: Acquisition of Property consisting of 31.66 acres for Proposed Water
Corporation Yard; site is adjacent to the Amtrak Station in the City of Modesto.

APN: 014-026-034

Property Owner: Frank Bavaro, et al.

Negotiating Parties: Jon Yuriar, Property Agent for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Frank Bavaro, et al.

Under Negotiation: Price and Terms of the acquisition of property.

MINUTES

City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Alliance Free Enterprise Center
Tenth Street Place, 1020 10th Street
Modesto, California

Monday, February 2, 2015, at 5:00 p.m.

Roll Call - Present: Councilmembers Kenoyer, Zoslocki, Gunderson (alternate)
Absent: Councilmember Cogdill
Also Present: Councilmember Madrigal (arrived at 5:12 pm)

PUBLIC COMMENTS

None.

CONSENT

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

Consent

1. Consider accepting the quarterly status report of the development projects processed by the Community and Economic Development Department during the third and fourth quarters of the 2014 calendar year. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Gunderson/Zoslocki;unan.) accepting the quarterly status report of the development projects processed by the Community and Economic Development Department during the third and fourth quarters of the 2014 calendar year.

NEW BUSINESS

2. Consider accepting the 2015 Urban Growth Review (UGR) report and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com

ACTION: Motion (Gunderson/Zoslocki;unan.) accepting the 2015 Urban Growth Review (UGR) report and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was adjourned at 6:25 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 03, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements: Item 8 - continued to February 10, 2015 Council meeting

Declaration of Conflicts of Interest: Gunderson - Item 4; Cogdill - Item 7

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

- Mayor Marsh announced Item 9 will be heard after City Manager Comments & Reports

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Joe and Michelle Williams proclaiming February 1, 2015 Reconciliation Day and the month of February 2015 Reconciliation Month.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Joe and Michelle Williams proclaiming February 1, 2015 Reconciliation Day and the month of February 2015 Reconciliation Month.

2. Presentation by the Modesto Chamber of Commerce to Solar City. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Cecil Russell, President of the Chamber of Commerce, presented a Certificate to Solar City, a new business in Modesto.

PUBLIC COMMENT PERIOD

- Art Fabela spoke regarding Gateway Park and thanked Councilmembers Gunderson, Kenoyer and Madrigal.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3; 5-6 (Lopez/Madrigal; unan.)

ACTION CONSENT ITEM 4: (Lopez/Madrigal; unan.; Gunderson absent due to conflict of interest)

CONSENT ITEMS

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

Consent

3. Consider approving the Minutes from the January 27, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the January 27, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the Minutes from the January 27, 2015 Council meeting.

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

4. Consider rejecting the bid for the 2014 HUD Curb Ramp and Storm Drain Improvement Project, and authorizing City staff to re-advertise the project at a future date. (Funding Source: CIP Projects:100750 and 100777)
 - Resolution rejecting all bids for the 2014 HUD Curb Ramp and Storm Drain Improvement Project and authorizing City staff to re-advertise the project
Vickey Dion; Community & Economic Development, 571-5542, vdion@modestogov.com

ACTION: Resolution 2015-25 (Lopez/Madrigal; 6/0; Gunderson absent due to conflict of interest) rejecting all bids for the 2014 HUD Curb Ramp and Storm Drain Improvement Project and authorizing City staff to re-advertise the project

Consent

5. Consider accepting the Monthly Investment Report for October 2014. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for October 2014.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) accepting the Monthly Investment Report for October 2014.

Consent

6. Consider approving: (i) the purchase of five (5) servers in an amount not to exceed \$38,000 to upgrade the infrastructure required for the COPLINK application and, (ii) the purchase of one (1) MS SQL Standard, 16-core license in an amount not to exceed \$18,906 to upgrade the software required for the COPLINK application and, (iii) the sole source procurement for the purchase of COPLINK data and application migration services in an amount not to exceed \$14,375 to migrate the data and COPLINK application to the new servers and MS SQL database. (Funding Source: General Fund)
- Resolution approving the purchase of five (5) servers in an amount not to exceed \$38,000 to upgrade the infrastructure required for the COPLINK application, and, authorizing the City Manager or his designee; and, authorizing the Purchasing Manager, or his designee, to issue a purchase order for an amount not to exceed \$38,000.
 - Resolution approving the purchase of one (1) MS SQL Standard, 16-core license in an amount not to exceed \$18,906 to upgrade the software required for the COPLINK application; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an amount not to exceed \$18,906.
 - Resolution approving the sole source procurement for the purchase of COPLINK data and application migration services in an amount not to exceed \$14,375 to migrate the data and COPLINK application to the new servers and MS SQL database; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an amount not to exceed \$14,375.

Police; Robert Beckler, 572-9824, rbeckler@modestogov.com

ACTION: Resolution 2015-26 (Lopez/Madrigo; 7/0) approving the purchase of five (5) servers in an amount not to exceed \$38,000 to upgrade the infrastructure required for the COPLINK application, and, authorizing the City Manager or his designee; and, authorizing the Purchasing Manager, or his designee, to issue a purchase order for an amount not to exceed \$38,000.

ACTION: Resolution 2015-27 (Lopez/Madrigo; 7/0) approving the purchase of one (1) MS SQL Standard, 16-core license in an amount not to exceed \$18,906 to upgrade the software required for the COPLINK application; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an amount not to exceed \$18,906.

ACTION: Resolution 2015-28 (Lopez/Madrigo; 7/0) approving the sole source procurement for the purchase of COPLINK data and application migration services in an amount not to exceed \$14,375 to migrate the data and COPLINK application to the new servers and MS SQL database; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an amount not to exceed \$14,375.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal announced the installation of a 4 way stop at corner of Boise Avenue; he also spoke regarding house parties and noise problems.

Councilmember Kenoyer thanked Fire and Police for their daily reports; she also thanked

Public Works Director Bill Sandhu and staff.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson announced the appointment of Bill Sandhu as Public Works Director.

Councilmember Cogdill left meeting at 6:10 pm

HEARINGS

Published in the Modesto Bee on January 14, 2015 – Councilmember Cogdill absent

7. Hearing to consider the application of WinPac Rose Ave LLC for an amendment to Section 22-3-9 of the Zoning Map to rezone 5.54 acres from Low Density Residential Zone, R-1, and Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(599), to allow for a gated single-family residential subdivision comprised of 33 residential lots and two common area lots, property located at 908 Rose Avenue. (Funding Source: Not Applicable)
 - Motion introducing an Ordinance amending Section 22-3-9 of the Zoning Map to rezone 5.54 acres from Low Density Residential Zone, R-1, and Medium-High Density Residential Zone, R-3, to Planned Development Zone P-D(599), property located at 9.8 Rose Avenue (WinPac Rose Ave LLC).
 - Resolution approving a Development Plan for Planned Development Zone P-D(599) (WinPac Rose Ave LLC).
 - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 22-3-9 of the Zoning Map to rezone 5.54 acres from Low Density Residential Zone, R-1, and Medium-High Density Residential Zone, R-3, to Planned Development Zone P-D(599), property located at 9.8 Rose Avenue (WinPac Rose Ave LLC)

*Community & Economic Development; Katharine Martin, 577-5465,
kamartin@modestogov.com*

ACTION: Motion (Lopez/Madriral; 6/0; Councilmember Cogdill absent) introducing **Ordinance No. 3614-C.S.** amending Section 22-3-9 of the Zoning Map to rezone 5.54 acres from Low Density Residential Zone, R-1, and Medium-High Density Residential Zone, R-3, to Planned Development Zone P-D(599), property located at 9.8 Rose Avenue (WinPac Rose Ave LLC).

ACTION: Resolution 2015-29 (Lopez/Madriral; 6/0; Councilmember Cogdill absent) approving a Development Plan for Planned Development Zone P-D(599) (WinPac Rose Ave LLC).

ACTION: Motion (Kenoyer/Lopez; 5/1; Marsh no; Cogdill absent) amending Condition No. 12 to allow resident access for the Vista Avenue gate.

ACTION: Motion (Gunderson/Madriral; 4/2; Zoslocki, Kenoyer no; Cogdill absent) to

add a condition requiring a 6-foot masonry wall along the north and east property lines of the project, and a 6-foot masonry pilaster board fence along the west property line separating the project from the Masonic Temple property.

ACTION: Resolution 2015-30 (Lopez/Madrigan; 6/0; Cogdill absent) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 22-3-9 of the Zoning Map to rezone 5.54 acres from Low Density Residential Zone, R-1, and Medium-High Density Residential Zone, R-3, to Planned Development Zone P-D(599), property located at 9.8 Rose Avenue (WinPac Rose Ave LLC).

Published in the Modesto Bee on January 14, 2015 – continued to February 10, 2015 Council meeting

8. Hearing to consider the application of Florsheim Land Company for an amendment to the Village One Specific Plan and Precise Plan Area No. 18, to change the land use designation of 9.5 acres from Multi-Family Residential to Village Residential, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive, to facilitate the development of a 58-lot residential subdivision. (Funding Source: Not Applicable)

- Resolution approving Specific Plan Amendment No. 24 to the Village One Specific Plan to change the land use designation of 9.5 acres within Precise Plan No. 18 from Multi-Family Residential to Village Residential, to facilitate the development of a 58-lot residential subdivision, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive (Florsheim Land Company)
- Motion introducing and waiving the first reading of an Ordinance amending the Precise Plan No. 18, to change the land use designation of 9.5 acres from Multi-Family Residential to Village Residential to facilitate the development of a 58-lot residential subdivision, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive (Florsheim Land Company).
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): An amendment to the Village One Specific Plan and Precise Plan Area No. 18 to facilitate a 58-lot residential subdivision (Florsheim Land Company).

Community & Economic Development; Katharine Martin, 577-5465, kkamartin@modestogov.com

ACTION: This item continued to February 10, 2015 Council meeting.

NEW BUSINESS

9. Consider approving: (i) a proposed agreement including language changes for a

successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Police Officers Association (MPOA) for a term of June 30, 2014 to June 28, 2016; and (ii) amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto Police Officers Association (MPOA) and authorizing the Director of Administrative Services and City Manager or designee to take the necessary administrative action to implement the agreement. (Funding Source: Employee Benefits Fund & General Fund)

- Resolution approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Police Officers Association (MPOA) for a term of June 30, 2014 to June 28, 2016; and authorizing the Director of Administrative Services and City Manager to take the necessary administrative action to implement the agreement.
- Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto Police Officers Association (MPOA).

Administrative Services; Joseph Lopez, 571-5126 , joelopez@modestogov.com

ACTION: Resolution 2015-31 (Madrigal/Gunderson; 7/0) approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Police Officers Association (MPOA) for a term of June 30, 2014 to June 28, 2016; and authorizing the Director of Administrative Services and City Manager to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2015-32 (Madrigal/Gunderson; 7/0) amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto Police Officers Association (MPOA).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:20 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

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

Monday February 09, 2015, at 5:00 p.m.

Roll Call - Present: Councilmembers Lopez, Gunderson, Kenoyer
Absent: None.

PUBLIC COMMENTS

Nancy Cline spoke regarding graffiti in her neighborhood and the need to update of the Modesto Municipal Code pertaining to graffiti. Chairman Lopez announced that a new Graffiti Action Plan will be discussed at the next Safety & Communities Committee meeting.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: There are no consent Items

None.

NEW BUSINESS

1. Consider approving a draft Public Art Ordinance and forwarding to Council for approval. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Josh Bridegroom, 571-5540, Jbridegroom@modestogov.com

ACTION: Motion (Gunderson/Kenoyer;unan.) approving a draft Public Art Ordinance which will include the wording that Council can initiate a project without going before the Culture Commission and adding a hyperlink to the policy guidelines on the online version of the Modesto Municipal Code and forwarding to Council for approval. (*Motion rescinded by vote to reconsider*)

ACTION: Motion (Lopez/Kenoyer;unan.) to reconsider vote.

ACTION: Motion (Gunderson/Kenoyer;unan.) approving the draft Public Art Ordinance, as presented at the meeting, with the addition of a preamble clause and forwarding to Council for approval.

2. Consider accepting an informational report regarding Modesto's Crime Statistics for January through December 2014 as compared to January through December 2013. (Funding Source: Not Applicable)

Police; Galen Carroll, 572-9502, carrollg@modestopd.com

ACTION: Motion (Kenoyer/Gunderson;unan.) accepting an informational report regarding Modesto's Crime Statistics for January through December 2014 as compared to January through December 2013.

3. Consider accepting an informational report regarding Modesto's Traffic Statistics for the month of December 2014 and for the year-end report. (Funding Source: Not Applicable)

Police; Rick Armendariz, 342-6142, armendarizr@modestopd.com

ACTION: Motion (Gunderson/Kenoyer;unan.) accepting an informational report regarding Modesto's Traffic Statistics for the month of December 2014 and for the year-end report.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:10 p.m.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, February 10, 2015, at 11:00 a.m.

Roll Call Present: Councilmembers Gunderson, Zoslocki and Madrigal
Absent: None

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider approving the award of proposal and contract for the furnishing of auditing services for the Finance Department, Accounting Division to Macias Gini O'Connell LLP, Sacramento, CA, for a three (3) year agreement with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$205,008, and over five (5) years of \$1,025,040 and forwarding to Council for approval. (Funding Source: General Fund and various other funds)

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

ACTION: Motion (Zoslocki/Madrigal;unan.) approving the award of proposal and contract for the furnishing of auditing services for the Finance Department, Accounting Division to Macias Gini O'Connell LLP, Sacramento, CA, for a three (3) year agreement with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$205,008, and over five (5) years of \$1,025,040 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:36 a.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 10, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Rob Irwin, Youth for Christ Stanislaus County

City Clerk's Announcements: Items 7 and 8 - Removed from Consent; Items 1 and 13 -
continued to February 24, 2015 Council meeting

Declaration of Conflicts of Interest: Cogdill – Item 7

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to Demaris Esquivel in honor of her dedication and commitment in organizing the Dare to Dream Conference on 1/22/15 at Modesto High School. (Funding Source: Not Applicable)
City Council ; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: This item has been continued to the February 24, 2015 Council Meeting.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider appointing Brad Wungluck to the City of Modesto Board of Building Appeals. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Brad Wungluck to the Board of Building Appeals.
Community & Economic Development; William Crew, 577-5242, wcrew@modestogov.com

ACTION: Resolution 2015-33 (Lopez/Madrigan; 7/0) approving the appointment of Brad Wungluck to the Board of Building Appeals.

3. Consider appointing Philip Anselmo to the Disabled Access Appeals Board. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Philip Anselmo to the Disabled Access Appeals Board.
Community & Economic Development; William Crew, 577-5242, wcrew@modestogov.com

ACTION: Resolution 201-34 (Lopez/Madrigan; 7/0) approving the appointment of Philip Anselmo to the Disabled Access Appeals Board.

4. Consider reappointing Nancy Norton and Harold Aycock to the Golf Course Advisory Committee. (Funding Source: Not Applicable)
 - Resolution reappointing Nancy Norton, member-at-large, and Harold Aycock, representing the Modesto Golf Club, to the Golf Course Advisory Committee.
Community and Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2015-35 (Lopez/Madrigan; 7/0) reappointing Nancy Norton, member-at-large, and Harold Aycock, representing the Modesto Golf Club, to the Golf Course Advisory Committee.

5. Consider appointing Chris Guptill to the Tuolumne River Regional Park Citizen's Advisory Committee. (Funding Source: Not Applicable)
 - Resolution appointing Chris Guptill to fill a current vacancy on the Tuolumne River Regional Park Citizen's Advisory Committee.
Parks, Recreation & Neighborhoods ; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Resolution 2015-36 (Madrigan/Lopez; 7/0) appointing Chris Guptill to fill a current vacancy on the Tuolumne River Regional Park Citizen's Advisory Committee.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding the number of employees at the Modesto Bee; he also spoke regarding the Modesto Police Department contract and asked the percentage of the City's Budget that goes towards public safety.
- Ron Jeske spoke regarding revitalizing downtown and graffiti on Briggsmore Avenue.
- Loretta Carhart spoke regarding panhandlers on street corners.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 6, 9-12: (Lopez/Gunderson;unan.)

CONSENT ITEMS

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

Consent

6. Consider approving the Minutes from the February 3, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the February 3, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) approving the Minutes from the February 3, 2015 Council meeting.

Removed from Consent; Councilmember Cogdill absent due to conflict of interest

7. Consider approving final adoption of Ordinance 3614-C.S. amending Section 22-3-9 of the Zoning Map to rezone 5.54 acres from Low Density Residential Zone, R-1, and Medium-High Density Residential Zone, R-3, to Planned Development Zone P-D(599), property located at 9.8 Rose Avenue (WinPac Rose Ave LLC). (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance 3614-C.S. amending Section 22-3-9 of the Zoning Map to rezone 5.54 acres from Low Density Residential Zone, R-1, and Medium-High Density Residential Zone, R-3, to Planned Development Zone P-D(599), property located at 9.8 Rose Avenue (WinPac Rose Ave LLC).
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 6/0; Cogdill absent due to conflict of interest) approving final adoption of **Ordinance No. 3614-C.S.** amending Section 22-3-9 of the Zoning Map to rezone 5.54 acres from Low Density Residential Zone, R-1, and Medium-High Density Residential Zone, R-3, to Planned Development Zone P-D(599), property located at 9.8 Rose Avenue (WinPac Rose Ave LLC).

Removed from Consent

8. Consider approving recognizing the San Joaquin River Valley as a travel and tourism destination to promote economic development opportunities for the City of Modesto and the San Joaquin River Valley Region. (Funding Source: To Be Determined)
 - Resolution recognizing the San Joaquin River Valley as a travel and tourism destination to promote economic development opportunities for the City of Modesto and the San Joaquin River Valley region.
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Resolution 2015-37 (Madrigal/Lopez/ 7/0) recognizing the San Joaquin River Valley as a travel and tourism destination to promote economic development opportunities for the City of Modesto and the San Joaquin River Valley region. (Paragraph 10 amended to read: "Therefore, Be It Further Resolved that the City of Modesto shall invest funding, as available **AND ONLY AFTER COUNCIL APPROVAL**, to help promote, brand, and

market the San Joaquin River Valley as a regional travel and tourism destination.”)

Consent

9. Consider: (i) approving repayment of the 1230 12th Street Retrofit Community Development Block Grant (CDBG) activity in the amount of \$232,409.52, with a non-federal funding source; (ii) amending the Fiscal Year 2014-2015 General Fund budget to transfer funds in the amount of \$232,410 to the Capital Grants – CIP Project 100302, and (iii) authorizing the City Manager, or his designee, to execute the agreements and related documents. (Funding Source: General Fund)
- Resolution authorizing the repayment of Community Development Block Grant funds expended on 1230 12th Street, in the amount of \$232,410, with General Fund monies.
 - Resolution amending the Fiscal Year 2014-2015 General Fund budget to transfer funds in the amount of \$232,410 to the Capital Grants – CIP Project 100302, and authorizing the City Manager, or his designee, to execute the agreements and related documents.

*Community & Economic Development; Tina Rocha, 577-5321,
trocha@modestogov.com*

ACTION: Resolution 2015-38 (Lopez/Gunderson; 7/0) authorizing the repayment of Community Development Block Grant funds expended on 1230 12th Street, in the amount of \$232,410, with General Fund monies.

ACTION: Resolution 2015-39 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2014-2015 General Fund budget to transfer funds in the amount of \$232,410 to the Capital Grants – CIP Project 100302, and authorizing the City Manager, or his designee, to execute the agreements and related documents.

Consent

10. Consider accepting the Monthly Investment Report for November 2014. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for November 2014.
- Finance; Gloria Garza, 577-5219, ggarza@modestogov.com*

ACTION: Motion (Lopez/Gunderson; 7/0) accepting the Monthly Investment Report for November 2014.

Consent

11. Consider approving the free use of Modesto Centre Plaza, February 17, 2015 for the San Francisco Giants World Championship Trophy Tour. (Funding Source: Not Applicable)
- Resolution approving the free use of the Modesto Centre Plaza on February 17, 2015 for the San Francisco Giants World Series Trophy Tour.
- Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582,
ajohnson@modestogov.com*

ACTION: Resolution 2015-40 (Lopez/Gunderson; 7/0) approving the free use of the

Modesto Centre Plaza on February 17, 2015 for the San Francisco Giants World Series Trophy Tour.

Consent

12. Consider: (i) approving an increase of the Director's Authority to issue change orders on the Sutter Plant Improvements project from 8 percent (\$158,160) to 39.7 percent (\$784,160) of the original contract price; and (ii) amending the Fiscal Year 2014-2015 Capital Improvement Program (CIP) budget by transferring \$626,000 from Wastewater Fund Reserves into the project account to fund construction, contingency, construction administration, and engineering support during construction. Total estimated cost for the construction portion of the project is \$3,039,034. (Funding Source: Wastewater Fund)

- Resolution approving an increase of the Director of Utilities Authority to issue change orders on the Sutter Plant Improvements project from 8 percent (\$158,160) to 39.7 percent (\$784,160) of the original contract price with R.E. Smith Contractor, Inc.
- Resolution amending the Fiscal Year 2014-2015 Capital Improvement Program budget in the amount of \$626,000 to be transferred into the project account from Wastewater Fund Reserves in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Sutter Plant Improvements project.

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

ACTION: Resolution 2015-41 (Lopez/Gunderson; 7/0) approving an increase of the Director of Utilities Authority to issue change orders on the Sutter Plant Improvements project from 8 percent (\$158,160) to 39.7 percent (\$784,160) of the original contract price with R.E. Smith Contractor, Inc.

ACTION: Resolution 2014-42 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2014-2015 Capital Improvement Program budget in the amount of \$626,000 to be transferred into the project account from Wastewater Fund Reserves in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Sutter Plant Improvements project.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Beth Shalom celebration this past weekend at Cesar Chavez Park.

Councilmember Madrigal spoke regarding a recent Assembly Bill 2188 for solar panel permitting process.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on January 14, 2015 (continued from February 3, 2015 Council meeting)

13. Hearing to consider the application of Florsheim Land Company for an amendment to the Village One Specific Plan and Precise Plan Area No. 18, to change the land use designation of 9.5 acres from Multi-Family Residential to Village Residential, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive, to facilitate the development of a 58-lot residential subdivision. (Funding Source: Not Applicable)
- Resolution approving Specific Plan Amendment No. 24 to the Village One Specific Plan to change the land use designation of 9.5 acres within Precise Plan No. 18 from Multi-Family Residential to Village Residential, to facilitate the development of a 58-lot residential subdivision, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive (Florsheim Land Company)
 - Motion introducing and waiving the first reading of an Ordinance amending the Precise Plan No. 18, to change the land use designation of 9.5 acres from Multi-Family Residential to Village Residential to facilitate the development of a 58-lot residential subdivision, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive (Florsheim Land Company).
 - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): An amendment to the Village One Specific Plan and Precise Plan Area No. 18 to facilitate a 58-lot residential subdivision (Florsheim Land Company).

*Community & Economic Development; Katharine Martin, 577-5465,
kkamartin@modestogov.com*

ACTION: Continued to February 24, 2015 Council meeting.

NEW BUSINESS

14. Consider accepting the Crows Landing Road Corridor Study. (Funding Source: not applicable)

- Resolution accepting the Crows Landing Road Corridor Study.
*Community & Economic Development; Cindy Van Empel, 577-5280,
cvanempel@modestogov.com*

ACTION: Resolution 2015-43 (Madrigal/Gunderson; 7/0) accepting the Crows Landing Road Corridor Study.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010 10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP (Open to the Public)

15. Economic and Financial Sustainability Workshop. (Funding Source: Not Applicable)
City Manager; Jim Holgersson, 577-5224, jholgersson@modestogov.com

ADJOURNMENT

This meeting adjourned at 6:32 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Anticipated litigation pursuant to subdivision (b)(c) of Section 54956.9 of the Government Code. One potential case.

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

**City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California**

Monday February 23, 2015, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmembers Kenoyer (alternate), and Zoslocki

Absent: Councilmember Madrigal

PUBLIC COMMENTS

None.

CONSENT

Consent

1. Consider approving recommended budget adjustments to the FY2014-15 Annual Operating and Capital Improvement Project Budget and forwarding to City Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) approving recommended budget adjustments to the FY2014-15 Annual Operating and Capital Improvement Project Budget and forwarding to City Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:06 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 24, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, The Carpenter’s House Church

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session Matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to the Girl Scouts Heart of Central California in honor of National Girl Scout Cookie Weekend – February 27–March 1, 2015.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to the Girl Scouts Heart of Central California in honor of National Girl Scout Cookie Weekend – February 27–March 1, 2015.

2. Presentation of Certificate of Recognition to Demaris Esquivel in honor of her dedication and commitment in organizing the Dare to Dream Conference on January 22, 2015 at Modesto High School. (Funding Source: Not Applicable)
City Council ; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to Demaris Esquivel in honor of her dedication and commitment in organizing the Dare to Dream Conference on January 22, 2015 at Modesto High School.

3. Presentation of Proclamation declaring February 2015 as Black History Month in the City of Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring February 2015 as Black History Month in the City of Modesto.

MISCELLANEOUS

Legislation
Appointments
Other

4. Consider approving: (i) the reappointment of Dennis Smith as the Planning Commission representative to the Board of Zoning Adjustment for 2015; (ii) the appointment of Rosa Escutia-Braaton as the Planning Commission representative to the Citizens Housing and Community Development Committee for 2015; and (iii) the appointment of Mani Grewal to the CIP Taskforce as the Planning Commission representative for a 2-year term (2015 and 2016). (Funding Source: Not Applicable)
- Resolution approving the reappointment of Dennis Smith as the 2015 Planning Commission representative to the Board of Zoning Adjustment.
 - Resolution approving the appointment of Rosa Escutia-Braaton as the 2015 Planning Commission representative to the Citizens housing and Community Development Committee.
 - Resolution approving the appointment of Mani Grewal for a 2-year term as the Planning Commission representative to the CIP taskforce.
- Community and Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

ACTION: Resolution 2015-44 (Lopez/Madriral; 7/0) approving the reappointment of Dennis Smith as the 2015 Planning Commission representative to the Board of Zoning Adjustment.

ACTION: Resolution 2015-45 (Lopez/Madriral; 7/0) approving the appointment of Rosa Escutia-Braaton as the 2015 Planning Commission representative to the Citizens Housing and Community Development Committee.

ACTION: Resolution 2015-46 (Lopez/Madriral; 7/0) approving the appointment of Mani Grewal for a 2-year term as the Planning Commission representative to the CIP taskforce.

PUBLIC COMMENT PERIOD

- Gary Doesekle spoke regarding trash in Modesto.
- Joel Campos thanked Councilmember Gunderson for assisting with cleaning up the Tuolumne River last weekend; he encouraged participation at City Boards and Commission meetings.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 5-12: (Lopez/Madriral;unan.)

CONSENT ITEMS

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

Consent

5. Consider approving the Minutes from the February 10, 2015 Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the Minutes from the February 10, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the Minutes from the February 10, 2015 Council meeting.

Consent

6. Consider authorizing the purchase of ten (10) Ford Police Interceptor Utility Vehicles for the Modesto Police Department, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the Los Angeles County Sheriff’s Department to Bob Wondries Ford, Alhambra, CA, for an estimated total cost of \$296,973. (Funding Source: Fleet Replacement Fund)
 - Resolution authorizing the purchase of ten (10) Ford Police Interceptor Utility Vehicles through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the Los Angeles County Sheriff’s Department to Bob Wondries Ford, Alhambra, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$296,973.
Finance and Public Works; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-47 (Lopez/Madrigan; 7/0) authorizing the purchase of ten (10) Ford Police Interceptor Utility Vehicles through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the Los Angeles County Sheriff’s Department to Bob Wondries Ford, Alhambra, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$296,973.

Consent

7. Consider approving the terms and conditions for Modesto Fire Department’s response to incidents outside of the jurisdiction when the department is eligible for compensation or reimbursement for such response. (Funding Source: Not applicable)
 - Resolution approving the terms and conditions for Modesto Fire Department’s response to incidents outside of the jurisdiction when the department is eligible for compensation or reimbursement for such response.
Fire; Sean Slamon, 572-9590, sslamon@modestorfa.org

ACTION: Resolution 2015-48 (Lopez/Madrigan; 7/0) approving the terms and conditions for Modesto Fire Department’s response to incidents outside of the jurisdiction when the department is eligible for compensation or reimbursement for such response.

Consent

8. Consider approving a Special Event Entertainment Permit for LuckyFest as outlined by the City of Modesto Ordinance No. 3492-C.S. (Funding Source: Not Applicable)
- Resolution approving a Special Event Entertainment Permit for 2015 St. Patrick's Day Lucky Fest as outlined by the City of Modesto Ordinance No. 3492-C.S. and authorizing the Permit Administrator to execute the Special Event Entertainment Permit and all related documents.

Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com

ACTION: Resolution 2014-49 (Lopez/Madriral; 7/0) approving a Special Event Entertainment Permit for 2015 St. Patrick's Day Lucky Fest as outlined by the City of Modesto Ordinance No. 3492-C.S. and authorizing the Permit Administrator to execute the Special Event Entertainment Permit and all related documents.

Consent

9. Consider: (i) approving a Maintenance Service Subscription Agreement between PREDPOL, Inc. and the Modesto Police Department for existing Crime Prevention Software for an estimated total of \$105,000; and authorizing the City Manager, or his designee, to execute the necessary documents; and (ii) authorizing the sole source procurement for the purchase of a three year software maintenance contract for Crime Prevention Software to PREDPOL, Inc., and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$105,000. (Funding Source: Multi-Year Operating Account/AB109)
- Resolution approving a Maintenance Service Subscription Agreement between PREDPOL, Inc. and the Modesto Police Department for existing Crime Prevention Software for an estimated total of \$105,000; and authorizing the City Manager, or his designee, to execute the necessary documents.
 - Resolution authorizing the sole source procurement for the purchase of a three year software maintenance contract for Crime Prevention Software to PREDPOL, Inc.; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$105,000.

Police; Rick Armendariz, 342-6142, armendarizr@modestopd.com

ACTION: Resolution 2015-50 (Lopez/Madriral; 7/0) approving a Maintenance Service Subscription Agreement between PREDPOL, Inc. and the Modesto Police Department for existing Crime Prevention Software for an estimated total of \$105,000; and authorizing the City Manager, or his designee, to execute the necessary documents.

ACTION: Resolution 2015-51 (Lopez/Madriral; 7/0) authorizing the sole source procurement for the purchase of a three year software maintenance contract for Crime Prevention Software to PREDPOL, Inc.; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$105,000.

Consent

10. Consider accepting the work by Breneman, Inc. of Walnut Creek, CA, for the NorthPointe Basin Improvements Project as complete and authorizing payment of

amounts totaling \$97,262. The total project cost is \$190,525, which included construction contingency, engineering design, and construction administration. (Funding Source: NorthPointe CFD Fund)

- Resolution accepting the work by Breneman, Inc., for the NorthPointe Basin Improvements Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$97,262.

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

ACTION: Resolution 2015-52 (Lopez/Madrigan; 7/0) accepting the work by Breneman, Inc., for the NorthPointe Basin Improvements Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$97,262.

Consent

11. Consider accepting the work by Breneman, Inc. of Walnut Creek, CA, for the Construction of Right Turn Lane Street Improvements at Eastbound Bangs Avenue to Southbound Prescott Road Project as complete and authorizing payment of amounts totaling \$187,353. (Funding Source: Federal Aid Congestion Mitigation Grant)

- Resolution accepting the work by Breneman, Inc., for the Construction of Right Turn Lane Street Improvements at Eastbound Bangs Avenue to Southbound Prescott Road Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$187,353.

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

ACTION: Resolution 2015-53 (Lopez/Madrigan; 7/0) accepting the work by Breneman, Inc., for the Construction of Right Turn Lane Street Improvements at Eastbound Bangs Avenue to Southbound Prescott Road Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$187,353.

Consent

12. Consider approving an Amendment to Agreement with Blackburn Consulting for construction management services for Emerald Trunk Sewer Relief Project in an amount not to exceed \$171,985.37. (Funding Source: Wastewater Fund)

- Resolution approving an Amendment to Agreement with Blackburn Consulting for Construction Management Services for Emerald Trunk Sewer Relief project, in an amount not to exceed \$156,350.37 for the identified scope of services, plus \$15,635.00 for additional services (if needed), for a maximum total amount of \$171,985.37, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

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

ACTION: Resolution 2015-54 (Lopez/Madrigal; 7/0) approving an Amendment to Agreement with Blackburn Consulting for Construction Management Services for Emerald Trunk Sewer Relief project, in an amount not to exceed \$156,350.37 for the identified scope of services, plus \$15,635.00 for additional services (if needed), for a maximum total amount of \$171,985.37, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Gunderson spoke regarding the 9-2-99 clean-up last weekend at the Tuolumne River.

Councilmember Kenoyer also spoke regarding the 9-2-99 clean-up last weekend at the Tuolumne River; she thanked Fire and Police Departments for their updates; and also thanked Jeff Barnes.

Councilmember Madrigal also spoke regarding the 9-2-99 clean-up last weekend at the Tuolumne River; he also invited public to participate in Project Prom; he also spoke about a possible algae plant in Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on January 14, 2015 (continued from February 3 and 10, 2015 Council meetings)

13. Hearing to consider the application of Florsheim Land Company for an amendment to the Village One Specific Plan and Precise Plan Area No. 18, to change the land use designation of 9.5 acres from Multi-Family Residential to Village Residential, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive, to facilitate the development of a 58-lot residential subdivision. (Funding Source: Not Applicable)
 - Resolution approving Specific Plan Amendment No. 24 to the Village One Specific Plan to change the land use designation of 9.5 acres within Precise Plan No. 18 from Multi-Family Residential to Village Residential, to facilitate the development of a 58-lot residential subdivision, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive (Florsheim Land Company).
 - Motion introducing and waiving the first reading of an Ordinance amending the Precise Plan No. 18, to change the land use designation of 9.5 acres from Multi-Family Residential to Village Residential to facilitate the development of a 58-lot residential subdivision, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive (Florsheim Land Company).
 - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): An amendment to the Village One Specific Plan and Precise Plan Area No. 18 to facilitate a 58-lot

residential subdivision (Florsheim Land Company).
*Community & Economic Development; Katharine Martin, 577-5465,
kkamartin@modestogov.com*

ACTION: Motion (Lopez/Cogdill; 7/0) introducing and waiving the first reading of an **Ordinance No. 3615-C.S.** amending the Precise Plan No. 18, to change the land use designation of 9.5 acres from Multi-Family Residential to Village Residential to facilitate the development of a 58-lot residential subdivision, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive (Florsheim Land Company).

ACTION: Resolution 2015-55 (Lopez/Cogdill; 7/0) approving Specific Plan Amendment No. 24 to the Village One Specific Plan to change the land use designation of 9.5 acres within Precise Plan No. 18 from Multi-Family Residential to Village Residential, to facilitate the development of a 58-lot residential subdivision, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive (Florsheim Land Company).

ACTION: Resolution 2015-56 (Lopez/Cogdill; 7/0) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): An amendment to the Village One Specific Plan and Precise Plan Area No. 18 to facilitate a 58-lot residential subdivision (Florsheim Land Company).

NEW BUSINESS

14. Consider: (i) amending the position allocation for Fiscal Year 14/15 as adopted in the operating budget; (ii) amending the Fiscal Year 14/15 operating budget to add a second Deputy City Manager position, re-establish the position of Chief Information Officer in the Fiscal Year 14/15 budget and de-fund the positions of Director of Administrative Services and Director of Parks, Recreation and Neighborhoods, effective February 25, 2015. (Funding Source: All Funds)
- Motion approving the organizational restructure of the City of Modesto.
 - Resolution amending the position allocation for Fiscal Year 2014-2015 as adopted in the operating budget.
 - Resolution amending the Fiscal Year 2014-2015 Operating Budget to add a second Deputy City Manager position, re-establish the position of Chief Information Officer in the Fiscal Year 2014-2015 budget and de-fund the positions of Director of Administrative Services and Director of Parks, Recreation and Neighborhoods effective February 25, 2015.

City Manager; Holgersson, 577-5224, jholgersson@modestogov.com

ACTION: Motion (Lopez/Madriral; 7/0) approving the organizational restructure of the City of Modesto. Resolution amending the position allocation for Fiscal Year 2014-2015 as adopted in the operating budget.

ACTION: Resolution 2015-57 (Lopez/Madriral; 7/0) amending the position allocation for Fiscal Year 2014-2015 as adopted in the operating budget.

ACTION: Resolution 2015-58 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2014-2015 Operating Budget to add a second Deputy City Manager position, re-establish the position of Chief Information Officer in the Fiscal Year 2014-2015 budget and de-fund the positions of Director of Administrative Services and Director of Parks, Recreation and Neighborhoods effective February 25, 2015.

15. Consider authorizing the award of proposal and contract for the furnishing of auditing services for the Finance Department, Accounting Division to Macias Gini O'Connell LLP, Sacramento, CA, for a three (3) year agreement with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$205,008, and over five (5) years of \$1,025,040. (Funding Source: General and Various Funds)

- Resolution authorizing the award of proposal and contract for the furnishing of auditing services for the Finance Department, Accounting Division to Macias Gini O'Connell LLP, Sacramento, CA, for a three (3) year agreement with two (2) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the contract for an estimated annual cost of \$205,008, and over five (5) years of \$1,025,040.

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

ACTION: Resolution 2015-59 (Madrigan/Gunderson; 7/0) authorizing the award of proposal and contract for the furnishing of auditing services for the Finance Department, Accounting Division to Macias Gini O'Connell LLP, Sacramento, CA, for a three (3) year agreement with two (2) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the contract for an estimated annual cost of \$205,008, and over five (5) years of \$1,025,040.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:35 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 03, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Love Modesto

City Clerk's Announcements: Item 4 - removed from Consent

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session Matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation regarding Adult Education AB86 Consortium. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation was made regarding Adult Education AB86 Consortium.

2. Certificate of Recognition for Firefighters involved in rescuing 2 citizens at an apartment fire on February 14, 2015. (Funding Source: Not Applicable)
Fire; Sean Slamon, 572-9596, SSlamon@modestorfa.org

ACTION: Mayor Marsh presented a Certificate of Recognition for Firefighters involved in rescuing 2 citizens at an apartment fire on February 14, 2015.

PUBLIC COMMENT PERIOD

- Carmen Sabatino read a letter and made a Public Records Act request for the City Attorney's Office budget for legal fees paid by the City of Modesto.
- Miguel Donoso spoke regarding security, Fire Department, Police Department and

Park services in Shackelford area.

- Ron Jeske spoke regarding Mayor's State of the City Address and possible sales tax; he also spoke regarding graffiti on Briggsmore and Highway 99 and possible road tax.
- Loretta Carhart spoke regarding Kaiser Hospital.
- Jason Geer, son of former Councilmember Dave Geer, thanked the City Council for attending his father's funeral and their support; he also thanked the Modesto Fire Department, Modesto Police Department, and Stanislaus County Board of Supervisors. He also announced the Dave Geer Scholarship for Modesto High School graduates.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 3, 5-13: (Lopez/Madrigan; unan.)

ACTION CONSENT ITEM 4: (Lopez/Madrigan; unan.)

CONSENT ITEMS

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

Consent

3. Consider approving the Minutes from the February 24, 2015 Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the Minutes from the February 24, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the Minutes from the February 24, 2015 Council meeting.

Removed from Consent

4. Consider requesting from the Stanislaus County Board of Supervisors: (i) to consolidate the City of Modesto General Municipal Election to be held on November 3, 2015, 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 School Board; and (ii) to consolidate the City of Modesto Run-Off Election for Mayor by mail, if necessary, to be held on February 2, 2016, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Run-Off Election for Mayor on behalf of the City of Modesto. (Funding Source: Elections Fund)
 - Resolution of the City of Modesto requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto General Municipal Election to be held on November 3, 2015, 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 Board.
 - Resolution of the City of Modesto requesting from the Stanislaus County Board of

Supervisors to Consolidate the City of Modesto Run-Off Election for Mayor by Mail, if necessary, to be held on February 2, 2016, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Run-Off Election for Mayor by mail on behalf of the City of Modesto.

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

ACTION: Resolution 2015-60 (Lopez/Madriral; 7/0) of the City of Modesto requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto General Municipal Election to be held on November 3, 2015, 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 Board.

ACTION: Resolution 2015-61 (Lopez/Madriral; 7/0) of the City of Modesto requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Run-Off Election for Mayor by Mail, if necessary, to be held on February 2, 2016, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Run-Off Election for Mayor by mail on behalf of the City of Modesto.

Consent

5. Consider approving final adoption of **Ordinance No. 3615-C.S.** amending the Precise Plan No. 18, to change the land use designation of 9.5 acres from Multi-Family Residential to Village Residential to facilitate the development of a 58-lot residential subdivision, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive (Florsheim Land Company). (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3615-C.S.** amending the Precise Plan No. 18, to change the land use designation of 9.5 acres from Multi-Family Residential to Village Residential to facilitate the development of a 58-lot residential subdivision, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive (Florsheim Land Company).

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

ACTION: Motion (Lopez/Madriral; 7/0) approving final adoption of **Ordinance No. 3615-C.S.** amending the Precise Plan No. 18, to change the land use designation of 9.5 acres from Multi-Family Residential to Village Residential to facilitate the development of a 58-lot residential subdivision, property located at the southwest corner of Kodiak Drive and Lincoln Oak Drive (Florsheim Land Company).

Consent

6. Consider supporting the ACE Train Expansion into Stanislaus County with two train stops to include the City of Modesto and City of Turlock to promote economic development opportunities for the City of Modesto, Stanislaus County, and the Northern San Joaquin Valley counties of San Joaquin, and Merced. (Funding Source: To Be Determined)
 - Resolution supporting the ACE Train Expansion into Stanislaus County with two train stops to include the City of Modesto and City of Turlock to promote economic development opportunities for the City of Modesto.

City Manager; Jim Holgersson, 577-5223, jholgersson@modestogov.com

ACTION: Resolution 2015-62 (Lopez/Madrigal; 7/0) supporting the ACE Train Expansion into Stanislaus County with two train stops to include the City of Modesto and City of Turlock to promote economic development opportunities for the City of Modesto.

Consent

7. Consider authorizing the award of bid for the furnishing of discing and flail mowing services for the Public Works Department, Park Operations Division to Scoto Farming, Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$42,000, and over five (5) years of \$210,000. (Funding Source: Various)
- Resolution authorizing the award of bid for the furnishing of discing and flail mowing services for the Public Works Department, Park Operations Division to Scoto Farming, Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$42,000, and over five (5) years of \$210,000.

Finance and Public Works; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2015-63 (Lopez/Madrigal; 7/0) authorizing the award of bid for the furnishing of discing and flail mowing services for the Public Works Department, Park Operations Division to Scoto Farming, Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$42,000, and over five (5) years of \$210,000.

Consent

8. Consider authorizing the award of bids for the furnishing of street sweeping material receiving services for the Public Works Department, Green Waste Division to Gilton Resources Recovery Transfer Facility, Inc., Oakdale, CA, as “primary” contractor and Bertolotti Transfer Station, Inc., Ceres, CA, as “secondary” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$145,250, and over five (5) years of \$726,250. (Funding Source: Storm Drain Fund)
- Resolution authorizing the award of bids for the furnishing of street sweeping material receiving services for the Public Works Department, Green Waste Division to Gilton Resources Recovery Transfer Facility, Inc., Oakdale, CA, as “primary” contractor and Bertolotti Transfer Station, Inc., Ceres, CA, as “secondary” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchasing agreements for an estimated annual cost of \$145,250, and over five (5) years of \$726,250.

Finance and Public Works; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2015-64 (Lopez/Madrigal; 7/0) authorizing the award of bids for the furnishing of street sweeping material receiving services for the Public Works Department, Green Waste Division to Gilton Resources Recovery Transfer Facility, Inc., Oakdale, CA, as

“primary” contractor and Bertolotti Transfer Station, Inc., Ceres, CA, as “secondary” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchasing agreements for an estimated annual cost of \$145,250, and over five (5) years of \$726,250.

Consent

9. Consider: (i) amending the Position Allocation for the Modesto Police Department to add one Limited-Term Police Captain position to act as Director of the Stanislaus Regional 9-1-1 (SR911) Center from March 24, 2015 through June 30, 2016, in Cost Center 0100-19410; and (ii) amending the Fiscal Year 2014/2015 Operating Budget estimating expenses and offsetting revenue of \$52,783 for a Limited-Term Police Captain Position to act as Director at the Stanislaus Regional 9-1-1 Center. (Funding Source: General Fund)

- Resolution amending the Position Allocation for the Modesto Police Department to add one Limited-Term Police Captain position to act as Director of the Stanislaus Regional 9-1-1 (SR 911) Center from March 24, 2015 through June 30, 2016, in Cost Center 0100-19410.

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

ACTION: Resolution 2015-65 (Lopez/Madrigan; 7/0) amending the Position Allocation for the Modesto Police Department to add one Limited-Term Police Captain position to act as Director of the Stanislaus Regional 9-1-1 (SR 911) Center from March 24, 2015 through June 30, 2016, in Cost Center 0100-19410.

ACTION: Resolution 2015-66 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2014/2015 Operating Budget estimating expenses and offsetting revenue of \$52,783 for a Limited-Term Police Captain Position to act as Director at the Stanislaus Regional 9-1-1 Center.

Consent

10. Consider: (i) amending the Fiscal Year 2014/15 Capital Improvement Program (CIP) budget in the amount of \$35,000; and (ii) accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$35,000, and authorizing the City Manager, or his designee, to execute the necessary grant funding documents. (Funding Source: CMAQ Funds, No Local Match Funds Required)

- Resolution amending the Fiscal Year 2014/15 Capital Improvement Program (CIP) budget in the amount of \$35,000.
- Resolution accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$35,000, and authorizing the City Manager, or his designee, to execute the necessary grant funding documents.

Public Works; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2015-67 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2014/15 Capital Improvement Program (CIP) budget in the amount of \$35,000.

ACTION: Resolution 2015-68 (Lopez/Madrigan; 7/0) accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$35,000, and authorizing the City Manager, or his

designee, to execute the necessary grant funding documents.

Consent

11. Consider approving grant applications, accepting grant awards and amending the annual budgets for: (i) All City/County Payment Program Grants; (ii) Waste Tire Amnesty; and (iii) Waste Tire Clean Up Grants, to California Department of Resources and Recovery (CalRecycle), and authorizing the City Manager, or his designee, to execute all grant related documents and rescinding Resolution 2010-109. (Funding Source: CalRecycle)

- Resolution approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all City/County Payment Program Grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant related documents.
- Resolution approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Waste Tire Amnesty Grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant related documents.
- Resolution approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Waste Tire Clean Up Grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant related documents.

Public Works; Vicki Rice, 577-5495, Vrice@modestogov.com

ACTION: Resolution 2015-69 (Lopez/Madrigan; 7/0) approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all City/County Payment Program Grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant related documents

ACTION: Resolution 2015-70 (Lopez/Madrigan; 7/0) approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Waste Tire Amnesty Grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant related documents.

ACTION: Resolution 2015-71 (Lopez/Madrigan; 7/0) approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Waste Tire Clean Up Grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant related documents.

Consent

12. Consider approving the updated City of Modesto Sanitary Sewer Management Plan. (Funding Source: Not applicable)

- Resolution approving the updated City of Modesto Sanitary Sewer Management Plan.

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

ACTION: Resolution 2015-72 (Lopez/Madrigan; 7/0) approving the updated City of Modesto Sanitary Sewer Management Plan.

Consent

13. Consider approving Public Utility Easements to Modesto Irrigation District (MID) and to Verizon Wireless within Ustach Park (APN: 077-009-041) to serve a proposed Verizon Wireless Communications Tower. (Funding Source: Not Applicable)
- Resolution approving a Public Utility Easement located on City-owned property at Ustach Park located at 2700 Hillglen Avenue (APN: 077-009-041) to Modesto Irrigation District, and authorizing the City Manager, or his designee, to execute the Grant of Public Utilities Easement.
 - Resolution approving a Public Utility Easement located on City-owned property at Ustach Park located at 2700 Hillglen Avenue (APN: 077-009-041) to Sacramento Valley Limited Partnership, dba Verizon Wireless, and authorizing the City Manager, or his designee, to execute the Grant of Public Utilities Easement
Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2015-73 (Lopez/Madriral; 7/0) approving a Public Utility Easement located on City-owned property at Ustach Park located at 2700 Hillglen Avenue (APN: 077-009-041) to Modesto Irrigation District, and authorizing the City Manager, or his designee, to execute the Grant of Public Utilities Easement.

ACTION: Resolution 2015-74 (Lopez/Madriral; 7/0) approving a Public Utility Easement located on City-owned property at Ustach Park located at 2700 Hillglen Avenue (APN: 077-009-041) to Sacramento Valley Limited Partnership, dba Verizon Wireless, and authorizing the City Manager, or his designee, to execute the Grant of Public Utilities Easement

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding new buses in Modesto and calls regarding taxes.

Councilmember Madriral spoke regarding Project Prom event on March 28, 2015 at 9:00 a.m.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010
10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP
(Open to the Public)**

14. Economic and Financial Sustainability Workshop. (Funding Source: Not Applicable)
City Manager; Jim Holgersson, 577-5224, jholgersson@modestogov.com

ADJOURNMENT

This meeting adjourned at 6:20 p.m.

MINUTES

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

Monday, March 09, 2015, at 5:00 p.m.

Roll Call - Present: Councilmembers Lopez, Gunderson, Kenoyer
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: There are no Consent Items

NEW BUSINESS

1. Consider accepting the 2014 Modesto Fire Department Annual Report. (Funding Source: Not Applicable)
Fire; Alan Ernst, 572-9869, aernst@modestorfa.org

ACTION: No reportable action.

2. Consider a verbal report regarding the "Supplying Aid to Victims of Emergency (SAVE) Program." (Funding Source: Not Applicable)
Fire; Sean Slamon, 572-9590, slamon@modestogov.com

ACTION: No reportable action.

3. Consider accepting a staff report reducing speed limits in front of schools. (Funding Source: Surface Transportation Fund and General Fund)
Public Works; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com

ACTION: (Motion Kenoyer/Gunderson;unan.) accepting a staff report; direct staff to select three schools to study and possibly implement the 15 MPH school zones; and direct staff to explore costs for portable roll-out speed bumps.

4. Consider accepting the Sunrise Avenue at Sheffield Lane "L" corner safety record report and provide direction to staff. (Funding Source: Surface Transportation Fund Reserves)
Public Works; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com

ACTION: (Motion Gunderson/Kenoyer;unan.) accepting a staff report; recommending Council approve one-time exception to the speed hump policy; and to fund the cost of the installation of the speed hump on Sunrise with STF monies.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:40 p.m.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, March 10, 2015, at 11:00 a.m.

Roll Call Present: Councilmembers Gunderson and Zoslocki
Absent: Madrigal

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider: (i) accepting the Internal Audit Status Report through February 28, 2015; and (ii) accepting the Enterprise Risk Assessment Final Report and forwarding to Council for approval. (Funding Source: Not Applicable)
Auditor; Mark Steranka , (206) 302-6409 , Mark.Steranka@mossadams.com

ACTION: Motion (Zoslocki/Gunderson; Madrigal absent) accepting the Internal Audit Status Report through February 28, 2015.

ACTION: Motion (Zoslocki/Gunderson; Madrigal absent) accepting the Enterprise Risk Assessment Final Report and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:41 a.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 10, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal (arrived at 5:33 p.m.), Zoslocki, Mayor Marsh

Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of State Route 99/Pelandale Avenue Intersection Reconstruction Project Update. (Funding Source: Not Applicable)
Public Works; Chuck Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Chuck Covolo, Public Works Department, provided an update regarding the State Route 99/Pelandale Avenue Intersection Reconstruction Project.

2. Presentation on the City of Modesto LED Street Light Upgrade Project Status. (Funding Source: Surface Transportation Fund)
Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com

ACTION: Jeff Barnes, Public Works Department, provided an update regarding the the City of Modesto LED Street Light Upgrade Project Status.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 3-9: (Lopez/Madrigal; unan.)

CONSENT ITEMS

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

Consent

3. Consider approving the Minutes from the March 3, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the March 3, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the Minutes from the March 3, 2015 Council meeting.

Consent

4. Consider authorizing the award of bid for the installation of shade structure at Pamela Monterosso Trailhead to Hobbs Construction, Inc. of Fresno, CA, for a total cost of \$31,851.44. (Funding Source: Federal Land and Water Conservation Fund Grant and Parks Fund)
 - Staff Recommendation:

Resolution authorizing the award of bid for the installation of shade structure at Pamela Monterosso Trailhead to Hobbs Construction, Inc. of Fresno, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost of \$31,851.44.

Community & Economic Development; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2015-75 (Lopez/Madrigal; 7/0) authorizing the award of bid for the installation of shade structure at Pamela Monterosso Trailhead to Hobbs Construction, Inc. of Fresno, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost of \$31,851.44.

Consent

5. Consider accepting the Monthly Budget Adjustments Report for January 2015 and amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget. (Funding Source: Various)
 - Resolution amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget.
Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com

ACTION: Resolution 2015-76 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget.

Consent

6. Consider approving the City's sponsorship of "Project Prom" and allow the use of the

City Logo on related marketing materials (Funding Source: Not Applicable)

- Motion approving the City's sponsorship of "Project Prom" and allow the use of the City Logo on related marketing materials.

Parks, Recreation and Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the City's sponsorship of "Project Prom" and allow the use of the City Logo on related marketing materials.

Consent

7. Consider approving the appropriation of \$352,000 from the General Fund to the Mistletoe Abatement Fund 4892-56050 to fund the removal of mistletoe from City trees in various areas through the City. (Funding Source: General Fund Deferred Maintenance and Investment Opportunity Funds)
 - Resolution approving the appropriation of \$352,000 from the General Fund to the Mistletoe Abatement Fund 4892-56050 to fund the removal of mistletoe from City trees in various areas throughout the City.

Public Works; Michael Hoesch, 342-4566, mhoesch@modestogov.com

ACTION: Resolution 2015-77 (Lopez/Madrigan; 7/0) approving the appropriation of \$352,000 from the General Fund to the Mistletoe Abatement Fund 4892-56050 to fund the removal of mistletoe from City trees in various areas throughout the City.

Consent

8. Consider accepting the work by Breneman, Inc. of Walnut Creek, California, for the Roselle and Merle Intersection Project as complete and authorizing payment of amounts totaling \$452,597. The total project cost is \$629,007, which included construction contingency, engineering design, land acquisition, and construction administration. (Funding Source: Village One #2 CFD Tax and CFD No. 2004-1 (Village One #2) Tax)
 - Resolution accepting the work by Breneman, Inc. for the Roselle and Merle Intersection Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$452,597.

Utilities; Collin Yerzy, 577-5423, cyerzy@modestogov.com

ACTION: Resolution 2015-78 (Lopez/Madrigan; 7/0) accepting the work by Breneman, Inc. for the Roselle and Merle Intersection Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$452,597.

Consent

9. Consider: (i) approving an Agreement with Bartle Wells Associates for the preparation of the Sewer Rate and Fee Study in an amount not to exceed \$186,000 (includes 16.28% additional services); and (ii) amending the Fiscal Year 2014-2015 Operating

Budget by transferring \$182,000 from Wastewater Fund Reserves to fund the Agreement, including City staff support. (Funding Source: Wastewater Fund)

- Resolution approving an agreement with BWA for the preparation of the Sewer Rate and Fee Study in an amount not to exceed \$159,960 for the identified scope of services, plus \$26,040 for additional services (if needed), for a maximum total amount of \$186,000, and authorizing the City Manager, or his designee, to execute the agreement.
- Resolution amending the Fiscal Year 2014-2015 Operating Budget in the amount of \$182,000 to be transferred into Operating Account 43110 from Wastewater Fund Reserves in order to fully fund the agreement with BWA for the preparation of the Sewer Rate and Fee Study, including support by City staff.

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

ACTION: Resolution 2015-79 (Lopez/Madrigan; 7/0) approving an agreement with BWA for the preparation of the Sewer Rate and Fee Study in an amount not to exceed \$159,960 for the identified scope of services, plus \$26,040 for additional services (if needed), for a maximum total amount of \$186,000, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2015-80 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2014-2015 Operating Budget in the amount of \$182,000 to be transferred into Operating Account 43110 from Wastewater Fund Reserves in order to fully fund the agreement with BWA for the preparation of the Sewer Rate and Fee Study, including support by City staff.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal commented regarding positive budget savings.

CITY MANAGER COMMENTS & REPORTS

City Manager Jim Holgersson requested Deputy City Manager Brent Sinclair to update the City Council on the appointment of Community and Economic Development Director; Mr. Sinclair announced that Laurie Smith is the Acting Community and Economic Development Director through June 15, 2015.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:02 p.m.

MINUTES

City of Modesto
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP**

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

Tuesday March 17, 2015, at 4:00 p.m.

Roll Call: Present: Councilmembers Madrigal, Gunderson, Mayor Marsh (alternate)
Absent: None

**MISCELLANEOUS
Legislation / Appointments
Other**

1. [Consider interviewing applicants for one appointment to the City of Modesto Planning Commission and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
*Community & Economic Development; Patrick Kelly, 577-5268,
pkelly@modestogov.com*

ACTION: Motion (Marsh/Madrigal; Gunderson no)
recommending Carmen Morad to the City Council to fill the position
of Planning Commissioner.

ACTION: Motion (Marsh/Gunderson; unan.) reconsideration of
motion recommending Carmen Morad to the City Council to fill the
position of Planning Commissioner.

PUBLIC COMMENTS

None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: None

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:07 p.m.

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

Monday March 23, 2015, at 5:00 p.m.

Roll Call – Present: Mayor Marsh, Councilmembers Gunderson (alternate) and Kenoyer (alternate)
Absent: Councilmembers Madrigal, Zoslocki

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider approving the recommended budget adjustments to the FY2014-15 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Gunderson/Kenoyer;unan.) approving the recommended budget adjustments to the FY2014-15 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

NEW BUSINESS

2. Consider approving designation of all surplus revenue from the Courthouse Properties multi-year operating budget for the Downtown Economic Development Program and forwarding to the City Council for approval. (Funding Source: Courthouse Properties Fund)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Gunderson/Kenoyer;unan.) approving designation of all surplus revenue from the Courthouse Properties multi-year operating budget for the Downtown Economic Development Program and forwarding to Council for approval.

3. Consider implementing a new Tagging Abatement Program and recommending: (i) appropriating \$500,000 for 45 Anti-Tagging cameras; (ii) appropriating \$10,000 for the creation and implementation of an Anti-Tagging App for smart phones; (iii) appropriating \$10,000 for Public Outreach and Awareness; (iv) appropriating \$153,080 to add one additional tagging abatement crew; (v) appropriating \$25,572 for a full time AOA II for tagging hotline and data entry and \$90,678 for a Code Enforcement Supervisor for a new Anti-Tagging Abatement Program and forwarding to City Council for approval. (Funding Source: General Fund Reserves (Council Approved Deferred Maintenance One-Time Project List), Multi-Year Abatement Fund, and General Fund)
Community & Economic Development; William Crew, 577-5242, wcrew@modestogov.com

ACTION: Motion (Kenoyer/Gunderson;unan.) approving implementation of a new Tagging Abatement Program and recommending: (i) appropriating \$500,000 for 45 Anti-Tagging cameras; (ii) appropriating \$10,000 for the creation and implementation of an Anti-Tagging App for smart phones; (iii) appropriating \$10,000 for Public Outreach and Awareness; (iv) appropriating \$153,080 to add one additional tagging abatement crew; (v) appropriating \$25,572 for a full time AOA II for tagging hotline and data entry and \$90,678 for a Code Enforcement Supervisor for a new Anti-Tagging Abatement Program and forwarding to City Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:49 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 24, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Mark Krieger, Modesto Covenant Church

City Clerk's Announcements: Item 20 - Removed from Consent

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Boys & Girls Clubs of Stanislaus County. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation was made by the Boys & Girls Clubs of Stanislaus County.

2. Presentation of Proclamation declaring April 12-18, 2015 National Library Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring April 12-18, 2015 National Library Week.

3. Presentation by the Modesto Nuts regarding their upcoming season and Opening Day on April 16, 2014. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation was made by Tyler Richardson, Modesto Nuts, regarding their upcoming season and Opening Day on April 16, 2014.

PUBLIC COMMENT PERIOD

David Froba spoke regarding a nature documentary by the Audubon Society scheduled for April 12, 2015 at the State Theater.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-19; 21-25: (Gunderson/Madrigan;unan.)

CONSENT ITEMS

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

Consent

4. Consider approving the Minutes from the March 10, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the March 10, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Gunderson/Madrigan; 7/0) approving the Minutes from the March 10, 2015 Council meeting.

Consent

5. Consider approving and authorizing the City Manager or his designee to negotiate and execute an agreement with Data Path, Inc., Modesto, CA , a professional firm, to provide interim Chief Information Officer services for the City for a not to exceed amount of \$128,000, and to appoint John Dickey as interim Chief Information Officer, effective March 24, 2015. (Funding Source: Not Applicable)
 - Resolution approving and authorizing the City Manager or his designee to negotiate and execute an agreement with Data Path, Inc., Modesto, CA , a professional firm, to provide interim Chief Information Officer services for the City for a not to exceed amount of \$128,000, and to appoint John Dickey as interim Chief Information Officer, effective March 24, 2015
City Manager; Joseph Lopez, 571-5809 , joelopez@modestogov.com

ACTION: Resolution 2015-81 (Gunderson/Madrigan; 7/0) approving and authorizing the City Manager or his designee to negotiate and execute an agreement with Data Path, Inc., Modesto, CA , a professional firm, to provide interim Chief Information Officer services for the City for a not to exceed amount of \$128,000, and to appoint John Dickey as interim Chief Information Officer, effective March 24, 2015

Consent

6. Consider approving a resolution expressing solidarity with the Nation of Iraq and its indigenous Assyrian population and condemning the aggressive invasion and persecution brought against them. (Funding Source: Not Applicable)
 - Resolution adopting a position of solidarity with the Nation of Iraq and its indigenous Assyrian population and condemning the aggressive invasion and

persecution brought against them.

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

ACTION: Resolution 2015-82 (Gunderson/Madriral; 7/0) adopting a position of solidarity with the Nation of Iraq and its indigenous Assyrian population and condemning the aggressive invasion and persecution brought against them.

Consent

7. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 7451 River Nine Drive in Del Rio and authorizing the City Manager or his designee to sign the Will Serve Letter and execute the Agreement. (Funding Source: General Fund, Water Fund)

- Resolution approving a Will Serve Letter for the property located at 7451 River Nine Drive in Del Rio (APN: 004-093-011) to connect to the City of Modesto's existing water system, and authorizing the City Manager, or his designee, to sign the Will Serve Letter.
- Resolution approving an Outside Service Agreement between the City of Modesto and Gary D. Huff and Ava M. Huff, Trustees of the G&A Huff 2000 Revocable Trust for water service for the property located at 7451 River Nine Drive in Del Rio (APN: 004-093-011), and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: Resolution 2015-83 (Gunderson/Madriral; 7/0) approving a Will Serve Letter for the property located at 7451 River Nine Drive in Del Rio (APN: 004-093-011) to connect to the City of Modesto's existing water system, and authorizing the City Manager, or his designee, to sign the Will Serve Letter.

ACTION: Resolution 2015-84 (Gunderson/Madriral; 7/0) approving an Outside Service Agreement between the City of Modesto and Gary D. Huff and Ava M. Huff, Trustees of the G&A Huff 2000 Revocable Trust for water service for the property located at 7451 River Nine Drive in Del Rio (APN: 004-093-011), and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider directing staff to prepare and file the 2015-2016 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1. (Funding Source: Landscape Maintenance Assessment District No. 1)

- Resolution directing staff to prepare and file the 2015-2016 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1.

Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2015-85 (Gunderson/Madriral; 7/0) directing staff to prepare and file the 2015-2016 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1.

Consent

9. Consider directing staff to prepare and file the 2015-2016 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2. (Funding Source: Landscape Maintenance Assessment District No. 2)
- Resolution directing staff to prepare and file the 2015-2016 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2015-86 (Gunderson/Madriral; 7/0) directing staff to prepare and file the 2015-2016 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.

Consent

10. Consider directing staff to prepare and file the 2015-2016 Annual Engineer's Report for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
- Resolution directing staff to prepare and file the 2015-2016 Annual Engineer's Report for the Shackelford Landscape and Lighting District.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2015-87 (Gunderson/Madriral; 7/0) directing staff to prepare and file the 2015-2016 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

Consent

11. Consider: (i) approving a Letter Agreement with MPVCA Modesto, LLC regarding Lot 18 of Parcel Map 56-PM-33 and (ii) approving the Summary Vacation of a portion of a storm drainage easement located on Lot 18 of Parcel Map 56-PM-33 (Funding Source: Private funds)
- Resolution approving the letter agreement dated February 10, 2015 with MPVCA Modesto, LLC, regarding Lot 18 of Parcel Map 56-PM-33 and authorizing the City Manager or his designee, to execute the agreement.
 - Resolution approving the summary vacation of a portion of the existing storm water drainage system easement located at Lot 18 of 56-PM-33, and authorizing the City Clerk to certify the easement vacations and record both items with the Stanislaus County Recorder's Office.
Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2015-88 (Gunderson/Madriral; 7/0) approving the letter agreement dated February 10, 2015 with MPVCA Modesto, LLC, regarding Lot 18 of Parcel Map 56-PM-33 and authorizing the City Manager or his designee, to execute the agreement.

ACTION: Resolution 2015-89 (Gunderson/Madriral; 7/0) approving the summary vacation of a portion of the existing storm water drainage system easement located at Lot 18 of 56-PM-

33, and authorizing the City Clerk to certify the easement vacations and record both items with the Stanislaus County Recorder's Office.

Consent

12. Consider accepting the Monthly Investment Report for December 2014 (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for December 2014.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Gunderson/Madriral; 7/0) accepting the Monthly Investment Report for December 2014.

Consent

13. Consider authorizing the award of bids for the purchase of circle clamps, gaskets, pipe couplings and tapping sleeves for the Utilities Department, Water Division to Groeniger/Ferguson Co., Modesto, CA, and Pace Supply Corp., Stockton, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$188,344, and over five (5) years of \$941,720. (Funding Source: Water Fund)
- Resolution authorizing the award of bids for the purchase of circle clamps, gaskets, pipe couplings and tapping sleeves for the Utilities Department, Water Division to Groeniger/Ferguson Co., Modesto, CA, and Pace Supply Corp., Stockton, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager or his designee to issue purchase agreements for an estimated annual cost of \$188,344, and over five (5) years of \$941,720.
Finance and Utilities; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2015-90 (Gunderson/Madriral; 7/0) authorizing the award of bids for the purchase of circle clamps, gaskets, pipe couplings and tapping sleeves for the Utilities Department, Water Division to Groeniger/Ferguson Co., Modesto, CA, and Pace Supply Corp., Stockton, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager or his designee to issue purchase agreements for an estimated annual cost of \$188,344, and over five (5) years of \$941,720.

Consent

14. Consider authorizing the award of bid for the purchase of a dump truck with 14 yard capacity for the Utilities Department, Stormwater Collections Division through the Fleet Services Division, to Interstate Truck Center LLC, Stockton, CA for an estimated total cost of \$132,628. (Funding Source: Stormwater Collections Fund)
- Resolution authorizing the award of bid for the purchase of a dump truck with 14 yard capacity for the Utilities Department, Stormwater Collections Division, through the Fleet Services Division, to Interstate Truck Center LLC, Stockton, CA and authorize the Purchasing Manager or his designee to issue a purchase order for a total estimated total cost of \$132,628.
Finance and Public Works; Cindy Medley, 571-5164, cmedley@modestogov.com

ACTION: Resolution 2015-91 (Gunderson/Madrigal; 7/0) authorizing the award of bid for the purchase of a dump truck with 14 yard capacity for the Utilities Department, Stormwater Collections Division, through the Fleet Services Division, to Interstate Truck Center LLC, Stockton, CA and authorize the Purchasing Manager or his designee to issue a purchase order for a total estimated total cost of \$132,628.

Consent

15. Consider authorizing the award of bid for the purchase of roadway crack sealant for the Public Works Department, Streets Division to Maxwell Products, Inc., Salt Lake City, UT, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$137,459, and over five (5) years of \$687,295. (Funding Source: Streets Maintenance Fund)

- Resolution authorizing the award of bid for the purchase of roadway crack sealant for the Public Works Department, Streets Division to Maxwell Products, Inc., Salt Lake City, UT, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager or his designee to issue a purchase agreement for an estimated annual cost of \$137,459, and over five (5) years of \$687,295.

Finance and Public Works; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2015-92 (Gunderson/Madrigal; 7/0) authorizing the award of bid for the purchase of roadway crack sealant for the Public Works Department, Streets Division to Maxwell Products, Inc., Salt Lake City, UT, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager or his designee to issue a purchase agreement for an estimated annual cost of \$137,459, and over five (5) years of \$687,295.

Consent

16. Consider authorizing the purchase of a Combination Crime Scene and Command Vehicle for the Modesto Police Department, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the General Service Administration (GSA) to Sirchie Finger Print Laboratories, Medford, NJ, for an estimated total cost of \$152,738. (Funding Source: SLESF Fund)

- Resolution authorizing the purchase of a Combination Crime Scene and Command Vehicle for the Modesto Police Department, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the General Service Administration (GSA) to Sirchie Finger Print Laboratories, Medford, NJ, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$152,738.

Finance and Public Works; Cindy Medley, 571-5164, cmedley@modestogov.com

ACTION: Resolution 2015-93 (Gunderson/Madrigal; 7/0) authorizing the purchase of a Combination Crime Scene and Command Vehicle for the Modesto Police Department, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the General Service Administration (GSA) to Sirchie Finger Print Laboratories, Medford, NJ, and authorizing the Purchasing Manager, or his designee, to

issue a purchase order for an estimated total cost of \$152,738.

Consent

17. Consider approving an Agreement with Emergency Services Consulting International Services to develop a Master and Strategic Plan for the Modesto Fire Department in an amount not to exceed \$59,231.00 and authorizing the City Manager, or his designee, to execute the agreement. (Funding Source: Modesto Regional Fire Authority dissolution funds)

- Resolution approving an agreement with Emergency Services Consulting International Services to develop a Master and Strategic Plan for the Modesto Fire Department in an amount not to exceed \$59,231 and authorizing the City Manager, or his designee, to execute the agreement.

Fire; Sean Slamon, 572-9590, sslamon@modestorfa.org

ACTION: Resolution 2015-94 (Gunderson/Madrigan; 7/0) approving an agreement with Emergency Services Consulting International Services to develop a Master and Strategic Plan for the Modesto Fire Department in an amount not to exceed \$59,231 and authorizing the City Manager, or his designee, to execute the agreement.

Consent

18. Consider approving a five (5) year lease with four (4) five-year renewal options between the City of Modesto and Sacramento - Valley Limited Partnership (d/b/a Verizon Wireless) for the placement of a cellular tower at Chrysler Park (Funding Source: Cell Tower Facility Rent)

- Resolution approving a five (5) year lease agreement between the City of Modesto and Sacramento - Valley Limited Partnership for a cellular tower site to be located on a portion of Chrysler Park, with four (4), five (5)-year options to extend the lease, and authorizing the City Manager, or his designee, to execute the lease agreement.

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

ACTION: Resolution 2015-95 (Gunderson/Madrigan; 7/0) approving a five (5) year lease agreement between the City of Modesto and Sacramento - Valley Limited Partnership for a cellular tower site to be located on a portion of Chrysler Park, with four (4), five (5)-year options to extend the lease, and authorizing the City Manager, or his designee, to execute the lease agreement.

Consent

19. Consider approving a five (5) year lease agreement between the City of Modesto and Sacramento - Valley Limited Partnership for a cellular tower site to be located on a portion of Mancini Park, with four (4), five (5)-year options to extend the lease, and authorizing the City Manager, or his designee, to execute the lease agreement (Funding Source: Cell Tower Facility Rent)

- Resolution approving a five (5) year lease agreement between the City of Modesto and Sacramento - Valley Limited Partnership for a cellular tower site to be located on a portion of Mancini Park, with four (4), five (5)-year options to extend the

lease, and authorizing the City Manager, or his designee, to execute the lease agreement

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

ACTION: Resolution 2015-96 (Gunderson/Madrigan; 7/0) approving a five (5) year lease agreement between the City of Modesto and Sacramento - Valley Limited Partnership for a cellular tower site to be located on a portion of Mancini Park, with four (4), five (5)-year options to extend the lease, and authorizing the City Manager, or his designee, to execute the lease agreement

Removed from Consent

20. Consider approving a challenge grant for the Miracle League of Stanislaus County for up to \$250,000. (Funding Source: General Fund balance Carryover)

- Resolution approving a Challenge Grant of up to \$250,000 for the Miracle League of Stanislaus County

*Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582,
ajohnson@modestogov.com*

ACTION: Resolution 2015-97 (Lopez/Madrigan; 7/0) approving a Challenge Grant of up to \$250,000 for the Miracle League of Stanislaus County

Consent

21. Consider approving a Lease Agreement with Stanislaus Implement & Hardware Co., Ltd. for the use of its parking lot for \$1,000 per month on a month-to-month contract, until such time as the property is sold; and authorizing the City Manager, or his designee, to execute the necessary documents. (Funding Source: General Fund)

- Resolution approving a Lease Agreement with Stanislaus Implement & Hardware Co., LTD for the use of its parking lot for \$1,000 per month on a month-to-month contract, until such time as the property is sold; and authorizing the City Manager, or his designee, to execute the necessary documents.

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

ACTION: Resolution 2015-98 (Gunderson/Madrigan; 7/0) approving a Lease Agreement with Stanislaus Implement & Hardware Co., LTD for the use of its parking lot for \$1,000 per month on a month-to-month contract, until such time as the property is sold; and authorizing the City Manager, or his designee, to execute the necessary documents.

Consent

22. Consider: (i) amending the Fiscal Year 2014/15 Capital Improvement Program (CIP) budget in the amount of \$85,000; and (ii) accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$85,000 and authorizing the City Manager, or his designee, to execute the necessary grant funding documents. (Funding Source: CMAQ Funds)

- Resolution amending the Fiscal Year 2014/15 Capital Improvement Program (CIP) budget in the amount of \$85,000.
- Resolution accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$85,000, and authorizing the City Manager, or designee, to execute the

necessary grant funding documents.

Public Works; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2015-99 (Gunderson/Madrigal; 7/0) amending the Fiscal Year 2014/15 Capital Improvement Program (CIP) budget in the amount of \$85,000.

ACTION: Resolution 2015-100 (Gunderson/Madrigal; 7/0) accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$85,000, and authorizing the City Manager, or designee, to execute the necessary grant funding documents.

Consent

23. Consider approving the establishment of a new Capital Improvement Project (CIP) account for \$600,000 of the one-time money to be used for the High Voltage Street Light Circuit Partial Replacement Project in the City of Modesto. (Funding Source: General Fund Reserves)
- Resolution approving the establishment of a new Capital Improvement Project (CIP) account for \$600,000 of the one-time money to be used for the High Voltage Street Light Circuit Partial Replacement Project in the City of Modesto.
- Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

ACTION: Resolution 2015-101 (Gunderson/Madrigal; 7/0) approving the establishment of a new Capital Improvement Project (CIP) account for \$600,000 of the one-time money to be used for the High Voltage Street Light Circuit Partial Replacement Project in the City of Modesto.

Consent

24. Consider approving the Airport Capital Improvement Plan (ACIP) for submittal to the Federal Aviation Administration (FAA) and CalTrans Aeronautics. (Funding Source: FAA Grant Funding 90%, Passenger Facility Charge (PFC) or Local Match of 10%)
- Resolution approving the Airport Capital Improvement Plan (ACIP) for submittal to the Federal Aviation Administration (FAA) and CalTrans Aeronautics.
- Public Works; Steven Fischio, 577-5319, sfischio@modestogov.com*

ACTION: Resolution 2015-102 (Gunderson/Madrigal; 7/0) approving the Airport Capital Improvement Plan (ACIP) for submittal to the Federal Aviation Administration (FAA) and CalTrans Aeronautics.

Consent

25. Consider: (i) approving an Agreement with Brown and Caldwell, Inc. for consultant services to develop a Wastewater Collection System Inventory and Condition Assessment (ICA), in an amount not to exceed \$459,078; and (ii) amending the Fiscal Year 2014-2015 Operating Budget by transferring \$405,375 into the operating account from Wastewater Fund Reserves to fully fund the consultant services agreement and City staff support. (The total estimated project cost is \$489,078.) (Funding Source: Wastewater Fund)
- Resolution approving an agreement with Brown and Caldwell, Inc. for consultant services to develop a Wastewater Collection System Inventory and Condition Assessment, in an amount not to exceed \$417,344 for the identified scope of

services, plus \$41,734 for additional services (if needed), for a maximum total amount of \$459,078, and authorizing the City Manager, or his designee, to execute the agreement.

- Resolution amending the Fiscal Year 2014-2015 Operating Budget in the amount of \$405,375 to be transferred into Cost Center Account 43600 from Wastewater Fund Reserves in order to fully fund the agreement with Brown and Caldwell, Inc. for Consultant Services, including support by City staff, to conduct the Wastewater Collection System Inventory and Condition Assessment.

Utilities; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2015-103 (Gunderson/Madriral; 7/0) approving an agreement with Brown and Caldwell, Inc. for consultant services to develop a Wastewater Collection System Inventory and Condition Assessment, in an amount not to exceed \$417,344 for the identified scope of services, plus \$41,734 for additional services (if needed), for a maximum total amount of \$459,078, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2015-104 (Gunderson/Madriral; 7/0) amending the Fiscal Year 2014-2015 Operating Budget in the amount of \$405,375 to be transferred into Cost Center Account 43600 from Wastewater Fund Reserves in order to fully fund the agreement with Brown and Caldwell, Inc. for Consultant Services, including support by City staff, to conduct the Wastewater Collection System Inventory and Condition Assessment.

COUNCIL COMMENTS & REPORTS

Councilmember Gunderson thanked the 35 CalPoly students who assisted with the Tuolumne River clean-up project this past weekend.

Councilmember Kenoyer represented Modesto at an event at the McHenry Bowl this weekend; she also attended the Christ Unity Baptist Church 25th anniversary.

Councilmember Madriral attended Kenneth Street barbeque and potluck in West Modesto last weekend; he also announced that Saturday is Project Prom Shopping Day on Saturday at 927 - 10th Street, Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

26. Consider approving the 2015-2018 Strategic Plan as the guiding document for the City of Modesto. (Funding Source: All Funds)
 - Resolution adopting the 2015-2018 Strategic Plan as the guiding document for the City of Modesto.

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

ACTION: Resolution 2015-105 (Gunderson/Madriral; 7/0) adopting the 2015-2018 Strategic Plan as the guiding document for the City of Modesto.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:57 p.m.

CLOSED SESSION

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Section 54956.8 of the Government Code).**

Property: Discuss possible acquisition of property and entering into property negotiations with Stanislaus Implement Hardware Company, located at 526 10th Street, Modesto, CA.

APN: 106-039-001 Property Owner: Stanislaus Implement Hardware Company

106-039-004 Property Owner: Stanislaus Implement Hardware Company

Negotiating Parties: Brent Sinclair, Property Agent for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto

Under Negotiation: N/A

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

Name of Case: Modesto Irrigation District, et al., v. City of Modesto, et al.
Stanislaus County Superior Court
Case No: 2001607

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: James Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING

Second Floor, Conference Room 2001

Tenth Street Place, 1010 10th Street

Modesto, California

Wednesday, March 25, 2015, at 11:15 a.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Zoslocki, Mayor Marsh

Absent: Councilmember Madrigal

PUBLIC COMMENT PERIOD

None.

NEW BUSINESS

1. Consider a motion whether or not to authorize the City Manager to sign and forward a letter to the Stanislaus County Local Agency Formation Commission (LAFCO) regarding the proposed amendments to the Agricultural Mitigation Policy 22.
City Manager, Brent Sinclair, bsinclair@modestogov.com, 577-5223

ACTION: Motion (Lopez/Cogdill; majority; Kenoyer, Mayor Marsh no; Madrigal absent) authorizing the City Manager to sign and forward a letter of opposition to the Stanislaus Agency Formation Commission (LAFCO) regarding the proposed amendments to the Agricultural Mitigation Policy 22.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:05 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 14, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Jim Applegate, Redeemer Church

Mayor Marsh announced the City Council Workshop will be rescheduled to April 28, 2015.

City Clerk's Announcements: Item 20 - Removed from Consent

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the Stanislaus READS! Initiative Community Report. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation by Marian Kaanon, Stanislaus Community Foundation, of the Stanislaus READS! Initiative Community Report was made.

2. Presentation of Proclamation declaring April 24, 2015 as Arbor Day in the City of Modesto. (Funding Source: Not Applicable)
Public Works; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring April 24, 2015 as Arbor Day in the City of Modesto.

3. Presentation of the City of Modesto 26th Annual Earth Day in the Park Festival. (Funding Source: Not Applicable)
Public Works; Vicki Rice, 577-5495, vrice@modestogov.com

ACTION: Presentation by Vicki Rice regarding the City of Modesto 26th Annual Earth Day

in the Park Festival was made.

4. Presentation of Certificate of Recognition to Paul Mitchell hair stylists and Modesto City Schools in appreciation for providing free haircuts for students in need at Haircuts for Kids Day event at Shackelford Elementary School. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to Paul Mitchell hair stylists and Modesto City Schools in appreciation for providing free haircuts for students in need at Haircuts for Kids Day event at Shackelford Elementary School.

MISCELLANEOUS

Legislation
Appointments
Other

5. Consider approving the appointment of Carmen Morad to the City of Modesto Planning Commission. (Funding Source: Not Applicable)
 - Resolution appointing Carmen Morad to the City of Modesto Planning Commission.
Community and Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Resolution 2015-106 (Lopez/Madrigan; 7/0) appointing Carmen Morad to the City of Modesto Planning Commission.

PUBLIC COMMENT PERIOD

- Susan Beasley, Parent Resource Center, announced that April is Child Abuse Prevention Month.
- Cecil Russell, Modesto Chamber of Commerce, announced that Thursday there will be an Ag Aware event at Modesto Junior College.
- Cynthia Ruiz, South Modesto Business United, requested additional Police patrols in South Modesto and supports a 1/2 cent sales tax.
- Ron Jeske spoke regarding tagging in Modesto.
- Nelson Gomez, South Modesto Business United, also requested additional Police patrols in South Modesto.
- A citizen of Modesto spoke regarding the need for facilities at Fairview Park.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 6-19: (Lopez/Madrigan;unan.)

CONSENT ITEMS

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

Consent

6. Consider approving the Minutes from the March 24, 2015 Council meeting and the March 25, 2015 Special City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the March 24, 2015 Council meeting and the March 25, 2015 Special City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the Minutes from the March 24, 2015 Council meeting and the March 25, 2015 Special City Council meeting.

Consent

7. Consider accepting the Monthly Investment Report for January 2015. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for January 2015.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) accepting the Monthly Investment Report for January 2015.

Consent

8. Consider accepting the Monthly Budget Adjustments Report for February 2015 and amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget. (Funding Source: Various)
 - Resolution amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2015-107 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget.

Consent

9. Consider approving the establishment of a new multi-year project account for \$415,000 of the one-time money to be used for emergency power, deferred maintenance and repairs throughout the Modesto Fire Department's Fire Stations and authorizing the Purchasing Manager to issue purchase orders for emergency power, and deferred maintenance and repairs for the Modesto Fire Department's eleven (11) Fire Stations, for an estimated annual cost not to exceed \$415,000. (Funding Source: General Fund Reserves)
 - Resolution approving the establishment of a new multi-year account for \$415,000 of the one-time money to be used for emergency power, deferred maintenance and repairs throughout the Modesto Fire Department and authorizing the Purchasing Manager to issue purchase orders for emergency power, and deferred maintenance

and repairs for the Modesto Fire Department's 11 Fire Stations, for an estimated annual cost not to exceed \$415,000.

Fire; Kristin Reffalt, 572-9594, kreffalt@modestorfa.org

ACTION: Resolution 2015-108 (Lopez/Madrigal; 7/0) approving the establishment of a new multi-year account for \$415,000 of the one-time money to be used for emergency power, deferred maintenance and repairs throughout the Modesto Fire Department and authorizing the Purchasing Manager to issue purchase orders for emergency power, and deferred maintenance and repairs for the Modesto Fire Department's 11 Fire Stations, for an estimated annual cost not to exceed \$415,000.

Consent

10. Consider amending the Fiscal Year 2014-2015 Capital Improvement Program budget and approving the appropriation of \$100,000 from the General Fund to the Park Partner Capital Improvement Program Project #100300 to fund various Park Partner projects. (Funding Source: General Fund Deferred Maintenance and Investment Opportunity Funds)

- Resolution amending the FY 2014-15 Capital Improvement Program budget and approving the appropriation of \$100,000 from the General Fund to the Park Partner Capital Improvement Program (CIP) Project #100300 to fund various Park Partner projects.

Parks, Recreation & Neighborhoods and Community & Economic Development; Loren Holt, 571-5583, lholt@modestogov.com

ACTION: Resolution 2015-109 (Lopez/Madrigal; 7/0) amending the FY 2014-15 Capital Improvement Program budget and approving the appropriation of \$100,000 from the General Fund to the Park Partner Capital Improvement Program (CIP) Project #100300 to fund various Park Partner projects.

Consent

11. Consider: (i) accepting a Brenden Mann Foundation grant totaling \$50,000 to provide funding for Downtown Bike, Foot, and when appropriate, Equestrian Patrols; and authorizing the City Manager, or his designee, to execute the necessary grant documents; and (ii) amending the 2014-15 Multi-Year Operating Budget. (Funding Source: Grants - Operation Block Grants)

- Resolution accepting a Brenden Mann Foundation grant totaling \$50,000 to provide funding for Downtown Bike, Foot, and when appropriate, Equestrian Patrols; and authorizing the City Manager, or his designee, to execute the necessary grant documents.
- Resolution amending the 2014-15 Multi-Year Operating Budget to appropriate revenues and expenditures of \$50,000 from a Brenden Mann Foundation grant to provide funding for Downtown Bike, Foot, and when appropriate, Equestrian Patrols; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

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

ACTION: Resolution 2015-110 (Lopez/Madrigal; 7/0) accepting a Brenden Mann Foundation grant totaling \$50,000 to provide funding for Downtown Bike, Foot, and when appropriate, Equestrian Patrols; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2015-111 (Lopez/Madrigal; 7/0) amending the 2014-15 Multi-Year Operating Budget to appropriate revenues and expenditures of \$50,000 from a Brenden Mann Foundation grant to provide funding for Downtown Bike, Foot, and when appropriate, Equestrian Patrols; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

Consent

12. Consider approving the City of Modesto sponsorship of the 2015 Cinco de Mayo Parade, including the waiver of City permit fees, police overtime costs, and vehicle fee expenses incurred by the City of Modesto Police Department, and authorizing the City Manager, or his designee, to execute any documents necessary related to the sponsorship. (Funding Source: General Fund)

- Resolution approving the City of Modesto sponsorship of the 2015 Cinco de Mayo Parade, including the waiver of City permit fees, police overtime costs, and vehicle fee expenses incurred by the City of Modesto Police Department, and authorizing the City Manager, or his designee, to execute any documents necessary related to the sponsorship.

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

ACTION: Resolution 2015-112 (Lopez/Madrigal; 7/0) approving the City of Modesto sponsorship of the 2015 Cinco de Mayo Parade, including the waiver of City permit fees, police overtime costs, and vehicle fee expenses incurred by the City of Modesto Police Department, and authorizing the City Manager, or his designee, to execute any documents necessary related to the sponsorship.

Consent

13. Consider approving grant applications, accepting grant awards, submitting grant reports, and amending the annual budgets for: All Local Government Waste Tire Enforcement Grants to California Department of Resources and Recovery (CalRecycle), and authorizing the City Manager, or his designee, to execute all grant related documents. (Funding Source: CalRecycle)

- Resolution approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Local Government Waste Tire Enforcement Grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant related documents.

Public Works; Karin Rodriguez, 577-5453, krodriquez@modestogov.com

ACTION: Resolution 2015-113 (Lopez/Madrigal; 7/0) approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Local Government Waste Tire Enforcement Grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant related

documents.

Consent

14. Consider approving an Agreement with Kimley-Horn and Associates, Inc. to provide engineering, design, construction and planning services for Airport Capital Improvement Projects. (Funding Source: 90% Federal Aviation Administration (FAA) grant funding and 10% Local Match and/or Passenger Facility Charges)
- Resolution approving an agreement with Kimley-Horn and Associates Inc. (KHA) to provide design, construction, engineering and program management for various Airport Capital Improvement Projects for a period of five (5) years.
Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Resolution 2015-114 (Lopez/Madrigal; 7/0) approving an agreement with Kimley-Horn and Associates Inc. (KHA) to provide design, construction, engineering and program management for various Airport Capital Improvement Projects for a period of five (5) years.

Consent

15. Consider approving a five-year lease agreement with Soni Aviation, LLC as a Fixed Base Operator at the Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: Airport Hanger Rental)
- Resolution approving a five-year lease agreement with Soni Aviation, LLC (Soni) as a Fixed Base Operator at the Modesto City-County Airport (MOD), and authorizing the City Manager, or his designee, to execute the Agreement.
Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Resolution 2015-115 (Lopez/Madrigal; 7/0) approving a five-year lease agreement with Soni Aviation, LLC (Soni) as a Fixed Base Operator at the Modesto City-County Airport (MOD), and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

16. Consider approving the quarterly adjustments to the maximum rate schedule for City residential and commercial solid waste collection services, to become effective April 1, 2015, and rescinding Resolution No. 2014-207. (Funding Source: Not Applicable)
- Resolution approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective April 1, 2015, to reflect changes in the fuel cost; and rescinding Resolution No. 2014-207.
Public Works; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2015-116 (Lopez/Madrigal; 7/0) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective April 1, 2015, to reflect changes in the fuel cost; and rescinding Resolution No. 2014-207.

Consent

17. Consider approving an Agreement to Enter and Construct Improvements with Sylvan Union School District, located at 2701 Kodiak Drive (APN: 077-009-042), required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (206) - Roundabout Improvements at the Intersection of Kodiak Drive at Lincoln Oak Drive. (Funding Source: Surface Transportation Funds and CMAQ Funds)

- Resolution approving an Agreement to Enter and Construct Improvements with property owned by Sylvan Union School District, located at 2701 Kodiak Drive (APN: 077-009-042), for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (206) - Roundabout Improvements at the Intersection of Kodiak Drive at Lincoln Oak Drive project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents.

Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2015-117 (Lopez/Madriral; 7/0) approving an Agreement to Enter and Construct Improvements with property owned by Sylvan Union School District, located at 2701 Kodiak Drive (APN: 077-009-042), for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (206) - Roundabout Improvements at the Intersection of Kodiak Drive at Lincoln Oak Drive project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents.

Consent

18. Consider: (i) approving an Agreement with Carollo Engineers, Inc. for Final Design Report for the River Trunk Rehabilitation and Cannery Segregation Diversion Structures projects in an amount not to exceed \$373,881; and (ii) amending the Fiscal Year 2014-2015 CIP Budget by transferring \$115,000 into the project from Wastewater Fund Reserves to fund the agreement, including support by City staff. (Funding Source: Wastewater Fund)

- Resolution approving an agreement with Carollo Engineers, Inc. for Final Design Report for River Trunk Rehabilitation and Cannery Segregation Diversion Structures, in an amount not to exceed \$339,892 for the identified scope of services, plus \$33,989 for additional services (if needed), for a maximum total amount of \$373,881, and authorizing the City Manager, or his designee, to execute the agreement.
- Resolution amending the Fiscal Year 2014-2015 CIP Budget in the amount of \$115,000 to be transferred into CIP account 100791 from Wastewater Fund Reserves in order to fully fund the agreement with Carollo Engineers, Inc. for the Final Design Report for River Trunk Rehabilitation and Cannery Segregation Diversion Structures, including support by City staff.

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

ACTION: Resolution 2015-118 (Lopez/Madriral; 7/0) approving an agreement with Carollo Engineers, Inc. for Final Design Report for River Trunk Rehabilitation and Cannery Segregation Diversion Structures, in an amount not to exceed \$339,892 for the identified scope of services, plus \$33,989 for additional services (if needed), for a maximum total amount of \$373,881, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2015-119 (Lopez/Madriral; 7/0) amending the Fiscal Year 2014-2015

CIP Budget in the amount of \$115,000 to be transferred into CIP account 100791 from Wastewater Fund Reserves in order to fully fund the agreement with Carollo Engineers, Inc. for the Final Design Report for River Trunk Rehabilitation and Cannery Segregation Diversion Structures, including support by City staff.

Consent

19. Consider approving an Agreement with David Keith Todd Consulting Engineers, Inc., dba Todd Groundwater, for Consultant Services to develop a Groundwater Characterization and Recharge Study, in an amount not to exceed \$158,444. (Funding Source: Water Fund, Proposition 84 Grant)

- Resolution approving an agreement with David Keith Todd Consulting Engineers, Inc., dba Todd Groundwater (Todd Groundwater) for consultant services to develop a Groundwater Characterization and Recharge Study, in an amount not to exceed \$158,444, and authorizing the City Manager, or his designee, to execute the agreement.

Utilities; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2015-120 (Lopez/Madrigal; 7/0) approving an agreement with David Keith Todd Consulting Engineers, Inc., dba Todd Groundwater (Todd Groundwater) for consultant services to develop a Groundwater Characterization and Recharge Study, in an amount not to exceed \$158,444, and authorizing the City Manager, or his designee, to execute the agreement.

Removed from Consent

20. Consider supporting Assembly Bill 1242 in an effort to protect our local economy, public health, drinking water, and way of life. (Funding Source: Not Applicable)

- Resolution supporting Assembly Bill 1242 in an effort to protect our local economy, public health, drinking water, and way of life.

Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Resolution 2015-121 (Madrigal/Zoslocki; 7/0) supporting Assembly Bill 1242 in an effort to protect our local economy, public health, drinking water, and way of life (**AS AMENDED**).

Councilmember Cogdill left meeting at 6:55 p.m.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the Wesson Ranch Park collaboration.

Councilmember Gunderson spoke regarding Earth Day and he will be working at the 9-2- 99 Project.

Councilmember Madrigal announced the success of Project Prom in Modesto and thanked the sponsors; he also invited citizens to help with “Love Modesto” project at Modesto High School this weekend.

Councilmember Lopez announced Council in the Park at Earth Day in Modesto on Saturday.

Mayor Marsh announced "Love Modesto" on Saturday starting at 8:00 a.m. and Garden Club Tour.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

21. Consider: (i) approving the College Avenue "road diet plan" between Needham Street and Briggsmore Avenue and (ii) accepting a report prepared by Fehr & Peers. (Funding Source: Surface Transportation Fund Reserves)
- Resolution approving the conversion of College Avenue between Needham Avenue and Briggsmore Avenue from a four-lane facility to a three-lane facility with bicycle lanes and accepting the report prepared by Fehr & Peers.
Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2015-122 (Lopez/Madrigal; 5/2; Zoslocki no; Cogdill absent) approving the conversion of College Avenue between Needham Avenue and Briggsmore Avenue from a four-lane facility to a three-lane facility with bicycle lanes and accepting the report prepared by Fehr & Peers.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:30 p.m.

**ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010
10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP
(Open to the Public)**

City Council Workshop rescheduled to April 28, 2015.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: Reed v. City of Modesto

United States District Court

Federal Case No: 1:11-CV-01083-AWI-GSA

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Section 54956.8 of the Government Code).

Property: Discuss possible acquisition of property and entering into property negotiations with Stanislaus Implement Hardware Company, located at Salida Blvd., Modesto, CA.

APN: 135-029-040 Property Owners: Ramanbhai & Ushaben Patel

135-029-041 Property Owner: Ramanbhai & Ushaben Patel

Negotiating Parties: Bill Sandhu, Public Works Director for City of Modesto

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Herman H. Fitzgerald, Esq.

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

Monday April 27, 2015, at 5:00 p.m.

Roll Call – Present: Mayor Marsh, Councilmembers Zoslocki and Kenoyer (alternate)
Absent: Councilmember Madrigal

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

Consent

1. Consider approving the recommended budget adjustment to the FY2014-15 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) approving the recommended budget adjustment to the FY2014-15 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

NEW BUSINESS

2. Consider accepting an informational report updating the status of the Water Fund. (Funding Source: Not Applicable)
Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) accepting an informational report updating the status of the Water Fund.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:33 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 28, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh

Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein, College Avenue Church

City Clerk's Announcements: Item 14 - continued to May 12, 2015 Council meeting

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation to Modesto Chamber of Commerce recognizing May 16, 2015 as Lemonade Day in the City of Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, Kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Modesto Chamber of Commerce recognizing May 16, 2015 as Lemonade Day in the City of Modesto.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in Modesto.
- Brandy Meyer, Tuolumne River Regional Park Citizens Advisory Committee, spoke regarding the American Legion Hall in Modesto and needed repairs to the roof and kitchen; she announced a fundraiser on May 9, 2015.
- Cecil Russell spoke regarding support for Assembly Bill 1242, Assemblyman Adam Gray and attendance at the Natural Resources Committee meeting yesterday in Sacramento.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-13: (Lopez/Madrigal;unan.)

CONSENT ITEMS

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

Consent

2. Consider approving the Minutes from the April 14, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the April 14, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the Minutes from the April 14, 2015 Council meeting.

Consent

3. Consider approving designation of all surplus revenue from the Courthouse Properties multi-year operating budget to the Downtown Economic Development Program. (Funding Source: Courthouse Properties Fund)
 - Resolution approving designation of all surplus revenue from the Courthouse Properties multi-year operating budget to the Downtown Economic Development Program
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2015-123 (Lopez/Madrigal; 7/0) approving designation of all surplus revenue from the Courthouse Properties multi-year operating budget to the Downtown Economic Development Program.

Consent

4. Consider authorizing: (i) the refinancing of the City of Modesto's (City) current Section 108 Loan with the Department of Housing and Urban Development (HUD) in the principal amount of \$2,789,000, (ii) the execution and delivery of a new Promissory Note and Contract for Loan Guarantee Assistance, and (iii) the execution of necessary documents and related actions. (Funding Source: Community Development Block Grant (CDBG) entitlement funds)
 - Resolution authorizing: (i) the refinancing of the City's current Section 108 Loan with HUD in the principal amount of \$2,789,000 (ii) the execution and delivery of a new promissory note and contract for loan guarantee assistance; and (iii) the execution of necessary documents and related actions.
Finance; Ryan Blackerby, 341-2918, rblackerby@modestogov.com

ACTION: Resolution 2015-124 (Lopez/Madrigal; 7/0) authorizing: (i) the refinancing of the City's current Section 108 Loan with HUD in the principal amount of \$2,789,000 (ii) the

execution and delivery of a new promissory note and contract for loan guarantee assistance; and (iii) the execution of necessary documents and related actions.

Consent

5. Consider approving the inclusion of properties within the City of Modesto's jurisdiction in the California Statewide Communities Development Authority's (CSCDA) Property Assessed Clean Energy (PACE) program, which will enable property owners to finance renewable energy, energy efficiency water improvements, seismic improvements and electric vehicle charging infrastructure on their property. (Funding Source: General Fund)
- Resolution authorizing the City of Modesto's participation in CSCDA Open PACE, which will enable property owners to finance permanently fixed renewable energy, energy efficiency water improvements, and seismic strengthening improvements as well as electric vehicle charging infrastructure.
- Finance ; Gloriette Genereux, 577-5371, ggenereux@modestogov.com*

ACTION: Resolution 2015-125 (Lopez/Madrigal; 7/0) authorizing the City of Modesto's participation in CSCDA Open PACE, which will enable property owners to finance permanently fixed renewable energy, energy efficiency water improvements, and seismic strengthening improvements as well as electric vehicle charging infrastructure.

Consent

6. Consider authorizing the procurement of merchant services by "accessing the terms" of a competitively bid, State of California, Department of General Services Merchant Service Agreement with Elavon Inc., Atlanta, GA for an anticipated annual cost of \$396,851 and over five (5) years of \$1,984,255. (Funding Source: Revenue Clearing Fund)
- Resolution authorizing the procurement of merchant services by "accessing the terms" of a competitively bid, State of California, Department of General Services (DGS) Merchant Service Agreement (MSA) with Elavon Inc., Atlanta, GA at an anticipated annual cost of \$396,851 and over five (5) years of \$1,984,255.
- Finance; Gina Brown, 577-5381, gbrown@modestogov.com*

ACTION: Resolution 2015-126 (Lopez/Madrigal; 7/0) authorizing the procurement of merchant services by "accessing the terms" of a competitively bid, State of California, Department of General Services (DGS) Merchant Service Agreement (MSA) with Elavon Inc., Atlanta, GA at an anticipated annual cost of \$396,851 and over five (5) years of \$1,984,255.

Consent

7. Consider authorizing the award of bids for the purchase of sewer line materials for the Utilities Department, Wastewater Division to Groeniger/Ferguson Co., Modesto, CA, Pace Supply Corp., Stockton, CA, and R&B Company, Manteca, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$347,430, and over five (5) years of \$1,737,150. (Funding Source: Wastewater Fund)
- Resolution authorizing the award of bids for the purchase of sewer line materials for the Utilities Department, Wastewater Division to Groeniger/Ferguson Co.,

Modesto, CA, Pace Supply Corp., Stockton, CA, and R&B Company, Manteca, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager or his designee to issue purchase agreements for an estimated annual cost of \$347,430, and over five (5) years of \$1,737,15.

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

ACTION: Resolution 2015-127 (Lopez/Madrigal; 7/0) authorizing the award of bids for the purchase of sewer line materials for the Utilities Department, Wastewater Division to Groeniger/Ferguson Co., Modesto, CA, Pace Supply Corp., Stockton, CA, and R&B Company, Manteca, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager or his designee to issue purchase agreements for an estimated annual cost of \$347,430, and over five (5) years of \$1,737,15.

Consent

8. Consider approving the grant application to the California Department of Forestry Urban and Community Forestry Grant Program, "Green Trees for the Golden State" Greenhouse Gas Reduction Fund grant, and authorizing the City Manager, or his designee, to execute all grant related documents, accept grant awards, and amend the annual budget to reflect grant funding. (Funding Source: California Greenhouse Gas Reduction Fund)
- Resolution approving grant applications to the California Department of Forestry and Fire Protection (Cal Fire) for funding from the Urban and Community Forestry Grant Program, entitled "Green Trees For the Golden State" as provided through the Greenhouse Gas Reduction Fund, and authorizing the City Manager, or his designee, to execute all grant related documents, accept grant awards, and amend the annual budget to reflect grant funding.

Public Works; Michael Hoesch, 342-4566, mhoesch@modestogov.com

ACTION: Resolution 215-128 (Lopez/Madrigal; 7/0) approving grant applications to the California Department of Forestry and Fire Protection (Cal Fire) for funding from the Urban and Community Forestry Grant Program, entitled "Green Trees For the Golden State" as provided through the Greenhouse Gas Reduction Fund, and authorizing the City Manager, or his designee, to execute all grant related documents, accept grant awards, and amend the annual budget to reflect grant funding.

Consent

9. Consider authorizing the submittal of an Allocation Request to Caltrans for local and regional funding under the Low Carbon Transit Operations Program. (Funding Source: Revenue from LCTOP)
- Resolution approving submittal of a request to the California Department of Transportation (Caltrans) for \$95,945 in FY 2014-15 funds under the Low Carbon Transit Operations Program for bus stop shelters and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.
 - Resolution amending the Fiscal Year 2014-2015 operating budget in the amount of \$95,945 to fund the purchase and installation of bus stop shelters for the Modesto Area Express (MAX) transit system at locations where none currently exist.

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

ACTION: Resolution 2015-129 (Lopez/Madrigal; 7/0) approving submittal of a request to the California Department of Transportation (Caltrans) for \$95,945 in FY 2014-15 funds under the Low Carbon Transit Operations Program for bus stop shelters and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

ACTION: Resolution 2015-130 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014-2015 operating budget in the amount of \$95,945 to fund the purchase and installation of bus stop shelters for the Modesto Area Express (MAX) transit system at locations where none currently exist.

Consent

10. Consider approving the Amendment to Agreement with Kimley-Horn and Associates, Inc. to provide design, construction and engineering services for various Airport FAA Grant funded projects in an amount not to exceed \$722,618. (Funding Source: Federal Grant Funds / Passenger Facility Charges)
- Resolution approving an Amendment to Agreement with Kimley-Horn and Associates, Inc. (KHA) to provide design, construction and engineering services for various Airport FAA grant funded projects in an amount not to exceed \$722,618.
- Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com*

ACTION: Resolution 2015-131 (Lopez/Madrigal; 7/0) approving an Amendment to Agreement with Kimley-Horn and Associates, Inc. (KHA) to provide design, construction and engineering services for various Airport FAA grant funded projects in an amount not to exceed \$722,618.

Consent

11. Consider approving a one-time exception to the speed hump policy based on the safety record to fund one speed hump or speed cushion installation on Sunrise Avenue just west of Sheffield Lane "L" corner to encourage speed reduction by motorists as recommended by the Safety & Communities Committee at their March 9, 2015 meeting. (Funding Source: Surface Transportation Fund (STF))
- Resolution approving the one-time exception to the speed hump policy to allow City of Modesto funding for the installation of a speed hump or speed cushion on Sunrise Avenue just west of Sheffield Lane for traffic safety.
- Public Works; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com*

ACTION: Resolution 2015-132 (Lopez/Madrigal; 7/0) approving the one-time exception to the speed hump policy to allow City of Modesto funding for the installation of a speed hump or speed cushion on Sunrise Avenue just west of Sheffield Lane for traffic safety.

Consent

12. Consider accepting the Wastewater Treatment Capacity Banking Annual Report as required by the Modesto Municipal Code 5-6.910. (Funding Source: Not applicable)
- Motion accepting the Wastewater Treatment Capacity Banking Annual Report.
- Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

ACTION: Motion (Lopez/Madrigan; 7/0) accepting the Wastewater Treatment Capacity Banking Annual Report.

Consent

13. Consider rescinding a Public Utility Easement to Verizon Wireless and to Modesto Irrigation District within Ustach Park and approve a revised PUE to Verizon Wireless to serve a proposed Verizon Wireless Communications Tower. (Funding Source: Not Applicable)

- Resolution rescinding Resolutions 2015-73 and 2015-74 and approving a revised Public Utility Easement located on City-owned property at Ustach Park located on 2700 Hillglen Avenue (APN: 077-009-041) to Verizon Wireless, and authorizing the City Manager, or his designee, to execute a revised Grant of Public Utilities Easement as approved by the City Attorney.

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

ACTION: Resolution 2015-133 (Lopez/Madrigan; 7/0) rescinding Resolutions 2015-73 and 2015-74 and approving a revised Public Utility Easement located on City-owned property at Ustach Park located on 2700 Hillglen Avenue (APN: 077-009-041) to Verizon Wireless, and authorizing the City Manager, or his designee, to execute a revised Grant of Public Utilities Easement as approved by the City Attorney.

COUNCIL COMMENTS & REPORTS

Mayor Marsh recognized Modesto Boy Scout Troops 133 and 110; he also spoke regarding Love Modesto, Garden Club, and Comcast Cares at the Helen White Trail events in Modesto. Mayor Marsh announced that the Courts will be bringing a Veterans Court to Modesto.

Councilmember Gunderson spoke regarding the passing of Ron Jeske.

Councilmember Kenoyer attended Arbor Day at Muni Golf Course.

Councilmember Zoslocki thanked citizens and City of Modesto's partnership in the remodel at Lakewood Community Park.

Councilmember Madrigal participated in the Women's Haven Walk a Mile in Her Shoes event on Saturday in Modesto; he also announced that Saturday is the annual Cinco de Mayo Parade on Crows Landing Road and spoke regarding the recent passing of Ron Jeske.

Councilmember Lopez thanked Ron Jeske for serving on the Golf Advisory Committee and Airport Advisory Committee; he thanked Jocelyn Reed for her great work on Arbor Day.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson thanked Andy Johnson and Kelly Gallagher for the Lakewood Community Park event; he also thanked Marsha Kidd for the bench at Lakewood Park.

HEARINGS

Published in the Modesto Bee on April 8, 2015; CONTINUED TO MAY 12, 2015 COUNCIL MEETING

14. Hearing to consider an amendment to Title 10 of the Modesto Municipal Code using Form-Based Code principles and rezone of properties in downtown Modesto. (Funding Source: General Fund)
- Continued to the May 12, 2015 Council Meeting.
Community & Economic Development; Paul Liu, 577-5282, pliu@modestogov.com

Published in the Modesto Bee on April 18, 2015

15. Hearing to consider an amendment to Title 8, “Finance, Revenue and Taxation,” of the Modesto Municipal Code by adding Chapter 9, “Community Benefit Districts”. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance adding Chapter 9 “Community Benefit Districts” to Title 8 “Finance, Revenue and Taxation” of the Modesto Municipal Code, enabling the formation of a Community Benefit District.
Community & Economic Development; Josh Bridegroom, 571-5540, Jbridegroom@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) introducing and waiving the first reading of an **Ordinance No. 3616-C.S.** adding Chapter 9 “Community Benefit Districts” to Title 8 “Finance, Revenue and Taxation” of the Modesto Municipal Code, enabling the formation of a Community Benefit District.

NEW BUSINESS

16. Consider approving revisions to the City of Modesto Drought Contingency Plan and enacting Drought Stage II requirements. (Funding Source: Not Applicable)
- Resolution approving revisions to the City of Modesto Drought Contingency Plan and enacting Drought Stage II requirements.
Utilities; David Savidge, 342-2217, dsavidge@modestogov.com

ACTION: Resolution 2015-134 (Lopez/Madrigan; 7/0) approving revisions to the City of Modesto Drought Contingency Plan and enacting Drought Stage II requirements.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:05 p.m.

ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010 10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP (Open to the Public)

17. City Council Workshop: (i) Fiscal Year 2015-2016 General Fund Operating Budget A First Look; and (ii) Tagging Abatement Program Overview, Update and Request for Additional Direction.
(This is a Council workshop handouts will provided at the meeting.) (Funding Source: Not Applicable)
City Manager; Jim Holgersson, 577-5224, jholgersson@modestogov.com

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Property: Discuss possible acquisition of property and entering into property negotiations with Stanislaus Implement Hardware Company, located at 526 10th Street, Modesto, CA.

APN: 106-039-001 Property Owners: Stanislaus Implement Hardware Company
106-039-004 Property Owner: Stanislaus Implement Hardware Company

Negotiating Parties: Brent Sinclair, Interim Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto

Under Negotiation: N/A

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

Property: Discuss possible acquisition of property and entering into property negotiations for property between 9th and 10th Street, and E Street and F Street, located in Modesto, CA

APN: 106-044-005 Property Owners: Victor and Iris L. Martinez TRS

Negotiating Parties: Brent Sinclair, Interim Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Victor and Iris L. Martinez TRS

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

Name of Case: Modesto Irrigation District, et al., v. City of Modesto, et al.
Stanislaus County Superior Court
Case No: 2001607

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 05, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Catalyst Youth Ministries

City Clerk's Announcements: Item 12 – Removed from Consent

Declaration of Conflicts of Interest: None

Reports from Closed Session: Mayor Marsh gave report on Closed Session matters regarding
Charter Officer performance evaluations

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Stanislaus County Commission on Aging
proclaiming May as Older Americans Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 577-5397, kespinoza1@modestogov.com

ACTION: Mayor presented a Proclamation to Huey Lee, Stanislaus County Commission on
Aging, declaring May as Older Americans Month.

2. Presentation of Certificates of Recognition for the City of Modesto's Industrial
Pretreatment Program. (Funding Source: Not Applicable)
Public Works; Thomas Sinclair, 577-6381, tsinclair@modestogov.com

ACTION: Presentation of Certificates of Recognition for the City of Modesto's Industrial
Pretreatment Program was made to: Foam Fabricators, G-3 Enterprises - Closure Division,
Alvarado Septic, Nestle, Bunge Oils, Georgia Pacific, Modesto Plating & Powder Coating, and
Seneca Foods.

3. Presentation of Proclamation declaring May 3-9, 2015 as Public Service Recognition
Week. (Funding Source: Not Applicable)
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring May 3-9, 2015 as Public Service Recognition Week.

PUBLIC COMMENT PERIOD

- Bob Fores and Armando Flores announced the 4th Annual Ride For Mom event on Saturday, May 9, 2015 at Johansen High School.
- Carmen Sabatino spoke regarding the filing of a lawsuit in Stanislaus County, abuse against women and the Modesto Police Department.
- Loretta Carhart spoke regarding watering in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED ACTION CONSENT ITEMS 4-11: (Lopez/Madrigan;unan.)

CONSENT ITEMS

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

Consent

4. Consider approving the Minutes from the April 28, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the April 28, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the Minutes from the April 28, 2015 Council meeting.

Consent

5. Consider approving final adoption of **Ordinance No. 3616-C.S.** adding Chapter 9 “Community Benefit Districts” to Title 8 “Finance, Revenue and Taxation” of The Modesto Municipal Code (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3616-C.S.** adding Chapter 9 “Community Benefit Districts” to Title 8 “Finance, Revenue and Taxation” of The Modesto Municipal Code.

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3616-C.S.** adding Chapter 9 “Community Benefit Districts” to Title 8 “Finance, Revenue and Taxation” of The Modesto Municipal Code.

Consent

6. Consider accepting the Monthly Investment Report for February 2015. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for February 2015.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) accepting the Monthly Investment Report for February 2015.

Consent

7. Consider authorizing the award of bid for the purchase of two (2) 710K John Deere backhoe loaders for the Utilities Department, Stormwater Collections Division through the Fleet Services Division, to Pape Machinery, French Camp, CA for an estimated total cost of \$326,592. (Funding Source: Stormwater Collections)
- Resolution authorizing the award of bid for the purchase of two (2) 710K John Deere backhoe loaders for the Utilities Department, Stormwater Collections Division through the Fleet Services Division, to Pape Machinery, French Camp, CA and authorize the Purchasing Manager or his designee to issue a purchase order for a total estimated total cost of \$326,592.

Finance and Public Works; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-135 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of two (2) 710K John Deere backhoe loaders for the Utilities Department, Stormwater Collections Division through the Fleet Services Division, to Pape Machinery, French Camp, CA and authorize the Purchasing Manager or his designee to issue a purchase order for a total estimated total cost of \$326,592.

Consent

8. Consider authorizing the award of bid for the purchase of a John Deere 5115M tractor for the Public Works Department, Parks Operations Division through the Fleet Services Division, to Belkorp Ag, LLC, Modesto, CA, for an estimated total cost of \$62,524. (Funding Source: Fleet Replacement)
- Resolution authorizing the award of bid for the purchase of a John Deere 5115M tractor for the Public Works Department, Parks Operations Division through the Fleet Services Division, to Belkorp Ag, LLC, Modesto, CA, and authorize the Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$62,524.

Finance and Public Works; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-136 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of a John Deere 5115M tractor for the Public Works Department, Parks Operations Division through the Fleet Services Division, to Belkorp Ag, LLC, Modesto, CA, and authorize the Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$62,524.

Consent

9. Consider approving a Use Agreement between the City of Modesto and the Boys and Girls Club of Stanislaus County to provide programming at the King Kennedy Memorial Center. (Funding Source: Not applicable)
- Resolution approving a Use Agreement between the City of Modesto and the Boys and Girls Club of Stanislaus County for use of the King Kennedy Memorial Center
- Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com*

ACTION: Resolution 2015-137 (Lopez/Madrigal; 7/0) approving a Use Agreement between the City of Modesto and the Boys and Girls Club of Stanislaus County for use of the King Kennedy Memorial Center

Consent

10. Consider approving a Lease Agreement with Stanislaus Implement & Hardware Company, LTD. for the use of its parking lot for \$1,000 a month on a month-to-month basis; and authorizing the City Manager, or his designee, to execute the necessary documents; and rescinding Resolution No. 2015-98. (Funding Source: General Fund)
- Resolution approving an updated month-to-month Lease Agreement with Stanislaus Implement and Hardware Company, LTD for the use of its parking lot for \$1,000 a month; authorizing the City Manager, or his designee, to execute the necessary documents; and rescinding Resolution No. 2015-98.
Police; Galen Carroll, 572-9501, carrollg@modestopd.com

ACTION: Resolution 2015-138 (Lopez/Madrigal; 7/0) approving an updated month-to-month Lease Agreement with Stanislaus Implement and Hardware Company, LTD for the use of its parking lot for \$1,000 a month; authorizing the City Manager, or his designee, to execute the necessary documents; and rescinding Resolution No. 2015-98.

Consent

11. Consider: (i) accepting a grant in the amount of \$30,000 from the U.S. Department of Justice Drug Enforcement Administration for the Stanislaus Drug Enforcement Agency (SDEA) for marijuana eradication; and authorizing the City Manager, or his designee, to execute all necessary grant documents and (ii) amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2014/2015 Multi-Year Operating Budget estimating revenue in the amount of \$30,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant; and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution. (Funding Source: Federal Grants/DCESP)
- Resolution accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$30,000 for the Stanislaus County Drug Enforcement Agency for marijuana eradication; and authorizing the City Manager, or his designee, to execute all necessary grant documents.
 - Resolution amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2014/2015 Multi-Year Operating Budget estimating revenue in the amount of \$30,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant; and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.
Police; Galen Carroll, 572-9501, carrollg@modestopd.com

ACTION: Resolution 2015-139 (Lopez/Madrigal; 7/0) accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$30,000 for the Stanislaus County Drug Enforcement Agency for marijuana eradication; and authorizing the City Manager, or his designee, to execute all necessary grant

documents.

ACTION: Resolution 2015-140 (Lopez/Madrigal; 7/0) amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2014/2015 Multi-Year Operating Budget estimating revenue in the amount of \$30,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant; and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

Removed from Consent

12. Consider: (i) rejecting all bids for the 2014 HUD Curb Ramp and Storm Drain Improvement Project; and (ii) authorizing City staff to re-advertise the project at a future date with an amended scope of work. (Funding Source: Capital Grants - HUD CIP Projects and Wastewater Fund)
- Resolution rejecting all bids for the 2014 HUD Curb Ramp and Storm Drain Improvement Project and authorizing City staff to re-advertise the project with an amended scope of work.
- Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

ACTION: Resolution 2014-141 (Madrigal/Gunderson; 7/0) rejecting all bids for the 2014 HUD Curb Ramp and Storm Drain Improvement Project and authorizing City staff to re-advertise the project with an amended scope of work.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez received a letter from Prime Shine Car Wash regarding water conservation; he also spoke regarding schools in District 3: Fremont Elementary School had a mock Council meeting and Enslin Elementary School will have Career Day on Friday.

Councilmember Kenoyer spoke regarding the new LED lights in Modesto and safety when walking in the evening.

Councilmember Gunderson spoke regarding Tuolumne River Vegetation Management - 7th Street Bridge and Highway 99 and also Gateway Park.

Mayor Marsh announced that several Councilmembers participated in the Cinco de Mayo Parade last Saturday.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on April 25, 2015

13. Hearing to consider an amendment to Title 4, "Public Welfare, Safety and Health," of the Modesto Municipal Code by adding Chapter 22, "Public Art." (Funding Source: Not Applicable)
- Motion introducing and waiving the first of an Ordinance amending Title 4, "Public

Welfare, Safety and Health,” of the Modesto Municipal Code by Adding Chapter 22, “Public Art,” Adopting a Public Art Ordinance.
*Community & Economic Development; Josh Bridegroom, 571-5540,
Jbridegroom@modestogov.com*

ACTION: Motion (Kenoyer/Gunderson; unan.) introducing and waiving the first reading of **Ordinance No. 3617-C.S.** amending Title 4, “Public Welfare, Safety and Health,” of the Modesto Municipal Code by Adding Chapter 22, “Public Art,” Adopting a Public Art Ordinance.

NEW BUSINESS

14. Consider accepting the Enterprise Risk Assessment Final Report prepared by Auditor Moss-Adams, LLP. (Funding Source: Not Applicable)
- Motion accepting the Enterprise Risk Assessment Final Report prepared by Auditor Moss-Adams, LLP.
City Auditor ; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Gunderson/Madrigan; 7/0) accepting the Enterprise Risk Assessment Final Report prepared by Auditor Moss-Adams, LLP.

15. Consider accepting a Fire Prevention Grant in the amount of \$5,000 from State Farm Insurance Company for the purchase of a BullEx Intelligent Fire Extinguisher Training System. (Funding Source: Fire Prevention Funds)
- Resolution accepting a grant in the amount of \$5,000 from State Farm Insurance Company for the purchase of a BullEx Intelligent Fire Extinguisher Training System
Fire; Mike Payton, 571-5876, mpayton@modestorfa.org

ACTION: Resolution 2014-142 (Zoslocki/Madrigan; 7/0) accepting a grant in the amount of \$5,000 from State Farm Insurance Company for the purchase of a BullEx Intelligent Fire Extinguisher Training System

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:10 pm.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Sections 54957(b)(1) of the Government Code)**

Title: City Manager
City Attorney
City Clerk

**ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010
10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP
(Open to the Public)**

1. City Council Workshop: Modesto Strategic Plan: (i) A City of Great Neighbors; (ii) The Center for Innovation and Performance Management; and (iii) A Vision for Success/Council Committee Alignment. (Funding Source: Not Applicable)
City Manager; Jim Holgersson, 577-5224, jholgersson@modestogov.com

MINUTES

City of Modesto

Special Finance Committee Meetings/ Special City Council Workshop Meetings

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

BUDGET WORKSHOPS

WEDNESDAY – MAY 6, 2015 AT 5:00 PM

Roll Call – Present: Chair Garrad Marsh, Vice Chair Tony Madrigal (arrived at 6:30 p.m.), and Member Bill Zoslocki (arrived at 7:55 p.m.)

Absent: None

Also Present: Councilmembers Gunderson, Kenoyer and Lopez

PUBLIC COMMENT PERIOD Three minute time limit per speaker

None.

NEW BUSINESS

1. Mayor's Message - Challenge, Change, and Opportunity

Mayor Marsh:

Mayor's Opening Comments

City Manager Jim Holgersson:

City Manager – Change A City in Transition

Strategic Plan Elements – Opportunities

The Financial Picture

2. Finance - General Fund & Enterprise overview, budget process, and future direction

Steve Christensen, Budget and Financial Analysis Manager:

Benchmarks – General Fund Property Tax Revenue Comparison

Benchmark – Sales Tax Comparison

Benchmarks – Sales Tax per Capita

\$1 in Sales Tax – Where does it go?

Benchmark – General Fund Revenues and Expenditures per Capita

Citywide Budget

Fiscal Year 2015-16 General Fund Overview Prior to Mayor’s Proposed Changes

Bridging the Gap

Fiscal Year 2015-16 General Fund Proposed Revenues

Total General Fund Revenues

Fiscal Year 2015-16 General Fund Proposed Expenses

A Look Ahead...

General Fund Proforma

Water and Wastewater Funds

Department Presentations Schedule

3. Great Safe Neighborhoods

a. Police

Police Chief Galen Carroll:

Police Department Overview

A Day on Patrol – Video

2014 Arrest & Crime Statistics

2105 Arrest & Crime Statistics

Workload of Largest Cities

Workload of Violent Crimes

Modesto Police Department – Personnel, Crime & Arrest

Recruitment and Retention

Accomplishments 2014-15

Goals for 2015-16

Proposed Budget FY 2015-16 Expenses

Proposed Budget FY 2015-16 Revenues

Enhanced Requests Approved

Enhancement Requests Recommended – Not Approved

Enhancement Requests Needed – But Not Submitted

b. Fire

Fire Chief Slamon:

Department Overview

Department Overview/Staffing

Service Areas – Then

Service Areas – Now

Performance – Call Volume

Performance – Fire v. EMS

Performance

Accomplishments

Challenges

Department Goals
How We Compare (FY 14-15)
Fiscal Year 2015-16 Proposed Department Budget
Cost Per Citizen in Fiscal Year 2014-15
Enhancements: Approved
Enhancements: Not Approved
Additional Needs

Recess at 7:25 p.m.

Reconvened at 7:35 p.m.

c. Recreation & Neighborhoods

Recreation Services Manager Andy Johnson:

Who We Are

What We Do

Department Accomplishments: Healthy Economy and Great Quality of Life

Department Accomplishments: Great and Safe Neighborhoods

Budget Figures

Expenditures

Revenues

Budget Figures

Department Goals

Proposed Enhancements: Not Approved

Great & Safe Neighborhoods: Program Needs

Great Safe Neighborhoods

Mayor Marsh:

Mayor's Comments

City Manager Jim Holgersson:

Resource Challenges

Overview

Goal #1 – Crime and Fire Prevention Techniques

Goal #2 – Effective & Efficient Deployment of Public Safety Resources

Goal #3 – Grow Neighborhood Leadership

Goal #4 – Support Positive Youth Activities

Goal #5 – Homelessness and Tagging Prevention

Safe Neighborhoods Initiative

Performance – Call Volume

Challenges

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:30 p.m.

MINUTES

City of Modesto

Special Finance Committee Meetings/ Special City Council Workshop Meetings

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

BUDGET WORKSHOPS THURSDAY – MAY 7, 2015 AT 9:00 AM

Roll Call – Present: Chair Garrad Marsh, Chair, Vice Chair Tony Madrigal and Member Bill Zoslocki (arrived at 9:40 a.m.; left at 3:33 p.m.)

Absent: None

Also Present: Councilmembers Gunderson (left at 11:50 p.m.) and Kenoyer (alternate)

PUBLIC COMMENT PERIOD Three minute time limit per speaker

None.

NEW BUSINESS

1. Vibrant Infrastructure & Sustainable Environment
 - a. Public Works

Public Works Director Bill Sandhu:

Who We Are

2014-2015 Public Works Accomplishments

Our Goals for 2015-2016

2015-2016 Proposed Department Budget Airport Fund

2015-2016 Proposed Department Budget Capital Improvement Support Fund

2015-2016 Proposed Department Budget Fleet Fund

2015-2016 Proposed Department General Fund

2015-2016 Proposed Department Building Services and TSP/JPA Fund

2015-2016 Proposed Department Parking Fund

2015-2016 Proposed Department Solid Waste (Multiple Funds)

2015-2016 Proposed Department Surface Transportation Fund

2015-2016 Proposed Department Transit (Multiple Funds)

Approved Budget Enhancements – Solid Waste

Approved Budget Enhancements – Surface Transportation Fund

Budget Enhancements That Were Submitted But Not Approved
Enhancements That Were Not Submitted Due to Financial Issues

ACTION: Motion (Zoslocki/Madrigal;unan.) adding two Solid Waste Enforcement Officers to Public Works-Solid Waste and forwarding to Council for approval.

b. Utilities

Utilities Director Larry Parlin:

Utilities Department Core Values

Utilities Divisions

Utilities Accomplishments

Utilities Goals

Utilities Water Fund

Utilities Wastewater Fund

Utilities Storm Drain Fund

Utilities CIS Support Fund

Mayor Approved Enhancements

Enhancements Recommended, Not Approved

Mayor Approved Enhancements

Enhancements not Recommended (Financial Issues)

ACTION: Motion (Madrigal/Zoslocki;unan.) reallocating Executive Assistant to Utilities Business Manager (eliminate Admin Analyst II position); Principal Engineer (eliminate 1 Associate Civil Engineer); IT Systems Engineer; reallocating Admin Analyst II to Business Services Analyst (eliminate one Admin Analyst II position); and reallocating Admin Analyst II to Business Services Analyst and forwarding to Council for approval.

2. Healthy Economy & Great Quality of Life

a. Community & Economic Development

Acting Community & Economic Director Laurie Smith:

Department Overview

Staffing

Accomplishments

C&ED Department Goals

General Fund – Expense/Revenues

General Fund Operating Budget Net Impact Comparison

General Fund Budget by APPR

Non-General Fund – Expense/Revenues

Non General Fund Operating Budget Net Impact Comparison

Non-General Fund Budget by APPR

Enhancements Mayor's Recommended

Enhancements: Requested but not Approved

Enhancements: Not submitted due to Financial Considerations

3. Effective Responsive and Transparent Government

a. City Manager's Office

Deputy City Manager Joe Lopez:

Department Overview

Accomplishments

Department Goals

Fiscal Year 2015/2016 Proposed Department Budget

b. City Clerk:

City Clerk Stephanie Lopez and Assistant City Clerk Diane N. Perez:

Overview of Department

City Clerk – Accomplishments

Mail Services – Accomplishments

Department Goals

2015-2016 Proposed Budget

Fiscal Year 2015 Proposed Department Budget City Clerk & Mail Services

Fiscal Year 2015-16 Proposed Department Budget Elections Fund

Enhancement Recommended – Not Approved

Recess at 11:50 a.m.

Reconvened at 1:05 p.m.

c. City Attorney

City Attorney Adam Lindgren:

City Attorney's Office

Department Accomplishments

Department Goals

Historic Budgets and 2015-16 Budget Request

d. Human Resources

Deputy City Manager Joe Lopez:

Department Overview

Accomplishments

Department Goals
Fiscal Year 2014-15 Proposed Department Budget
Employee Benefits Financials
Employee Benefits Fund History and Projection
Workers' Comp Financials
Workers' Comp Fund History and Projection (5320)
General Liability Fund Financials
General Liability Fund History and Projection
Approved Enhancement
Recommended Enhancements – Not Approved

e. Information Technology

Interim Chief Information Officer John Dickey:

Department Structure
Department Accomplishments
Department Goals
Information Technology Funding Sources
Information Technology History and Projection
Enhancements Recommended but not approved
Enhancement Recommendations withheld

f. Finance

Finance Director Gloriette Genereaux and Budget Manager Steve Christensen:

Overview of Finance Department
Accomplishments
Finance Department Goals
Finance Fiscal Year 2015-16 Budget All Funds
Finance Budget Summary Proposed Fiscal Year 2015-16 Budget by Division and by Fund
Finance General Fund Trends Budget Years Fiscal Year 2008-09 to Fiscal Year 2015-16
Fiscal Year 2015-16 Proposed Enhancement

4. OpenGov Presentation

Principal Accountant DeAnna Espinoza:

Background
OpenGov Government Customers
OpenGov – Features
OpenGov: City of Modesto Data Current Year Data-Budget/Actual – Graphics
OpenGov: City of Modesto Data Current Year Data-Budget/Actual – Data
OpenGov: City of Modesto Data Annual Year Data-Budget/Actual - Graphics

ACTION: Motion (Madrigal/Kenoyer;unan.) adopting City of Modesto Fiscal Year 2015-2016 budget and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:00 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 12, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mark Krieger, Modesto Covenant Church

City Clerk's Announcements: Item 6 - Continued to future Council meeting; Item 10 -
Removed from Consent

Declaration of Conflicts of Interest: None

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

Mayor Marsh announced Modesto Sister Cities visitors from Vernon, British Columbia in
Canada.

Captain Rick Armendariz announced the passing of Chaplain Dan Loudermilk.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Salvation Army Modesto Corps declaring May 11-
17, 2015 as National Salvation Army Week in the City of Modesto. (Funding Source:
Not Applicable)
City Council; Kathy Espinoza, 571-5591, kesponiza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to the Salvation Army Modesto Corps
declaring May 11-17, 2015 as National Salvation Army Week in the City of Modesto.

2. Presentation by Debbie Johnson, Founder and CEO of Without Permission, regarding
human trafficking. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation was made by Debbie Johnson, Founder and CEO of Without

Permission, regarding human trafficking.

3. Presentation of Proclamation declaring May 17-23, 2015 as National Public Works Week. (Funding Source: Not Applicable)
Public Works; Bill Sandhu, 341-2906 , bsandhu@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring May 17-23, 2015 as National Public Works Week.

PUBLIC COMMENT PERIOD

- Lynda Jost, Modesto Chamber of Commerce, spoke regarding Lemonade Day on May 16, 2015.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 4-5; 7-9; 11-16: (Lopez/Madrigan;unan.)

CONSENT ITEMS

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

Consent

4. Consider approving the Minutes from the May 5, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the May 5, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the Minutes from the May 5, 2015 Council meeting.

Consent

5. Consider final adoption of **Ordinance No. 3617-C.S.** amending Title 4, “Public Welfare, Safety and Health,” of the Modesto Municipal Code by Adding Chapter 22, “Public Art,” Adopting a Public Art Ordinance. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance 3617-C.S amending Title 4, “Public Welfare, Safety and Health,” of the Modesto Municipal Code by Adding Chapter 22, “Public Art,” Adopting a Public Art Ordinance.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3617-C.S** amending Title 4, “Public Welfare, Safety and Health,” of the Modesto Municipal Code by Adding Chapter 22, “Public Art,” Adopting a Public Art Ordinance.

Consent

6. Consider supporting the Revenue Neutral Carbon Fee and Dividend Program (Funding Source: Not Applicable)

- Resolution supporting the Revenue Neutral Carbon Fee and Dividend Program.
City Manager; Joe Lopez, 577-5224, joelopez@modestogov.com,

ACTION: Continued to future Council meeting.

Consent

7. Consider approving a Will Serve Letter and Outside Service Agreement for water service for the property located at 7409 River Nine Drive in Del Rio and authorizing the City Manager or his designee to sign the Will Serve Letter and execute the Agreement. (Funding Source: General Fund, Water Fund)
 - Resolution approving a Will Serve Letter for the property located at 7409 River Nine Drive in Del Rio (APN: 004-093-005) to connect to the City of Modesto's existing water system, and authorizing the City Manager, or his designee, to sign the Will Serve Letter
 - Resolution approving an Outside Service Agreement between the City of Modesto and Dean B. Arakelian, as Trustee, or the successor Trustee or Trustees, u/a/d May 27, 2014, as amended, creating the Dean Arakelian Revocable Trust for water service for the property located at 7409 River Nine Drive in Del Rio (APN: 004-093-005), and authorizing the City Manager, or his designee, to execute the Agreement
Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2015-143 (Lopez/Madrigal; 7/0) approving a Will Serve Letter for the property located at 7409 River Nine Drive in Del Rio (APN: 004-093-005) to connect to the City of Modesto's existing water system, and authorizing the City Manager, or his designee, to sign the Will Serve Letter.

ACTION: Resolution 2015-144 (Lopez/Madrigal; 7/0) approving an Outside Service Agreement between the City of Modesto and Dean B. Arakelian, as Trustee, or the successor Trustee or Trustees, u/a/d May 27, 2014, as amended, creating the Dean Arakelian Revocable Trust for water service for the property located at 7409 River Nine Drive in Del Rio (APN: 004-093-005), and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider authorizing the award of proposal and contract for the furnishing of occupational medicine services for the Human Resources Department to Occu-Med Ltd., Fresno, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$115,444, and over five (5) years of \$577,220. (Funding Source: Varies by employee home cost center)
 - Resolution authorizing the award of proposal and contract for the furnishing of occupational medicine services for the Human Resources Department to Occu-Med Ltd., Fresno, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the contract for an estimated annual cost of \$115,444, and over

five (5) years of \$577,220.

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

ACTION: Resolution 2015-145 (Lopez/Madrigal; 7/0) authorizing the award of proposal and contract for the furnishing of occupational medicine services for the Human Resources Department to Occu-Med Ltd., Fresno, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the contract for an estimated annual cost of \$115,444, and over five (5) years of \$577,220.

Consent

9. Consider approving an agreement between the City of Modesto and the Modesto City Schools to provide staffing and curriculum for a Summer Enrichment Program at Bret Harte Elementary, Fremont Elementary, Franklin Elementary and Sonoma Elementary. (Funding Source: Modesto City Schools Program Funds)

- Resolution approving an agreement between the City of Modesto and the Modesto City Schools for the City to provide staffing and curriculum for a Summer Enrichment Program at Bret Harte Elementary, Fremont Elementary, Franklin Elementary and Sonoma Elementary Schools.

*Parks Recreation and Neighborhoods ; Andy Johnson, 571-5582 ,
ajohnson@modestogov.com*

ACTION: Resolution 2015-146 (Lopez/Madrigal; 7/0) approving an agreement between the City of Modesto and the Modesto City Schools for the City to provide staffing and curriculum for a Summer Enrichment Program at Bret Harte Elementary, Fremont Elementary, Franklin Elementary and Sonoma Elementary Schools.

Removed from Consent

10. Consider approving the Second Amendment to Agreement with Redflex Traffic Systems, Inc. for a five-year agreement, with option for a two-year renewal; and authorizing the City Manager, or his designee, to execute the necessary documents. (Funding Source: Traffic Safety Fund)

- Resolution approving the Second Amendment to Agreement with Redflex Traffic Systems, Inc. for a five-year agreement, with option for a two-year renewal; and authorizing the City Manager, or his designee, to execute the necessary documents.

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

ACTION: Motion (Gunderson/Madrigal; 7/0) returning matter to June 9, 2015 Council meeting.

Consent

11. Consider approving the plans and specifications, for the project titled, "Roundabout Improvements at the Intersection of Kodiak Drive at Lincoln Oak Drive", accepting the bid; approving a construction contract for the project with McFadden Construction, Inc. of Stockton, CA in the amount of \$275,239.00; and authorizing the City Manager, or his designee, to execute the contract. (Funding Source: Congestion Mitigation and

Air Quality (CMAQ) 88.53% / Surface Transportation Fund (STF) 11.47%)

- Resolution approving the plans and specifications for the project titled, “Roundabout Improvements at the Intersection of Kodiak Drive at Lincoln Oak Drive”, accepting the bid, and approving a contract with McFadden Construction, Inc. of Stockton, CA, in the amount of \$275,239.00; and authorizing the City Manager, or his designee, to execute the contract

Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2015-147 (Lopez/Madrigal; 7/0) approving the plans and specifications for the project titled, “Roundabout Improvements at the Intersection of Kodiak Drive at Lincoln Oak Drive”, accepting the bid, and approving a contract with McFadden Construction, Inc. of Stockton, CA, in the amount of \$275,239.00; and authorizing the City Manager, or his designee, to execute the contract.

Consent

12. Consider: (i) approving one new Capital Improvement Program project, accepting additional Regional Surface Transportation Program grant funds in the amount of \$1,263,395; (ii) accepting \$276,498 in Congestion Mitigation and Air Quality (CMAQ) grant funds and authorizing the City Manager, or his designee, to execute the necessary grant documents; (iii) amending the CIP budget in FY 2014/15 and FY 2015/16 to modify and add CIP funding in the amount of \$1,263,395; (iv) amending the CIP budget in FY 2014/15 to modify and add CIP funding in the amount of \$276,498 in CMAQ funds and an additional \$8,603 in Surface Transportation Funds ; and (v) approving one new Capital Improvement project and amending the CIP budget for FY 2014/15 to reallocate \$770,000 in STF funds. (Funding Source: STF, RSTP, CMAQ, Toll Credits)

- Resolution approving one new Capital Improvement Program (CIP) project, accepting Regional Surface Transportation Program (RSTP) grant funds in the amount of \$1,263,395, and authorizing the City Manager, or his designee to execute the necessary grant documents
- Resolution accepting Congestion Mitigation and Air Quality (CMAQ) grant funds reallocated by the Stanislaus Council of Governments (StanCOG), Administrative Amendment #4 to the Federal Transportation Improvement Program (FTIP) in the amount of \$276,498, and authorizing the City Manager, or his designee, to execute the necessary grant documents
- Resolution amending the Fiscal Year 2014/15 and Fiscal Year 2015/16 Capital Improvement Program (CIP) budget to add Capital Improvement Funding the amount of \$1,263,395
- Resolution Amending the Fiscal Year 2014/15 Capital Improvement Program (CIP) budget in the amount of \$285,101
- Resolution approving one new Capital Improvement project and amending the Capital Improvement Program (CIP) budget for Fiscal Year 2014/15 to reallocate \$770,000 in Surface Transportation (STF) fund

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

ACTION: Resolution 2015-148 (Lopez/Madrigal; 7/0) approving one new Capital Improvement Program (CIP) project, accepting Regional Surface Transportation Program

(RSTP) grant funds in the amount of \$1,263,395, and authorizing the City Manager, or his designee to execute the necessary grant documents.

ACTION: Resolution 2015-149 (Lopez/Madrigal; 7/0) accepting Congestion Mitigation and Air Quality (CMAQ) grant funds reallocated by the Stanislaus Council of Governments (StanCOG), Administrative Amendment #4 to the Federal Transportation Improvement Program (FTIP) in the amount of \$276,498, and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2015-150 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014/15 Capital Improvement Program (CIP) budget in the amount of \$285,101.

ACTION: Resolution 2015-151 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014/15 and Fiscal Year 2015/16 Capital Improvement Program (CIP) budget to add Capital Improvement Funding the amount of \$1,263,395.

ACTION: Resolution 2015-152 (Lopez/Madrigal; 7/0) approving one new Capital Improvement project and amending the Capital Improvement Program (CIP) budget for Fiscal Year 2014/15 to reallocate \$770,000 in Surface Transportation (STF) funds.

Consent

13. Consider accepting the work by Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA, for the Construction of New Traffic Signals – 2010 Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$539,519. (Funding Source: Congestion Mitigation and Air Quality (CMAQ))
 - Resolution accepting the work by Tim Paxin's Pacific Excavation, Inc., for the New Traffic Signals – 2010 Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$539,519
Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com

ACTION: Resolution 2015-153 (Lopez/Madrigal; 7/0) accepting the work by Tim Paxin's Pacific Excavation, Inc., for the New Traffic Signals – 2010 Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$539,519.

Consent

14. Consider accepting the work by Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA, for the Construction of Upgrade Traffic Signals – 2010 Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$868,950. (Funding Source: Congestion Mitigation and Air Quality (CMAQ))

- Resolution accepting the work by Tim Paxin's Pacific Excavation, Inc., for the Upgrade Traffic Signals – 2010 Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$868,95
Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com

ACTION: Resolution 2015-154 (Lopez/Madrigan; 7/0) accepting the work by Tim Paxin's Pacific Excavation, Inc., for the Upgrade Traffic Signals – 2010 Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$868,950.

Consent

15. Consider accepting the work by George Reed, Inc., of Modesto, California, for the Construction of Briggsmore Avenue Rehabilitation Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$1,478,581. (Funding Source: Capital Grants and Local Transportation Funds)
 - Resolution accepting the work by George Reed, Inc., for the Briggsmore Avenue Rehabilitation Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$1,478,581
Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com

ACTION: Resolution 2015-155 (Lopez/Madrigan; 7/0) accepting the work by George Reed, Inc., for the Briggsmore Avenue Rehabilitation Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$1,478,581.

Consent

16. Consider authorizing the Director of Utilities, or his designee, to negotiate an agreement with Bartle Wells Associates to perform a Water Rate and Fee Study. (Funding Source: Water Fund)
 - Resolution authorizing Utilities staff to negotiate an agreement with Bartle Wells Associates to perform a Water Rate and Fee Study.
Utilities; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2015-156 (Lopez/Madrigan; 7/0) authorizing Utilities staff to negotiate an agreement with Bartle Wells Associates to perform a Water Rate and Fee Study.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding traffic lights to be installed.

Councilmember Lopez spoke regarding Career Day at Enslin Elementary School and thanks to 7-11 for their donation.

Councilmember Madrigal spoke regarding the celebration at Hmong Christian Church in West Modesto; he also spoke regarding Ride for Mom on Saturday; he attended a Mother's Day Celebration in Empire; and he also spoke with Modesto City Schools about a possible food waste to compost.

Mayor Marsh spoke regarding Ride for Moms on Saturday.

Councilmember Zoslocki announced Bike to Work Week.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on May 2, 2015

17. Hearing to consider: (i) accepting the 2015 Urban Growth Review (UGR) Report; (ii) directing the City Clerk to submit to the voters at the next regular municipal election an advisory measure relating to the extension of sewer service to unincorporated County island areas in the Modesto Urban Area General Plan; (iii) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure; (iv) directing the City Clerk to transmit copies of the advisory measure to the City Attorney for the purpose of preparing an impartial analysis for each measure; and, (v) finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): 2015 Urban Growth Review, as required by the adopted Modesto Urban Area General Plan "Community Growth Strategy." (Funding Source: General Fund)
- Motion to consider accepting the 2015 Urban Growth Review Report.
 - Resolution directing the City Clerk to submit to the voters at the next regular Municipal Election an advisory measure relating to the extension of sewer improvements to specified residentially developed unincorporated areas for which an advisory vote on the question of sewer service extensions is required by Measure M.
 - Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure considering the extension of sewer improvements to specified residentially developed unincorporated areas for which an advisory vote on the question of sewer service extensions is required by Measure M.
 - Resolution directing the City Clerk to transmit a copy of the Advisory Measure considering the extension of sewer improvements to specified residentially developed unincorporated areas for which an advisory vote on the question of sewer service extensions is required by Measure M to the City Attorney for the purpose of preparing an impartial analysis of said measure.

- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): 2015 Urban Growth Policy Review, as required by the adopted Modesto Urban Area General Plan “Community Growth Strategy.”

Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com

ACTION: Motion (Cogdill/Lopez; 7/0) to consider accepting the 2015 Urban Growth Review Report.

ACTION: Resolution 2015-157 (Cogdill/Lopez; 7/0) directing the City Clerk to submit to the voters at the next regular Municipal Election an advisory measure relating to the extension of sewer improvements to specified residentially developed unincorporated areas for which an advisory vote on the question of sewer service extensions is required by Measure M.

ACTION: Resolution 2015-158 (Cogdill/Lopez; 7/0) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure considering the extension of sewer improvements to specified residentially developed unincorporated areas for which an advisory vote on the question of sewer service extensions is required by Measure M.

ACTION: Resolution 2015-159 (Cogdill/Lopez; 7/0) directing the City Clerk to transmit a copy of the Advisory Measure considering the extension of sewer improvements to specified residentially developed unincorporated areas for which an advisory vote on the question of sewer service extensions is required by Measure M to the City Attorney for the purpose of preparing an impartial analysis of said measure.

ACTION: Resolution 2015-160 (Cogdill/Lopez; 7/0) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): 2015 Urban Growth Policy Review, as required by the adopted Modesto Urban Area General Plan “Community Growth Strategy.”

Published in the Modesto Bee on April 8, 2015; CONTINUED TO MAY 12, 2015 COUNCIL MEETING

18. Hearing to consider an amendment to Title 10 of the Modesto Municipal Code using Form-Based Code principles and rezone of properties in downtown Modesto. (Funding Source: General Fund)
 - Motion introducing and waiving the first reading of an Ordinance amending Article 5 of Chapter 7 of Title 10 in its entirety so as to replace sections 10-7.501 through 10-7.510 with new sections 10-7.501 through 10-7.516, amending Article 5 of Chapter 7 of the Table of Contents on page 537, and amendment to Sections 10-1.401, 10-3.405, 10-3.406, 10-5.102, and 10-9.1002 of Title 10 of The Modesto Municipal Code to Create New Downtown Zones.
 - Motion introducing and waiving the first reading of an Ordinance amending Sections 29-3-9 and 32-3-9 of the Zoning Map of the City of Modesto to rezone a portion of the Downtown Core (DC) Zone to the proposed Central Downtown (CD)

Zone, property located in Blocks 53-58, 66-71, 83-86, and 92-94 of downtown Modesto.

- Motion introducing and waiving the first reading of an Ordinance amending Sections 28-3-9, 29-3-9 and 32-3-9 of the Zoning Map of the City of Modesto to rezone a portion of the Downtown Core (DC) Zone to the proposed Transition Downtown (TD) Zone, property located in Blocks 31-36, 39-44, 53-58, 69- 71, 81-83, 92-95, 104-107 and 140-144 of downtown Modesto.
- Motion introducing and waiving the first reading of an Ordinance amending Sections 28-3-9, 29--3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential (R-3), Neighborhood Commercial (C-1), General Commercial (C-2), Commercial-Industrial (C-M), and Planned Development (P-D (83), (139), (258), (380), (389), (417), (430), (536) (594)) Zones to the proposed Urban General Downtown (UGD) Zone, property located in Blocks 51, 52, 59-65, 72, 73, 79, 80, 87-91, 108-114, 120-127, 129-133, G, H, I, J, K and L of downtown Modesto.
- Motion introducing and waiving the first reading of an Ordinance amending Sections 28-3-9, 29--3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential (R-3), Neighborhood Commercial (C-1), General Commercial (C-2), Light Industrial (M-1), and Planned Development (P-D (325)) Zones to the proposed Main Street Downtown (MSD) Zone, property located in Blocks 1, 2, 4-6, 8-10, 13-19, 98, 101, and 117 of downtown Modesto.
- Motion introducing and waiving the first reading of an Ordinance amending Sections 28-3-9, 29-3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential (R-3), Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2), Commercial-Industrial (C-M), and Planned Development (P-D (95), (101), (119), (143), (370), (443), (492), (563)) Zones to the proposed East Neighborhood Downtown (END) Zone, property located in Blocks 96-98, 101-103, 115-119, 128, M and Q of downtown Modesto.
- Motion introducing and waiving the first reading of an Ordinance amending Sections 28-3-9 and 32-3-9 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R--2), Medium-High Density Residential (R-3), Professional Office (P-O), Neighborhood Commercial (C-1), and Planned Development (P-D (523)) Zones to the proposed Traditional Neighborhood Downtown (TND) Zone, property located in Blocks 1-8, 10-15, 17-19, 118, 119, 128, B, C, M, N, X, Y, and Z of downtown Modesto.
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH NO. 2007072023): code amendment and rezone for downtown Modesto based on form-based code principles.

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

ACTION: Motion (Kenoyer/Zoslocki; 7/0) introducing and waiving the first reading of **Ordinance No. 3618-C.S.** amending Article 5 of Chapter 7 of Title 10 in its entirety so as to replace sections 10-7.501 through 10-7.510 with new sections 10-7.501 through 10-7.516, amending Article 5 of Chapter 7 of the Table of Contents on page 537, and amendment to

Sections 10-1.401, 10-3.405, 10-3.406, 10-5.102, and 10-9.1002 of Title 10 of The Modesto Municipal Code to Create New Downtown Zones.

ACTION: Motion (Kenoyer/Zoslocki; 7/0) introducing and waiving the first reading of **Ordinance No. 3619-C.S.** amending Sections 29-3-9 and 32-3-9 of the Zoning Map of the City of Modesto to rezone a portion of the Downtown Core (DC) Zone to the proposed Central Downtown (CD) Zone, property located in Blocks 53-58, 66-71, 83-86, and 92-94 of downtown Modesto.

ACTION: Motion (Kenoyer/Zoslocki; 7/0) introducing and waiving the first reading of an **Ordinance No. 3620-C.S.** amending Sections 28-3-9, 29-3-9 and 32-3-9 of the Zoning Map of the City of Modesto to rezone a portion of the Downtown Core (DC) Zone to the proposed Transition Downtown (TD) Zone, property located in Blocks 31-36, 39-44, 53-58, 69- 71, 81-83, 92-95, 104-107 and 140-144 of downtown Modesto.

ACTION: Motion (Kenoyer/Zoslocki; 7/0) introducing and waiving the first reading of an **Ordinance No. 3621-C.S.** amending Sections 28-3-9, 29--3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential (R-3), Neighborhood Commercial (C-1), General Commercial (C-2), Commercial-Industrial (C-M), and Planned Development (P-D (83), (139), (258), (380), (389), (417), (430), (536) (594)) Zones to the proposed Urban General Downtown (UGD) Zone, property located in Blocks 51, 52, 59-65, 72, 73, 79, 80, 87-91, 108-114, 120-127, 129-133, G, H, I, J, K and L of downtown Modesto.

ACTION: Motion (Kenoyer/Zoslocki; 7/0) introducing and waiving the first reading of an **Ordinance No. 3622-C.S.** amending Sections 28-3-9, 29--3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential (R-3), Neighborhood Commercial (C-1), General Commercial (C-2), Light Industrial (M-1), and Planned Development (P-D (325)) Zones to the proposed Main Street Downtown (MSD) Zone, property located in Blocks 1, 2, 4-6, 8-10, 13-19, 98, 101, and 117 of downtown Modesto.

ACTION: Motion (Kenoyer/Zoslocki; 7/0) introducing and waiving the first reading of an **Ordinance No. 3623-C.S.** amending Sections 28-3-9, 29-3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential (R-3), Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2), Commercial-Industrial (C-M), and Planned Development (P-D (95), (101), (119), (143), (370), (443), (492), (563)) Zones to the proposed East Neighborhood Downtown (END) Zone, property located in Blocks 96-98, 101-103, 115-119, 128, M and Q of downtown Modesto.

ACTION: Motion (Kenoyer/Zoslocki; 7/0) introducing and waiving the first reading of an **Ordinance No. 3624-C.S.** amending Sections 28-3-9 and 32-3-9 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R--2), Medium-High Density Residential (R-3), Professional Office (P-O), Neighborhood Commercial (C-1), and Planned Development (P-D (523)) Zones to the proposed Traditional Neighborhood Downtown (TND) Zone, property located in Blocks 1-8, 10-15, 17-19, 118, 119, 128, B, C, M, N, X, Y, and Z of

downtown Modesto.

ACTION: Resolution 2015-161 (Kenoyer/Zoslocki; 7/0) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH NO. 2007072023): code amendment and rezone for downtown Modesto based on form-based code principles.

Published in the Modesto Bee on May 1, 2015

19. Hearing to consider: (i) adopting the Tagging Abatement Program; (ii) amending the Fiscal Year 2014/2015 Operating Budget and appropriating \$789,330 to fund the Tagging Abatement Program; (iii) introducing ordinance amending Article 4 of Chapter 12 of Title 4 of the Modesto Municipal Code, adding Sections 4-12.407 – Consent to Remove Graffiti from Private Property; 4-12.409 – Summary Abatement of Gang-Related Graffiti; 4-12.413 – Prevention of Graffiti through land use entitlements, and amending Sections 4-12.401, 4-12.405, 4-12.406, 4-12.408, and 4-12.410; and (iv) authorizing City Manager, or his designee, to execute all necessary documents. (Funding Source: General Fund Reserves (Council Approved Deferred Maintenance One-Time Project List), Multi-Year Abatement Fund and Water Fund)
- Resolution adopting the Tagging Abatement Program and authorizing the City Manager, or his designee, to execute all necessary implementation documents.
 - Resolution amending the Fiscal Year 2014/2015 Operating Budget and appropriating \$789,330 to fund the Tagging Abatement Program.
 - Motion introducing and waiving first reading of an Ordinance Amending Article 4 of Chapter 12 of Title 4 of the Modesto Municipal Code, adding Sections 4-12.407 – Consent to Remove Graffiti from Private Property; 4-12.409 – Summary Abatement of Gang-Related Graffiti; 4-12.413 – Prevention of Graffiti through land use entitlements, and amending Sections 4-12.401, 4-12.405, 4-12.406, 4-12.408, and 4-12.41.

*Community & Economic Development; William Crew, 577-5242,
wcrew@modestogov.com*

ACTION: Resolution 2015-162 (Lopez/Madrigal; 7/0) adopting the Tagging Abatement Program and authorizing the City Manager, or his designee, to execute all necessary implementation documents.

ACTION: Resolution 2015-163 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014/2015 Operating Budget and appropriating \$789,330 to fund the Tagging Abatement Program.

ACTION: Motion (Lopez/Madrigal; 7/0) introducing and waiving first reading of **Ordinance No. 3625-C.S.** amending Article 4 of Chapter 12 of Title 4 of the Modesto Municipal Code, adding Sections 4-12.407 – Consent to Remove Graffiti from Private Property; 4-12.409 – Summary Abatement of Gang-Related Graffiti; 4-12.413 – Prevention of Graffiti through land use entitlements, and amending Sections 4-12.401, 4-12.405, 4-12.406, 4-12.408, and 4-12.41.

NEW BUSINESS

20. Consider adopting an Urgency Ordinance establishing a forty-five (45) day moratorium

on the establishment of new and the expansion or relocation of existing massage and bodywork establishments within the City of Modesto. (Funding Source: Not Applicable)

- Motion adopting an urgency ordinance of the City Council of the City of Modesto making findings and establishing a temporary moratorium on the establishment of new and the relocation or expansion of existing massage and bodywork establishments within the City of Modesto to become effective immediately.

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

ACTION: Motion (Cogdill/Zoslocki; 7/0) adopting urgency Ordinance **No. 3626-C.S.** of the City Council of the City of Modesto making findings and establishing a temporary moratorium on the establishment of new and the relocation or expansion of existing massage and bodywork establishments within the City of Modesto to become effective immediately.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:35 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: Reed v. City of Modesto

United States District Court

Federal Case No: 1:11-CV-01083-AWI-GSA

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

Negotiator: Joe Lopez, Deputy City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 26, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Mark Krieger, Modesto Covenant Church

City Clerk's Announcements: May 12, 2015 Council meeting item regarding Redflex cameras
continued to a Council meeting date in July
Item 1 - continued to future Council meeting

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matter; Item
8 removed from Consent

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Stanislaus Business Alliance. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Continued to future Council meeting.

2. Presentation of Proclamation declaring May 2015 as Lupus Awareness Month.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring May 2015 as Lupus Awareness
Month.

3. Presentation of Certificate of Recognition to the Kiwanis Club of Modesto in honor of
their 100th year anniversary as a community service Group in Modesto. (Funding
Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to the Kiwanis Clubs of Modesto in honor of their 100th year anniversary as a community service Group in Modesto.

PUBLIC COMMENT PERIOD

- Richard DuFour spoke regarding the sale of his business Linda's Harmony Spa on Carpenter Road and the recent passage of the Urgency Ordinance.
- John Liukkonen, Modesto City Schools, spoke regarding watering at Modesto City Schools.
- Cecil Russell, Chamber of Commerce, spoke regarding sale of Graffiti Weekend t-shirts for Kiwanis Clubs.
- Ken Groves spoke regarding the Graffiti Car show to be held at Modesto Municipal Golf Course this year.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 4-7; 9-11 (Lopez/Gunderson;unan.)

CONSENT

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

4. Consider approving the Minutes from the May 12, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the May 12, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) approving the Minutes from the May 12, 2015 Council meeting.

5. Consider final adoption of **Ordinance Nos. 3618-C.S. through 3624-C.S.** amending Article 5 of Chapter 7 of Title 10 of The Modesto Municipal Code to Create a New Downtown Zone and amending Sections 28-3-9, 29-3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone portions of Downtown. The effect of this action will adopt the Form Based Code. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3618-C.S.** amending Article 5 of Chapter 7 of Title 10 in its entirety so as to replace sections 10-7.501 through 10-7.510 with new sections 10-7.501 through 10-7.516, amending Article 5 of Chapter 7 of the Table of Contents on page 537, and amendment to Sections 10-1.401, 10-3.405, 10-3.406, 10-5.102, and 10-9.1002 of Title 10 of The Modesto Municipal Code to Create New Downtown Zones.
 - Motion approving final adoption of **Ordinance No. 3619-C.S.** amending Sections 29-3-9 and 32-3-9 of the Zoning Map of the City of Modesto to rezone a portion of the Downtown Core (DC) Zone to the proposed Central Downtown (CD) Zone,

- property located in Blocks 53-58, 66-71, 83-86, and 92-94 of downtown Modesto.
- Motion approving final adoption of **Ordinance No. 3620-C.S.** amending Sections 28-3-9, 29 3-9 and 32-3-9 of the Zoning Map of the City of Modesto to rezone a portion of the Downtown Core (DC) Zone to the proposed Transition Downtown (TD) Zone, property located in Blocks 31-36, 39-44, 53-58, 69- 71, 81-83, 92-95, 104-107 and 140-144 of downtown Modesto.
 - Motion approving final adoption of **Ordinance No. 3621-C.S.** amending Sections 28-3-9, 29 -3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential (R-3), Neighborhood Commercial (C-1), General Commercial (C-2), Commercial-Industrial (C-M), and Planned Development (P-D (83), (139), (258), (380), (389), (417), (430), (536) (594)) Zones to the proposed Urban General Downtown (UGD) Zone, property located in Blocks 51, 52, 59-65, 72, 73, 79, 80, 87-91, 108-114, 120-127, 129-133, G, H, I, J, K and L of downtown Modesto.
 - Motion approving final adoption of **Ordinance No. 3622-C.S.** amending Sections 28-3-9, 29 -3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential (R-3), Neighborhood Commercial (C-1), General Commercial (C-2), Light Industrial (M-1), and Planned Development (P-D (325)) Zones to the proposed Main Street Downtown (MSD) Zone, property located in Blocks 1, 2, 4-6, 8-10, 13-19, 98, 101, and 117 of downtown Modesto.
 - Motion approving final adoption of **Ordinance No. 3623-C.S.** amending Sections 28-3-9, 29 3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential (R-3), Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2), Commercial-Industrial (C-M), and Planned Development (P-D (95), (101), (119), (143), (370), (443), (492), (563)) Zones to the proposed East Neighborhood Downtown (END) Zone, property located in Blocks 96-98, 101-103, 115-119, 128, M and Q of downtown Modesto.
 - Motion approving final adoption of **Ordinance No. 3624-C.S.** amending Sections 28-3-9 and 32-3-9 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R -2), Medium-High Density Residential (R-3), Professional Office (P-O), Neighborhood Commercial (C-1), and Planned Development (P-D (523)) Zones to the proposed Traditional Neighborhood Downtown (TND) Zone, property located in Blocks 1-8, 10-15, 17-19, 118, 119, 128, B, C, M, N, X, Y, and Z of downtown Modesto.

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

ACTION: Motion (Lopez/Gunderson; 7/0) approving final adoption of **Ordinance No. 3618-C.S.** amending Article 5 of Chapter 7 of Title 10 in its entirety so as to replace sections 10-7.501 through 10-7.510 with new sections 10-7.501 through 10-7.516, amending Article 5 of Chapter 7 of the Table of Contents on page 537, and amendment to Sections 10-1.401, 10-3.405, 10-3.406, 10-5.102, and 10-9.1002 of Title 10 of The Modesto Municipal Code to Create New Downtown Zones.

ACTION: Motion (Lopez/Gunderson; 7/0) approving final adoption of **Ordinance No. 3619-C.S.** amending Sections 29-3-9 and 32-3-9 of the Zoning Map of the City of Modesto to

rezone a portion of the Downtown Core (DC) Zone to the proposed Central Downtown (CD) Zone, property located in Blocks 53-58, 66-71, 83-86, and 92-94 of downtown Modesto.

ACTION: Motion (Lopez/Gunderson; 7/0) approving final adoption of **Ordinance No. 3620-C.S.** amending Sections 28-3-9, 29 3-9 and 32-3-9 of the Zoning Map of the City of Modesto to rezone a portion of the Downtown Core (DC) Zone to the proposed Transition Downtown (TD) Zone, property located in Blocks 31-36, 39-44, 53-58, 69- 71, 81-83, 92-95, 104-107 and 140-144 of downtown Modesto.

ACTION: Motion (Lopez/Gunderson; 7/0) approving final adoption of **Ordinance No. 3621-C.S.** amending Sections 28-3-9, 29 -3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential (R-3), Neighborhood Commercial (C-1), General Commercial (C-2), Commercial-Industrial (C-M), and Planned Development (P-D (83), (139), (258), (380), (389), (417), (430), (536) (594)) Zones to the proposed Urban General Downtown (UGD) Zone, property located in Blocks 51, 52, 59-65, 72, 73, 79, 80, 87-91, 108-114, 120-127, 129-133, G, H, I, J, K and L of downtown Modesto.

ACTION: Motion (Lopez/Gunderson; 7/0) approving final adoption of **Ordinance No. 3622-C.S.** amending Sections 28-3-9, 29 -3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential (R-3), Neighborhood Commercial (C-1), General Commercial (C-2), Light Industrial (M-1), and Planned Development (P-D (325)) Zones to the proposed Main Street Downtown (MSD) Zone, property located in Blocks 1, 2, 4-6, 8-10, 13-19, 98, 101, and 117 of downtown Modesto.

ACTION: Motion (Lopez/Gunderson; 7/0) approving final adoption of **Ordinance No. 3623-C.S.** amending Sections 28-3-9, 29 3-9, 32-3-9 and 33-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential (R-3), Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2), Commercial-Industrial (C-M), and Planned Development (P-D (95), (101), (119), (143), (370), (443), (492), (563)) Zones to the proposed East Neighborhood Downtown (END) Zone, property located in Blocks 96-98, 101-103, 115-119, 128, M and Q of downtown Modesto.

ACTION: Motion (Lopez/Gunderson; 7/0) approving final adoption of **Ordinance No. 3624-C.S.** amending Sections 28-3-9 and 32-3-9 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R -2), Medium-High Density Residential (R-3), Professional Office (P-O), Neighborhood Commercial (C-1), and Planned Development (P-D (523)) Zones to the proposed Traditional Neighborhood Downtown (TND) Zone, property located in Blocks 1-8, 10-15, 17-19, 118, 119, 128, B, C, M, N, X, Y, and Z of downtown Modesto.

6. Consider final adoption of **Ordinance No. 3625-C.S.** amending Article 4 of Chapter 12 of Title 4 of the Modesto Municipal Code, adding Sections 4-12.407 – Consent to Remove Graffiti from Private Property; 4-12.409 – Summary Abatement of Gang-Related Graffiti; 4-12.413 – Prevention of Graffiti through land use entitlements, and amending Sections 4-12.401, 4-12.405, 4-12.406, 4-12.408, and 4-12.410. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3625-C.S.** amending Article 4

of Chapter 12 of Title 4 of the Modesto Municipal Code, adding Sections 4-12.407 – Consent to Remove Graffiti from Private Property; 4-12.409 – Summary Abatement of Gang-Related Graffiti; 4-12.413 – Prevention of Graffiti through land use entitlements, and amending Sections 4-12.401, 4-12.405, 4-12.406, 4-12.408, and 4-12.410.

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

ACTION: Motion (Lopez/Gunderson; 7/0) approving final adoption of Ordinance **No. 3625-C.S.** amending Article 4 of Chapter 12 of Title 4 of the Modesto Municipal Code, adding Sections 4-12.407 – Consent to Remove Graffiti from Private Property; 4-12.409 – Summary Abatement of Gang-Related Graffiti; 4-12.413 – Prevention of Graffiti through land use entitlements, and amending Sections 4-12.401, 4-12.405, 4-12.406, 4-12.408, and 4-12.410.

7. Consider approving a Will Serve Letter and Outside Service Agreement for water service for the property located at 1445 N. Carpenter Road and authorizing the City Manager or his designee to sign the Will Serve Letter and execute the Agreement. (Funding Source: General Fund, Water Fund)

- Resolution approving a Will Serve Letter for the property located at 1445 N. Carpenter Road APN: (081-028-014 & 015) to connect to the City of Modesto's existing water system, and authorizing the City Manager, or his designee, to sign the Will Serve Letter.
- Resolution approving an Outside Service Agreement between the City of Modesto and Islamic Center of Modesto, Inc., for water service for the property located at 1445 N. Carpenter Road (APN: 081-028-014 & 015), and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: Resolution 2015-164 (Lopez/Gunderson; 7/0) approving a Will Serve Letter for the property located at 1445 N. Carpenter Road APN: (081-028-014 & 015) to connect to the City of Modesto's existing water system, and authorizing the City Manager, or his designee, to sign the Will Serve Letter.

ACTION: Resolution 2015-165 (Lopez/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and Islamic Center of Modesto, Inc., for water service for the property located at 1445 N. Carpenter Road (APN: 081-028-014 & 015), and authorizing the City Manager, or his designee, to execute the Agreement.

Removed from Consent

8. Consider: (i) approving an Easement Agreement with San Francisco Public Utilities Commission, authorizing the City Manager or his designee to execute the Agreement and authorizing the City Clerk to record the Agreement with the Stanislaus County Recorder's Office; and (ii) approving an Assumption of Risk and Indemnity Agreement with JWG McHenry LLC, authorizing the City Manager or his designee to execute the Agreement and authorizing the City Clerk to record the Agreement with the Stanislaus County Recorder's Office. (Funding Source: Not Applicable)

- Resolution approving the Easement Agreement with San Francisco Public Utilities

Commission and authorizing the City Manager or his designee to execute the agreement and authorizing the City Clerk to record the agreement with the Stanislaus County Recorder's Office.

- Resolution approving the Assumption of Risk and Indemnity Agreement with JWG McHenry LLC, authorizing the City Manager or his designee to execute the agreement and authorizing the City Clerk to record the agreement with the Stanislaus County Recorder's Office.

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

ACTION: Resolution 2015-166 (Lopez/Gunderson; 7/0) approving the Easement Agreement with San Francisco Public Utilities Commission and authorizing the City Manager or his designee to execute the agreement and authorizing the City Clerk to record the agreement with the Stanislaus County Recorder's Office.

ACTION: Resolution 2015-167 (Lopez/Gunderson; 7/0) approving the Assumption of Risk and Indemnity Agreement with JWG McHenry LLC, authorizing the City Manager or his designee to execute the agreement and authorizing the City Clerk to record the agreement with the Stanislaus County Recorder's Office.

9. Consider accepting the Monthly Budget Adjustments Report for March 2015 and amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget. (Funding Source: Various)
 - Resolution amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget.

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

ACTION: Resolution 2015-168 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget.

10. Consider authorizing the award of bid for the purchase of all nine (9) half-ton pickup trucks for various City Departments through the Public Works Department, Fleet Services Division, to Albany Ford, Albany, CA, for an estimated total cost of \$241,675. (Funding Source: Fleet Replacement Funds and Community Forestry Funds)
 - Resolution authorizing the award of bid for the purchase of nine (9) half-ton pickup trucks for various City Departments through the Public Works Department, Fleet Services Division, to Albany Ford, Albany, CA, and authorize the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$241,675.

Finance and Public Works; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-169 (Lopez/Gunderson; 7/0) authorizing the award of bid for the purchase of nine (9) half-ton pickup trucks for various City Departments through the Public Works Department, Fleet Services Division, to Albany Ford, Albany, CA, and authorize the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$241,675.

11. Consider authorizing the award of a sole source procurement for the purchase of Modesto Police Department Special Weapon and Tactics Team (SWAT) replacement tactical body armor, to First Spear of California, LLC, El Segundo, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$52,218. (Funding Source: General Fund)
 - Resolution authorizing the award of a sole source procurement for the purchase of Modesto Police Department Special Weapon and Tactics Team (SWAT) replacement tactical body armor, to First Spear of California, LLC, El Segundo, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$52,218.

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

ACTION: Resolution 2015-170 (Lopez/Gunderson; 7/0) authorizing the award of a sole source procurement for the purchase of Modesto Police Department Special Weapon and Tactics Team (SWAT) replacement tactical body armor, to First Spear of California, LLC, El Segundo, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$52,218.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding Lemonade Day in Modesto.

Councilmember Kenoyer acknowledged Julie Corgiat and Kevin Harless in Information Technology Department; she also thanked Utilities Director Larry Parlin and Public Works Director Bill Sandhu.

Councilmember Madrigal thanked the Modesto Police Department; he also announced Child Safety Seat Check event on May 30, 2015 at Los Amigos Tire Pros on Crows Landing Road.

Councilmember Gunderson spoke regarding clean-up at Tuolumne River in June and request for 20-25 volunteers.

Mayor Marsh spoke at Memorial Day Services at Acacia Memorial Park in Modesto yesterday.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on May 10, 2015 and May 16, 2015

12. Hearing to consider adopting changes to various Airport Rates and Fees at the Modesto City-County Airport, effective July 1, 2015, and rescinding Resolution No. 2014-19. (Funding Source: Airport Revenue)
 - Resolution adopting changes to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport effective July 1, 2015,

and rescinding Resolution No. 2014-19.
Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Resolution 2015-171 (Lopez/Madrigal; 7/0) adopting changes to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport effective July 1, 2015, and rescinding Resolution No. 2014-19.

NEW BUSINESS

13. Consider authorizing the submission of the Transportation Development Act Transit Claim for Fiscal Year 2015-2016 to the Stanislaus Council of Governments in the amount of \$10,796,245. (Funding Source: TDA Revenue)
- Resolution authorizing submission of the City's Transportation Development Act (TDA) Transit Claim for Fiscal Year 2015-2016 to the Stanislaus Council of Governments (StanCOG) in the amount of \$10,796,245.

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

ACTION: Resolution 2015-172 (Zoslocki/Gunderson; 7/0) authorizing submission of the City's Transportation Development Act (TDA) Transit Claim for Fiscal Year 2015-2016 to the Stanislaus Council of Governments (StanCOG) in the amount of \$10,796,245.

14. Consider: (i) accepting the Report for FY2014-2015 Water Conservation Strategies in City of Modesto Parks, and (ii) approving the allocation of \$34,000 to implement the FY2014/2015 Water Conservation Strategy to remove approximately 2 acres of turf from three (3) Village One CFD Neighborhood Parks, and (iii) directing staff to determine the allocation of \$356,000 to implement the FY2014/2015 Water Conservation Strategy to remove approximately 27 acres of turf from twenty-five (25) General Fund Neighborhood Parks. (Funding Source: General Fund and Village One CFD)
- Resolution accepting the Report for FY2014-2015 Water Conservation Strategies in City of Modesto Parks.
 - Resolution approving the allocation of \$34,000 to implement the FY2014/2015 Water Conservation Strategy to remove approximately 2 acres of turf from three (3) Village One CFD Neighborhood Parks.
 - Resolution directing staff to determine the allocation of \$356,000 to implement the FY2014/2015 Water Conservation Strategy to remove approximately 27 acres of turf from twenty-five (25) General Fund Neighborhood Parks.

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

ACTION: Resolution 2015-173 (Gunderson/Madrigal; 7/0) accepting the Report for FY2014-2015 Water Conservation Strategies in City of Modesto Parks.

ACTION: Resolution 2015-174 (Gunderson/Madrigal; 7/0) approving the allocation of \$34,000 to implement the FY2014/2015 Water Conservation Strategy to remove approximately 2 acres of turf from three (3) Village One CFD Neighborhood Parks.

ACTION: Resolution 2015-175 (Gunderson/Madrigal; 7/0) directing staff to determine the allocation of \$356,000 to implement the FY2014/2015 Water Conservation Strategy to remove

approximately 27 acres of turf from twenty-five (25) General Fund Neighborhood Parks.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:55 p.m.

CLOSED SESSION

Closed Session Matter Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Rodriguez v. City of Modesto
United States District Court

Federal Case No: 1:10-CV-01370-LJO-MJS

AGENDA

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

Wednesday May 27, 2015, at 5:00 p.m.

Roll Call: Present: Mayor Garrad Marsh, Councilmembers Bill Zoslocki and Jenny Kenoyer
(alternate)
Absent: Councilmember Madrigal

PUBLIC COMMENTS

None.

CONSENT ITEMS – None.

NEW BUSINESS

1. Consider the award of proposal for the furnishing of golf course management and maintenance services for the Community and Economic Development Department to ValleyCrest Golf Maintenance, Calabasas, CA, in partnership with KemperSports Management, Modesto, CA, and recommend forwarding to the City Council for approval to direct City staff to enter into contract negotiations for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$2,401,705, and over five (5) years of \$12,008,525. (Funding Source: Golf Fund and Community Center Operations Fund)
Community & Economic Development; Laurie Smith, 577-5451, lsmith@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) directing staff to return to Finance Committee with additional options and information.

2. Consider accepting additional financial information on the City's Golf Fund and the Community Center Operations Fund for Fiscal Year 2015-2016. (Funding Source:)
Community & Economic Development; Laurie Smith, 577-5451, lsmith@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) directing staff to return to Finance Committee with additional options and information.

3. Consider reviewing the recommended budget adjustments to the FY2014-15 Annual Operating and Capital Improvement Project Budget and forwarding to Council for

approval. (Funding Source: Various)

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

ACTION: Motion (Zoslocki/Kenoyer;unan.) accepting the recommended budget adjustments to the FY2014-15 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

4. Consider providing direction to staff in regards to a matching grant for a new Veterans Facility to be located in Modesto. (Funding Source: To be Determined)
Parks Recreation and Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.)

5. Consider (i) amending the Classification Plan for the City of Modesto; (ii) amending exhibit "A" of Resolution No. 2014-517 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes; (iii) amending exhibit "A" of Resolution No. 2014-529 to revise the Class Range Table for General Non-Sworn Classes; (iv) amending the Position Allocation and the Fiscal Year 2015-16 Operating Budget for various departments and forwarding to Council for approval. (Funding Source: Various Funds)
Human Resources; Joe Lopez; City Manager, 571-5126, joelopez@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) (i) amending the Classification Plan for the City of Modesto; (ii) amending exhibit "A" of Resolution No. 2014-517 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes; (iii) amending exhibit "A" of Resolution No. 2014-529 to revise the Class Range Table for General Non-Sworn Classes; (iv) amending the Position Allocation and the Fiscal Year 2015-16 Operating Budget for various departments and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:46 p.m.

MINUTES

City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday June 01, 2015, at 5:00 p.m.

Roll Call: Present: Councilmembers Kenoyer, Zoslocki, Gunderson (alternate)
Absent: Councilmember Cogdill

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

1. Consider receiving the quarterly status report of the development projects processed by the Community and Economic Development Department during the third quarter of the 2014-15 fiscal year. (Funding Source: Not Applicable)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Motion Gunderson/Zoslocki; unan.) to accept the report.

NEW BUSINESS

2. Consider approving a contract with CTC Inc. in an amount not to exceed \$34,500 to establish a quiet zone along the Union Pacific Railroad right of way in downtown Modesto and forwarding to Council for approval. (Funding Source: General Funds)
Community and Economic Development; Cindy van Empel, 577-5280, cvanempel@modestogov.com

ACTION: (Motion Gunderson/Zoslocki; unan.) to recommend forwarding this item to City Council for consideration and approval.

3. Consider amending the Modesto Municipal Code under Title 5 Sanitation and Health and forwarding to Council for approval.

(Funding Source: Not Applicable)

Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com

ACTION: (Motion Gunderson/Zoslocki; unan.) to recommend forwarding this item to City Council for consideration and approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned 5:23 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 02, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

Absent: Councilmember Cogdill

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, The Carpenter’s House

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring June 2015 as Disability Awareness Month.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5596, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring June 2015 as Disability Awareness Month.

2. Presentation of Proclamation remembering the 1984 Sikh genocide and commemorating religious liberty. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation remembering the 1984 Sikh genocide and commemorating religious liberty.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider approving the reappointment of Jon Rodriguez to the Equal

Opportunity/Disability Commission for a four-year term to expire January 1, 2019.
(Funding Source: Not Applicable)

- Resolution approving reappointment of Jon Rodriguez to the Equal Opportunity/Disability Commission for a four-year term to expire January 1, 2019.
City Manager ; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Resolution 2015-176 (Lopez/Madrigan; 6/0; Cogdill absent) approving reappointment of Jon Rodriguez to the Equal Opportunity/Disability Commission for a four-year term to expire January 1, 2019.

PUBLIC COMMENT PERIOD

- Jennifer Mullen, Convention & Visitors Bureau, announced Graffiti Summer Month and events happening in Modesto during the month of June.
- Joseph Richards spoke regarding money spent by the City of Modesto and homeless in Modesto.
- Loretta Carhart spoke regarding Concert in the Park on Thursday.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 4-8: (Lopez/Gunderson; unan.; Cogdill absent)

CONSENT ITEMS

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

Consent

4. Consider approving the Minutes from the May 26, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the May 26, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 6/0; Cogdill absent) approving the Minutes from the May 26, 2015 Council meeting.

Consent

5. Consider approving the amended Bylaws for the Golf Courses Advisory Committee. (Funding Source: Not Applicable)
 - Resolution approving the amended the bylaws of the Golf Courses Advisory Committee.
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2015-177 (Lopez/Gunderson; 6/0; Cogdill absent) approving the amended the bylaws of the Golf Courses Advisory Committee.

Consent

6. Consider accepting the Monthly Investment Report for March 2015. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for March 2015
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Gunderson; 6/0; Cogdill absent) accepting the Monthly Investment Report for March 2015.

Consent

7. Consider: (i) accepting the Agreement with Jocelyn E. Roland, Ph.D., ABPP, to provide counseling/therapy, and pre-employment psychological evaluation services for the Modesto Police Department; and (ii) authorizing the award of sole source procurement to provide counseling/therapy services for the Modesto Police Department, to Jocelyn E. Roland, Ph.D., ABPP, for an estimated total cost of \$58,000 annually, and pre-employment psychological screenings for all regular and reserve peace officer candidates, as well as Animal Control Officer candidates for an estimated total cost of approximately \$10,000 annually. (Funding Source: General Fund)
 - Resolution accepting the Agreement with Jocelyn E. Roland, Ph.D., ABPP, to provide counseling/therapy, and pre-employment psychological evaluation services for the Modesto Police Department; and authorizing the City Manager, or his designee, to execute the Agreement.
 - Resolution authorizing the award of sole source procurement to provide counseling/therapy services for the Modesto Police Department, to Jocelyn E. Roland, Ph.D., ABPP, for an estimated total cost of \$58,000 annually, and pre-employment psychological screenings for all regular and reserve peace officer candidates, as well as Animal Control Officer candidates for an estimated total cost of approximately \$10,000 annually; and authorizing the Purchasing Manager, or his designee, to implement the provisions of this resolution.
Police; Galen L. Carroll, 572-9501, carrollg@modestopd.com

ACTION: Resolution 2015-178 (Lopez/Gunderson; 6/0; Cogdill absent) accepting the Agreement with Jocelyn E. Roland, Ph.D., ABPP, to provide counseling/therapy, and pre-employment psychological evaluation services for the Modesto Police Department; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2015-179 (Lopez/Gunderson; 6/0; Cogdill absent) authorizing the award of sole source procurement to provide counseling/therapy services for the Modesto Police Department, to Jocelyn E. Roland, Ph.D., ABPP, for an estimated total cost of \$58,000 annually, and pre-employment psychological screenings for all regular and reserve peace officer candidates, as well as Animal Control Officer candidates for an estimated total cost of approximately \$10,000 annually; and authorizing the Purchasing Manager, or his designee, to implement the provisions of this resolution.

Consent

8. Consider authorizing the sole source procurement for the rental of three (3) DV-400c

pumps for the Utilities Department, Wastewater Collections Division from Rain for Rent, Stockton, CA, for a total cost not to exceed \$100,000. (Funding Source: Wastewater Fund)

- Resolution authorizing the sole source procurement for the rental of three (3) DV-400c pumps for the Utilities Department, Wastewater Collections Division from Rain for Rent, Stockton, CA and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost not to exceed \$100,000.

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

ACTION: Resolution 2015-180 (Lopez/Gunderson; 6/0; Cogdill absent) authorizing the sole source procurement for the rental of three (3) DV-400c pumps for the Utilities Department, Wastewater Collections Division from Rain for Rent, Stockton, CA and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost not to exceed \$100,000.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer announced the 80th birthday of The State Theater in Modesto.

Councilmember Lopez announced Concert in the Park at Graceada Park starting on Thursday night.

Councilmember Madrigal thanked Mayor Marsh and Councilmember Kenoyer for their support of the Child Safety Seat event at Los Amigos Tires last Saturday; 95% of inspections found problems with car seats and he thanked local law enforcement for their support of the event; he received informational letter from Prime Shine Car Wash regarding water savings and requested a possible water savers award for local businesses.

Councilmember Gunderson announced Tuolumne River Regional Park clean-up work tomorrow at 7:30 a.m. and also on Saturday morning.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on May 22, 2015

9. Hearing to consider adopting the Proposed Fiscal Year 2015-2016 Operating Budget and Capital Improvement Program for the City of Modesto. (Funding Source: All Funds)
 - Motion introducing and waiving the first reading of an Ordinance approving the FY 2015-2016 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.
 - Resolution approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of

the Fiscal Year 2015-2016 budget development process.

- Resolution amending the FY 2015-2016 City of Modesto Position Allocation to modify the position allocation as part of the addendum as shown in Exhibit 5.

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

ACTION: Motion (Kenoyer/Madrigal; 6/0; Cogdill absent) introducing and waiving the first reading of **Ordinance No. 3627-C.S.** approving the FY 2015-2016 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.

ACTION: Resolution 2015-181 (Kenoyer/Madrigal; 6/0; Cogdill absent) approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2015-2016 budget development process.

ACTION: Resolution 2015-182 (Kenoyer/Madrigal; 6/0; Cogdill absent) amending the FY 2015-2016 City of Modesto Position Allocation to modify the position allocation as part of the addendum as shown in Exhibit 5.

NEW BUSINESS

10. Consider: (i) directing the City Clerk to submit to the voters at the next regular municipal election an initiative measure to amend the General Plan to establish urban limit lines for nonresidential and medium and large lot residential development; (ii) adopting a resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the initiative; and (iii) and adopting a resolution directing the City Clerk to transmit copies of the initiative to the City Attorney for the purpose of preparing an impartial analysis, to be included in the sample ballot/voter information pamphlet. (Funding Source: Elections Fund)
 - Resolution directing the City Clerk to submit to the voters at the next Regular Municipal Election an Initiative to amend the City of Modesto 2008 Urban Area General Plan to establish limit lines (boundaries) for nonresidential, and medium and large lot residential development, outside of which areas new development subject to the limits would require voter approval.
 - Resolution directing the City Clerk to transmit a copy of an Initiative to amend the City of Modesto 2008 Urban Area General Plan to establish limit lines (boundaries) for nonresidential and medium and large lot residential development, outside of which areas new development subject to the limits would require voter approval to the City Attorney for the purpose of preparing an impartial analysis of said Measure.
 - Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to an Initiative to amend the City of Modesto 2008 Urban Area General Plan to establish limit lines (boundaries) for nonresidential, and medium and large lot residential development, outside of which areas new development subject to the limits would require voter approval.

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

ACTION: Resolution 2015-183 (Madrigal/Gunderson; 6/0; Cogdill absent) directing the City Clerk to submit to the voters at the next Regular Municipal Election an Initiative to

amend the City of Modesto 2008 Urban Area General Plan to establish limit lines (boundaries) for nonresidential, and medium and large lot residential development, outside of which areas new development subject to the limits would require voter approval.

ACTION: Resolution 2015-184 (Madrigal/Gunderson; 6/0; Cogdill absent) directing the City Clerk to transmit a copy of an Initiative to amend the City of Modesto 2008 Urban Area General Plan to establish limit lines (boundaries) for nonresidential and medium and large lot residential development, outside of which areas new development subject to the limits would require voter approval to the City Attorney for the purpose of preparing an impartial analysis of said Measure.

ACTION: Resolution 2015-185 (Madrigal/Gunderson; 6/0; Cogdill absent) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to an Initiative to amend the City of Modesto 2008 Urban Area General Plan to establish limit lines (boundaries) for nonresidential, and medium and large lot residential development, outside of which areas new development subject to the limits would require voter approval.

11. Consider accepting the 2010-2014 General Plan Annual Report and directing staff to forward it to the Governor's Office of Planning and Research and Department of Housing and Community Development. (Funding Source: not applicable)
 - Motion to accept the 2010-2014 General Plan Annual Report and direct staff to forward it to the Governor's Office of Planning and Research and Department of Housing and Community Development.
*Community & Economic Development; Cindy Van Empel, 577-5280,
cvanempel@modestogov.com*

ACTION: Motion (Lopez/Madrigal; 6/0; Cogdill absent) to accept the 2010-2014 General Plan Annual Report and direct staff to forward it to the Governor's Office of Planning and Research and Department of Housing and Community Development.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Name of case: Reed v. City of Modesto

United States District Court

Federal Case No: 1:11-CV-01083-AWI-GSA

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP**

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

Monday June 08, 2015, at 5:00 p.m.

Roll Call: Present: Councilmembers Lopez, Gunderson, Kenoyer

PUBLIC COMMENTS

None.

NO CONSENT ITEMS

NEW BUSINESS

1. [Consider: \(i\) accepting an update regarding the State Route 132 West Freeway / Expressway Project \(SR-132 West\); and \(ii\) recommending that the City Council reject proposed closure of the Southbound State Route 99 \(SR-99\) / "I" Street / 5th Street off-ramp to ensure continued access to Downtown Modesto. \(Funding Source: Not Applicable\)](#)

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

ACTION: (Motion Gunderson/Kenoyer: unan.) to accept the update and forwarding a recommendation to City Council to keep the "I" Street off-ramp open.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:26 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 09, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jim Applegate, Redeemer Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. OpenGov Presentation by the Finance Department. (Funding Source: Not Applicable)
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: OpenGov Presentation was given by DeAnna Espinoza, Finance Department.

PUBLIC COMMENT PERIOD

- Katherine Borges spoke regarding water and graffiti in Modesto and Salida.
- John Ervin spoke in support of proposed sales tax initiative.
- Arthur Fabela spoke regarding the condition of Gateway Park and quality of life.
- Darius Crosby spoke regarding tagging in Modesto and supporting tax proposal.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-10: (Lopez/Madrigal;unan.)

CONSENT ITEMS

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

Consent

2. Consider approving the Minutes from the June 2, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the June 2, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the Minutes from the June 2, 2015 Council meeting.

Consent

3. Consider approving final adoption of **Ordinance No. 3627-C.S.** approving the FY 2015-2016 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3627-C.S.** approving the FY 2015-2016 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3627-C.S.** approving the FY 2015-2016 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.

Consent

4. Consider: (i) authorizing a merit increase for the City Clerk, effective June 29, 2015; and (ii) approving Amendment Number Two to the Employment Agreement with Stephanie Lopez, City Clerk, dated April 8, 2008. (Funding Source: General Fund)
 - Resolution authorizing a merit increase for the City Clerk, effective June 29, 2015
 - Resolution approving Amendment Number Two to the Employment Agreement with Stephanie Lopez, City Clerk, dated April 8, 2008.
Administrative Services; Joseph Lopez, 571-5809, joelopez@modestogov.com

ACTION: Resolution 2015-186 (Lopez/Madrigan; 7/0) authorizing a merit increase for the City Clerk, effective June 29, 2015.

ACTION: Resolution 2015-187 (Lopez/Madrigan; 7/0) approving Amendment Number Two to the Employment Agreement with Stephanie Lopez, City Clerk, dated April 8, 2008.

Consent

5. Consider: (i) approving the 2015-16 Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6; and (ii) setting a public hearing on August 11, 2015, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1. (Funding Source: Landscape Maintenance Assessment District No. 1)

- Motion accepting the 2015-16 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6
- Resolution 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 August 11, 2015 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) accepting the 2015-16 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.

ACTION: Resolution 2015-188 (Lopez/Madrigan; 7/0) 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 August 11, 2015 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1.

Consent

6. Consider: (i) approving the 2015-16 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision; and (ii) setting a public hearing on August 11, 2015, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2. (Funding Source: Landscape Maintenance Assessment District No. 2)
- Motion accepting the 2015-16 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision
 - Resolution of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision and setting a public hearing on August 11, 2015 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) accepting the 2015-16 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision.

ACTION: Resolution 2015-189 (Lopez/Madrigan; 7/0) of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision and setting a public hearing on August 11, 2015 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

Consent

7. Consider: (i) approving the 2015-16 Engineer's Annual Report for the Shackelford Landscape and Lighting District; and (ii) setting a public hearing on August 11, 2015, to consider the levy and collection of assessments within the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
- Motion accepting the 2015-16 Annual Engineer's Report for the Shackelford Landscape and Lighting District
 - Resolution of Intention to Levy and Collect Assessments for the Shackelford Landscape and Lighting District, and setting a public hearing on the proposed assessments to be held on August 11, 2015
- Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

ACTION: Motion (Lopez/Madrigal; 7/0) accepting the 2015-16 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

ACTION: Resolution 2015-190 (Lopez/Madrigal; 7/0) of Intention to Levy and Collect Assessments for the Shackelford Landscape and Lighting District, and setting a public hearing on the proposed assessments to be held on August 11, 2015.

Consent

8. Consider accepting the Monthly Budget Adjustments Report for April 2015 and amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget. (Funding Source: Various)
- Resolution amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget
- Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

ACTION: Resolution 2015-191 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget

Consent

9. Consider: (i) approving an agreement with Pierce Manufacturing Inc. for the purchase of one Pierce 4x4 Freightliner Wildland pumper for the estimated cost of \$330,947 and (ii) approving the terms set forth by Oshkosh Capital to finance the acquisition. (Funding Source: General Fund, Fire Department)
- Resolution approving an agreement with Pierce Manufacturing Inc. for the purchase of one Pierce 4x4 Freightliner Wildland pumper for the estimated cost of \$330,947.
 - Resolution approving the terms set forth by Oshkosh Capital to finance the acquisition.
- Fire; Alan Ernst, 572-9869, aernst@modestorfa.org*

ACTION: Resolution 2015-192 (Lopez/Madrigal; 7/0) approving an agreement with Pierce Manufacturing Inc. for the purchase of one Pierce 4x4 Freightliner Wildland pumper for the estimated cost of \$330,947.

ACTION: Resolution 2015-193 (Lopez/Madriral; 7/0) approving the terms set forth by Oshkosh Capital to finance the acquisition.

Consent

10. Consider amending Municipal Code Section 8-3.102 to extend the Contracting Authority of the City Manager for Public Works projects consisting of the design, purchase, and installation of improvements to be done by City forces on Tenth Street between I and J Streets to a not-to-exceed amount of \$200,000. (Funding Source: Enterprise and Surface Transportation Funds)

- Motion introducing and waiving first reading of an Ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager for Public Works projects consisting of the design, purchase, and installation of associated appurtenances on Tenth Street between I and J Streets.

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

ACTION: Motion (Lopez/Madriral; 7/0) introducing and waiving first reading of **Ordinance No. 3628-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager for Public Works projects consisting of the design, purchase, and installation of associated appurtenances on Tenth Street between I and J Streets.

COUNCIL COMMENTS & REPORTS

Councilmember Gunderson spoke regarding positive work on Tuolumne River; continued work on June 13, 2015 for the 9-2-99 project.

Councilmember Kenoyer spoke regarding the kindness and giving community in Modesto.

Councilmember Madriral spoke regarding watering and food waste diversion program at Modesto City Schools.

Mayor Marsh spoke regarding the sock hop event at Airport Hangar last Saturday and kickoff event on Sunday for American Graffiti week in Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:11 p.m.

**ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010
10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP**

11. City Council Workshop: (i) Safe Schools; and (ii) Discussion and Possible Direction Regarding Safer Neighborhoods Initiative and Possible City Sales Tax Measure. (Funding Source: Not Applicable)
*A PowerPoint for this item will be made available no later than Monday. (Funding Source: Not Applicable)
City Manager; Jim Holgersson, 577-5224, jholgersson@modestogov.com

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Reed v. City of Modesto
United States District Court
Federal Case No: 1:11-CV-01083-AWI-GSA

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, June 9, 2015, at 11:00 a.m.

Roll Call Present: Councilmembers Gunderson and Zoslocki, Mayor Marsh (alternate)
Also Present: Councilmember Kenoyer
Absent: Madrigal

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider: (i) accepting the Internal Audit Status Report through May 31, 2015; and (ii) accepting the FY 15-16 Internal Audit Program Report and forwarding to Council for approval. (Funding Source: Not Applicable)
Auditor; Mark Steranka , (206) 302-6409 , Mark.Steranka@mossadams.com

ACTION: Motion (Mayor Marsh/Zoslocki; unan.) accepting the Internal Audit Status Report through May 31, 2015 and forwarding to Council for approval.

ACTION: Motion (Zoslocki/Mayor Marsh; unan.) accepting the FY 15-16 Internal Audit Program Report and forwarding to Council for approval.

2. Consider accepting the audit engagement letter implementing the annual audit procedures for the Fiscal Year 2014-2015 in accordance to the terms of the agreement for professional auditing services with Macias Gini O'Connell LLP. (Funding Source: Not Applicable)
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Mayor Marsh/Zoslocki; unan.) accepting the audit engagement letter implementing the annual audit procedures for the Fiscal Year 2014-2015 in accordance to the terms of the agreement for professional auditing services with Macias Gini O'Connell LLP and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:40 p.m.

MINUTES

City of Modesto
SPECIAL CITY COUNCIL MEETING
Room B300, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 16, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal,
Zoslocki, Mayor Marsh

Absent: None

Pledge of Allegiance to the Flag

Invocation: Doug Ridenour

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: None

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Presentation and City Council discussion and direction on the “Safe Neighborhoods Initiative,” a proposal to place a ½ cent general sales tax measure and advisory measure on the ballot for the November 3, 2015 Municipal Election to restore critical City services, including police and fire protection services aimed at crime prevention, nuisance abatement, neighborhood/police collaboration, gang suppression, and other items included in the Safe Neighborhoods Initiative. (Funding Source: Not Applicable)

Staff Recommendations:

- Council discussion, community input, and direction to staff on ballot language and whether to bring forth a City Council Resolution and other necessary items on this matter at the June 23, 2105 City Council meeting for consideration.

City Attorney and City Manager; Adam Lindgren, James Holgersson

577-5288; 577-5224, alindgren@modestogov.com; jholgersson@modestogov.com

ACTION: Motion (Madrigal/Kenoyer; 5/2; Lopez;Zoslocki no) directing staff to place two ballot Measures for a ½ cent General Sales Tax Measure and Advisory Measure regarding the

“Safe Neighborhoods Initiative,” (with specific language changes requested by Council) for consideration at the June 23, 2015 City Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:00 p.m.

MINUTES

City of Modesto
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP**

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

Tuesday June 16, 2015, at 4:30 p.m.

Roll Call: Present: Councilmember Madrigal and Mayor Marsh
Absent: Councilmember Gunderson

PUBLIC COMMENTS

None.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: No consent Items

NEW BUSINESS

1. [Consider recommending the appointment of Jim Bishop and Balvino Irizarry to fill current vacancies on the Tuolumne River Regional Park Citizen's Advisory Committee \(TRRP CAC\) and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Parks, Recreation & Neighborhoods ; Joanne Azevedo, 577-5319, jazevedo@modestogov.com

ACTION: (Motion Marsh/Madrigal: unan.) to recommend the appointments and forward to City Council.

2. [Consider recommending the reappointment of Allan Ramsay to the Modesto City-County Airport Advisory Committee and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Public Works; Mark Germanowski, 577-5319, mgermanowski@modestogov.com

ACTION: (Motion Marsh/Madrigal: unan.) to recommend the appointment and forward to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:41 p.m.

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

Monday June 22, 2015, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmembers Kenoyer (alternate), and Zoslocki
Absent: Councilmember Madrigal

PUBLIC COMMENTS

None.

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

CONSENT

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

Consent

1. Consider approving the recommended budget adjustments to the FY2014-15 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) approving the recommended budget adjustments to the FY2014-15 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

Consent

2. Consider: (i) accepting the Sutter Treatment Facility Feasibility Study (Feasibility Study); and (ii) directing staff to incorporate the Feasibility Study's findings into the development of the 2016 Wastewater Master Plan that is currently in progress and forwarding to Council for approval. (Funding Source: Not Applicable)
Utilities; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) (i) accepting the Sutter Treatment Facility Feasibility Study (Feasibility Study); and (ii) directing staff to incorporate the Feasibility Study's findings into the development of the 2016 Wastewater Master Plan that is currently in progress and forwarding to Council for approval.

NEW BUSINESS

3. Consider approving the revised Debt Management Policy and forwarding to City Council for approval. (Funding Source: Not Applicable)
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) approving the revised Debt Management Policy and forwarding to City Council for approval.

4. Consider approving the revised Investment Policy and forwarding to City Council for approval. (Funding Source: Not Applicable)
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) approving the revised Investment Policy and forwarding to City Council for approval.

5. Consider accepting an informational report regarding the Wastewater Rate Fee Study. (Funding Source: Not Applicable)
Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) accepting an informational report regarding the Wastewater Rate Fee Study.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at _____ p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 23, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal (arrived at 6:05 p.m.), Zoslocki, Mayor Marsh

Absent: None

Pledge of Allegiance to the Flag

Invocation: John Torres, Youth for Christ

City Clerk's Announcements: Item 8 - Public Hearing is scheduled for August 11, 2015

Declaration of Conflicts of Interest: None

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

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding his Public Records Act request regarding City Attorney's fees; he also spoke regarding Public Comment Period time limit of 3 minutes.
- Terhesa Gamboa, Chair of the Woodland West Community Neighborhood, announced a public meeting Friday, July 26, 2015 at Fire Station No. 4.
- Rhonda Allen, Delta Kappa Gamma, asked a City of Modesto representative to speak regarding Safe Schools Initiative at their monthly meeting on November 12, 2015.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 1-3; 7-21: (Lopez/Kenoyer; 6/0; Madrigal absent)

ACTION CONSENT ITEMS 4-6: (Lopez/Gunderson; 6/0; Madrigal absent)

CONSENT ITEMS

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

Consent

1. Consider approving the Minutes from the June 9, 2015 Council meeting and June 16,

2015 Special Council meeting. (Funding Source: Not Applicable)

- Motion approving the Minutes from the June 9, 2015 Council meeting and June 16, 2015 Special Council meeting.

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

ACTION: Motion (Lopez/Kenoyer; 6/0; Madrigal absent) approving the Minutes from the June 9, 2015 Council meeting and June 16, 2015 Special Council meeting.

Consent

2. Consider final adoption of **Ordinance No. 3628-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager for Public Works projects consisting of the design, purchase, and installation of associated appurtenances on Tenth Street between I and J Streets. (Funding Source: Not Applicable)

- Motion approving final adoption of **Ordinance No. 3628-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager for Public Works projects consisting of the design, purchase, and installation of associated appurtenances on Tenth Street between I and J Streets.

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

ACTION: Motion (Lopez/Kenoyer; 6/0; Madrigal absent) approving final adoption of **Ordinance No. 3628-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager for Public Works projects consisting of the design, purchase, and installation of associated appurtenances on Tenth Street between I and J Streets.

Consent

3. Consider: (i) amending the Classification Plan for the City of Modesto to create the classification of Materials Management Superintendent/City Arborist and restore the Utility Dispatch Supervisor; (ii) amending Exhibit "A" of Resolution No. 2014-517 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes; (iii) amending Exhibit "A" of Resolution No. 2014-529 to revise the Class Range Table for General Non-Sworn Classes; and (iv) amending the Position Allocation and the Fiscal Year 2015-16 Operating Budget for various departments. (Funding Source: Various Funds)

- Resolution amending the Position Classification Plan for the City of Modesto to create the classification of Materials Management Superintendent/City Arborist and restore the Utility Dispatch Supervisor.
- Resolution amending Exhibit "A" of Resolution No. 2014-517 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add the salary range for the Utility Dispatch Supervisor to salary range 427; to add the salary range for Materials Management Superintendent/City Arborist to salary range 438; and to amend the Accounting Manager from salary range 442 to 446.
- Resolution amending Exhibit "A" of Resolution No. 2014-529 to revise the Class Range Table for General Non-Sworn Classes to amend the salary range for Parking Services Crewleader from salary range 119 to 120.

- Resolution amending the Position Allocation and the Fiscal Year 2015-16 Operating Budget for various departments.
Administrative Services; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Resolution 2015-194 (Lopez/Kenoyer; 6/0; Madrigal absent) amending the Position Classification Plan for the City of Modesto to create the classification of Materials Management Superintendent/City Arborist and restore the Utility Dispatch Supervisor.

ACTION: Resolution 2015-195 (Lopez/Kenoyer; 6/0; Madrigal absent) amending Exhibit “A” of Resolution No. 2014-517 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add the salary range for the Utility Dispatch Supervisor to salary range 427; to add the salary range for Materials Management Superintendent/City Arborist to salary range 438; and to amend the Accounting Manager from salary range 442 to 446.

ACTION: Resolution 2015-196 (Lopez/Kenoyer; 6/0; Madrigal absent) amending Exhibit “A” of Resolution No. 2014-529 to revise the Class Range Table for General Non-Sworn Classes to amend the salary range for Parking Services Crewleader from salary range 119 to 120.

ACTION: Resolution 2015-197 (Lopez/Kenoyer; 6/0; Madrigal absent) amending the Position Allocation and the Fiscal Year 2015-16 Operating Budget for various departments.

Removed from Consent

4. Consider authorizing First Amendments to three Outside Counsel Legal Services Agreements with: (i) Arata, Swingle, Sodhi and Van Egmond in an amount not to exceed \$30,000; (ii) Borton Petrini, LLP in an amount not to exceed \$30,000; and (ii) Burke, Williams and Sorensen, LLP in an amount not to exceed \$250,000 for continued representation of the City of Modesto. (Funding Source: Liability Insurance Fund)
 - Resolution authorizing the City of Modesto to execute a First Amendment to the Legal Services Agreement dated June 24th, 2014 with Arata, Swingle, Sodhi and Van Egmond in an amount not to exceed \$30,000 to continue representing the City of Modesto in tort liability cases.
 - Resolution authorizing the City of Modesto to execute a First Amendment to the Legal Services Agreement dated July 3rd, 2014 with Borton Petrini, LLP in an amount not to exceed \$30,000 to continue representing the City of Modesto in tort liability cases.
 - Resolution authorizing the City of Modesto to execute a First Amendment to the Legal Services Agreement dated June, 24th 2014 with Burke, Williams & Sorensen, LLP in an amount not to exceed \$250,000 to continue representing the City of Modesto in the Reed v. City of Modesto case.

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

ACTION: Resolution 2015-198 (Lopez/Gunderson; 6/0; Madrigal absent) authorizing the City of Modesto to execute a First Amendment to the Legal Services Agreement dated June 24th, 2014 with Arata, Swingle, Sodhi and Van Egmond in an amount not to exceed \$30,000

to continue representing the City of Modesto in tort liability cases.

ACTION: Resolution 2015-199 (Lopez/Gunderson; 6/0; Madrigal absent) authorizing the City of Modesto to execute a First Amendment to the Legal Services Agreement dated July 3rd, 2014 with Borton Petrini, LLP in an amount not to exceed \$30,000 to continue representing the City of Modesto in tort liability cases.

ACTION: Resolution 2015-200 (Lopez/Gunderson; 6/0 Madrigal absent) authorizing the City of Modesto to execute a First Amendment to the Legal Services Agreement dated June, 24th 2014 with Burke, Williams & Sorensen, LLP in an amount not to exceed \$250,000 to continue representing the City of Modesto in the Reed v. City of Modesto case.

Removed from Consent

5. Consider authorizing a Second Amendment to the Legal Services Agreement with Davidovitz & Bennett, dated March 28, 2007 in an amount not to exceed \$200,000 for services on the following matters: MID litigation, PCE litigation, SIFA, and Stanislaus County v. COM (Geer Road Landfill) litigation. (Funding Source: Various Funds)
 - Resolution authorizing the City of Modesto to execute a Second Amendment to the Legal Services Agreement dated March 28, 2007 with Davidovitz & Bennett in an amount not to exceed \$200,000 for services on the following matters: MID litigation, PCE litigation, SIFA, and Stanislaus County v. COM (Geer Road Landfill) litigation.

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

ACTION: Resolution 2015-201 (Lopez/Gunderson; 6/0; Madrigal absent) authorizing the City of Modesto to execute a Second Amendment to the Legal Services Agreement dated March 28, 2007 with Davidovitz & Bennett in an amount not to exceed \$200,000 for services on the following matters: MID litigation, PCE litigation, SIFA, and Stanislaus County v. COM (Geer Road Landfill) litigation.

Removed from Consent

6. Consider authorizing a new Standard Outside Legal Services Agreement with Davidovitz & Bennett in an amount not to exceed \$120,000 annually for legal advice, representation and assistance to the City in relation to services as Special Advisory Counsel. (Funding Source: Various Funds)
 - Resolution authorizing the City of Modesto to execute a new Standard Outside Legal Services Agreement with Davidovitz & Bennett in an amount not to exceed \$120,000 for legal advice, representation and assistance to the City in relation to services as Special Advisory Counsel.

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

ACTION: Resolution 2015-202 (Lopez/Gunderson; 6/0; Madrigal absent) authorizing the City of Modesto to execute a new Standard Outside Legal Services Agreement with Davidovitz & Bennett in an amount not to exceed \$120,000 for legal advice, representation and assistance to the City in relation to services as Special Advisory Counsel.

Consent

7. Consider supporting the California Disclose Act. (Funding Source: Not Applicable)
- Resolution supporting the passage of Assembly Bill 700 California Disclose Act.
City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com

ACTION: Resolution 2015-203 (Lopez/Kenoyer; 6/0; Madrigal absent) supporting the passage of Assembly Bill 700 California Disclose Act.

Consent

8. Consider declaring intention to establish the Downtown Modesto Community Benefit District and to levy and collect assessments within said District pursuant to City of Modesto Municipal Code Title 8, Chapter 9 pertaining to the formation of a community benefit district, and calling an assessment ballot proceeding and establishing a time and place for a public hearing (declares the intention to establish a Community Benefit District for 15 years and sets a public hearing for August 11, 2015). (Funding Source: Not Applicable)
- Resolution of the City Council of the City of Modesto declaring its intention to establish the Downtown Modesto Community Benefit District and to levy and collect assessments within said District pursuant to City of Modesto Municipal Code Title 8, Chapter 9 pertaining to the formation of a community benefit district, and calling an assessment ballot proceeding and establishing a time and place for a public hearing (declares the intention to establish a community benefit district for 15 years and sets a public hearing for August 11, 2015).
Community & Economic Development; Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: Resolution 2015-204 (Lopez/Kenoyer; 6/0; Madrigal absent) of the City Council of the City of Modesto declaring its intention to establish the Downtown Modesto Community Benefit District and to levy and collect assessments within said District pursuant to City of Modesto Municipal Code Title 8, Chapter 9 pertaining to the formation of a community benefit district, and calling an assessment ballot proceeding and establishing a time and place for a public hearing (declares the intention to establish a community benefit district for 15 years and sets a public hearing for August 11, 2015).

Consent

9. Consider authorizing the award of bid for the purchase of eight (8) Chevrolet Impala Limited Sedans for the Modesto Police Department through the Public Works Department, Fleet Services Division, to American Chevrolet, Modesto, CA, for an estimated total cost of \$156,531. (Funding Source: Fleet Replacement Funds)
- Resolution authorizing the award of bid for the purchase of eight (8) Chevrolet Impala Limited Sedans for the Modesto Police Department through the Public Works Department, Fleet Services Division, to American Chevrolet, Modesto, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$156,531.
Finance and Public Works; Cindy Medley, 571-5164, cmedley@modestogov.com

ACTION: Resolution 2015-205 (Lopez/Kenoyer; 6/0; Madrigal absent) authorizing the award of bid for the purchase of eight (8) Chevrolet Impala Limited Sedans for the Modesto

Police Department through the Public Works Department, Fleet Services Division, to American Chevrolet, Modesto, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$156,531.

Consent

10. Consider approving the 2015-2016 Fiscal Year Appropriation Limit, (Gann Limit) including the price and population factors to be used in the calculation (Funding Source: Not Applicable)
- Resolution establishing the calculation for the appropriation limit for the Fiscal Year 2015-2016 annual budget.

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

ACTION: Resolution 2015-206 (Lopez/Kenoyer; 6/0; Madrigal absent) establishing the calculation for the appropriation limit for the Fiscal Year 2015-2016 annual budget.

Consent

11. Consider accepting the Monthly Investment Report for April 2015. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for April 2015.

Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Kenoyer; 6/0; Madrigal absent) accepting the Monthly Investment Report for April 2015.

Consent

12. Consider approving in-kind support for the Modesto Kiwanis Club 4th of July Festivities in an amount not to exceed \$5,000. (Funding Source: General Fund)
- Resolution approving in-kind support for the Modesto Kiwanis Club 4th of July Festivities.

Parks, Recreation and Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Resolution 2015-207 (Lopez/Kenoyer; 6/0; Madrigal absent) approving in-kind support for the Modesto Kiwanis Club 4th of July Festivities.

Consent

13. Consider approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application for funding in the amount of \$143,219 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program. (Funding Source: Special Revenue Grant)

- Resolution approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Fiscal Year 2015 Local Solicitation authorizing a joint application with the County of Stanislaus; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement.

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

ACTION: Resolution 2015-208 (Lopez/Kenoyer; 6/0; Madrigal absent) approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Fiscal Year 2015 Local Solicitation authorizing a joint application with the County of Stanislaus; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement.

Consent

14. Consider amending the lease agreement with Stanislaus County to increase the number of bus parking bays it may use at the Modesto Transportation Center. (Funding Source: Revenue to Transit Fund)
- Resolution approving Amendment No. 1 to Agreement with Stanislaus County for the lease of space at the City of Modesto Transportation Center, and authorizing the City Manager, or his designee, to execute the amendment.
- Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

ACTION: Resolution 2015-209 (Lopez/Kenoyer; 6/0; Madrigal absent) approving Amendment No. 1 to Agreement with Stanislaus County for the lease of space at the City of Modesto Transportation Center, and authorizing the City Manager, or his designee, to execute the amendment.

Consent

15. Consider approving Amendment No. 2 to the Memorandum of Understanding with Stanislaus County to extend the term of the MOU for the disbursement of funds held in the AB 939 Source Reduction and Recycling Account. (Funding Source: Not Applicable)
- Resolution authorizing the City Manager, or his designee, to approve Amendment No. 2 to the existing extension of the Memorandum of Understanding (MOU) with Stanislaus County to extend the term of the MOU for the disbursement of funds held in the AB939 Source Reduction and Recycling Account.
- Public Works; Jocelyn Reed, 577-5492, jreed@modestogov.com*

ACTION: Resolution 2015-210 (Lopez/Kenoyer; 6/0; Madrigal absent) authorizing the City Manager, or his designee, to approve Amendment No. 2 to the existing extension of the Memorandum of Understanding (MOU) with Stanislaus County to extend the term of the MOU for the disbursement of funds held in the AB939 Source Reduction and Recycling Account.

Consent

16. Consider approving a Memorandum of Understanding with Stanislaus County for the reduction of disposal charges ("tip fees") for solid waste at the Fink Road Landfill. (Funding Source: Solid Waste Fund)
- Resolution of the City Council of the City of Modesto approving the Memorandum of Understanding (MOU) with Stanislaus County for the reduction of disposal charges ("tip fees") at the Fink Road Landfill and authorizing the City Manager, or his designee, to execute said MOU.
- Public Works; Jocelyn Reed, 577-5492, jreed@modestogov.com*

ACTION: Resolution 2015-211 (Lopez/Kenoyer; 6/0; Madrigal absent) of the City Council of the City of Modesto approving the Memorandum of Understanding (MOU) with Stanislaus County for the reduction of disposal charges (“tip fees”) at the Fink Road Landfill and authorizing the City Manager, or his designee, to execute said MOU.

Consent

17. Consider authorizing the City Manager, or his designee, to approve the award of bid for construction of the Airport Perimeter Fence Rehabilitation Project, Airport Runway 10L-28R Shoulder Rehabilitation Project and the West Apron Reconstruction Project. (Funding Source: FAA Grant Funding 90.66%, Local Match 9.4% (Account 4330-County Aircraft Tax Fund))

- Resolution authorizing the City Manager, or his designee, to approve the award of bid for construction of the Airport Perimeter Fence Rehabilitation Project, Airport Runway 10L-28R Shoulder Rehabilitation Project and the West Apron Reconstruction Project.

Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Resolution 2015-212 (Lopez/Kenoyer; 6/0; Madrigal absent) authorizing the City Manager, or his designee, to approve the award of bid for construction of the Airport Perimeter Fence Rehabilitation Project, Airport Runway 10L-28R Shoulder Rehabilitation Project and the West Apron Reconstruction Project.

Consent

18. Consider authorizing the City Manager, or his designee, to approve and sign a Federal Aviation Administration Grant Offer for \$3,706,362. (Funding Source: FAA Grant Funding 90.66% / Local Match 9.34%)

- Resolution authorizing the City Manager, or his designee, to approve and sign a Federal Aviation Administration (FAA) Grant Offer for \$3,706,362.

Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Resolution 2015-213 (Lopez/Kenoyer; 6/0; Madrigal absent) authorizing the City Manager, or his designee, to approve and sign a Federal Aviation Administration (FAA) Grant Offer for \$3,706,362.

Consent

19. Consider approving the funding and implementation of a Residential Turf Replacement Program at an annual cost of \$100,000, which will offer rebates to residential customers served by the City of Modesto’s water system. (Funding Source: Water Fund)

- Resolution approving the funding and implementation of a Residential Turf Replacement program at an annual cost of \$100,000.

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

ACTION: Resolution 2015-214 (Lopez/Kenoyer; 6/0; Madrigal absent) approving the funding and implementation of a Residential Turf Replacement program at an annual cost of \$100,000.

Consent

20. Consider approving an On-call Real Estate Broker Services agreement with Rand Commercial Properties in an amount not to exceed \$100,000, with two one-year extension options at the sole discretion of the City, in an amount not to exceed \$100,000 per year. (Funding Source: Various Capital Improvement Projects)
- Resolution approving an agreement with Rand Commercial Properties for On-call Real Estate Broker Services to market and sell various surplus City parcels for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$100,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.
- Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

ACTION: Resolution 2015-215 (Lopez/Kenoyer; 6/0; Madrigal absent) approving an agreement with Rand Commercial Properties for On-call Real Estate Broker Services to market and sell various surplus City parcels for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$100,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.

Consent

21. Consider approving an Amendment to Agreement with Kleinfelder, Inc. to provide additional test boring services for Tivoli Well in an amount not to exceed \$133,000. (Funding Source: Water Fund-CIP)
- Resolution approving an Amendment to Agreement with Kleinfelder, Inc. to provide additional test boring services for Tivoli Well in an amount not to exceed \$133,000, and authorizing the City Manager, or his designee, to execute the amendment to agreement.
- Utilities; Tamorah Bryant, 577-2505, tbryant@modestogov.com*

ACTION: Resolution 2015-216 (Lopez/Kenoyer; 6/0) approving an Amendment to Agreement with Kleinfelder, Inc. to provide additional test boring services for Tivoli Well in an amount not to exceed \$133,000, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Gunderson spoke regarding the Tuolumne River Management clean-up will begin tomorrow morning at 9:00 a.m.

Councilmember Kenoyer spoke regarding watering days and times in Modesto.

Councilmember Zoslocki spoke regarding the shooting of 9 innocent people in South Carolina last week.

Councilmember Lopez will be attending the League of California Cities Conference; he congratulated Jeremiah Williams' appointment to the California State Fair Board.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson announced the appointment of Amy Vickery as the City of Modesto Public Information Officer; thanks to Laurie Smith who served as Acting Community & Economic Development Director for the past 3 months; Patrick Kelly will be serving in the position for the next 3 months.

Councilmember Madrigal arrived at 6:05 p.m.

UNFINISHED BUSINESS

22. Consider approving: (i) the Waterford-Hickman Water Systems Asset Purchase Agreement with the City of Waterford to purchase the Waterford-Hickman water systems for \$2.6 million effective July 1, 2015; and (ii) the Short-term Operations and Maintenance Services Agreement with the City of Waterford for the City of Modesto to provide temporary assistance in operating the Waterford-Hickman water systems. (Funding Source: Water Fund Revenue)

- Resolution approving the Waterford-Hickman Water Systems Asset Purchase Agreement with the City of Waterford to purchase the Waterford-Hickman water systems for \$2.6 million effective July 1, 2015, and authorizing the City Manager, or his designee, to execute the agreement.
- Resolution approving the Short-term Operations and Maintenance Services Agreement for the Waterford and Hickman Water Systems with the City of Waterford for the City of Modesto to provide temporary assistance in operating these water systems, and authorizing the City Manager, or his designee, to execute the agreement.

Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Resolution 2015-217 (Lopez/Kenoyer; 7/0) approving the Waterford-Hickman Water Systems Asset Purchase Agreement with the City of Waterford to purchase the Waterford-Hickman water systems for \$2.6 million effective July 1, 2015, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2015-218 (Lopez/Kenoyer; 7/0) approving the Short-term Operations and Maintenance Services Agreement for the Waterford and Hickman Water Systems with the City of Waterford for the City of Modesto to provide temporary assistance in operating these water systems, and authorizing the City Manager, or his designee, to execute the agreement.

HEARINGS

Published in the Modesto Bee on June 8, 2015

23. Hearing to consider approving an Urgency Ordinance extending the temporary moratorium on the establishment of new and the physical expansion or relocation of existing massage and bodywork establishments. (Funding Source: Not Applicable)

- Motion adopting an Urgency Ordinance of the City Council of the City of Modesto making the findings and extending the temporary moratorium on the establishment of new and the relocation or physical expansion of existing massage and bodywork establishments within the City of Modesto to become effective immediately.

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

ACTION: Motion (Lopez/Madriral; 7/0) adopting **Ordinance No. 3629-C.S.** an Urgency Ordinance of the City Council of the City of Modesto making the findings and extending the temporary moratorium on the establishment of new and the relocation or physical expansion of existing massage and bodywork establishments within the City of Modesto to become effective immediately.

NEW BUSINESS

24. Consider adopting the City of Modesto “Safer Neighborhoods Initiative,” a Citywide plan, which is a component of the City’s Strategic Plan, to explore new approaches to public safety to reduce crime, improve police and fire response times, and increase participation and collaboration with neighborhood groups by focusing resources on: crime and fire prevention, public safety resources deployment, growing neighborhood leadership capacity, positive youth activities, and homelessness and tagging prevention. (Funding Source: General Fund)
- Resolution adopting the “Safer Neighborhoods Initiative,” a Citywide plan, which is a component of the City’s Strategic Plan, to explore new approaches to public safety to reduce crime, improve police and fire response times, and increase participation and collaboration with neighborhood groups by focusing resources on: crime and fire prevention, public safety resources deployment, growing neighborhood leadership capacity, positive youth activities, homelessness and tagging prevention.

City Manager; James Holgersson, 577-5224, jholgersson@modestogov.com

ACTION: Resolution 2015-219 (Madriral/Kenoyer; 6/1; Lopez no) adopting the “Safer Neighborhoods Initiative,” a Citywide plan, which is a component of the City’s Strategic Plan, to explore new approaches to public safety to reduce crime, improve police and fire response times, and increase participation and collaboration with neighborhood groups by focusing resources on: crime and fire prevention, public safety resources deployment, growing neighborhood leadership capacity, positive youth activities, homelessness and tagging prevention.

Recess at 6:53 p.m.

Reconvened at 7:10 p.m.

Recess at 7:55 p.m.

Reconvened at 8:10 p.m.

25. Consider: (i) directing the City Clerk to submit to the qualified voters of the City of Modesto at the next Regular Municipal Election a certain measure relating to a proposed ordinance imposing a ½ percent transaction and use (sales) tax for general fund purposes and an advisory measure regarding the same; (ii) directing the City Clerk to transmit a copy of the ballot measures entitled “Safer Neighborhoods Initiative” and “Safer Neighborhoods Advisory Measure” to the City Attorney for the purpose of preparing an impartial analysis of said measures; (iii) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in

opposition to the ballot measures entitled “Safer Neighborhoods Initiative” and “Safer Neighborhoods Advisory Measure”; and (iv) Introduce by title only and waive the first reading of an ordinance adding Article 11 to Chapter 2 of Title 8 of the Modesto Municipal Code relating to transaction and use tax. (Funding Source: General Fund)

- Resolution of the Modesto City Council directing the City Clerk to submit to the qualified voters of the City of Modesto at the next Regular Municipal Election a certain measure relating to a proposed ordinance imposing a ½ percent transaction and use (sales) tax for general fund purposes, and an advisory measure regarding the same.
- Resolution of the Modesto City Council directing the City Clerk to transmit a copy of the ballot measures entitled “Safer Neighborhoods Initiative” and “Safer Neighborhoods Advisory Measure” to the City Attorney for the purpose of preparing an impartial analysis of said measures.
- Resolution of the Modesto City Council authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the ballot measures entitled “Safer Neighborhoods Initiative” and “Safer Neighborhoods Advisory Measure.”
- Motion introducing and waiving the first reading of an Ordinance adding Article 11 to Chapter 2 of Title 8 of the Modesto Municipal Code relating to transaction and use tax. (Subject to voter approval.)

City Manager and City Attorney; James Holgersson, Adam Lindgren, 577-5224, 577-5284, jholgersson@modestogov.com, alindgren@modestogov.com

ACTION: Resolution 2015-220 (Gunderson/Madrigan; 5/2; Lopez, Zoslocki no) of the Modesto City Council directing the City Clerk to submit to the qualified voters of the City of Modesto at the next Regular Municipal Election a certain measure relating to a proposed ordinance imposing a ½ percent transaction and use (sales) tax for general fund purposes. **(AS AMENDED)**

ACTION: Resolution 2015-221 (Gunderson/Madrigan; 5/2; Lopez, Zoslocki no) of the Modesto City Council directing the City Clerk to transmit a copy of the ballot measure entitled “Safer Neighborhoods Initiative” to the City Attorney for the purpose of preparing an impartial analysis of said measure. **(AS AMENDED)**

ACTION: Resolution 2015-222 (Gunderson/Madrigan; 5/2; Lopez, Zoslocki no) of the Modesto City Council authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the ballot measure entitled “Safer Neighborhoods Initiative”. **(AS AMENDED)**

ACTION: Motion (Gunderson/Madrigan; 5/2; Lopez, Zoslocki no) introducing and waiving the first reading of an Ordinance adding Article 11 to Chapter 2 of Title 8 of the Modesto Municipal Code relating to transaction and use tax. (Subject to voter approval.) **(AS AMENDED)**

26. Consider approving the request of the Modesto Board of Education that an amendment to the Charter be placed on the ballot for the next Regular Municipal Election for the purpose of submitting to the electors of the Board a proposal to amend Section 1500 of

the Charter relating to the method of election for the Board of Education. (Funding Source: Not Applicable)

- Resolution approving at the request of the Modesto Board of Education that an amendment to the Charter be placed on the ballot for the next Regular Municipal Election to be held on Tuesday, November 3, 2015, for the purpose of submitting to the electors of the Modesto Board of Education a proposal to amend Section 1500 of the Charter relating to the method of election for the Board of Education.

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

ACTION: Resolution 2015-223 (Kenoyer/Zoslocki; 7/0) approving at the request of the Modesto Board of Education that an amendment to the Charter be placed on the ballot for the next Regular Municipal Election to be held on Tuesday, November 3, 2015, for the purpose of submitting to the electors of the Modesto Board of Education a proposal to amend Section 1500 of the Charter relating to the method of election for the Board of Education.

27. Consider authorizing the City Manager to: (i) assign the duties and functions of the Convention and Visitor's Bureau (CVB) to the Community and Economic Development Department; (ii) allocate one (1) full-time limited term Events Coordinator and one (1) full-time limited term Administrative Office Assistant III position for a period of one (1) year pending Human Resources review and confirmation of the position classifications; (iii) amend the fiscal year 2015-2016 operating budget to transfer the appropriation of \$249,071 from the City Manager's Office to the Community and Economic Development Department; and (iv) prepare and proceed with an RFP for professional services to recommend and prepare a plan for the reorganization of marketing and promotion of conventions, visitors, tourism and sporting venues. (Funding Source: General Fund)

- Resolution authorizing the City Manager to assign the duties and functions of the Convention and Visitor's Bureau to the Community and Economic Development Department.
- Resolution allocating one full-time limited term Events Coordinator and one full-time limited term Administrative Office Assistant III position to the Community and Economic Development Department for a period of one year pending Human Resources review and confirmation of the position classifications.
- Resolution authorizing the City Manager to prepare and proceed with an RFP for professional services to recommend and prepare a plan for the reorganization of the marketing and promotion of conventions, visitors, tourism and sporting venues.
- Resolution amending the fiscal year 2015-2016 operating budget and authorizing the Director of Finance or her designee to transfer the appropriation of \$249,071 from the City Manager's Office to the Community and Economic Development Department.

City Manager; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Resolution 2015-224 (Madrigal/Lopez; 7/0) authorizing the City Manager to assign the duties and functions of the Convention and Visitor's Bureau to the Community and Economic Development Department.

ACTION: Resolution 2015-225 (Madrigal/Lopez; 7/0) allocating one full-time limited term

Events Coordinator and one full-time limited term Administrative Office Assistant III position to the Community and Economic Development Department for a period of one year pending Human Resources review and confirmation of the position classifications.

ACTION: Resolution 2015-226 (Madrigal/Lopez; 7/0) authorizing the City Manager to prepare and proceed with an RFP for professional services to recommend and prepare a plan for the reorganization of the marketing and promotion of conventions, visitors, tourism and sporting venues.

ACTION: Resolution 2015-227 (Madrigal/Lopez; 7/0) amending the Fiscal Year 2015-2016 operating budget and authorizing the Director of Finance or her designee to transfer the appropriation of \$249,071 from the City Manager's Office to the Community and Economic Development Department.

MOTION: (Lopez/Madrigal; 7/0) directing staff to incorporate the retention of existing Convention and Visitors Bureau staff and Board Members, once a new plan returns to Council for approval, and provide a calendar of progress for the new plan for the next year.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:25 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (d)(2) of Section 54956.9 of the Government Code. One potential case.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (d)(2) of Section 54956.9 of the Government Code. One potential case.

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 07, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ben Wheeler, Youth for Christ

City Clerk's Announcements: Item 18 - Removed from Consent

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session Matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Rev. Nick Lorenzetti, St. Paul's Episcopal Church entitled "A Trafficked Life." (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation by Rev. Nick Lorenzetti, St. Paul's Episcopal Church entitled "A Trafficked Life" and announced community awareness event at Modesto Centre Plaza on Thursday, September 17, 2015.

2. Presentation of new flags for the Modesto Arch from Congressman Jeff Denham's office and Modesto Chamber of Commerce. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation of new flags for the Modesto Arch from Congressman Jeff Denham's office and Modesto Chamber of Commerce.

3. Presentation by the Water Conservation Task Force regarding Water Conservation Efforts. (Funding Source: Not Applicable)
Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Presentation by the Utilities Director Larry Parlin regarding the Water

Conservation Task Force and water conservation efforts.

MISCELLANEOUS

Legislation
Appointments
Other

4. Consider approving the reappointment of Allan Ramsay to the Modesto City-County Airport Advisory Committee. (Funding Source: Not Applicable)
- Resolution approving the reappointment of Allan Ramsay to the Modesto City-County Airport Advisory Committee.
Public Works; Mark Germanowski, 577-5319, mgermanowski@modestogov.com

ACTION: Resolution 2015-228 (Lopez/Madriral; 7/0) approving the reappointment of Allan Ramsay to the Modesto City-County Airport Advisory Committee.

PUBLIC COMMENT PERIOD

- Maggie Countryman regarding Board of Zoning Adjustment decision of second story addition near her home and appeal; she was referred to Deputy City Manager Brent Sinclair.
- Miguel Donoso spoke regarding foreclosures in Modesto from 2008 through 2012 and Community Reinvestment Act.
- Robert Turner spoke regarding farmland being replaced by housing developments in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 5-17; 19: (Lopez/Madriral;unan.)

CONSENT ITEMS

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

Consent

5. Consider approving the Minutes from the June 23, 2015 Council meeting. (Funding Source: Not Applicable)
- Motion approving the Minutes from the June 23, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madriral; 7/0) approving the Minutes from the June 23, 2015 Council meeting.

Consent

6. Consider appointing a voting delegate and alternates for the 2015 League of California Cities Annual Conference to be held in San Jose, CA on September 30-October 2, 2015. (Funding Source: Not Applicable)
- Motion approving Mayor Garrad Marsh as a voting delegate and Councilmembers Madrigal and Kenoyer as alternates for the 2015 League of California Cities Annual Conference to be held in San Jose, CA on September 30-October 2, 2015.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving Mayor Garrad Marsh as a voting delegate and Councilmembers Madrigal and Kenoyer as alternates for the 2015 League of California Cities Annual Conference to be held in San Jose, CA on September 30-October 2, 2015.

Consent

7. Consider approving Fiscal Year 2015-2016 Internal Audit Program and 2015-2016 Internal Audit Plan. (Funding Source: Various Funds)
- Motion approving Fiscal Year 2015-2016 Internal Audit Program and Fiscal Year 2015-2016 Internal Audit Plan.
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving Fiscal Year 2015-2016 Internal Audit Program and Fiscal Year 2015-2016 Internal Audit Plan.

Consent

8. Consider accepting the Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Managers and Department Directors for the period of October 2013 – March 2015. (Funding Source: Various)
- Motion accepting the Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for October 2013 through March 2015.
City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) accepting the Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for October 2013 through March 2015.

Consent

9. Consider accepting the audit engagement letter outlining the annual audit procedures for the Fiscal Year 2014-2015 in accordance to the terms of the agreement for professional auditing services with Macias Gini O'Connell LLP. (Funding Source: Not Applicable)
- Resolution accepting the audit engagement letter implementing the annual audit procedures for the Fiscal Year 2014-2015 in accordance to the terms of the agreement for professional auditing services with Macias Gini O'Connell LLP.
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Resolution 2015-229 (Lopez/Madrigal; 7/0) accepting the audit engagement letter implementing the annual audit procedures for the Fiscal Year 2014-2015 in accordance to the terms of the agreement for professional auditing services with Macias Gini O'Connell LLP.

Consent

10. Consider approving the revised Annual Investment Policy. (Funding Source: Not Applicable)
- Resolution to adopt the revised Annual Investment Policy.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Resolution 2015-230 (Lopez/Madrigal; 7/0) to adopt the revised Annual Investment Policy.

Consent

11. Consider approving the revised Debt Management Policy. (Funding Source: Not Applicable)
- Resolution to adopt the revised Debt Management Policy.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Resolution 2015-231 (Lopez/Madrigal; 7/0) to adopt the revised Debt Management Policy.

Consent

12. Consider accepting the Monthly Budget Adjustments Report for May 2015 and amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget. (Funding Source: Various)
- Resolution amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2015-232 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget.

Consent

13. Consider authorizing the award of bid for the furnishing of a lighting upgrade for the bus facility parking lot for the Public Works Department, Transit Division to DV Electric Co., San Jose, CA, for an estimated total cost of \$60,965. (Funding Source: Bus Fund)
- Resolution authorizing the award of bid for the furnishing of a lighting upgrade for the bus facility parking lot for the Public Works Department, Transit Division to DV Electric Co., San Jose, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$60,965.
Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2015-233 (Lopez/Madrigal; 7/0) authorizing the award of bid for the furnishing of a lighting upgrade for the bus facility parking lot for the Public Works Department, Transit Division to DV Electric Co., San Jose, CA, and authorizing the

Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$60,965.

Consent

14. Consider authorizing the sole source procurement and implementation of SitStat by Psomas in the amount of \$28,000 and the license/annual service fee in the amount \$21,500 for an estimated total cost of \$49,500 (Funding Source: General Fund; Fire Department)
- Resolution authorizing the sole source procurement and implementation of SitStat by Psomas in the amount of \$28,000 and the license/annual service fee in the amount of \$21,500 for an estimated total cost of \$49,500.
- Fire; Alan Ernst, 572-9869, aernst@modestorfa.org*

ACTION: Resolution 2015-234 (Lopez/Madriral; 7/0) authorizing the sole source procurement and implementation of SitStat by Psomas in the amount of \$28,000 and the license/annual service fee in the amount of \$21,500 for an estimated total cost of \$49,500.

Consent

15. Consider approving a Use Agreement between the City of Modesto and Congregations Building Community for use of the Neighborhood Center at Marshall Park. (Funding Source: Stanislaus Community Foundation Grant)
- Resolution approving a Use Agreement between the City of Modesto and the Congregations Building Community for use of the Neighborhood Center at Marshall Park.
- Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com*

ACTION: Resolution 2015-235 (Lopez/Madriral; 7/0) approving a Use Agreement between the City of Modesto and the Congregations Building Community for use of the Neighborhood Center at Marshall Park.

Consent

16. Consider approving an Amendment to Agreement with Bartkiewicz, Kronick & Shanahan, P.C. to provide additional legal services for Tertiary Effluent Water Rights Analysis in an amount not to exceed \$52,946. (Funding Source: Wastewater Fund)
- Resolution approving an Amendment to Agreement with Bartkiewicz, Kronick & Shanahan, P.C. (BKS) to provide additional legal services for Tertiary Effluent Water Rights Analysis in an amount not to exceed \$47,925 for the identified scope of services, plus \$5,021 for additional services (if needed), for a maximum total amount of \$52,946, and authorizing the City Manager, or his designee, to execute the amendment to agreement.
- Utilities; William Wong, 571-5801, WWong@modestogov.com*

ACTION: Resolution 2015-236 (Lopez/Madriral; 7/0) approving an Amendment to Agreement with Bartkiewicz, Kronick & Shanahan, P.C. (BKS) to provide additional legal services for Tertiary Effluent Water Rights Analysis in an amount not to exceed \$47,925 for the identified scope of services, plus \$5,021 for additional services (if needed), for a maximum

total amount of \$52,946, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

Consent

17. Consider amending Title 5, Chapter 6, Articles 3 and 4 of the Modesto Municipal Code to clarify the Fats, Oils, and Grease section and to expand legal authority. (Funding Source: Not Applicable)
- Motion introducing and waiving first reading of an Ordinance amending Title 5, Chapter 6, Articles 3 and 4 of the Modesto Municipal Code to streamline the Fats, Oils, and Grease (FOG) section and to expand legal authority.
Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) introducing and waiving first reading of **Ordinance No. 3630-C.S.** amending Title 5, Chapter 6, Articles 3 and 4 of the Modesto Municipal Code to streamline the Fats, Oils, and Grease (FOG) section and to expand legal authority.

Removed from Consent

18. Consider approving an exemption for the Modesto City Schools sports and recreation fields from Stage II Drought Contingency Plan requirements in the interest and concern of providing for the health and safety of the users. (Funding Source: Not Applicable)
- Resolution approving an exemption for the Modesto City Schools sports and recreation fields from Stage II Drought Contingency Plan requirements in the interest and concern of providing for the health and safety of the users.
Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Resolution 2015-237 (Lopez/Gunderson; 7/0) approving an exemption for the Modesto City Schools sports and recreation fields from Stage II Drought Contingency Plan requirements in the interest and concern of providing for the health and safety of the users.

Consent

19. Consider approving an On-call Real Estate Broker Services agreement with Pearson Properties dba Berkshire Hathaway Home Services in an amount not to exceed \$100,000, with two one-year extension options at the sole discretion of the City, in an amount not to exceed \$100,000 per year. (Funding Source: Various Capital Improvement Program Projects)
- Resolution approving an agreement with Pearson Properties dba Berkshire Hathaway Home Services for On-call Real Estate Broker Services to market and sell various surplus City parcels for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$100,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.
Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2015-238 (Lopez/Madrigal; 7/0) approving an agreement with Pearson Properties dba Berkshire Hathaway Home Services for On-call Real Estate Broker Services to market and sell various surplus City parcels for one year, with two one-year

extension options, at the sole discretion of the City, in an amount not to exceed \$100,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.

COUNCIL COMMENTS & REPORTS

Mayor Marsh attended U.S. Conference of Mayors in San Francisco and received a free I-Pad for donation to a local non-profit organization; he presented the donated I-Pad to Karen Williams of Learning Quest.

Councilmember Gunderson spoke regarding vegetation management at Gateway Park this morning.

Councilmember Kenoyer spoke regarding the 4th of July Parade last weekend and she walked the parade route.

Councilmember Lopez spoke regarding the 4th of July Parade; he attended a conference in Monterey for Mayors and Councilmembers; he has an idea for a Modesto magazine with listings of restaurants, hotels, etc.

Councilmember Madrigal spoke regarding "Requested App" for local restaurant reservations; he also spoke regarding the Downtown Modesto 4th of July All American Festival after the parade. Jennifer Mullens, Events Coordinator, gave a report on the events downtown on the 4th of July.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson announced the appointment of Public Information Officer Amy Vickery.

UNFINISHED BUSINESS

20. Consider: (i) certifying the Final Environmental Impact Report (FEIR) for the North Valley Regional Recycled Water Program (NVRWP) in accordance with the California Environmental Quality Act (CEQA), and making certain findings concerning Environmental Impacts and Mitigation Measures, and adopting a Mitigation Monitoring and Reporting Program, in connection with approval of the NVRWP contemplated by the Final Environmental Impact Report, and approving specified NVRWP components; and (ii) authorizing staff to begin the Design/Build RFQ/RFP process for the NVRWP. (Funding Source: Not Applicable)
 - Resolution certifying the Final EIR for the North Valley Regional Recycled Water Program in accordance with the California Environmental Quality Act (CEQA), and making certain findings concerning Environmental Impacts and Mitigation Measures for the Project, and adopting a Mitigation Monitoring and Reporting Program, in connection with approval of the NVRWP contemplated by the Final EIR, and approving the specified NVRWP components.
 - Resolution authorizing staff to begin the Design/Build Request for Qualifications/Request for Proposals process for the North Valley Regional

Recycled Water Program.
Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2015-239 (Kenoyer/Madrigan; 7/0) certifying the Final EIR for the North Valley Regional Recycled Water Program in accordance with the California Environmental Quality Act (CEQA), and making certain findings concerning Environmental Impacts and Mitigation Measures for the Project, and adopting a Mitigation Monitoring and Reporting Program, in connection with approval of the NVRRWP contemplated by the Final EIR, and approving the specified NVRRWP components (**AS AMENDED**).

ACTION: Resolution 2015-240 (Kenoyer/Madrigan; 7/0) authorizing staff to begin the Design/Build Request for Qualifications/Request for Proposals process for the North Valley Regional Recycled Water Program.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:52 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 14, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Absent: Councilmembers Cogdill, Gunderson, Kenoyer,
Lopez, Madrigal, Zoslocki, Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Love Modesto

City Clerk's Announcements

ACTION: Item 7 - Removed from Consent

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring August 4, 2015, as "National Night Out" in the City of Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring August 4, 2015, as "National Night Out" in the City of Modesto.

2. Presentation by the Consul General of Mexico regarding consular services. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation was made by the Consul General of Mexico regarding consular services.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider appointing Balvino Irizarry and Jim Bishop to fill current vacancies on the Tuolumne River Regional Park Citizen's Advisory Committee. (Funding Source: Not Applicable)
 - Resolution appointing Balvino Irizarry and Jim Bishop to fill current vacancies on the Tuolumne River Regional Park Citizen's Advisory Committee.
Parks, Recreation & Neighborhoods; Joanne Azevedo, 577-5346, jazevedo@modestogov.com

ACTION: Resolution 2015-241 (Kenoyer/Lopez; 6/0; Madrigal absent) appointing Balvino Irizarry and Jim Bishop to fill current vacancies on the Tuolumne River Regional Park Citizen's Advisory Committee.

PUBLIC COMMENT PERIOD

Brad Ormsby announced his new business in Modesto -True Strength Wellness Company.

Ron Cherrier spoke regarding utility billing statements and water usage; he was referred to the Safety & Communities Committee.

Maggie Countryman spoke regarding inspection of property on Bronson Avenue and appeal.

Gaetana Drake thanked Modesto Police Chief Carroll; she spoke regarding safety problems at hotel on Orangeburg Avenue.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS4-6; 8-18: (Lopez/Madrigal;unan.)

CONSENT ITEMS

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

Consent

4. Consider approving the Minutes from the July 7, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the July 7, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the Minutes from the July 7, 2015 Council meeting.

Consent

5. Consider final adoption of **Ordinance No. 3630-C.S.** amending Title 5, Chapter 6, Articles 3 and 4 of the Modesto Municipal Code to streamline the Fats, Oils, and Grease (FOG) section and to expand legal authority. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3630-C.S. amending Title 5, Chapter 6, Articles 3 and 4 of the Modesto Municipal Code to streamline the Fats,

Oils, and Grease (FOG) section and to expand legal authority.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3630-C.S.** amending Title 5, Chapter 6, Articles 3 and 4 of the Modesto Municipal Code to streamline the Fats, Oils, and Grease (FOG) section and to expand legal authority.

Consent

6. Consider authorizing the purchase of one truck with Altec AT40-G aerial bucket for the Public Works Department, Electrical Division, through the Public Works Department, Fleet Services Division, piggybacking from a competitively bid contract with the National Joint Powers Alliance to Altec Industries, Birmingham, AL, for an estimated total cost of \$147,451. (Funding Source: Fleet Replacement Funds)
- Resolution authorizing the award of bid for the purchase of one truck with Altec AT40-G aerial bucket for the Public Works Department, Electrical Division through the Public Works Department, Fleet Services Division, piggybacking from a competitively bid contract with the National Joint Powers Alliance (NJPA), to Altec Industries, Birmingham, AL, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$147,451.

Finance and Public Works; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-242 (Lopez/Madrigan; 7/0) authorizing the award of bid for the purchase of one truck with Altec AT40-G aerial bucket for the Public Works Department, Electrical Division through the Public Works Department, Fleet Services Division, piggybacking from a competitively bid contract with the National Joint Powers Alliance (NJPA), to Altec Industries, Birmingham, AL, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$147,451.

Removed from Consent

7. Consider approving an Entertainment Permit for Xclamation Festival as outlined by the City of Modesto Ordinance No. 3492-C.S. (Funding Source: Non Applicable)
- Resolution approving a Special Event Entertainment Permit for Xclamation Festival as outlined by the City of Modesto Ordinance No. 3492-C.S. and authorizing the Permit Administrator to execute the Special Event Entertainment Permit and all related documents.

Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Resolution 2015-243 (Madrigan/Lopez; 7/0) approving a Special Event Entertainment Permit for Xclamation Festival as outlined by the City of Modesto Ordinance No. 3492-C.S. and authorizing the Permit Administrator to execute the Special Event Entertainment Permit and all related documents.

Consent

8. Consider amending Municipal Code Section 8-3.102 to extend the Contracting Authority of the City Manager for Public Works projects consisting of the design, purchase, and installation of associated appurtenances used to install flashing beacons

in the amount of \$770,000 or less. (The safety beacons help implement the Council's strategic plan Safer Schools and Safer Neighborhood initiatives.) (Funding Source: Surface Transportation Funds)

- Motion introducing and waiving the first reading of an Ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager, or his designee, for Public Works projects consisting of the design, purchase, and installation of associated appurtenances for flashing beacons throughout the City of Modesto not to exceed amount of \$770,000.

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

ACTION: Motion (Lopez/Madrigan; 7/0) introducing and waiving the first reading of an **Ordinance No. 3631-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager, or his designee, for Public Works projects consisting of the design, purchase, and installation of associated appurtenances for flashing beacons throughout the City of Modesto not to exceed amount of \$770,000.

Consent

9. Consider: (i) authorizing the submittal of an Allocation Request for \$87,963 in Fiscal Year 2014-2015 funds to Caltrans for additional regional funding under the Low Carbon Transit Operations Program; (ii) amending the FY2015/16 Operating Budget in the amount of \$87,963 to fund the purchase and installation of bus shelters at new locations. (Funding Source: Revenue to Transit Fund)

- Resolution approving submittal of a request to the California Department of Transportation (Caltrans) for \$87,963 in FY 2014-15 funds under the Low Carbon Transit Operations Program (LCTOP) for bus stop shelters and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.
- Resolution amending the Fiscal Year 2015-16 operating budget in the amount of \$87,963 to fund the purchase and installation of bus stop shelters for the Modesto Area Express (MAX) transit system at locations where none currently exist.

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

ACTION: Resolution 2015-244 (Lopez/Madrigan; 7/0) approving submittal of a request to the California Department of Transportation (Caltrans) for \$87,963 in FY 2014-15 funds under the Low Carbon Transit Operations Program (LCTOP) for bus stop shelters and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

ACTION: Resolution 2015-245 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2015-16 operating budget in the amount of \$87,963 to fund the purchase and installation of bus stop shelters for the Modesto Area Express (MAX) transit system at locations where none currently exist.

Consent

10. Consider approving a lease renewal between the City of Modesto and David E. Kamrar

and Carole L. Kamrar for office and warehouse space at 121 Elm Street, and authorizing the City Manager, or his designee, to execute the lease renewal agreement. (Funding Source: Building Services Enterprise Fund)

- Resolution approving an Agreement between the City of Modesto and David E. Kamrar and Carole L. Kamrar for lease of the property located at 121 Elm Street, for (3) three-years with (2) two one-year extension options, at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement.

Public Works; Darin Sims, 342-2215, dsims@modestogov.com

ACTION: Resolution 2015-246 (Lopez/Madrigal; 7/0) approving an Agreement between the City of Modesto and David E. Kamrar and Carole L. Kamrar for lease of the property located at 121 Elm Street, for (3) three-years with (2) two one-year extension options, at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider: (i) authorizing submission and acceptance of a request to Caltrans for FY14/15 local funds in the amount of \$345,818 for transit Capital Projects; and (ii) accepting \$2,308,078 in regional grant funds from Caltrans both under the Public Transit Modernization, Improvement and Service Enhancement Account, and authorizing the City Manager, or his designee, to execute and sign all the necessary grant documents. (Funding Source: Revenue to Transit Fund)

- Resolution authorizing submission and acceptance of a request to the California Department of Transportation (Caltrans) for \$345,818 in FY2014-15 funds under the Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) for Transit Capital Projects, and authorizing the City Manager, or his designee, to execute all Grant Application and Grant Agreement documents.
- Resolution authorizing acceptance of \$2,308,078 in FY2014-15 regional grant funds from the California Department Of Transportation (Caltrans) under the Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) for Transit Capital Projects, and authorizing the City Manager, or his Designee, to execute all Grant Application and Grant Agreement document.

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

ACTION: Resolution 2014-247 (Lopez/Madrigal; 7/0) authorizing submission and acceptance of a request to the California Department of Transportation (Caltrans) for \$345,818 in FY2014-15 funds under the Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) for Transit Capital Projects, and authorizing the City Manager, or his designee, to execute all Grant Application and Grant Agreement documents.

ACTION: Resolution 2015-248 (Lopez/Madrigal; 7/0) authorizing acceptance of \$2,308,078 in FY2014-15 regional grant funds from the California Department Of Transportation (Caltrans) under the Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) for Transit Capital Projects, and authorizing the

City Manager, or his Designee, to execute all Grant Application and Grant Agreement document.

Consent

12. Consider approving 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 (Radar) to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed. (This includes reducing the school zone speed limit from 25 mph to 15 mph on seven road segments adjacent to Shackelford School, Martone School, Orchard School, Somerset School, and Mary Ann Sanders School. All these revisions promote Safer Schools and Safer Neighborhoods.) (Funding Source: Surface Transportation Fund (Gas Tax) - 1700)

- Motion introducing and waiving the first reading of an Ordinance amending Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) introducing and waiving the first reading of an **Ordinance No. 3632-C.S.** amending Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

Consent

13. Consider approving a transfer of authority from City Engineer to Director of Public Works, or his designee, to issue changes in the construction contract via written change orders for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, the combined value of the change orders not to exceed six percent (6%) of the original contract price. (Funding Source: State Route (SR) 99 1B Bond Savings (\$41,061,629))

- Resolution approving the change of authority from City Engineer to the Director of Public Works, or his designee, and to issue changes in the construction contract via written change orders for the State Route 99/Pelandale Avenue Interchange Reconstruction Project for an amount of all such change orders not to exceed six percent (6%) of the original contract price.

Public Works; Chuck Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2015-249 (Lopez/Madrigan; 7/0) approving the change of authority from City Engineer to the Director of Public Works, or his designee, and to issue changes in the construction contract via written change orders for the State Route 99/Pelandale Avenue Interchange Reconstruction Project for an amount of all such change orders not to exceed six percent (6%) of the original contract price.

Consent

14. Consider: (i) accepting the Sutter Treatment Facility Feasibility Study dated April 2015; and (ii) direct staff to incorporate the Sutter Treatment Facility Feasibility Study dated April 2015 findings into the development of the 2016 Wastewater Master Plan that is currently in progress. (Funding Source: Not Applicable)

- Resolution accepting the Sutter Treatment Facility Feasibility Study dated April 2015.

- Motion directing staff to incorporate the Sutter Treatment Facility Feasibility Study dated April 2015 findings into the development of the 2016 Wastewater Master Plan that is currently in progress.

Utilities; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2015-250 (Lopez/Madrigal; 7/0) accepting the Sutter Treatment Facility Feasibility Study dated April 2015.

ACTION: Motion (Lopez/Madrigal; 7/0) directing staff to incorporate the Sutter Treatment Facility Feasibility Study dated April 2015 findings into the development of the 2016 Wastewater Master Plan that is currently in progress.

Consent

15. Consider: (i) accepting the Airport Neighborhood Sewer Improvements Phase 1 Project as complete, and annexing said improvements into Modesto Municipal Sewer District No. 1; and (ii) approving a blanket Will Serve Letter for 48 parcels in the airport neighborhood adjacent to the recently completed Phase 1 Sewer Improvements, allowing connection to the City of Modesto's existing sanitary sewer system. (Funding Source: Not Applicable)

- Resolution accepting the Airport Neighborhood Sewer Improvements Phase 1 Project as complete, and annexing said improvements into Modesto Municipal Sewer District No. 1.
- Resolution approving a blanket Will Serve Letter for 48 parcels in the airport neighborhood adjacent to the recently completed Phase 1 Sewer Improvements, allowing connection to the City of Modesto's existing sanitary sewer system, and authorizing the City Manager, or his designee, to approve the Will Serve Letter.

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

ACTION: Resolution 2015-251 (Lopez/Madrigal; 7/0) accepting the Airport Neighborhood Sewer Improvements Phase 1 Project as complete, and annexing said improvements into Modesto Municipal Sewer District No. 1.

ACTION: Resolution 2015-252 (Lopez/Madrigal; 7/0) approving a blanket Will Serve Letter for 48 parcels in the airport neighborhood adjacent to the recently completed Phase 1 Sewer Improvements, allowing connection to the City of Modesto's existing sanitary sewer system, and authorizing the City Manager, or his designee, to approve the Will Serve Letter.

Consent

16. Consider: (i) approving the plans and specifications for the 2014 HUD Curb Ramp and Storm Drain Improvements Project, accepting the bid, and approving a contract with George Reed, Inc., of Modesto, California in the amount of \$842,092; and (ii) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$370,196 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for the 2014 HUD Curb Ramp and Storm Drain Improvements project. (Funding Source: Community Development Block Grant (CDBG) Funds & Wastewater Fund)

- Resolution approving the plans and specifications for the 2014 HUD Curb Ramp and Storm Drain Improvements Project, accepting the bid, and approving a contract with George Reed, Inc., of Modesto, California in the amount of \$842,092, and authorizing the City Manager, or his designee, to execute the contract.
- Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$370,196 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for the 2014 HUD Curb Ramp and Storm Drain Improvements Project.

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

ACTION: Resolution 2015-253 (Lopez/Madrigal; 7/0) approving the plans and specifications for the 2014 HUD Curb Ramp and Storm Drain Improvements Project, accepting the bid, and approving a contract with George Reed, Inc., of Modesto, California in the amount of \$842,092, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2015-254 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$370,196 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for the 2014 HUD Curb Ramp and Storm Drain Improvements Project.

Consent

17. Consider approving an exemption for The House Modesto Church sports and recreation field from Stage II Drought Contingency Plan requirements in the interest and concern of providing for the health and safety of the users. (Funding Source: Not Applicable)
- Resolution approving an exemption for The House Modesto church sports and recreation field from Stage II Drought Contingency Plan requirements in the interest and concern of providing for the health and safety of the users.

Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Resolution 2015-255 (Lopez/Madrigal; 7/0) approving an exemption for The House Modesto church sports and recreation field from Stage II Drought Contingency Plan requirements in the interest and concern of providing for the health and safety of the users.

Consent

18. Consider approving an agreement with Bartle Wells Associates (BWA) for the preparation of a Water Rate and Fee Study in an amount not to exceed \$121,000 (includes 10.44% additional services). (Funding Source: Water Fund)
- Resolution approving an agreement with Bartle Wells Associates for the preparation of the Water Rate and Fee Study in an amount not to exceed \$109,560 for the identified scope of services, plus \$11,440 for additional services (if needed), for a maximum total amount of \$121,000, and authorizing the City Manager, or his designee, to execute the agreement.

Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2015-256 (Lopez/Madrigal; 7/0) approving an agreement with Bartle Wells Associates for the preparation of the Water Rate and Fee Study in an amount not to exceed \$109,560 for the identified scope of services, plus \$11,440 for additional services (if needed), for a maximum total amount of \$121,000, and authorizing the City Manager, or his designee, to execute the agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Gunderson spoke regarding the 9-2-99 Project at the Tuolumne River.

Councilmember Kenoyer also spoke regarding the 9-2-99 Project at the Tuolumne River.

Councilmember Lopez thanked Bill Sandhu and Jeff Barnes for efforts in doing traffic study and reducing speed limits in front of schools.

Councilmember Madrigal thanked staff for the future installation of crosswalk beacons.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

19. Consider written correspondence from Lynette Scott regarding MyTV26. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Ms. Scott was referred to Interim Chief Information Officer John Dickey.

20. Consider written correspondence from the Stanislaus Taxpayers Association regarding Safer Neighborhoods. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: No reportable action.

UNFINISHED BUSINESS

21. Consider approving the plans and specifications for the project titled, "Collector and Arterial Rehabilitation Project" (includes improvements to College Ave. and installation of a bike path connecting the east and west Modesto Junior College campuses) and accepting the bid; approving a construction contract for the project with VSS International, Inc. of West Sacramento, CA in the amount of \$1,489,323.10; and authorizing the City Manager, or his designee, to execute the contract. (Funding Source: 100819-CON-Construction)
 - Resolution approving the plans and specifications for the project titled, "Collector and Arterial Rehabilitation Project", accepting the bid, and approving a contract

with VSS International, Inc. of West Sacramento, California, in the amount of \$1,489,323.10; and authorizing the City Manager, or his designee, to execute the contract.

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

ACTION: 2015-257 (Lopez/Kenoyer; 6/1; Zoslocki no) approving the plans and specifications for the project titled, "Collector and Arterial Rehabilitation Project", accepting the bid, and approving a contract with VSS International, Inc. of West Sacramento, California, in the amount of \$1,489,323.10; and authorizing the City Manager, or his designee, to execute the contract.

22. Consider: (i) acknowledging consideration of the Addendum to the Modesto Regional Water Treatment Plant Final Subsequent Environmental Impact Report and Modesto Urban Area General Plan MEIR for the North Water Storage Tank; (ii) approving the plans and specifications for the Downstream Water System Improvements - Tier 1 North Tank 11 and Pump Station project, accepting the bid, and approving a contract with Gateway Pacific Contractors, Inc., of Sacramento, California in the amount of \$10,448,950; (iii) approving an Agreement with Consolidated CM for Construction Management Services in an amount not to exceed \$1,406,738.29; (iv) approving an Agreement with West Yost Associates, Inc. for Design Support During Construction in an amount not to exceed \$256,361; and (v) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$431,317 to be transferred into the project from Water Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the Downstream Water System Improvements - Tier 1 North Tank 11 & Pump Station project. (Funding Source: Water Fund-CIP)
- Motion acknowledging consideration of the Addendum to the Modesto Regional Water Treatment Plant Phase Two Expansion Project Final Subsequent Environmental Impact Report (SCH #2004022013) and the Modesto Urban Area General Plan (SCH #2007072023) for the North Water Storage Tank and the underlying EIR's in connection with the decision approving the project.
 - Resolution approving the plans and specifications for the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station project, accepting the bid, and approving a contract with Gateway Pacific Contractors, Inc., of Sacramento, California in the amount of \$10,448,950, and authorizing the City Manager, or his designee, to execute the contract.
 - Resolution approving an agreement with Consolidated CM for Construction Management Services for the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station project in an amount not to exceed \$1,278,853.29 for the identified scope of services, plus \$127,885.00 for additional services (if needed), for a maximum total amount of \$1,406,738.29, and authorizing the City Manager, or his designee, to execute the agreement.
 - Resolution approving an agreement with West Yost Associates, Inc. for Design Support During Construction for the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station project in an amount not to exceed \$233,055 for the identified scope of services, plus \$23,306 for additional services

(if needed), for a maximum total amount of \$256,361, and authorizing the City Manager, or his designee, to execute the agreement.

- Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$431,317 to be transferred into the project from Water Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station project.

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

ACTION: Motion (Kenoyer/Gunderson; 7/0) acknowledging consideration of the Addendum to the Modesto Regional Water Treatment Plant Phase Two Expansion Project Final Subsequent Environmental Impact Report (SCH #2004022013) and the Modesto Urban Area General Plan (SCH #2007072023) for the North Water Storage Tank and the underlying EIR's in connection with the decision approving the project.

ACTION: Resolution 2015-258 (Kenoyer/Gunderson; 7/0) approving the plans and specifications for the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station project, accepting the bid, and approving a contract with Gateway Pacific Contractors, Inc., of Sacramento, California in the amount of \$10,448,950, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2015-259 (Kenoyer/Gunderson; 7/0) approving an agreement with Consolidated CM for Construction Management Services for the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station project in an amount not to exceed \$1,278,853.29 for the identified scope of services, plus \$127,885.00 for additional services (if needed), for a maximum total amount of \$1,406,738.29, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2015-260 (Kenoyer/Gunderson; 7/0) approving an agreement with West Yost Associates, Inc. for Design Support During Construction for the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station project in an amount not to exceed \$233,055 for the identified scope of services, plus \$23,306 for additional services (if needed), for a maximum total amount of \$256,361, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2015-261 (Kenoyer/Gunderson; 7/0) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$431,317 to be transferred into the project from Water Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station project.

HEARINGS

Published in the Modesto Bee on June 24, 2015

23. Hearing to consider: (i) approving an Amendment to the Circulation Element of the

Modesto Urban Area General Plan to remove the minor collector street designation from S. Santa Rosa Avenue, and Oregon Drive West of S. Santa Cruz Avenue; (ii) abandoning an 87.5-foot segment of the alley located within Block 3 of the Del Este Subdivision, located East of S. Santa Rosa Avenue, and reserving a public utility easement within the subject alley right-of-way; and (iii) adopting a Negative Declaration for a General Plan Amendment to remove the minor collector street designation of S. Santa Rosa Avenue, and Oregon Drive West of S. Santa Cruz Avenue from the Circulation Element, and the abandonment of an 87.5-foot segment of the alley in Block 3 of the Del Este Subdivision, East of S. Santa Rosa Avenue. (Funding Source: Not Applicable)

- Resolution approving an amendment to the Circulation Element of the Modesto Urban Area General Plan to remove the Minor Collector Street designation from S. Santa Rosa Avenue, and Oregon Drive west of S. Santa Cruz Avenue (E&J Gallo Winery).
- Resolution abandoning an 87.5-foot segment of the alley located within Block 3 of the Del Este Subdivision, located east of S. Santa Rosa Avenue, and reserving a public utility easement within the subject alley right-of-way (E&J Gallo Winery).
- Resolution adopting a Negative Declaration for a General Plan Amendment to remove the Minor Collector Street designation of S. Santa Rosa Avenue, and Oregon Drive west of S. Santa Cruz Avenue from the Circulation Element, and the abandonment of an 87.5-foot segment of the alley in Block 3 of the Del Este Subdivision, east of S. Santa Rosa Avenue (E&J Gallo Winery).

*Community & Economic Development; Katharine Martin, 577-5465,
kamartin@modestogov.com*

ACTION: Resolution 2015-262 (Lopez/Madrigal; 7/0) approving an amendment to the Circulation Element of the Modesto Urban Area General Plan to remove the Minor Collector Street designation from S. Santa Rosa Avenue, and Oregon Drive west of S. Santa Cruz Avenue (E&J Gallo Winery).

ACTION: Resolution 2015-263 (Lopez/Madrigal; 7/0) abandoning an 87.5-foot segment of the alley located within Block 3 of the Del Este Subdivision, located east of S. Santa Rosa Avenue, and reserving a public utility easement within the subject alley right-of-way (E&J Gallo Winery).

ACTION: Resolution 2015-264 (Lopez/Madrigal; 7/0) adopting a Negative Declaration for a General Plan Amendment to remove the Minor Collector Street designation of S. Santa Rosa Avenue, and Oregon Drive west of S. Santa Cruz Avenue from the Circulation Element, and the abandonment of an 87.5-foot segment of the alley in Block 3 of the Del Este Subdivision, east of S. Santa Rosa Avenue (E&J Gallo Winery).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:10 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Property: Sale of Real Property,
931 10th Street
Modesto, CA (APN 105-041-006), known as Bartoni Lane
Negotiating Parties: Jon Yuriar, Property Agent for the City of Modesto
Adam U. Lindgren, City Attorney
Under Negotiation: Price and terms of permanent sewer easement acquisition

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

Name of case: Modesto Irrigation District v. COM
Case No. 2001607

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Anticipated litigation pursuant to subdivision (d)(2) of Section 54956.9 of the Government Code of the Government Code. One potential case.

MINUTES

City of Modesto
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP**

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

Tuesday July 28, 2015, at 5:30 p.m.

Roll Call: Present: Councilmembers Madrigal, Gunderson and Mayor Marsh
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: No consent Items

NEW BUSINESS

1. Consider: (i) requesting interviews for one (1) vacancy on the City of Modesto Board of Zoning Adjustment (BZA) that will be vacant as of January 1, 2016; and (ii) reappointment of Board Member Greg Matas to the City of Modesto BZA and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: (Motion Marsh/Gunderson: unan.) to approve setting up interviews and consideration of Greg Matas as a candidate for reappointment.

2. Consider: (i) requesting interviews for one (1) vacancy on the City of Modesto Planning Commission that will be vacant as of January 1, 2016; and (ii) reappointment of Commissioner Sandra Lucas to the City of Modesto Planning Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: (Motion Gunderson/Marsh: unan.) to approve setting up interviews and consideration of Sandra Lucas as a candidate for reappointment; further that the interviews for Planning Commission and BZA be concurrent.

3. Consider recommending appointments for six (6) vacancies to the Equal Opportunity/Disability and Human Relations Commissions and forwarding to Council for approval. (Funding Source: Not Applicable)
*Human Resources; Joseph Lopez, 571-5809 ,
joelopez@modestogov.com*

ACTION: (Motion Gunderson/Marsh: unan.) to recommend forwarding applicants William Gaines, Jessica Self, Liduvina Gonzalez, Sandra Graham and Amin Vohra to Council for approval on August 11, 2015.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:53 p.m.

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

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

Monday August 3, 2015, at 5:00 p.m.

Roll Call: Present: Councilmembers Kenoyer, Zoslocki and Madrigal (arriving at 5:10 p.m.)
Absent: Councilmember Cogdill

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

1. Consider accepting the quarterly status report of the development projects processed by the Community and Economic Development Department during the fourth quarter of the 2014-15 fiscal year. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: (Motion Zoslocki/Kenoyer; unan.; Madrigal absent) to accept the report.

NEW BUSINESS

2. Consider supporting the designation of State Highway 132 as the John Muir Highway and forwarding to Council for approval. (Funding Source: Not Applicable)
Community and Economic Development; Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: (Motion Zoslocki/Madrigal; unan) to recommend forwarding this item to City Council for consideration and approval.

3. Consider the staff's draft response to the Stanislaus County Civil Grand Jury final report relating to Stanislaus County Public Transit Systems, and forwarding to Council for approval. (Funding Source: Not Applicable)
Public Works, Fred Cavanah 577-5298, fcavanah@modestogov.com

ACTION: (Motion Zoslocki/Madriral; unan) to recommend forwarding this item to City Council for consideration and approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned 5:57 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday August 05, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Kevin Carroll, Modesto Gospel Mission

City Clerk's Announcements: Item 4 - Removed from Consent

Declaration of Conflicts of Interest: Item 16 – Zoslocki; Item 24 – Mayor Marsh (CASA)

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to Chris Guptill for his volunteer efforts in the Tuolumne River Clean Up. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to Chris Guptill for his volunteer efforts in the Tuolumne River Clean Up.

2. Presentation of Certificate of Recognition to Fred Garcia, Commander of American GI Forum Modesto Chapter for being elected to the AGIF State Executive Board.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to Fred Garcia, Commander of American GI Forum Modesto.

PUBLIC COMMENT PERIOD

- Steve Gass spoke regarding visually impaired citizens and requested assistance from the City to install crossing intersection lines which would help to cross streets safely;

Mr. Gass was referred to Public Works Director Bill Sandhu.

- Susan Beasley spoke regarding International Heritage Festival on October 3, 2015 at Modesto Junior College.
- Maggie Countryman spoke regarding problems with two story building permits.
- Joe Salazar spoke regarding hiring practices at the City of Modesto.
- Cecil Russell spoke regarding the Pelandale/99 Interchange tour and thanked Public Works Director Bill Sandhu.
- Rhonda Allen, Oakmont Homeowners' Association, requested a Councilmember speak at their meeting on August 26, 2015 regarding the Safer Neighborhoods Initiative and tax measure.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

CONSENT ITEMS 3; 5-15; 17-20: (Lopez/Madrigal;unan.)

CONSENT ITEM 16: (Lopez/Madrigal; unan.; Zoslocki absent due to conflict of interest)

CONSENT ITEMS

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

Consent

3. Consider approving the Minutes from the July 14, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the July 14, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the Minutes from the July 14, 2015 Council meeting.

Removed from Consent

4. Consider approving final adoption of **Ordinance No. 3631-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager, or his designee, for Public Works projects consisting of the design, purchase, and installation of associated appurtenances for flashing beacons throughout the City of Modesto not to exceed amount of \$770,000. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3631-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager, or his designee, for Public Works projects consisting of the design, purchase, and installation of associated appurtenances for flashing beacons throughout the City of Modesto not to exceed amount of \$770,000.

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

ACTION: Motion (Madrigal/Cogdill; 7/0) approving final adoption of **Ordinance No. 3631-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager, or his designee, for Public Works projects consisting of the design, purchase, and installation of associated appurtenances for flashing beacons throughout the City of Modesto not to exceed amount of \$770,000.

Consent

5. Consider approving final adoption of **Ordinance No. 3632-C.S.** amending Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits. (Funding Source: Not Applicable)
- Motion approving final adoption of **Ordinance No. 3632-C.S.** amending Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

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

ACTION: Motion (Lopez/Madrigal; 7/0) approving final adoption of **Ordinance No. 3632-C.S.** amending Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

Consent

6. Consider accepting the Monthly Investment Report for May 2015. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for May 2015.

Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) accepting the Monthly Investment Report for May 2015.

Consent

7. Consider approving a First Amendment to the Workers' Compensation Claims Management Agreement dated June 22, 2010 with York Risk Services to continue providing claims management to the City through June 30, 2016. (Funding Source: Workers' Compensation Insurance Fund)
- Resolution approving a First Amendment to the Workers' Compensation Claims Management Agreement dated June 22, 2010 with York Risk Services to continue providing claims management to the City through January 30, 2016.

Human Resources; Beverly Jensen, 577-5446, bjensen@modestogov.com

ACTION: Resolution 2015-265 (Lopez/Madrigal; 7/0) approving a First Amendment to the Workers' Compensation Claims Management Agreement dated June 22, 2010 with York Risk Services to continue providing claims management to the City through January 30, 2016.

Consent

8. Consider authorizing the Purchasing Manager to issue purchase agreements for maintenance contracts/support agreements throughout Fiscal Year 2015-16 for the “sole source” procurement of various hardware and software maintenance support agreements from hardware and software manufacturers for the Information Technology Department for an estimated annual cost not to exceed \$1,086,384 (Funding Source: Information Technology Repair and Maintenance Funds)
- Resolution authorizing the Purchasing Manager to issue purchasing agreements for the sole source procurement of various hardware and software maintenance /support agreements throughout Fiscal Year 2015-2016 From hardware and software manufacturers for the Information Technology Department, for an estimated annual cost not to exceed \$1,086,384

Information Technology; John Dickey, 577-5229, jdickey@modestogov.com

ACTION: Resolution 2015-266 (Lopez/Madrigan; 7/0) authorizing the Purchasing Manager to issue purchasing agreements for the sole source procurement of various hardware and software maintenance /support agreements throughout Fiscal Year 2015-2016 From hardware and software manufacturers for the Information Technology Department, for an estimated annual cost not to exceed \$1,086,384.

Consent

9. Consider: (i) accepting the 2016 Selective Traffic Enforcement Program (STEP) Grant in the amount of approximately \$298,500 from the Office of Traffic Safety (OTS); and (ii) amending the FY 2015/16 Operating and Multi-Year Budget, estimating revenue in the amount of \$298,500 for the STEP Grant. (Funding Source: 1341 – Grants - Operation Grants Reimbursed)
- Resolution accepting the 2016 Selective Traffic Enforcement Program Grant in the amount of approximately \$298,500 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations; and authorizing the City Manager, or his authorized designee, to execute the necessary documents.
 - Resolution amending the FY 2015-2016 Operating and Multi-Year Budget to appropriate revenue and expenses in the amount of \$298,500 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Other Special Traffic Enforcement Operations.

Police; Craig Gundlach, 572-9664, gundlachc@modestopd.com

ACTION: Resolution 2015-267 (Lopez/Madrigan; 7/0) accepting the 2016 Selective Traffic Enforcement Program Grant in the amount of approximately \$298,500 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations; and authorizing the City Manager, or his authorized designee, to execute the necessary documents.

ACTION: Resolution 2015-268 (Lopez/Madrigan; 7/0) Resolution accepting the 2016 Selective Traffic Enforcement Program Grant in the amount of approximately \$298,500 from the Office of Traffic Safety to increase enforcement for speed, DUI, amending the FY 2015-2016 Operating and Multi-Year Budget to appropriate revenue and expenses in the amount of \$298,500 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement

for Speed, DUI, and Other Special Traffic Enforcement Operations.

Consent

10. Consider supporting and endorsing the co-sponsorship of St. Paul's Episcopal Church and the Police Department for "A Trafficked Life" community-wide event, on Thursday, September 17, 2015, at 7:00 p.m., at the Modesto Centre Plaza to bring awareness and educate our community on human trafficking; and waiving the Center Plaza Facility Fee. (Funding Source: General Fund)

- Resolution support and endorsing the co-sponsorship of St. Paul's Episcopal Church and the Modesto Police Department for "A Trafficked Life" community-wide event, on Thursday, September 17, 2015, at 7:00 p.m., at the Modesto Centre Plaza, to bring awareness and educate our community on human trafficking; and waiving the Modesto Centre Plaza Facility Fee.

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

ACTION: Resolution 2015-269 (Lopez/Madrigal; 7/0) support and endorsing the co-sponsorship of St. Paul's Episcopal Church and the Modesto Police Department for "A Trafficked Life" community-wide event, on Thursday, September 17, 2015, at 7:00 p.m., at the Modesto Centre Plaza, to bring awareness and educate our community on human trafficking; and waiving the Modesto Centre Plaza Facility Fee.

Consent

11. Consider approving the submittal of a grant application to the San Joaquin Valley Air Pollution Control District requesting \$81,943.11 in Public Benefit Grants Program, New Alternative Fuel Vehicle Purchase funds, for the purchase of five (5) Electric Club Cars from Gold Country Golf and Utility, Jamestown, CA; and authorizing the City Manager, or his designee, Galen L. Carroll, to execute all grant-related documents and enter into an agreement to receive the grant funds upon award. (Funding Source: Traffic Safety Budget)

- Resolution approving the submittal of a grant application to the San Joaquin Valley Air Pollution Control District (SJVAPCD) requesting \$81,943.11 in Public Benefit Grants Program, New Alternative Fuel Vehicle Purchase funds for the purchase of five (5) Electric Club Cars from Gold Country Golf and Utility, Jamestown, CA; and authorizing the City Manager, or his designee, Galen L. Carroll, to execute all grant-related documents and enter into an agreement to receive the grant funds upon award.

Police; Rick Armendariz, 342-6142, armendarizr@Modestopd.com

ACTION: Resolution 2015-270 (Lopez/Madrigal; 7/0) approving the submittal of a grant application to the San Joaquin Valley Air Pollution Control District (SJVAPCD) requesting \$81,943.11 in Public Benefit Grants Program, New Alternative Fuel Vehicle Purchase funds for the purchase of five (5) Electric Club Cars from Gold Country Golf and Utility, Jamestown, CA; and authorizing the City Manager, or his designee, Galen L. Carroll, to execute all grant-related documents and enter into an agreement to receive the grant funds upon award.

Consent

12. Consider authorizing staff to apply for all CalRecycle Household Hazardous Waste Grants, rescind Resolution No. 2010-108, and authorizing the City Manager, or his designee, to sign grant applications and related forms, accept grant awards, and amend the budget as available. (Funding Source: Solid Waste Fund)
- Resolution authorizing staff to apply for all CalRecycle Household Hazardous Waste Grants, rescinding Resolution No. 2010-108, and authorizing the City Manager, or his designee, to sign grant applications and related forms, accept grant awards, and amend the budget as available.
- Public Works; Karin Rodriguez, 577-5453, krodriguez@modestogov.com*

ACTION: Resolution 2015-271 (Lopez/Madrigal; 7/0) authorizing staff to apply for all CalRecycle Household Hazardous Waste Grants, rescinding Resolution No. 2010-108, and authorizing the City Manager, or his designee, to sign grant applications and related forms, accept grant awards, and amend the budget as available.

Consent

13. Consider amending Title 7, Chapter 5 of the Modesto Municipal Code relating to Street Trees. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance amending Sections 7-5.01, 7-5.02, 7-5.03, 7-5.04, 7-5.05, 7-5.06, 7-5.07, 7-5.08, 7-5.10 of Title 7 Chapter 5 of the Modesto Municipal Code relating to Street Trees.
- Public Works; Karin Rodriguez, 577-5453, krodriguez@modestogov.com*

ACTION: Motion (Lopez/Madrigal; 7/0) introducing and waiving the first reading of **Ordinance No. 3633-C.S.** amending Sections 7-5.01, 7-5.02, 7-5.03, 7-5.04, 7-5.05, 7-5.06, 7-5.07, 7-5.08, 7-5.10 of Title 7 Chapter 5 of the Modesto Municipal Code relating to Street Trees.

Consent

14. Consider amending Title 5, Chapter 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding Section 5-5.142 to reflect the new Mandatory Commercial Recycling law implemented by the Public Resource Code Section 42649.2 of State Assembly Bill 341. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance amending Sections 5-5.103, 5-5.104, 5-5.105, 5-5.106, 5-5.107, 5-5.108, 5-5.109, 5-5.110, 5-5.111, 5-5.114, 5-5.115, 5-5.116, 5-5.117, 5-5.118, 5-5.123, 5-5.125, 5-5.128, 5-5.133, 5-5.138, 5-5.141 of Chapter 5, of Title 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding the additional Municipal Code 5-5.142 to reflect the new Mandatory Commercial Recycling law implemented by the Public Resource Code Section 42649.2 of State Assembly Bill AB341.
- Public Works; Karin Rodriguez, 577-5453, krodriguez@modestogov.com*

ACTION: Motion (Lopez/Madrigal; 7/0) introducing and waiving the first reading of **Ordinance No. 3634-C.S.** amending Sections 5-5.103, 5-5.104, 5-5.105, 5-5.106, 5-5.107, 5-5.108, 5-5.109, 5-5.110, 5-5.111, 5-5.114, 5-5.115, 5-5.116, 5-5.117, 5-5.118, 5-5.123, 5-5.125, 5-5.128, 5-5.133, 5-5.138, 5-5.141 of Chapter 5, of Title 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding the additional Municipal Code 5-5.142 to reflect the new Mandatory Commercial Recycling law implemented by the Public Resource

Code Section 42649.2 of State Assembly Bill AB341.

Consent

15. Consider amending Title 4, Chapter 7 of the Modesto Municipal Code relating to Green Waste and Leaf Collection. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance amending Sections 4-7.1101, 4-7.1102, 4-7.1103, 4-7.1104, 4-7.1105, 4-7.1106, 4-7.1107, 4-7.1108 of Chapter 7 of Title 4 of the Modesto Municipal Code relating to Green Waste and Leaf Collection.
- Public Works; Karin Rodriguez, 577-5453, krodriquez@modestogov.com*

ACTION: Motion (Lopez/Madrigal; 7/0) introducing and waiving the first reading of **Ordinance No. 3635-C.S.** amending Sections 4-7.1101, 4-7.1102, 4-7.1103, 4-7.1104, 4-7.1105, 4-7.1106, 4-7.1107, 4-7.1108 of Chapter 7 of Title 4 of the Modesto Municipal Code relating to Green Waste and Leaf Collection.

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

16. Consider approving the revised T-Hanger Use Policy for the Modesto City-County Airport. (Funding Source: Not Applicable)
- Resolution approving the Revised T-Hanger Use Policy for the Modesto City-County Airport.
- Public Works; Mark Germanowski, 577-5319, mgermanowski@modestogov.com*

ACTION: Resolution 2015-272 (Lopez/Madrigal; 6/0; Zoslocki absent due to conflict of interest) approving the Revised T-Hanger Use Policy for the Modesto City-County Airport.

Consent

17. Consider: (i) approving an On-call Environmental Site Assessment Services agreement with Cardno ATC in an amount not to exceed \$45,000; with two (2) one-year extension options at the sole discretion of the City, in an amount not to exceed \$45,000 per year; and (ii) approving an On-call Environmental Site Assessment Services agreement with Ground Zero Analysis, Inc. in an amount not to exceed \$45,000, with two (2) one-year extension options at the sole discretion of the City, in an amount not to exceed \$45,000 per year. (Funding Source: Various CIP Projects)
- Resolution approving an agreement with Cardno ATC for On-call Environmental Site Assessment Services for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.
 - Resolution approving an agreement with Ground Zero Analysis, Inc. for On-call Environmental Site Assessments Services for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.
- Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

ACTION: Resolution 2015-273 (Lopez/Madrigal; 7/0) approving an agreement with Cardno ATC for On-call Environmental Site Assessment Services for one year, with two one-year

extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.

ACTION: Resolution 2015-274 (Lopez/Madrigal; 7/0) approving an agreement with Ground Zero Analysis, Inc. for On-call Environmental Site Assessments Services for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.

Consent

18. Consider authorizing the submittal of an application to the California Department of Water Resources for the 2015 Integrated Regional Water Management Grant in an amount not to exceed \$6.7 Million, authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive grant funds, if awarded, and authorizing the Director of Utilities to be the signatory of grant invoice forms during requests for reimbursements. (Funding Source: Not applicable)

- Resolution authorizing the submittal of an application to the California Department of Water Resources for the 2015 Integrated Regional Water Management Grant in an amount not to exceed \$6.7 Million; authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive grant funds, if awarded, and authorizing the Director of Finance to be the signatory of grant invoice forms during requests for reimbursements.

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

ACTION: Resolution 2015-275 (Lopez/Madrigal; 7/0) authorizing the submittal of an application to the California Department of Water Resources for the 2015 Integrated Regional Water Management Grant in an amount not to exceed \$6.7 Million; authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive grant funds, if awarded, and authorizing the Director of Finance to be the signatory of grant invoice forms during requests for reimbursements.

Consent

19. Consider: (i) approving the plans and specifications for the 2013-2014 Sanitary Sewer Collection Replacement Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, of Stockton, California in the amount of \$1,578,238; and (ii) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$1,175,500 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for the 2013-2014 Sanitary Sewer Collection Replacement project. (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the 2013-2014 Sanitary Sewer Collection Replacement Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, of Stockton, California in the amount of \$1,578,238, and authorizing the City Manager, or his designee, to execute the contract.
- Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program

Budget in the amount of \$1,175,500 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for the 2013-2014 Sanitary Sewer Collection Replacement Project.

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

ACTION: Resolution 2015-276 (Lopez/Madrigal; 7/0) approving the plans and specifications for the 2013-2014 Sanitary Sewer Collection Replacement Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, of Stockton, California in the amount of \$1,578,238, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2015-277 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$1,175,500 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for the 2013-2014 Sanitary Sewer Collection Replacement Project.

Consent

20. Consider approving a Protest Dismissal Agreement with the Turlock Irrigation District (TID) for the City of Modesto Notice of Change Petition filed with the State Water Resources Control Board (SWRCB) for tertiary-treated wastewater (Funding Source: Not Applicable)

- Resolution approving a Protest Dismissal Agreement with the Turlock Irrigation District for the City of Modesto Notice of Change Petition filed with the State Water Resources Control Board for tertiary-treated wastewater, and authorize the City Manager, or his designee, to execute the Agreement.

Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Resolution 2015-278 (Lopez/Madrigal; 7/0) approving a Protest Dismissal Agreement with the Turlock Irrigation District for the City of Modesto Notice of Change Petition filed with the State Water Resources Control Board for tertiary-treated wastewater, and authorize the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding watering in Modesto.

Councilmember Gunderson spoke regarding Tuolumne River vegetation management.

Councilmember Lopez spoke regarding National Night Out on Tuesday, August 4, 2015 and thanked everyone who participated.

Councilmember Madrigal thanked everyone for National Night Out on August 4, 2015; he also spoke about the increased tagging at the Helen White Trail and need for assistance.

Mayor Marsh spoke regarding the certification of the North Valley Regional Water Recycling

program today; he also spoke regarding the "Trafficked Life" event on September 17, 2015.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson spoke regarding National Night Out on August 4, 2015.

WRITTEN COMMUNICATIONS

21. Accept a written communication from John Kalal regarding parks in Modesto.
(Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Mayor and Council thanked Mr. Kalal for his assistance in cleaning up the parks and bringing these issues to their attention.

22. Accept a written communication from Thomas Crum regarding an alleged pyramid/ponzi business complaint. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: No reportable action.

HEARINGS

Published in the Modesto Bee on July 4, 2015

23. Hearing to consider approving a Technical Amendment to the Action Plan of the Neighborhood Stabilization Program 2 (NSP2) Grant Agreement # B-09-LN-CA-0053 for an additional allocation of \$352,000 in NSP2 funds for the construction of on-site and off-site improvements for the Tower Park Senior Apartments project and authorizing the City Manager, or his designee, to execute modification agreements and related documents; and amending the Multi-Year budget for Capital Grants – CIP Project 100753 to be increased by \$352,000 to come from NSP2 funding, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the budget adjustment. (Funding Source: NSP2 Funds)
- Resolution approving a Technical Amendment to the Action Plan of the Neighborhood Stabilization Program 2 (NSP2) Grant Agreement # B-09-LN-CA-0053 for an additional allocation up to \$352,000 in Neighborhood Stabilization Program 2 Funds (NSP2) for the construction of on-site and off-site improvements for the Tower Park Senior Apartments project, and authorizing the City Manager or his designee to execute modification agreements and related documents.
 - Resolution amending the Fiscal Year 2015-2016 Multi-Year budget to increase the budget for Capital Grants – CIP Project 100753 by \$352,000, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

Community & Economic Development; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2015-279 (Lopez/Madrigal; 7/0) approving a Technical Amendment to the Action Plan of the Neighborhood Stabilization Program 2 (NSP2) Grant Agreement # B-

09-LN-CA-0053 for an additional allocation up to \$352,000 in Neighborhood Stabilization Program 2 Funds (NSP2) for the construction of on-site and off-site improvements for the Tower Park Senior Apartments project, and authorizing the City Manager or his designee to execute modification agreements and related documents.

ACTION: Resolution 2015-280 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2015-2016 Multi-Year budget to increase the budget for Capital Grants – CIP Project 100753 by \$352,000, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

Published in the Modesto Bee on July 4, 2015

24. Hearing to consider adopting: (i) Fiscal Year 2015-20 Consolidated Plan and Fiscal Year 2015-16 Annual Action Plan; and (ii) Analysis of Impediments to Fair Housing Choice as required by the U.S. Department of Housing and Urban Development Department (HUD) for receipt of HUD entitlement funding. (Funding Source: HUD Entitlement Funds)

- Resolution approving the (i) Five-Year Consolidated Plan (2015-2020) and Fiscal Year 2015-16 Annual Action Plan for the use of Community Development Block Grant, HOME Investment Partnership Grant, and Emergency Solutions Grant Funds and (ii) Analysis of Impediments to Fair Housing Choice; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the U.S. Department of Housing and Urban Development.

Community & Economic Development; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Motion (Lopez/Madrigal; 6/0; Mayor Marsh absent due to conflict of interest) approving the (i) Five-Year Consolidated Plan (2015-2020) and Fiscal Year 2015-16 Annual Action Plan for the use of Community Development Block Grant, HOME Investment Partnership Grant, and Emergency Solutions Grant Funds and (ii) Analysis of Impediments to Fair Housing Choice; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the U.S. Department of Housing and Urban Development.

- Court Appointed Special Advocates Program (CASA)

ACTION: Resolution 2015-281 (Madrigal/Kenoyer; 7/0) approving the (i) Five-Year Consolidated Plan (2015-2020) and Fiscal Year 2015-16 Annual Action Plan for the use of Community Development Block Grant, HOME Investment Partnership Grant, and Emergency Solutions Grant Funds and (ii) Analysis of Impediments to Fair Housing Choice; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the U.S. Department of Housing and Urban Development.

NEW BUSINESS

25. Consider accepting the results of the actuarial valuation of the City of Modesto Other Post-Employment Benefits plan as of January 1, 2015 conducted in accordance with the Governmental Accounting Standards Board in Statement 43 and 45 (GASB 45). (Funding Source: Employee Benefits Fund)

- Resolution approving the results of the actuarial valuation of the City of Modesto Other Post-Employment Benefits (OPEB) plan as of January 1, 2015 conducted in accordance with The Governmental Accounting Standards Board in Statement 43 and 45 (GASB 45).

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

ACTION: Resolution 2015-282 (Lopez/Kenoyer; 7/0) approving the results of the actuarial valuation of the City of Modesto Other Post-Employment Benefits (OPEB) plan as of January 1, 2015 conducted in accordance with The Governmental Accounting Standards Board in Statement 43 and 45 (GASB 45).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:50 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Section 54956.9(a) of the Government Code)**

Number of Cases: 2

Name of case: Modesto Irrigation District v. COM
Stanislaus County Superior Court
Case No. 2001607

Name of case: Olvera v. COM
US District Court-Eastern District of California
Case No. 1:11-cv-00540

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

Number of Cases: 2

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez
Agency Negotiators: Jim Holgersson, City Manager
Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto

SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

Monday, August 10, 2015, at 5:00 p.m.

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

PUBLIC COMMENTS

None.

CONSENT

Consent

1. Consider approving the installation of a mid-block crosswalk across Mount Vernon Drive at Catherine Everett School, and across Bear Cub Lane at Ustach Middle School which is consistent with Council's Initiatives to implement Safer Schools and Safer Neighborhoods to help students cross safely as they travel to and from school and forwarding to Council for approval. (Funding Source: Surface Transportation Fund (Gas Tax) - 1700)

Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Motion (Kenoyer/Gunderson;unan.) approving the installation of a mid-block crosswalk across Mount Vernon Drive at Catherine Everett School, and across Bear Cub Lane at Ustach Middle School which is consistent with Council's Initiatives to implement Safer Schools and Safer Neighborhoods to help students cross safely as they travel to and from school and forwarding to Council for approval.

NEW BUSINESS

2. Consider accepting the quarterly performance report for the operations of the Modesto Fire Department during the third and fourth quarters of the 2014-2015 Fiscal Year. (Funding Source: Not Applicable)

Fire; Sean Slamon, 572-9590, sslamon@modestofire.com

ACTION: Motion (Gunderson/Kenoyer;unan.) accepting the quarterly performance report for the operations of the Modesto Fire Department during the third and fourth quarters of the 2014-2015 Fiscal Year.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:12 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday August 11, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbien, College Ave. Congregational Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Item 21 – Mayor Marsh

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Mayor's Top Teens Scholarship and Farewell. (Funding Source: Not Applicable)
City Manager; Loree Lee, 571-5101, llee@modestogov.com

ACTION: Presentation of Mayor's Top Teens Scholarships and Farewell was made.

2. Presentation of Certificate of Recognition to ER Vine for their leadership in environmental sustainability in bringing an electric car charging station to Stanislaus County. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to ER Vine for their leadership in environmental sustainability in bringing an electric car charging station to Stanislaus County.

Recess at 6:00 p.m.

Reconvened at 6:15 p.m.

3. Presentation regarding water conservation program results to date. (Funding Source:

Not Applicable)

Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Presentation by Utilities Director Larry Parlin regarding water conservation program results was made.

MISCELLANEOUS

Legislation
Appointments
Other

4. Consider appointing William Gaines, Jessica Self, Liduvina Gonzalez, Sandra Graham and Amin Vohra to the Equal Opportunity/Disability Commission and Human Relations Commission with terms to expire August 11, 2017. (Funding Source: Not Applicable)
- Resolution appointing William Gaines to the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of August 11, 2017.
 - Resolution appointing Jessica Self to the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of August 11, 2017.
 - Resolution appointing Liduvina Gonzalez to the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of August 11, 2017.
 - Resolution appointing Sandra Graham to the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of August 11, 2017.
 - Resolution appointing Amin Vohra to the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of August 11, 2017.

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

ACTION: Resolution 2015-283 (Madrigal/Lopez; 7/0) appointing William Gaines to the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of August 11, 2017.

ACTION: Resolution 2015-284 (Madrigal/Lopez; 7/0) appointing Jessica Self to the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of August 11, 2017.

ACTION: Resolution 2015-285 (Madrigal/Lopez; 7/0) appointing Liduvina Gonzalez to the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of August 11, 2017.

ACTION: Resolution 2015-286 (Madrigal/Lopez; 7/0) appointing Sandra Graham to the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of August 11, 2017.

ACTION: Resolution 2015-287 (Madrigal/Lopez; 7/0) appointing Amin Vohra to the Equal

Opportunity/Disability Commission and Human Relations Commission with a term expiration of August 11, 2017.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding his Campaign Statement for the November 3, 2015 election.
- Maggie Countryman spoke regarding the Board of Zoning Adjustment decision of a second story addition near her home and appeal.
- Mack Wilson spoke regarding Advocates for Justice and the clean-up project at Modesto High School.
- Loretta Carhart spoke regarding bus service near Kaiser Hospital.
- Israel Hadid, Modesto Car Toys, spoke regarding problems near his business on McHenry Avenue near the Tiki Lodge.
- David Avila spoke regarding enforcement of Federal and State law.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED ACTION CONSENT ITEMS 5-17: (Lopez/Madriral;unan.)

CONSENT ITEMS

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

Consent

5. Consider approving the Minutes from the August 5, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the August 5, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madriral; 7/0) approving the Minutes from the August 5, 2015 Council meeting.

Consent

6. Consider: (i) approving a project to improve the playgrounds at Freedom and Sanders Neighborhood Parks and authorizing the establishment of Capital Improvement Project #100892 – Playground Improvements at Freedom and Sanders Parks; and (ii) amending the Fiscal Year 2015-16 Capital Improvement Program budget in the amount of \$307,100.00 for project #100892. (Funding Source: Community Facilities District No. 1996-1 and Community Facilities District No. 2004-1)
 - Resolution approving a project to improve the playgrounds at Freedom and Sanders Neighborhood Parks and authorizing the establishment of Capital Improvement

Project #100892 – Playground Improvements at Freedom and Sanders Parks budget in the amount of \$307,100.

- Resolution authorizing the establishment of Capital Improvement Project #100892 – Playground Improvements at Freedom and Sanders Parks and amending the Fiscal Year 2015-16 Capital Improvement Program Budget in the amount of \$307,100 for Project #100892.

Community & Economic Development; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2015-288 (Lopez/Madrigal; 7/0) approving a project to improve the playgrounds at Freedom and Sanders Neighborhood Parks and authorizing the establishment of Capital Improvement Project #100892 – Playground Improvements at Freedom and Sanders Parks budget in the amount of \$307,100.

ACTION: Resolution 2015-289 (Lopez/Madrigal; 7/0) authorizing the establishment of Capital Improvement Project #100892 – Playground Improvements at Freedom and Sanders Parks and amending the Fiscal Year 2015-16 Capital Improvement Program Budget in the amount of \$307,100 for Project #100892.

Consent

7. Consider authorizing and directing the City Manager or his designee, to submit the City of Modesto ballot with a “Yes” vote for the formation of a Community Benefit District (CBD) in Downtown Modesto. (Funding Source: General Fund Reserves)
 - Resolution authorizing and directing the Community and Economic Development Director, or his designee, to submit the City of Modesto ballot with a “Yes” vote for the formation of a Community Benefit District (CBD) in Downtown Modesto.

Community & Economic Development; Josh Bridegroom, 571-5540, joshbridegroom@modestogov.com

ACTION: Resolution 2015-290 (Lopez/Madrigal; 7/0) authorizing and directing the Community and Economic Development Director, or his designee, to submit the City of Modesto ballot with a “Yes” vote for the formation of a Community Benefit District (CBD) in Downtown Modesto.

Consent

8. Consider authorizing the award of bid for the purchase of one truck with aerial bucket for the Public Works Department, Community Forestry Division and one truck with aerial bucket for the Public Works Department, Green Waste Division through the Public Works Department, Fleet Services Division, to Altec Industries, Creedmoor, NC, for an estimated total cost of \$343,991. (Funding Source: Fleet Replacement Funds and Community Forestry Funds)
 - Resolution authorizing the award of bid for the purchase of one truck with aerial bucket for the Public Works Department, Community Forestry Division and one truck for the Public Works Department, Green Waste Division through the Public Works Department, Fleet Services Division, to Altec Industries, Creedmoor, NC, and authorize the Purchasing Manager or his designee to issue a purchase order for a total estimated total cost of \$343,991.

Finance and Public Works; Cindy Medley, 571-5164, cmedley@modestogov.com

ACTION: Resolution 2015-291 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of one truck with aerial bucket for the Public Works Department, Community Forestry Division and one truck for the Public Works Department, Green Waste Division through the Public Works Department, Fleet Services Division, to Altec Industries, Creedmoor, NC, and authorize the Purchasing Manager or his designee to issue a purchase order for a total estimated total cost of \$343,991.

Consent

9. Consider authorizing the award of bid for the furnishing of tire recapping and related services for the Public Works Department, Fleet Services Division, to Brannon Tire, Stockton, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$63,691 and over five (5) years of \$318,455. (Funding Source: Fleet Management Fund and Bus Fixed Route Max Operations Fund)

- Resolution authorizing the award of bid for the furnishing of tire recapping and related services for the Public Works Department, Fleet Services Division, to Brannon Tires, Stockton, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager or his designee to issue a purchase agreement for an estimated annual cost of \$63,691, and over five (5) years of \$318,455.

Finance and Public Works; Cindy Medley, 571-5164, cmedley@modestogov.com

ACTION: Resolution 2015-292 (Lopez/Madrigal; 7/0) authorizing the award of bid for the furnishing of tire recapping and related services for the Public Works Department, Fleet Services Division, to Brannon Tires, Stockton, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager or his designee to issue a purchase agreement for an estimated annual cost of \$63,691, and over five (5) years of \$318,455.

Consent

10. Consider directing the City Manager or his designee to develop a Memorandum of Understanding between the County of Stanislaus and the Veterans Foundation of Stanislaus County to develop a Veteran's Center in Modesto and to amend the budget to include an \$80,000 contribution from the City of Modesto's General Fund for ten (10) fiscal years. (Funding Source: General Fund)

- Resolution directing the City Manager or his designee to develop a Memorandum of Understanding between the County of Stanislaus and the Veterans Foundation of Stanislaus County to develop a Veteran's Center in Modesto and to amend the budget to include an \$80,000 contribution from the City of Modesto's General Fund for ten (10) fiscal years.

Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Resolution 2015-293 (Lopez/Madrigal; 7/0) directing the City Manager or his designee to develop a Memorandum of Understanding between the County of Stanislaus and the Veterans Foundation of Stanislaus County to develop a Veteran's Center in Modesto and

to amend the budget to include an \$80,000 contribution from the City of Modesto's General Fund for ten (10) fiscal years.

Consent

11. Consider approving the Restated and Amended License Agreement with the Modesto Nuts Professional Baseball Club and authorize the City Manager or his designee, to execute the Restated and Amended Agreement (Funding Source: General Fund)
- Resolution approving the Restated and Amended License Agreement with the Modesto Nuts Professional Baseball Club to, among other things, extend the deadline for stadium improvements at John Thurman Field by one year, allow the Modesto Nuts to book non-baseball events at the field, portions of the revenue sharing agreement and authorizing the City Manager, or his designee, to execute this agreement.
- Parks, Recreation & Neighborhoods; Sean Kilger, 577-5339, skilger@modestogov.com*

ACTION: Resolution 2015-294 (Lopez/Madrigal; 7/0) approving the Restated and Amended License Agreement with the Modesto Nuts Professional Baseball Club to, among other things, extend the deadline for stadium improvements at John Thurman Field by one year, allow the Modesto Nuts to book non-baseball events at the field, portions of the revenue sharing agreement and authorizing the City Manager, or his designee, to execute this agreement.

Consent

12. Consider: (i) approving Amendment No. 2 to Agreement 397 between the City of Modesto and California Department of Transportation (Caltrans); and (ii) amending Fiscal Year 2015/2016 Capital Improvement budget, and reallocating \$300,000 of the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, from Contingency-CIP to Construction Administration, and authorizing the Finance Director, or her designee, to implement the provisions of the resolution for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project. (Funding Source: State Route (SR) 99 1B Bond Savings)
- Resolution approving Amendment No. 2 to Agreement 397 between the City of Modesto and California Department of Transportation (Caltrans) for State Route 99 / Pelandale Avenue Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Amendment.
 - Resolution amending the Fiscal Year 2014/2015 Capital Improvement budget as reflected in Exhibit A, and reallocating \$300,000 of the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, from Contingency-CIP to Construction Administration, and authorizing the Finance Director, or her designee, to implement the provisions of the resolution.
- Public Works; Charles Covolo, 571-5537, ccovolo@modestogov.com*

ACTION: Resolution 2015-295 (Lopez/Madrigal; 7/0) approving Amendment No. 2 to Agreement 397 between the City of Modesto and California Department of Transportation (Caltrans) for State Route 99 / Pelandale Avenue Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Amendment.

ACTION: Resolution 2015-296 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014/2015 Capital Improvement budget as reflected in Exhibit A, and reallocating \$300,000 of the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, from Contingency-CIP to Construction Administration, and authorizing the Finance Director, or her designee, to implement the provisions of the resolution.

Consent

13. Consider accepting the work by Mountain Cascade, Inc. of Livermore, California, for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$3,161,752. (Funding Source: Wastewater Fund)

- Resolution accepting the work by Mountain Cascade, Inc., for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$3,161,752.

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

ACTION: Resolution 2015-297 (Lopez/Madrigal; 7/0) accepting the work by Mountain Cascade, Inc., for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$3,161,752.

Consent

14. Consider authorizing an increase in the Director's authority to issue change orders for the Transit Building Restroom Remodel project from 10 percent (\$25,500) to approximately 27 percent (\$68,500) of the original contract price of \$255,000 with RMC Enterprises, Inc., of Fresno, CA. (Total estimated cost of the project is \$470,891.) (Funding Source: Transit Funds)

- Resolution approving an increase of the Director of Utilities Authority to issue change orders on the Transit Building Restroom Remodel project from 10 percent (\$25,500) to approximately 27.0 percent to an amount not to exceed (\$68,500) of the original contract price with RMC Enterprises, Inc., of Fresno, CA.

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

ACTION: Resolution 2015-298 (Lopez/Madrigal; 7/0) approving an increase of the Director of Utilities Authority to issue change orders on the Transit Building Restroom Remodel project from 10 percent (\$25,500) to approximately 27.0 percent to an amount not to exceed (\$68,500) of the original contract price with RMC Enterprises, Inc., of Fresno, CA.

Consent

15. Consider: (i) authorizing the Director of Utilities to issue change orders on the Kiernan

Avenue Water Main Replacement project in the total amount of \$490,386 (40.0% of the original contract price); (ii) accepting the work by Mountain Cascade, Inc. of Livermore, California for Kiernan Avenue Water Main Replacement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$1,715,587; and (iii) amending the Fiscal Year 2015-2016 Capital Improvement Program (CIP) budget by transferring \$410,000 from Water Fund Reserves into the project account to fund construction, contingency, construction administration, and engineering support during construction. (Funding Source: Water Fund - CIP)

- Resolution authorizing the Director of Utilities to issue change orders on the Kiernan Avenue Water Main Replacement Project in the total amount of \$490,386 (40.0% of the original contract price).
- Resolution accepting the work by Mountain Cascade, Inc., for the Kiernan Avenue Water Main Replacement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$1,715,587.
- Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program budget in the amount of \$410,000 to be transferred from Water Reserve funds in order to fully fund required change orders as well as additional costs associated with closeout for the Kiernan Avenue Water Main Replacement Project.

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

ACTION: Resolution 2015-299 (Lopez/Madrigal; 7/0) authorizing the Director of Utilities to issue change orders on the Kiernan Avenue Water Main Replacement Project in the total amount of \$490,386 (40.0% of the original contract price).

ACTION: Resolution 2015-300 (Lopez/Madrigal; 7/0) accepting the work by Mountain Cascade, Inc., for the Kiernan Avenue Water Main Replacement Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$1,715,587.

ACTION: Resolution 2015-301 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2015-2016 Capital Improvement Program budget in the amount of \$410,000 to be transferred from Water Reserve funds in order to fully fund required change orders as well as additional costs associated with closeout for the Kiernan Avenue Water Main Replacement Project.

Consent

16. Consider: (i) declaring the City-owned real property located at 931 10th Street (APN 105-041-006) as surplus land and authorizing the City's property agent to proceed with the sale of this real property; and (ii) amending the fiscal year 2015-2016 operating budget and appropriating all proceeds to revenue account 0100-14110-47005 and expenditure account 0100-14110-53300 for expenses related to the Downtown Modesto Partnership (Funding Source: Revenue)

- Resolution declaring the City property at 931 10th Street (APN: 105-041-006) as surplus land and authorizing the City's property agent to proceed with the sale of this property and authorizing the City Manager, or his designee, to execute all necessary sale documents.
- Resolution amending the Fiscal Year 2015/2016 Operating Budget, appropriating all proceeds from the sale of City-owned property at 931 10th Street (APN 105-041-006) to revenue account 0100-14110-47005 and to expense account 0100-14110-53030 for expenses related to the Downtown Modesto Partnership, and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

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

ACTION: Resolution 2015-302 (Lopez/Madrigal; 7/0) declaring the City property at 931 10th Street (APN: 105-041-006) as surplus land and authorizing the City's property agent to proceed with the sale of this property and authorizing the City Manager, or his designee, to execute all necessary sale documents.

ACTION: Resolution 2015-303 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2015/2016 Operating Budget, appropriating all proceeds from the sale of City-owned property at 931 10th Street (APN 105-041-006) to revenue account 0100-14110-47005 and to expense account 0100-14110-53030 for expenses related to the Downtown Modesto Partnership, and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

Consent

17. Consider approving a Public Utility and Access Easement to Sacramento-Valley Limited Partnership dba Verizon Wireless by AirTouch Cellular, its General Partner, within Chrysler Park (APN: 005-064-069) to serve a Verizon Wireless Communications Tower. (Funding Source: Not Applicable)
- Resolution approving a Public Utility and Access Easement located on City-owned property at Chrysler Park located on Park Place (APN: 005-064-069) to Sacramento-Valley Limited Partnership dba Verizon Wireless by AirTouch Cellular, its General Partner and authorizing the City Manager, or his designee, to execute the easement.

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

ACTION: Resolution 2015-304 (Lopez/Madrigal; 7/0) approving a Public Utility and Access Easement located on City-owned property at Chrysler Park located on Park Place (APN: 005-064-069) to Sacramento-Valley Limited Partnership dba Verizon Wireless by AirTouch Cellular, its General Partner and authorizing the City Manager, or his designee, to execute the easement.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked Michele Thomson, Loree Lee and Sean Kilger.

Councilmember Madrigal announced he and Mayor Marsh sent a letter to Assemblymember

Adam Gray to secure state funding for a quiet zone in downtown Modesto and possible expansion of the ACE Train.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on July 31, 2015

18. Hearing to consider the Fiscal Year 2015-16 annual assessment for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
- Resolution confirming the Fiscal Year 2015-16 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2015-305 (Kenoyer/Madrigal; 6/0; Lopez absent) confirming the Fiscal Year 2015-16 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

Published in the Modesto Bee on July 31, 2015

19. Hearing to consider the Fiscal Year 2015-16 annual assessment for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 & 2. (Funding Source: Landscape Maintenance Assessment District No. 2)
- Resolution confirming the Fiscal Year 2015-16 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2.

Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2015-306 (Kenoyer/Madrigal; 6/0; Lopez absent) confirming the Fiscal Year 2015-16 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2.

Published in the Modesto Bee on July 31, 2015

20. Hearing to consider the Fiscal Year 2015-16 annual assessment for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Landscape Maintenance Assessment District No. 1)
- Resolution confirming the Fiscal Year 2015-16 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance

Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.
*Community & Economic Development; Tina Rocha, 577-5211,
trocha@modestogov.com*

ACTION: Resolution 2015-307 (Kenoyer/Madrigal; 6/0; Lopez absent) confirming the Fiscal Year 2015-16 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

NEW BUSINESS

Mayor Marsh Conflict of Interest

21. Consider accepting the State Route 108 Reinvestment Plan to encourage future reinvestment and redevelopment along McHenry Avenue. (Funding Source: Not Applicable)
- Resolution accepting the State Route 108 Reinvestment Plan.
Community & Economic Development; Paul Liu, 577-5282, pliu@modestogov.com

ACTION: Resolution 2015-308 (Lopez/Madrigal; 6/0; Mayor Marsh absent due to conflict of interest) accepting the State Route 108 Reinvestment Plan.

22. Consider: (i) approving an Agreement for Professional Services with CTC, Inc., in an amount not to exceed \$34,500, to establish a Quiet Zone along the Union Pacific Railroad right-of-way in downtown Modesto; and (ii) amending the Fiscal Year 2015/2016 Operating Budget to appropriate \$34,500 from General Fund Reserves to 0100-14400-53300 for the Project. (Funding Source: General Fund Reserves)
- Resolution authorizing staff to prepare and enter into an Agreement for Professional Services with CTC, Inc., in an amount not to exceed \$34,500, to establish a Quiet Zone along the Union Pacific Railroad right of way in downtown Modesto, and authorizing the City Manager, or his designee, to execute all necessary documents.
 - Resolution amending the Fiscal Year 2015/2016 Operating Budget to appropriate funding in the amount of \$34,500 from General Fund Reserves to 0100-14400-53300 (Professional Services – Planning) for the Union Pacific Railroad Quiet Zone Project in downtown Modesto, and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.
*Community & Economic Development; Cindy Van Empel, 577-5280,
cvanempel@modestogov.com*

ACTION: Resolution 2015-309 (Madrigal/Kenoyer; 7/0) authorizing staff to prepare and enter into an Agreement for Professional Services with CTC, Inc., in an amount not to exceed \$34,500, to establish a Quiet Zone along the Union Pacific Railroad right of way in downtown Modesto, and authorizing the City Manager, or his designee, to execute all necessary documents.

ACTION: Resolution 2015-310 (Madrigal/Kenoyer; 7/0) amending the Fiscal Year 2015/2016 Operating Budget to appropriate funding in the amount of \$34,500 from General

Fund Reserves to 0100-14400-53300 (Professional Services – Planning) for the Union Pacific Railroad Quiet Zone Project in downtown Modesto, and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

23. Consider: (i) authorizing the City Manager and the City Attorney to execute an agreement with the State Board of Equalization and submit other required documents to collect the City's Utility User's Tax on prepaid mobile telephony services; and (ii) authorizing City Manager and Director of Finance and their designee(s) to examine records relating to the City's Utility Users' Tax for prepaid mobile telephony services collected by the State Board of Equalization. (Funding Source: General Fund)
- Resolution authorizing the City Manager and the City Attorney to execute an agreement with the State Board of Equalization and submit other required documents to collect the City's Utility Users' Tax on prepaid mobile telephony services.
 - Resolution authorizing City Manager and Director of Finance and their designee(s) to examine records relating to the City's Utility Users' Tax for prepaid mobile telephony services collected by the State Board of Equalization.

Finance; Leslie Curtin, 571-5889, lcurtin@modestogov.com

ACTION: Resolution 2015-311 (Lopez/Madrigal; 7/0) authorizing the City Manager and the City Attorney to execute an agreement with the State Board of Equalization and submit other required documents to collect the City's Utility Users' Tax on prepaid mobile telephony services.

ACTION: Resolution 2015-312 (Lopez/Madrigal; 7/0) authorizing City Manager and Director of Finance and their designee(s) to examine records relating to the City's Utility Users' Tax for prepaid mobile telephony services collected by the State Board of Equalization.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:30 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of case: Goddard v. COM, et al.
Stanislaus County Superior Court
Case No. 659261

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

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

Property: Property between 9th and 10th Street, and E Street and F Street, located in Modesto, CA APN: 106-044-005

Property Owners: Victor Martinez and Iris L. Martinez TRS

Negotiating Parties:

For City: Brent Sinclair, Interim Deputy City Manager for City of Modesto

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Larry Killian (Real Estate Broker)

Under Negotiation: Possible acquisition of property and entering into property negotiations

ADJOURN TO ROOM B300, BASEMENT LEVEL, TENTH STREET PLACE, 1010 10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP (Open to the Public)

1. City Council Workshop: (i) Discussion regarding the selection of member organizations to serve on the Oversight Board for the potential tax that will be used to fund the Safer Neighborhood Initiative; and (ii) Discussion on further developing the list of potential ordinances in support of implementing the Safer Neighborhood Initiative. (Funding Source: Not Applicable)
City Manager; James Holgersson, 577-5224, jholgersson@modestogov.com

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, August 11, 2015, at 10:00 a.m.

Roll Call Present: Councilmembers Gunderson and Zoslocki, Mayor Marsh (alternate)
(arrived at 10:05 a.m.)
Absent: Madrigal

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider accepting an Internal Audit Status Report, dated August 11, 2015 prepared by Moss Adams, LLP. (Funding Source: General Fund)
City Auditor; Mark Steranka, (206) 302-6409 |, Mark.Steranka@mossadams.com

ACTION: Motion (Zoslocki/Gunderson; Madrigal absent) accepting an Internal Audit Status Report, dated August 11, 2015 prepared by Moss Adams, LLP.

2. Consider approving an Internal Controls Review Final Report, dated August 4, 2015 prepared by Moss Adams, LLP and forwarding to Council for approval. (Funding Source: Various Funds (General Fund, Water Fund, IT Fund, Various Grant Funds))
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Zoslocki/Mayor Marsh; unan.) approving an Internal Controls Review Final Report, dated August 4, 2015 prepared by Moss Adams, LLP and forwarding to Council for approval.

3. Consider approving a Transportation Efficiency Study Final Report, dated June 10, 2015 prepared by Moss Adams, LLP and forwarding to Council for approval. (Funding Source: Surface Transportation Fund, Transit Fund)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Mayor Marsh/Zoslocki; unan.) approving a Transportation Efficiency Study Final Report, dated June 10, 2015 prepared by Moss Adams, LLP and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:45 a.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 01, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marty Villa, Youth for Christ Stanislaus County

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Francine DiCiano, United Way Stanislaus County CEO, regarding the 211 Program and 24 hour hotline throughout Stanislaus County. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation was made by Francine DiCiano, United Way Stanislaus County CEO, regarding the 211 Program and 24 hour hotline throughout Stanislaus County.

2. Presentation of the City of Modesto's Annual Business Recycling Awards. (Funding Source: Not Applicable)
Public Works; Vicki Rice, 577-5495, vrice@modestogov.com

ACTION: Presentation by Vicki Rice and Mayor Marsh of the City of Modesto's Annual Business Recycling Awards were made: A&S Metals, Community Business College, Habitat for Humanity-ReStore, Once Upon A Child, The State Theatre, Community Hospice-Hope Chest Thrift Stores, Gallo Center for the Arts, Modesto Junk Co., Inc. Recycling Center, Operation 92-99, Thomas Downey High School Environmental Club, United Cerebral Palsy of Stanislaus County, Boyett Petroleum, Center for Human Services, Crystal Creamery, DoubleTree by Hilton Modesto, E&J Gallo Winery, Gregori High School, James C. Enochs High School, Modesto City Schools, Modesto Irrigation District and Vintage Faire Mall.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider accepting the resignation of Annette Reclusado from the City of Modesto Equal Opportunity/Disability Commission and Human Relations Commission.
(Funding Source: Not Applicable)

- Resolution accepting, with regret, the resignation of Annette Reclusado from the City of Modesto Equal Opportunity/Disability Commission, effective September 1, 2015.

City Manager; Joseph Lopez, 571-5126 , joelopez@modestogov.com

ACTION: Resolution 2015-313 (Lopez/Madrigan; 7/0) accepting, with regret, the resignation of Annette Reclusado from the City of Modesto Equal Opportunity/Disability Commission, effective September 1, 2015.

4. Consider appointing Keith Copeland to the City of Modesto Equal Opportunity/Disability Commission and Human Relations Commission with a term to expire September 1, 2017. (Funding Source: Not Applicable)

- Resolution appointing Keith Copeland to the City of Modesto Equal Opportunity/Disability Commission and Human Relations Commission with a term to expire September 1, 2017.

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

ACTION: Resolution 2015-314 (Madrigan/Lopez; 7/0) appointing Keith Copeland to the City of Modesto Equal Opportunity/Disability Commission and Human Relations Commission with a term to expire September 1, 2017.

PUBLIC COMMENT PERIOD

- George Russell spoke regarding removal of the pool at Mellis Park and needs for the King-Kennedy Memorial Center.
- Wayne Bridegroom spoke regarding Love Modesto and partnership with Council and Citizen Ministry Network, and Community Center at Marshall Park.
- Maggie Countryman spoke regarding appeal for second story permit.
- A citizen spoke regarding cell towers in Modesto and possible dangers to health.
- Rhonda Allen thanked everyone for the presentation at their Homeowners Association meeting.

- Susan Levy spoke regarding squatters and homeless in vacant areas near her home and in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 5-22: (Madrigal/Lopez;unan.)

CONSENT ITEMS

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

Consent

5. Consider approving the Minutes from the August 11, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the August 11, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Madrigal/Lopez; 7/0) approving the Minutes from the August 11, 2015 Council meeting.

Consent

6. Consider approving final adoption of: (i) Ordinance No. 3633-C.S. amending Title 7 Chapter 5 of the Modesto Municipal Code relating to Street Trees; (ii) Ordinance No. 3634-C.S. amending Chapter 5, of Title 5 of the Modesto Municipal Code relating to Solid Waste Collection; and (iii) Ordinance No. 3635-C.S. amending Chapter 7 of Title 4 of the Modesto Municipal Code relating to Green Waste and Leaf Collection. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3633-C.S. amending Sections 7-5.01, 7-5.02, 7-5.03, 7-5.04, 7-5.05, 7-5.06, 7-5.07, 7-5.08, 7-5.10 of Title 7 Chapter 5 of the Modesto Municipal Code relating to Street Trees.
 - Motion approving final adoption of Ordinance No. 3634-C.S.(as amended) amending Sections 5-5.103, 5-5.104, 5-5.105, 5-5.106, 5-5.107, 5-5.108, 5-5.109, 5-5.110, 5-5.111, 5-5.114, 5-5.115, 5-5.116, 5-5.117, 5-5.118, 5-5.123, 5-5.125, 5-5.128, 5-5.133, 5-5.138, 5-5.141 of Chapter 5, of Title 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding the additional Municipal Code 5-5.142 to reflect the new Mandatory Commercial Recycling law implemented by the Public Resource Code Section 42649.2 of State Assembly Bill AB341.
 - Motion approving final adoption of Ordinance No. 3635-C.S.amending Sections 4-7.1101, 4-7.1102, 4-7.1103, 4-7.1104, 4-7.1105, 4-7.1106, 4-7.1107, 4-7.1108 of Chapter 7 of Title 4 of the Modesto Municipal Code relating to Green Waste and Leaf Collection.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Madrigal/Lopez; 7/0) approving final adoption of **Ordinance No. 3633-C.S.** amending Sections 7-5.01, 7-5.02, 7-5.03, 7-5.04, 7-5.05, 7-5.06, 7-5.07, 7-5.08, 7-5.10 of Title 7 Chapter 5 of the Modesto Municipal Code relating to Street Trees.

ACTION: Motion (Madrigal/Lopez; 7/0) approving final adoption of **Ordinance No. 3634-C.S.** (as amended) amending Sections 5-5.103, 5-5.104, 5-5.105, 5-5.106, 5-5.107, 5-5.108, 5-5.109, 5-5.110, 5-5.111, 5-5.114, 5-5.115, 5-5.116, 5-5.117, 5-5.118, 5-5.123, 5-5.125, 5-5.128, 5-5.133, 5-5.138, 5-5.141 of Chapter 5, of Title 5 of the Modesto Municipal Code relating to Solid Waste Collection and adding the additional Municipal Code 5-5.142 to reflect the new Mandatory Commercial Recycling law implemented by the Public Resource Code Section 42649.2 of State Assembly Bill AB341.

ACTION: Motion (Madrigal/Lopez; 7/0) approving final adoption of **Ordinance No. 3635-C.S.** amending Sections 4-7.1101, 4-7.1102, 4-7.1103, 4-7.1104, 4-7.1105, 4-7.1106, 4-7.1107, 4-7.1108 of Chapter 7 of Title 4 of the Modesto Municipal Code relating to Green Waste and Leaf Collection.

Consent

7. Consider approving Amendment Number Four to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP in an amount not to exceed \$295,000. (Funding Source: General Fund)
 - Resolution approving Amendment Number Three to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP in an amount not to exceed \$295,000.

City Council ; Garrad Marsh, 571-5597, gmarsh@modestogov.com

ACTION: Resolution 2015-315 (Madrigal/Lopez; 7/0) approving Amendment Number Three to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP in an amount not to exceed \$295,000.

Consent

8. Consider approving a Will Serve Letter and Outside Service Agreement for sewer connection for the property located at 3312 Coffee Road. (This action is authorized by City Council Policy 5.002 regarding extension of sewer services into unincorporated areas.) (Funding Source: Sewer Fund)
 - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Habitat For Humanity to connect to the City of Modesto's existing sewer system for the property located at 3312 Coffee Road (APN: 065-013-001), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the agreement.

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

ACTION: Resolution 2015-316 (Madrigal/Lopez; 7/0) approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Habitat For Humanity to connect to the City of Modesto's existing sewer system for the property located at 3312 Coffee Road (APN: 065-013-001), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the agreement.

Consent

9. Consider approving a project to renovate the Mancini Bowl Seating Area at Graceada Park and confirming it as a Park Partners project and exempt from having to go through the public bid process. (Funding Source: General Fund)
- Resolution approving a project to renovate the Mancini Bowl Seating Area at Graceada Park and confirming it as a Park Partners project and exempt from having to go through the public bid process.
- Community & Economic Development; Loren Holt, 571-5573, lholt@modestogov.com*

ACTION: Resolution 2015-317 (Madrigal/Lopez; 7/0) approving a project to renovate the Mancini Bowl Seating Area at Graceada Park and confirming it as a Park Partners project and exempt from having to go through the public bid process.

Consent

10. Consider accepting a Land and Water Conservation Fund grant in the amount of \$451,060 and amending the Fiscal Year 2015-2016 Capital Improvement Program project TRRP Gateway Phase 2 (100599) budget to fully fund the project. (Funding Source: Land and Water Conservation Fund Grant)
- Resolution accepting a Land and Water Conservation Fund (LWCF) grant in the amount of \$451,060.00 and amending the Fiscal Year 2015-2016 Capital Improvement Program project TRRP Gateway Phase 2 (100599) budget to fully fund the project.
- Community & Economic Development; Loren Holt, 571-5573, lholt@modestogov.com*

ACTION: Resolution 2015-318 (Madrigal/Lopez; 7/0) accepting a Land and Water Conservation Fund (LWCF) grant in the amount of \$451,060.00 and amending the Fiscal Year 2015-2016 Capital Improvement Program project TRRP Gateway Phase 2 (100599) budget to fully fund the project.

Consent

11. Consider approving the Final Map of Rose Villas One Subdivision located north-west of the intersection of Mable Avenue and Oakdale Road, at 2101 Mable Avenue and authorizing the City Manager or his designee to execute the Subdivision Agreement with the Subdivider, Modesto Mable, LLC, a California limited liability company, as required by Section 4-4.605 of the Modesto Municipal Code. (Funding Source: Not Applicable)
- Resolution approving the Final Map of Rose Villas One Subdivision, authorizing the City Manager or his designee to execute a subdivision agreement with Modesto Mable, LLC, a California Limited Liability Company and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's office.
- Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com*

ACTION: Resolution 2015-319 (Madrigal/Lopez; 7/0) approving the Final Map of Rose Villas One Subdivision, authorizing the City Manager or his designee to execute a subdivision agreement with Modesto Mable, LLC, a California Limited Liability Company and

authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's office.

Consent

12. Consider an amendment to Title 9, Chapter 1 "Building Regulations," of the Modesto Municipal Code adopting Article 18 "Small Residential Rooftop Solar Energy Systems." (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading on an ordinance amending Chapter 1, "Building Code" of Title 9, "Building Regulations," of the Modesto Municipal Code to add Article 18, "Small Residential Solar Energy Systems."

Community & Economic Development; William Crew, 577-5242,

wcrew@modestogov.com

ACTION: Motion (Madrigal/Lopez; 7/0) introducing and waiving the first reading of **Ordinance No. 3636-C.S.** amending Chapter 1, "Building Code" of Title 9, "Building Regulations," of the Modesto Municipal Code to add Article 18, "Small Residential Solar Energy Systems."

Consent

13. Consider authorizing the award of bids for the furnishing of electric motor rewind/rebuild services for the Department of Utilities, Water Division to Andrews Electric and Machine, Modesto, CA, as "primary" contractor and Industrial Electrical Co., Modesto, CA, as "secondary" contractor, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$88,548, and over five (5) years of \$442,740. (Funding Source: Water Fund)

- Resolution authorizing the award of bids for the furnishing of electric motor rewind/rebuild services for the Department of Utilities, Water Division to Andrews Electric and Machine, Modesto, CA, as "primary" contractor and Industrial Electrical Co., Modesto, CA, as "secondary" contractor, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$88,548, and over five (5) years of \$442,740.

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

ACTION: Resolution 2015-320 (Madrigal/Lopez; 7/0) authorizing the award of bids for the furnishing of electric motor rewind/rebuild services for the Department of Utilities, Water Division to Andrews Electric and Machine, Modesto, CA, as "primary" contractor and Industrial Electrical Co., Modesto, CA, as "secondary" contractor, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$88,548, and over five (5) years of \$442,740.

Consent

14. Consider authorizing the award of bid for the purchase of two (2) trucks with animal control bodies for the Modesto Police Department, Field Operations Division through the Public Works Department, Fleet Services Division, to Albany Ford, Albany, CA, for an estimated total cost of \$95,770. (Funding Source: Fleet Replacement Funds and

MPD Field Operations Funds)

- Resolution authorizing the award of bid for the purchase of two (2) trucks with animal control bodies for the Modesto Police Department, Field Operations Division through the Public Works Department, Fleet Services Division, to Albany Ford, Albany, CA, and authorize the Purchasing Manager or his designee to issue a purchase order for a total estimated total cost of \$95,770.

Finance and Public Works; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-321 (Madrigal/Lopez; 7/0) authorizing the award of bid for the purchase of two (2) trucks with animal control bodies for the Modesto Police Department, Field Operations Division through the Public Works Department, Fleet Services Division, to Albany Ford, Albany, CA, and authorize the Purchasing Manager or his designee to issue a purchase order for a total estimated total cost of \$95,770.

Consent

15. Consider authorizing the award of bid for the printing of the Modesto Area Express Ride Guide for the Department of Public Works, Transit Division to Fong and Fong Printers and Lithographers, Sacramento, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$24,345, and over five (5) years of \$121,725. (Funding Source: Transit Fund)

- Resolution authorizing the award of bid for the printing of the Modesto Area Express Ride Guide for the Department of Public Works, Transit Division to Fong and Fong Printers and Lithographers, Sacramento, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$24,345, and over five (5) years of \$121,725.

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

ACTION: Resolution 2015-322 (Madrigal/Lopez; 7/0) authorizing the award of bid for the printing of the Modesto Area Express Ride Guide for the Department of Public Works, Transit Division to Fong and Fong Printers and Lithographers, Sacramento, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$24,345, and over five (5) years of \$121,725.

Consent

16. Consider authorizing the purchase of one 950M wheel loader 4WD with 3-yard bucket for the Utilities Department, Sewer Operations Division, through the Public Works Department, Fleet Services Division, to Holt of California, Stockton, CA, for an estimated total cost of \$274,119. (Funding Source: Fleet Replacement Funds)

- Resolution authorizing the purchase of one 950M wheel loader 4WD with 3-yard bucket for the Utilities Department, Sewer Operations Division through the Public Works Department, Fleet Services Division, to Holt of California, Stockton, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$274,119.

Finance and Public Works; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-323 (Madrigan/Lopez; 7/0) authorizing the purchase of one 950M wheel loader 4WD with 3-yard bucket for the Utilities Department, Sewer Operations Division through the Public Works Department, Fleet Services Division, to Holt of California, Stockton, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$274,119.

Consent

17. Consider approving an amendment to the agreement that provides certain less than county-wide fire services between Stanislaus County and the City of Modesto for countywide fire investigation services for an additional three months and authorizing the City Manager, or his designee, to execute the amendment. (Funding Source: General Fund)

- Resolution approving an amendment to the agreement that provides certain less than county-wide fire services between Stanislaus County and the City of Modesto for countywide fire investigation services for an additional three months and authorizing the City Manager, or his designee, to execute the amendment.

Fire; Mike Payton, 571-5876, mpayton@modestorfa.org

ACTION: Resolution 2015-324 (Madrigan/Lopez; 7/0) approving an amendment to the agreement that provides certain less than county-wide fire services between Stanislaus County and the City of Modesto for countywide fire investigation services for an additional three months and authorizing the City Manager, or his designee, to execute the amendment.

Consent

18. Consider approving sponsorship of the 2016 Stanislaus Community Foundation Connecting for Good Conference on May 5, 2016 by approving the free use of Modesto Centre Plaza and necessary equipment. (Funding Source: General Fund)

- Resolution approving sponsorship of the 2016 Stanislaus Community Foundation “Connecting for Good” Conference by approving the free use of Modesto Centre Plaza and necessary equipment on May 5, 2016.

Parks, Recreation & Neighborhoods; Stephanie Smith, 577-5420, ssmith@modestogov.com

ACTION: Resolution 2015-325 (Madrigan/Lopez; 7/0) approving sponsorship of the 2016 Stanislaus Community Foundation “Connecting for Good” Conference by approving the free use of Modesto Centre Plaza and necessary equipment on May 5, 2016.

Consent

19. Consider approving the City’s response to the Stanislaus County Civil Grand Jury final report relating to Stanislaus County Public Transit Systems and authorizing the City Manager to submit the response to the Presiding Judge of the Stanislaus County Superior Court. (Funding Source: Not Applicable)

- Resolution approving the City’s response to the 2014 - 2015 Stanislaus County Civil Grand Jury Report “Stanislaus County Public Transit Systems”, Case 15-02C, and authorizing the City Manager, or his designee, to submit the response to the Presiding Judge of the Stanislaus County Superior Court.

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

ACTION: Resolution 2015-326 (Madrigal/Lopez; 7/0) approving the City’s response to the 2014 - 2015 Stanislaus County Civil Grand Jury Report “Stanislaus County Public Transit Systems”, Case 15-02C, and authorizing the City Manager, or his designee, to submit the response to the Presiding Judge of the Stanislaus County Superior Court.

Consent

20. Consider approving an exemption for the Modesto Junior College sports and recreation fields from Stage II Drought Contingency Plan requirements in the interest and concern of providing for the health and safety of the users. (Funding Source: Not Applicable)
- Resolution approving an exemption for the Modesto Junior College sports and recreation fields from Stage II Drought Contingency Plan requirements in the interest and concern of providing for the health and safety of the users.
- Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

ACTION: Resolution 2015-327 (Madrigal/Lopez; 7/0) approving an exemption for the Modesto Junior College sports and recreation fields from Stage II Drought Contingency Plan requirements in the interest and concern of providing for the health and safety of the users.

Consent

21. Consider approving a Protest Dismissal Agreement with the Westlands Water District and Del Puerto Water District for the City of Modesto Notice of Change Petition filed with the State Water Resources Control Board for tertiary-treated wastewater. (Funding Source: Not Applicable)
- Resolution approving a Protest Dismissal Agreement with the Westlands Water District and the Del Puerto Water District for the City of Modesto Notice of Change Petition filed with the State Water Resources Control Board for tertiary-treated wastewater, and authorizing the City Manager, or his designee, to execute the Agreement.
- Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com*

ACTION: Resolution 2015-328 (Madrigal/Lopez; 7/0) approving a Protest Dismissal Agreement with the Westlands Water District and the Del Puerto Water District for the City of Modesto Notice of Change Petition filed with the State Water Resources Control Board for tertiary-treated wastewater, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

22. Consider approving a Memorandum of Understanding with the Turlock Groundwater Basin Association following the Sustainable Groundwater Management Act, and authorizing the City Manager, or his designee, to execute the MOU. (Funding Source: Not Applicable)
- Resolution approving a Memorandum of Understanding with the Turlock Groundwater Basin Association following the Sustainable Groundwater Management Act, and authorizing the City Manager, or his designee, to execute this Memorandum of Understanding on behalf of the City.
- Utilities; Jack Bond, 571-5801, jbond@modestogov.com*

ACTION: Resolution 2015-329 (Madrigal/Lopez; 7/0) approving a Memorandum of Understanding with the Turlock Groundwater Basin Association following the Sustainable Groundwater Management Act, and authorizing the City Manager, or his designee, to execute this Memorandum of Understanding on behalf of the City.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked City workers Randy and Mike for their clean-up work.

Councilmember Madrigal thanked staff for the cleaning of bathrooms at Mancini Park.

Mayor Marsh spoke regarding the Westlands Water District Agreement; he thanked Utilities Director Larry Parlin for all of his work on this project.

CITY MANAGER COMMENTS & REPORTS

None.

Recess at 8:06 p.m.

Reconvened at 8:45 p.m.

HEARINGS

Published in the Modesto Bee on August 18, 2015

23. Hearing to consider forming the Downtown Modesto Community Benefit District and levying assessment therewith. (Funding Source: General Fund)

- Resolution forming the Downtown Modesto Community Benefit District and authorizing the levy and collection of assessments within said District pursuant to City of Modesto Municipal Code Title 8, Chapter 9.

*Community & Economic Development; Josh Bridegroom, 571-5540,
Jbridegroom@modestogov.com*

ACTION: Resolution 2015-330 (Madrigal/Lopez; 7/0) forming the Downtown Modesto Community Benefit District and authorizing the levy and collection of assessments within said District pursuant to City of Modesto Municipal Code Title 8, Chapter 9.

NEW BUSINESS

24. Consider approving an Internal Controls Review Final Report, dated August 4, 2015 prepared by Moss Adams, LLP. (Funding Source: Various Funds (General Fund, Water Fund, IT Fund, Various Grant Funds))

- Motion approving an Internal Controls Review Final Report, dated August 4, 2015 prepared by Moss Adams, LLP.

City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Kenoyer/Zoslocki; 7/0) approving an Internal Controls Review Final Report, dated August 4, 2015 prepared by Moss Adams, LLP.

25. Consider approving a Transportation Efficiency Study Final Report, dated June 10, 2015 prepared by Moss Adams, LLP. (Funding Source: Surface Transportation Fund, Transit Fund)
- Motion approving a Transportation Efficiency Study Final Report, dated June 10, 2015 prepared by Moss Adams, LLP.
- City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

ACTION: Motion (Kenoyer/Zoslocki; 7/0) approving a Transportation Efficiency Study Final Report, dated June 10, 2015 prepared by Moss Adams, LLP.

26. Consider accepting a grant in the amount of \$5,200 from Pacific Gas and Electric Company in support of the Modesto Fire Department's attainment as a Hazardous Materials Team Type II status. (Funding Source: MFD Mini-Grants Revenue, Project 100879)
- Resolution accepting a grant in the amount of \$5,200 from Pacific Gas and Electric Company in support of the Modesto Fire Department's attainment of Hazardous Materials Team Type II status.
- Fire; Sean Slamon, 572-9590, sslamon@modestofire.com*

ACTION: Resolution 2015-331 (Lopez/Gunderson; 7/0) accepting a grant in the amount of \$5,200 from Pacific Gas and Electric Company in support of the Modesto Fire Department's attainment of Hazardous Materials Team Type II status.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:52 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of case: Goddard v. COM, et al.

Stanislaus County Superior Court

Case No. 659261

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: Acquisition of 47.37 acres of land for a Corporation Yard, located on Litt Road, Modesto, CA APN: 084-003-005

Property Owners: John C. Phillips Trust, et al.

Negotiating Parties:

For City: Jon Yuriar, Property Agent for City of Modesto

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Fred Miller, Broker, Vinson Chase Realtor

Under Negotiation: Price and terms of purchase

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

Property: 134 12th Street, Modesto, CA APN 106-023-014

Property Owner: Stanislaus Food Products

12th Street, Modesto, CA APN 106-023-011

Property Owner: Stanislaus Food Products

Morton Boulevard, Modesto, CA APN 106-033-006

Property Owner: Stanislaus Food Products

Morton Boulevard, Modesto, CA APN 106-033-007

Property Owner: Stanislaus Food Products

110 11th Street, Modesto, CA APN 106-330-014

Property Owner: Stanislaus Food Products

1202 D Street, Modesto, CA APN 106-032-010

Property Owner: Stanislaus Food Products

B Street, Modesto, CA APN 106-023-009

Property Owner: Stanislaus Food Products

11th Street, Modesto, CA APN 106-037-004

Property Owner: Stanislaus Food Products

231 11th Street, Modesto, CA APN 106-036-004

Property Owner: Stanislaus Food Products

11th Street, Modesto, CA APN 106-036-003

Property Owner: Stanislaus Food Products

12th Street, Modesto, CA APN 106-023-015

Property Owner: Beard Land Improvement Co.

132 10th Street, Modesto CA APN 106-035-003

Property Owner: Beard Land Improvement Co.

10th & D Streets, Modesto, CA APN 106-037-008

Property Owner: Stanislaus Food Products

10th Street, Modesto CA APN 106-037-010

Property Owner: Stanislaus Food Products

10th Street, Modesto, CA APN 106-037-009

Property Owner: Stanislaus Food Products

231 11th Street, Modesto, CA APN 106-036-004

Property Owner: Stanislaus Food Products

217 10th Street, Modesto, CA APN 106-047-004

Property Owner: Stanislaus Food Products

132 10th Street, Modesto, CA APN 106-035-003

Property Owner: Beard Land Improvement Co.

104 9th Street, Modesto, CA APN 106-048-001

Property Owner: Beard Land Improvement Co.

301 10th Street, Modesto, CA, APN 106-046-002

Property Owner: Salvation Army

920 D Street, Modesto, CA, APN 106-046-001

Property Owner: City of Modesto

APN 106-046-003

Property Owner: City of Modesto

Negotiating Parties:

For the City: Brent Sinclair, Interim Deputy City Manager
Bill Sandhu, Public Works Director
Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Stanislaus Food Products
Beard Land Improvement Company

Under Negotiation: Price and terms of purchase and/or exchange

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

Monday, August 31, 2015, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmembers Kenoyer (alternate), and Zoslocki
Absent: Councilmember Madrigal

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider accepting the recommended budget adjustments to the FY2014-15 and FY 2015-16 Annual Operating and Capital Improvement Project Budgets and forwarding to Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) accepting the recommended budget adjustments to the FY2014-15 and FY 2015-16 Annual Operating and Capital Improvement Project Budgets and forwarding to Council for approval.

NEW BUSINESS

2. Consider recommending to Council (i) amending the Classification Plan for the City of Modesto to create the classifications of Water Superintendent, Wastewater Maintenance Superintendent, Utilities Plant Operator Trainee, Utilities Plant Operator I,II, Senior Utilities Plant Operator, Utilities Services Supervisor, Plant Mechanic Trainee, Plant Mechanic I,II, Senior Plant Mechanic, Plant Maintenance Supervisor, Electrical and Instrumentation Technician Trainee, Electrical and Instrumentation Technician, Utilities Services Worker I,II,III, Senior Utilities Services Worker, and Utilities Services Supervisor; (ii) adding two (2) Senior IT Systems Engineers (SCADA) and one (1) Senior IT Technician to the IT allocation, (iii) adjusting the salary range of the Benefits Coordinator position to 423 and amending Exhibit “A” of Resolution No. 2015-195 to revise the Class Range Table for Represented

Management and Confidential Non-Sworn Classes; (iv) amending Exhibit "A" of Resolution No. 2015-196 to revise the Class Range Table for General Non-Sworn Classes; and (v) amending the Position Allocation and the Fiscal Year 2015-16 Operating Budget for various departments not previously addressed by Council. (Funding Source: Various Funds)
City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki; unan.) (i) amending the Classification Plan for the City of Modesto to create the classifications of Water Superintendent, Wastewater Maintenance Superintendent, Utilities Plant Operator Trainee, Utilities Plant Operator I,II, Senior Utilities Plant Operator, Utilities Services Supervisor, Plant Mechanic Trainee, Plant Mechanic I,II, Senior Plant Mechanic, Plant Maintenance Supervisor, Electrical and Instrumentation Technician Trainee, Electrical and Instrumentation Technician, Utilities Services Worker I,II,III, Senior Utilities Services Worker, and Utilities Services Supervisor; (ii) adding two (2) Senior IT Systems Engineers (SCADA) and one (1) Senior IT Technician to the IT allocation, (iii) adjusting the salary range of the Benefits Coordinator position to 423 and amending Exhibit "A" of Resolution No. 2015-195 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes; (iv) amending Exhibit "A" of Resolution No. 2015-196 to revise the Class Range Table for General Non-Sworn Classes; and (v) amending the Position Allocation and the Fiscal Year 2015-16 Operating Budget for various departments not previously addressed by Council and forwarding to Council for approval.

3. Consider: (i) recommending to Council the use of settlement funds from Office Depot (approximately \$170,000) to initiate City participation in the Google Government Innovation Lab Project; (ii) receive a report on the City's acceptance into the Alliance for Innovation's Innovation Academy; and (iii) receive information on the 100 Resilient Cities Challenge and directing the City Manager to submit the application on behalf of the City. (Funding Source: General Fund)
City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki; unan.) (i) recommending to Council the use of settlement funds from Office Depot (approximately \$170,000) to initiate City participation in the Google Government Innovation Lab Project; (ii) receive a report on the City's acceptance into the Alliance for Innovation's Innovation Academy; and (iii) receive information on the 100 Resilient Cities Challenge and directing the City Manager to submit the application on behalf of the City.

Mayor Marsh left meeting at 6:20 p.m.

4. Consider providing direction to Staff regarding the disposition of City-owned real property located at 800 North McClure Road; APN 079-001-001. (Funding Source: General Fund)
Parks Recreation and Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki; Mayor Marsh absent) providing direction to staff regarding the disposition of City-owned real property located at 800 North McClure Road; APN 079-001-001.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:25 p.m.

MINUTES

City of Modesto
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP**

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

Tuesday August 25, 2015, at 4:30 p.m.

Roll Call: Present: Councilmembers Madrigal, Gunderson and Mayor Marsh
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS -ROLL CALL VOTE REQUIRED: There are no consent Items

NEW
BUSINESS

1. Consider recommending appointment for one (1) vacancy to the Equal Opportunity/Disability and Human Relations Commissions and forwarding to Council for approval (Funding Source: Not Applicable)
Human Resources; Joseph Lopez, 571-5809, joelopez@modestogov.com

ACTION: (Motion Marsh/Gunderson: unan.) to forward Keith Copeland to the City Council for consideration to the Equal Opportunity/Disability and Human Relations Commission at the next available City Council meeting.

2. Consider interviewing applicants for one (1) appointment on the City of Modesto Planning Commission; and one (1) appointment the Board of Zoning Adjustment and forwarding to Council for approval. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Motion Gunderson/Marsh: unan,) to forward Amin Vohra to the City Council for consideration to the Planning Commission.

MATTERS TOO LATE FOR THE AGENDA

None.

This meeting adjourned at 7:39p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 08, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal (arrived at 6:50 p.m.), Zoslocki, Mayor Marsh

Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements: Item 10 - Removed from Consent

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session Matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificates Recognizing Manny Escamilla, John Evans, Datapath, Jorge Perez, Modesto City Schools, Modesto Junior College and South Modesto Partnership, Apostolic Jubilee Center, the Stanislaus Business Alliance and the children and families who participated in the first Code X Program. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented Certificates Recognizing Manny Escamilla, John Evans, Datapath, Jorge Perez, Modesto City Schools, Modesto Junior College and South Modesto Partnership, Apostolic Jubilee Center, the Stanislaus Business Alliance and the children and families who participated in the first Code X Program.

2. Presentation of Proclamation declaring the Greek Food Festival as September 19-20, 2015. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring the Greek Food Festival as September 19-20, 2015.

3. Presentation of Proclamation declaring October 18-24, 2015 as Freedom From Workplace Bullies Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring October 18-24, 2015 as Freedom From Workplace Bullies Week.

4. Presentation of Proclamation declaring September as National Senior Center Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring September as National Senior Center Month.

5. Presentation regarding upcoming M&ET Railroad Repairs on B Street. (Funding Source: Not Applicable)
Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Utilities Director Larry Parlin gave a presentation regarding upcoming M&ET Railroad Repairs on B Street.

6. Presentation regarding water conservation program results through August 2015. (Funding Source: Not Applicable)
Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Utilities Director Larry Parlin gave a presentation regarding water conservation program results through August 2015.

MISCELLANEOUS

Legislation
Appointments
Other

7. Consider accepting the resignation of Kate Trompetter from the City of Modesto Culture Commission. (Funding Source: Not Applicable)
Staff Recommendations:
 - Resolution accepting with regret the resignation of Kate Trompetter from the City of Modesto Culture Commission.*Parks, Recreation, & Neighborhoods; Wayne Mathes, 577-5335, wmathes@modestogov.com*

ACTION: Resolution 2015-332 (Lopez/Gunderson; 6/0; Madrigal absent) accepting with regret the resignation of Kate Trompetter from the City of Modesto Culture Commission.

8. Consider appointing Amin Vohra to the City of Modesto Planning Commission. (Funding Source: Not Applicable)
Staff Recommendations:
 - Resolution appointing Amin Vohra to the City of Modesto Planning Commission.*Community and Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

ACTION: Resolution 2015-333 (Lopez/Gunderson; 6/0; Madrigal absent) appointing Amin Vohra to the City of Modesto Planning Commission.

PUBLIC COMMENT PERIOD

- Marcus Savage spoke regarding YGRENE Energy Fund.
- Roland Esquivivias, Public Utilities Commission, spoke regarding programs through the Public Utilities Commission.
- Reva Damir spoke regarding Senior Scam Prevention Program on September 28, 2015 at Trinity United Presbyterian Church.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 9, 11-16: (Gunderson/Kenoyer; 6/0; Madrigal absent)

CONSENT ITEMS

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

Consent

9. Consider approving the minutes from the September 1, 2015 Council meeting.
(Funding Source: Not Applicable)

Staff Recommendations:

- Motion approving the Minutes from the September 1, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 6/0; Madrigal absent) approving the Minutes from the September 1, 2015 Council meeting.

Removed from Consent

10. Consider final adoption of Ordinance No. 3636-C.S. amending Title 9, Chapter 1 “Building Regulations,” of the Modesto Municipal Code adopting Article 18 “Small Residential Rooftop Solar Energy Systems.” (Funding Source: Not Applicable)

Staff Recommendations:

- Motion approving final adoption of Ordinance No. 3636-C.S. amending Title 9, Chapter 1 “Building Regulations,” of the Modesto Municipal Code adopting Article 18 “Small Residential Rooftop Solar Energy Systems.”
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Gunderson/Kenoyer; 6/0; Madrigal absent) approving final adoption of **Ordinance No. 3636-C.S.** amending Title 9, Chapter 1 “Building Regulations,” of the Modesto Municipal Code adopting Article 18 “Small Residential Rooftop Solar Energy Systems.”

Consent

11. Consider amending the Class Range Table and Salary Schedules for Executive

Management including Charter Officers, to amend the salary range for Community and Economic Development Director. (Funding Source: General Fund)

Staff Recommendations:

- Resolution amending Exhibits “D through F” of Resolution no. 2014-520 to revise the Class Range Table and Salary Schedules for Executive Management Including Charter Officers, to amend the salary range for Director of Community and Economic Development from 1422 to 1426.

City Manager; Joseph Lopez, 577-5228, joelopez@modestogov.com

ACTION: Resolution 2015-334 (Lopez/Gunderson; 6/0; Madrigal absent) amending Exhibits “D through F” of Resolution no. 2014-520 to revise the Class Range Table and Salary Schedules for Executive Management Including Charter Officers, to amend the salary range for Director of Community and Economic Development from 1422 to 1426.

Consent

12. Consider approving the submittal of an Application for Grant Funds from the California River Parkways Grant Program to Fund Development of the River Overlook in the Tuolumne River Regional Park. (Funding Source: Tuolumne River Regional Park Special Revenue Fund)

Staff Recommendations:

- Resolution approving the submittal of an application for grant funds from the California River Parkways Grant Program to fund development and construction of the River Overlook in the Tuolumne River Regional Park (TRRP) Gateway Parcel.

Community & Economic Development; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2015-335 (Lopez/Gunderson; 6/0; Madrigal absent) approving the submittal of an application for grant funds from the California River Parkways Grant Program to fund development and construction of the River Overlook in the Tuolumne River Regional Park (TRRP) Gateway Parcel.

Consent

13. Consider approving the submittal of an Application for a Recreational Trails Program State of California grant to fund development of the Virginia Corridor Phase 7 project. (Funding Source: Capital Grants - CIP Projects)

Staff Recommendations:

- Resolution approving the submittal of an application for a Recreational Trails Program State of California grant to fund development of the Virginia Corridor Phase 7 project.

Community & Economic Development; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2015-336 (Lopez/Gunderson; 6/0; Madrigal absent) approving the submittal of an application for a Recreational Trails Program State of California grant to fund development of the Virginia Corridor Phase 7 project.

Consent

14. Consider approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group). (Funding Source: Various Funds)

Staff Recommendations:

- Resolution approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract.

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

ACTION: Resolution 2015-337 (Lopez/Gunderson; 6/0; Madrigal absent) approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract.

Consent

15. Consider accepting the Monthly Budget Adjustments Report for June and July 2015 and amending the Fiscal Year 2014-15 and Fiscal Year 2015-16 Annual Operating and Capital Improvement Budgets. (Funding Source: Various)

Staff Recommendations:

- Resolution amending the Fiscal Year 2014-15 and Fiscal Year 2015-16 Annual Operating and Capital Improvement Budgets.

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

ACTION: Resolution 2015-338 (Lopez/Gunderson; 6/0; Madrigal absent) amending the Fiscal Year 2014-15 and Fiscal Year 2015-16 Annual Operating and Capital Improvement Budgets.

Consent

16. Consider authorizing the award of bids for the furnishing of non-hazardous brine hauling services for the Utilities Department, Water Division to Sun Valley, Turlock, CA, as “primary” contractor and PSC Industrial Outsourcing, LP, San Ramon, CA, as “secondary” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$126,000, and over five (5) years of \$630,000. (Funding Source: Water Fund)

Staff Recommendations:

- Resolution authorizing the award of bids for the furnishing of non-hazardous brine hauling services for the Utilities Department, Water Division to Sun Valley, Turlock, CA, as “primary” contractor and PSC Industrial Outsourcing, LP, San Ramon, CA, as “secondary” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$126,000, and over five (5) years of \$630,000.

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

ACTION: Resolution 2015-339 (Lopez/Gunderson; 6/0; Madrigal absent) authorizing the award of bids for the furnishing of non-hazardous brine hauling services for the Utilities Department, Water Division to Sun Valley, Turlock, CA, as “primary” contractor and PSC Industrial Outsourcing, LP, San Ramon, CA, as “secondary” contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$126,000, and over five (5) years of \$630,000.

Consent

17. Consider: (i) accepting the Parklawn Neighborhood Sewer Improvements Project as complete, and annexing said improvements into Modesto Municipal Sewer District No. 1; (ii) approving a blanket Will Serve Letter for 326 parcels in the Parklawn neighborhood adjacent to the recently completed sewer improvements, allowing connection to the City of Modesto's existing sanitary sewer system; and (iii) amending the Fiscal Year 2015-16 Multi-year Budget in the amount of \$1,596,000 to be transferred from Wastewater Developmental Fees Fund, and establish the Fiscal Year 2015-16 Multi-year Budget in order to fully fund pre-paid connection fees for the #100898 Parklawn Sewer Improvements project. (Funding Source: SRF Grant)

Staff Recommendations:

- Resolution accepting the Parklawn Neighborhood Sewer Improvements Project as complete, and annexing said improvements into Modesto Municipal Sewer District No. 1.
- Resolution approving a blanket Will Serve Letter for 326 parcels in the Parklawn Neighborhood adjacent to the recently completed sewer Improvements, allowing connection to the City of Modesto's existing sanitary sewer system, and authorizing the City Manager, or his designee, to approve the Will Serve Letter.
- Resolution amending the Fiscal Year 2015-16 Multi-year Budget in the amount of \$1,596,000 to be transferred from Wastewater Developmental Fees Fund, and establish the Fiscal Year 2015-16 Multi-year Budget in order to fully fund pre-paid connection fees for the #100898 Parklawn Sewer Improvements project.

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

ACTION: Resolution 2015-340 (Lopez/Gunderson; 6/0; Madrigal absent) accepting the Parklawn Neighborhood Sewer Improvements Project as complete, and annexing said improvements into Modesto Municipal Sewer District No. 1.

ACTION: Resolution 2015-341 (Lopez/Gunderson; 6/0; Madrigal absent) Neighborhood adjacent to the recently completed sewer Improvements, allowing connection to the City of Modesto's existing sanitary sewer system, and authorizing the City Manager, or his designee, to approve the Will Serve Letter.

ACTION: Resolution 2015-342 (Lopez/Gunderson; 6/0; Madrigal absent) amending the Fiscal Year 2015-16 Multi-year Budget in the amount of \$1,596,000 to be transferred from Wastewater Developmental Fees Fund, and establish the Fiscal Year 2015-16 Multi-year Budget in order to fully fund pre-paid connection fees for the #100898 Parklawn Sewer Improvements project.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the kindness of citizens in Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

Councilmember Cogdill left meeting at 6:45 p.m.

HEARINGS

Published in the Modesto Bee on August 8, 2015

18. Hearing to consider approving federal funds in the amount of \$1,983,694.00 for housing projects proposed by Great Valley Housing Development and Housing Authority of the County of Stanislaus; Stanislaus County Affordable Housing Corporation and EAH Housing. (Funding Source: HOME Investment Partnership Program)

Staff Recommendations:

- Resolution approving the allocation of \$150,000 in Home Investment Partnership Program Funds and \$150,000 in Community Housing Development Organization Set Aside Funds to the Great Valley Housing Development and the Housing Authority of the County of Stanislaus.
- Resolution approving the allocation of \$490,000 in Home Funds and \$50,000 in Community Housing Development Organization Set Aside Funds to Stanislaus County Affordable Housing Corporation.
- Resolution approving the allocation of \$260,000 in Current Home Funds, and up to \$883,694 In Future Home Funds, for a total of \$1,143,694 to EAH Housing.

*Community & Economic Development; Carol Averell, 577-5310,
caverell@modestogov.com*

ACTION: Resolution 2015-343 (Zoslocki/Kenoyer; 5/0; Cogdill, Madrigal absent) approving the allocation of \$150,000 in Home Investment Partnership Program Funds and \$150,000 in Community Housing Development Organization Set Aside Funds to the Great Valley Housing Development and the Housing Authority of the County of Stanislaus.

ACTION: Resolution 2015-344 (Zoslocki/Kenoyer; 5/0; Cogdill, Madrigal absent) approving the allocation of \$490,000 in Home Funds and \$50,000 in Community Housing Development Organization Set Aside Funds to Stanislaus County Affordable Housing Corporation.

ACTION: Resolution 2015-345 (Zoslocki/Kenoyer; 5/0; Cogdill, Madrigal absent) approving the allocation of \$260,000 in Current Home Funds, and up to \$883,694 In Future Home Funds, for a total of \$1,143,694 to EAH Housing.

Councilmember Madrigal arrived at 6:50 p.m.

NEW BUSINESS

19. Consider: (i) directing the City Manager to send an invitation to various organizational groups to select one member to serve on the Citizen's Oversight Committee to review all revenue and expenditure from the potential sales tax measure. (Funding Source: General Fund)

Staff Recommendations:

- Resolution directing the City Manager to send an invitation to various organizational groups to select one member to serve on the Citizen's Oversight Committee to review all revenue and expenses from potential sales tax measure.
City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com

ACTION: Resolution 2015-346 (Kenoyer/Madrigal; 6/0; Cogdill absent) directing the City Manager to send an invitation to various organizational groups to select one member to serve on the Citizen's Oversight Committee to review all revenue and expenses from potential sales tax measure.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:07 p.m.

ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010 10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP (Open to the Public)

20. **COUNCIL WORKSHOP:** Safer Neighborhood Initiative Implementation Workshop; Continued discussion of potential new ordinances:
- Ordinance adding additional locations where panhandling is prohibited in the City;
 - Ordinance allowing for the safe disposal of prescription medication in a secure location at the City of Modesto Police Station (Funding Source: Not Applicable)
City Manager; Jim Holgersson, 577-5224, jholgersson@modestogov.com

MINUTES

City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Wednesday, September 9, 2015, at 5:00 p.m.

Roll Call: Present: Councilmembers Kenoyer, Zoslocki and Gunderson (arrived at 5:05 p.m.)
Absent: Councilmember Cogdill

PUBLIC COMMENTS

None.

CONSENT ITEMS – None.

NEW BUSINESS

1. Consider authorizing the Information Technology and Public Works Department to release a Request for Participants review for the LinkModesto project, which will be completed in two phases. Phase One, for deployment of advanced Small cell and WiFi technology on the City's vertical elements, and Phase Two (2) for deployment of advanced wireline broadband systems and forwarding to Council for approval.
(Funding Source: Not Applicable)

City Manager and Public Works; John Dickey, 577-5229, jdickey@modestogov.com

ACTION: Motion (Gunderson/Zoslocki; unan.) authorizing the Information Technology and Public Works Department to release a Request for Participants review for the LinkModesto project, which will be completed in two phases. Phase One, for deployment of advanced Small cell and WiFi technology on the City's vertical elements, and Phase Two (2) for deployment of advanced wireline broadband systems and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned 5:45 p.m.

MINUTES

City of
Modesto
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP**

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

Monday September 14, 2015, at 5:00
p.m.

Roll Call: Present: Councilmembers Gunderson and Kenoyer
Absent: Councilmember Lopez

PUBLIC COMMENTS

None.

CONSEN T

1. Consider approving: (i) the application of Hermes Guardian Transport to operate as a non-emergency medical transport service in the City of Modesto; and (ii) scheduling a public hearing to consider the applications of Hermes Guardian Transpmi to operate as a non-emergency medical transpoli service in the City of Modesto, and forwarding to Council for approval. (Funding Source: General Fund Revenue)
Police; Rick Armendariz, 342-6142, armendarizr@Modestopd.com

ACTION: (Motion Kenoyer/Gunderson: unan.) to move the item to City Council

2. Consider amending the Modesto Municipal Code to update regulation of smoking-related products and practices, including the use of e-cigarettes, medical marijuana, and vaping, as well as to enable application of these regulations to all City-owned facilities, such as the downtown Modesto Transportation Center and forwarding to Council for approval. (Funding Source: Transit Funds)
Public Works; Fred Cavanah, 577-5298,

fcavanah@modestogov.com

ACTION: (Motion Kenoyer/Gunderson: unan.) to move the item to City Council.

MATTERS TOO LATE FOR THE AGENDA

None.

This meeting adjourned at
5:53 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 22, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Love Modesto

City Clerk's Announcements: Items 5, 6, 11 and 14 - Removed from Consent; October 19, 2015 is last day to register to vote for November 3, 2015 election

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificates of Recognition to the City of Modesto from Lakewood Park Playground Volunteers in appreciation for assistance with new playground equipment. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation of Certificates of Recognition to the City of Modesto from Lakewood Park Playground Volunteers in appreciation for assistance with new playground equipment was made.

2. Presentation of Proclamation declaring October 2, 2015 as the 32nd Annual Chamber of Commerce Oktoberfest in the City of Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring October 2, 2015 as the 32nd Annual Chamber of Commerce Oktoberfest in the City of Modesto.

PUBLIC COMMENT PERIOD

- Debra Harper spoke regarding the bus system in Modesto and the County libraries.

- Chris Eggers spoke regarding the College Avenue road diet plan, the Virginia Corridor, water violators in Modesto, and requested change in utility bills.
- Jeremiah Williams announced the Meet the Candidates for Mayor and Council Candidate Forum on Saturday at Graceada Park at 11:00 a.m.
- Eleanor Chase, Myrtle Avenue, spoke regarding College Avenue road diet plan.
- Joe Williams spoke regarding a murder on Gary Lane and burglaries in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-4; 7-10, 12-13, 15-16: (Lopez/Madriral; unan.)

CONSENT ITEMS

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

Consent

3. Consider approving the minutes from the September 8, 2015 Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the September 8, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madriral; 7/0) approving the minutes from the September 8, 2015 Council meeting.

Consent

4. Consider approving and adopting a Tickets and Passes Distribution Policy in accordance with Fair Political Practices Commission regulations on the reporting of gifts by public officials. (Funding Source: Not Applicable)
 - Resolution approving and adopting a Tickets and Passes Distribution Policy.
City Attorney; Adam Lindgren, 577-5284, alingren@modestogov.com

ACTION: Resolution 2015-347 (Lopez/Madriral; 7/0) approving and adopting a Tickets and Passes Distribution Policy.

Removed from Consent

5. Consider approving agreements with Great Valley Housing Development Corporation, a non-profit organization, in the amount of \$300,000, for construction of four affordable housing units for veterans at risk of homelessness and with Stanislaus County Affordable Housing Corporation, in the amount of \$540,000, for construction of four permanent supportive units. (Funding Source: the HOME Investment Partnership Program (HOME) entitlement funds)
 - Resolution approving a HOME Investment Partnerships Program agreement with Great Valley Housing Development Corporation, a non-profit organization, to construct four affordable housing units for veterans at risk of homelessness, and

authorizing the City Manager, or his designee, to execute the agreements and related documents.

- Resolution approving a HOME Investment Partnerships Program agreement with Stanislaus County Affordable Housing Corporation, to construct four permanent supportive units for persons with mental health disabilities, and authorizing the City Manager, or his designee, to execute the agreement and related documents.
Community & Economic Development; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2015-348 (Lopez/Gunderson; 7/0) approving a HOME Investment Partnerships Program agreement with Great Valley Housing Development Corporation, a non-profit organization, to construct four affordable housing units for veterans at risk of homelessness, and authorizing the City Manager, or his designee, to execute the agreements and related documents.

ACTION: Resolution 2015-349 (Lopez/Gunderson; 7/0) approving a HOME Investment Partnerships Program agreement with Stanislaus County Affordable Housing Corporation, to construct four permanent supportive units for persons with mental health disabilities, and authorizing the City Manager, or his designee, to execute the agreement and related documents.

Removed from Consent

6. Consider approving a Subordination Agreement with Stanislaus County Affordable Housing Corporation for the construction of Carver Estates, an 18 unit multifamily affordable housing project. (Funding Source: the HOME Investment Partnerships Program (HOME) entitlement funds)
 - Resolution approving a Subordination Agreement with Stanislaus County Affordable Housing Corporation (STANCO) for the HOME Investment Partnership Program loan provided by the City of Modesto to STANCO for the construction of Carver Estates, an 18 unit multifamily affordable housing project, and authorizing the City Manager, or his designee, to execute the agreements and related documents.
Community & Economic Development; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2015-350 (Lopez/Gunderson; 7/0) approving a Subordination Agreement with Stanislaus County Affordable Housing Corporation (STANCO) for the HOME Investment Partnership Program loan provided by the City of Modesto to STANCO for the construction of Carver Estates, an 18 unit multifamily affordable housing project, and authorizing the City Manager, or his designee, to execute the agreements and related documents.

Consent

7. Consider authorizing award of bid for the purchase of 6 three quarter ton extra cab utility trucks to Albany Ford, Albany, CA, for an estimated total cost of \$214,588. (Funding Source: Fleet Replacement Funds)
 - Resolution authorizing the purchase of six (6) three quarter ton extra cab utility

trucks to Albany Ford, Albany, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$214,588.

Finance; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-351 (Lopez/Madrigal; 7/0) authorizing the purchase of six (6) three quarter ton extra cab utility trucks to Albany Ford, Albany, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$214,588.

Consent

8. Consider authorizing the award of proposal and contract for the furnishing of elevator maintenance and repair services for the Public Works Department, Building Maintenance Division to ThyssenKrupp Elevator Corp., West Sacramento, CA, for a 2 year agreement with 3 one-year extension options at the sole discretion of the City, for an estimated annual cost of \$46,680, and over 5 years of \$233,400. (Funding Source: Various Funds)

- Resolution authorizing the award of proposal and contract for the furnishing of elevator maintenance and repair services for the Public Works Department, Building Maintenance Division to ThyssenKrupp Elevator Corp., West Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the contract for an estimated annual cost of \$46,680, and over five (5) years of \$233,400.

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

ACTION: Resolution 2015-352 (Lopez/Madrigal; 7/0) authorizing the award of proposal and contract for the furnishing of elevator maintenance and repair services for the Public Works Department, Building Maintenance Division to ThyssenKrupp Elevator Corp., West Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the contract for an estimated annual cost of \$46,680, and over five (5) years of \$233,400.

Consent

9. Consider authorizing the award of bid and contract for the remodel and rehabilitation of two (2) portable buildings for the Modesto Police Department to JHK Construction, Inc., Escalon, CA, for an estimated total cost of \$95,750. (Funding Source: Operational Block Grants)

- Resolution authorizing the award of bid and contract for the remodel and rehabilitation of two (2) portable buildings for the Modesto Police Department to JHK Construction, Inc., Escalon, CA, and authorizing the City Manager, or his designee, to execute the contract for an estimated total cost of \$95,750.

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

ACTION: Resolution 2015-353 (Lopez/Madrigal; 7/0) authorizing the award of bid and contract for the remodel and rehabilitation of two (2) portable buildings for the Modesto Police Department to JHK Construction, Inc., Escalon, CA, and authorizing the City Manager, or his designee, to execute the contract for an estimated total cost of \$95,750.

Consent

10. Consider authorizing the award of bid and contract for the furnishing of rockwell rejuvenation services for the Utilities Department, Stormwater Collections Division to Fox Loomis, Inc., Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$644,100, and over five (5) years of \$3,220,500. (Funding Source: Stormwater Collections Fund)

- Resolution authorizing the award of bid and contract for the furnishing of rockwell rejuvenation services for the Utilities Department, Stormwater Collections Division to Fox Loomis, Inc., Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the contract for an estimated annual cost of \$644,100, and over five (5) years of \$3,220,500.

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

ACTION: Resolution 2015-354 (Lopez/Madrigan; 7/0) authorizing the award of bid and contract for the furnishing of rockwell rejuvenation services for the Utilities Department, Stormwater Collections Division to Fox Loomis, Inc., Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the contract for an estimated annual cost of \$644,100, and over five (5) years of \$3,220,500.

Removed from Consent

11. Consider: (i) rejecting all proposals received for RFP No. 1314-11 for an Outdoor WiFi Network (due to costs and restructuring); and (ii) authorizing the Purchasing Manager to re-release an RFP at a future date with an amended scope of work. (Funding Source: Information Technology)

- Resolution rejecting all proposals received for RFP NO. 1314-11 Outdoor WIFI Network and authorizing the Purchasing Manager to re-release an RFP at a future date with an amended scope of work.

Information Technology; John Dickey, 577-5229, jdickey@modestogov.com

ACTION: Resolution 2015-355 (Madrigan/Kenoyer; 7/0) rejecting all proposals received for RFP NO. 1314-11 Outdoor WIFI Network and authorizing the Purchasing Manager to re-release an RFP at a future date with an amended scope of work.

Consent

12. Consider authorizing the award of proposal and contract to CivicPlus for the website renovation which will provide the City with a new website utilizing the same domain, www.modestogov.com to include the upgrades, hosting, maintenance and support for a three (3) year agreement in the amount of \$32,300 annually followed by an annual maintenance cost of approximately \$11,200 starting in year four (4) for an estimated annual cost over a five (5) year period in the amount of \$119,300 (Funding Source: Information Technology)

- Resolution authorizing award of proposal and contract to CivicPlus for the website

renovation which will provide the City with a new website utilizing the same domain, www.modestogov.com to include the upgrades, hosting, maintenance and support for a three (3) year agreement in the amount of \$32,300 annually followed by an annual maintenance cost of approximately \$11,200 starting in year four (4) for an estimated annual cost over a five (5) year period in the amount of \$119,30
Information Technology; John Dickey, 577-5229, jdickey@modestogov.com

ACTION: Resolution 2015-356 (Lopez/Madrigal; 7/0) authorizing award of proposal and contract to CivicPlus for the website renovation which will provide the City with a new website utilizing the same domain, www.modestogov.com to include the upgrades, hosting, maintenance and support for a three (3) year agreement in the amount of \$32,300 annually followed by an annual maintenance cost of approximately \$11,200 starting in year four (4) for an estimated annual cost over a five (5) year period in the amount of \$119,300.

Consent

13. Consider authorizing the City Manager, or his designee, to execute a sole source contract with AST Corporation for the development and implementation of the city-wide E-Business Suite Document Archival project on the Oracle Enterprise Resource Planning system, financial and human resource system, in the amount of \$116,900 (Funding Source: Information Technology)

- Resolution authorizing the City Manager, or his designee, to execute a sole source contract with AST for the development and implementation of the city-wide E-Business Suite (EBS) Document Archival project on the Oracle Enterprise Resource Planning (ERP) system, financial and human resource system, in the amount of \$116,900.

Information Technology; Bev Romeo Bekedam, 577-5508, baromeo@modestogov.com

ACTION: Resolution 2015-357 (Lopez/Madrigal; 7/0) authorizing the City Manager, or his designee, to execute a sole source contract with AST for the development and implementation of the city-wide E-Business Suite (EBS) Document Archival project on the Oracle Enterprise Resource Planning (ERP) system, financial and human resource system, in the amount of \$116,900.

Removed from Consent

14. Consider directing the City Manager, or his designee, to sign a Memorandum of Understanding between the County of Stanislaus and the Veterans Foundation of Stanislaus County to develop a Veteran's Center in Modesto and to establish a new Non-Capital Project (#TBD) under Parks, Recreation, & Neighborhoods to be funded once the Operating Agreement has been signed by the City, County, and Foundation, and appropriate an \$80,000 contribution from the City of Modesto's General Fund for ten (10) fiscal years (Funding Source: General Fund)

- Resolution directing the City Manager, or his designee, to sign a Memorandum of Understanding between the County of Stanislaus and the Veterans Foundation of Stanislaus County to develop a Veteran's Center in Modesto and to establish a new Non-Capital Project (#TBD) under Parks, Recreation, & Neighborhoods to be funded once the Operating Agreement has been signed by the City, County, and Foundation, and appropriate an \$80,000 contribution from the City of Modesto's

General Fund for ten (10) fiscal years.
*Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582,
ajohnson@modestogov.com*

ACTION: Resolution 2015-358 (Lopez/Gunderson; 7/0) directing the City Manager, or his designee, to sign a Memorandum of Understanding between the County of Stanislaus and the Veterans Foundation of Stanislaus County to develop a Veteran's Center in Modesto and to establish a new Non-Capital Project (#TBD) under Parks, Recreation, & Neighborhoods to be funded once the Operating Agreement has been signed by the City, County, and Foundation, and appropriate an \$80,000 contribution from the City of Modesto's General Fund for ten (10) fiscal years.

Consent

15. Consider approving the installation of mid-block crosswalks across Mount Vernon Drive and Bear Cub Lane to help students safely travel to and from school. The marked mid-block crosswalks will help implement the Council's Great Safe Neighborhoods Strategic Commitment. (Funding Source: Surface Transportation Fund)
- Resolution approving the installation of a mid-block crosswalks across Mount Vernon Drive and Bear Cub Lane to help students safely travel to and from school.
Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2015-359 (Lopez/Madriral; 7/0) approving the installation of a mid-block crosswalks across Mount Vernon Drive and Bear Cub Lane to help students safely travel to and from school.

Consent

16. Consider approving the Protected-Permissive Traffic Signals Reports for 2013 and 2014. (Funding Source: Surface Transportation Fund)
- Resolution approving the Protected-Permissive Traffic Signals Report for 2013 and 2014.
Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2015-360 (Lopez/Madriral; 7/0) approving the Protected-Permissive Traffic Signals Report for 2013 and 2014.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked Patty Hill Thomas, Stanislaus County Assistant Executive Officer, for her work in moving forward with the Veterans Center in Modesto.

Councilmember Lopez spoke regarding the Greek Food Festival last weekend and a youth music festival in Modesto.

Councilmember Madriral spoke regarding the crosswalk safety improvements list and funding for more improvements for crosswalks with Modesto City Schools; he also spoke regarding his meeting with Modesto City Schools about a possible food waste to compost.

Councilmember Gunderson spoke regarding the Tuolumne River vegetation management.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson thanked Patty Hill Thomas, Stanislaus County Assistant Executive Officer, and staff for their work in moving forward with the Veterans Center in Modesto; he announced October 1, 2015 is the Focus on Prevention event regarding homelessness in Modesto; and he introduced the City's Economic Development Director Cindy Birdsill.

HEARINGS

Published in the Modesto Bee on August 22, 2015

17. Hearing to consider approving the City of Modesto's annual report regarding federal funds it has received for revitalizing neighborhoods, economic development, providing improved community facilities and services, affordable housing and homelessness. (Funding Source: Not Applicable)

- Resolution approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2014-2015 for the use of Community Development Block Grant, HOME Investment Partnership Grant, and Emergency Solutions Grant Funds; and authorizing the City Manager, or his designee, to sign the required documents for submittal to the U.S. Department of Housing and Urban Development.

Community & Economic Development; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2015-361 (Madrigal/Gunderson; 7/0) approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2014-2015 for the use of Community Development Block Grant, HOME Investment Partnership Grant, and Emergency Solutions Grant Funds; 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 6:55 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: Property between 9th and 10th Street, and E Street and F Street,
located in Modesto, CA APN: 106-044-005

Property Owners: Victor Martinez and Iris L. Martinez TRS

Negotiating Parties:

For City: Brent Sinclair, Interim Deputy City Manager for City of

Modesto

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Larry Killian (Real Estate Broker)

Under Negotiation: Possible acquisition of property and entering into property
negotiations

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of case: Smith v. City of Modesto, et al.

United States District Court

Federal Case No: 1:14-cv-01285-LJO-MJS

AGENDA

City of Modesto
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP**

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

Tuesday September 15, 2015, at 5:00 p.m.

Roll Call: Present: Councilmembers Madrigal, Gunderson and Mayor Marsh

Absent: Councilmember Kenoyer

PUBLIC COMMENTS

Mayor Marsh requested a future agenda item to consider revising the Council Policy requiring the interviewing of incumbents for Planning Commission and BZA.

Sandra Lucas spoke in favor of allow an additional terms for existing Planning Commissioners who served during the recession with very than normal meetings to participate in.

NO CONSENT ITEMS

NEW BUSINESS

1. [Consider: \(i\) interviewing and reappointment of Commissioner Sandra Lucas to the City of Modesto Planning Commission; \(ii\) interviewing and reappointment of Board Member Greg Matas to the City of Modesto Board of Zoning Adjustment; and \(iii\) interviewing prospective candidates for appointment to fill one upcoming vacancy on the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval. \(Funding Source: Not Applicable\) Community & Economic Development; Patrick Kelly, 577-5268, \[pkelly@modestogov.com\]\(mailto:pkelly@modestogov.com\)](#)

(i) **ACTION: (Motion Marsh/Gunderson: unan.)** to forward Sandra Lucas to the City Council to be considered for the reappointed to the Planning Commission.

(ii) **ACTION: (Motion Marsh/Gunderson: unan.)** to forward Jessica Self to the City Council to be considered to fill the vacancy on the Board of Zoning Adjustment.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:03 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 06, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Kevin Carroll, Modesto Gospel Mission

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring October as Manufacturing Awareness and Appreciation Month in the City of Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring October as Manufacturing Awareness and Appreciation Month in the City of Modesto.

2. Presentation of Proclamation recognizing Stanislaus County Office of Education Work for Success Program. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation recognizing Stanislaus County Office of Education Work for Success Program.

3. Presentation of Proclamation recognizing Standing with You event on October 24, 2015. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation recognizing Standing with You event on October 24, 2015.

4. Presentation of Proclamation declaring October 4-10, 2015, as Fire Prevention Week in the City of Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring October 4-10, 2015, as Fire Prevention Week in the City of Modesto.

PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding a permit for property on Bronson Avenue. Staff will return with additional information at a future Committee meeting.
- Carmen Sabatino spoke regarding concern for taxpayer dollars spent on trials and murders in Stanislaus County.
- Loretta Carhart spoke regarding the bus system in Modesto and problems on College Avenue.
- Susan Dion spoke regarding bicycles in Modesto and Stanislaus County and thanked the City for the new bicycle lanes.
- Michael Mirabile thanked the City for the new bicycle lanes in Modesto.
- A citizen spoke regarding being homeless in Modesto and garbage in the City.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 6-17: (Lopez/Madrigal; unan.)

CONSENT ITEMS

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

Consent

5. Consider approving the minutes from the September 22, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the September 22, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the minutes from the September 22, 2015 Council meeting.

Consent

6. Consider supporting the designation of State Highway 132 as the John Muir Highway. (Funding Source: Not Applicable)
 - Resolution supporting the designation of State Highway 132 as the John Muir Highway.
Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com

ACTION: Resolution 2015-362 (Lopez/Madrigal; 7/0) supporting the designation of State Highway 132 as the John Muir Highway.

Consent

7. Consider approving the First Amendment to the Standard Agreement for Consultant Services with 4LEAF Inc., Bureau Veritas, and CSG Consultants Inc. for Plan Review and Inspection Services for an estimated annual cost not to exceed \$50,000 each.. (Funding Source: General Fund)

- Resolution approving the First Amendment to the Standard Agreement for Consultant Services with 4LEAF Inc., Bureau Veritas, and CSG Consultants Inc. for Plan Review and Inspection Services for an estimated annual cost not to exceed \$50,000 each and authorizing the City Manager, or his designee, to execute the First Amendment to the Agreements.

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

ACTION: Resolution 2015-363 (Lopez/Madrigal; 7/0) approving the First Amendment to the Standard Agreement for Consultant Services with 4LEAF Inc., Bureau Veritas, and CSG Consultants Inc. for Plan Review and Inspection Services for an estimated annual cost not to exceed \$50,000 each and authorizing the City Manager, or his designee, to execute the First Amendment to the Agreements.

Consent

8. Consider approving the Third Amendment to the Standard Agreement for Consultant Services with Interwest Consulting Group for Chief Building Official in an amount not to exceed \$200,000. (Funding Source: General Fund)

- Resolution approving the Third Amendment to the Standard Agreement for Consultant Services with Interwest Consulting Group for Chief Building Official and Code Enforcement Services in an amount not to exceed \$200,000, and authorizing the City Manager, or his designee to execute the Third Amendment to the Agreement.

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

ACTION: Resolution 2015-364 (Lopez/Madrigal; 7/0) approving the Third Amendment to the Standard Agreement for Consultant Services with Interwest Consulting Group for Chief Building Official and Code Enforcement Services in an amount not to exceed \$200,000, and authorizing the City Manager, or his designee to execute the Third Amendment to the Agreement.

Consent

9. Consider accepting the Monthly Budget Adjustments Report for August 2015 and amending the FY 2014-15 and FY 2015-16 Annual Operating and Capital Improvement Budgets. (Funding Source: Various Funds)

- Resolution amending the Fiscal Year 2014-15 and Fiscal Year 2015-16 Annual Operating and Capital Improvement Budgets.

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

ACTION: Resolution 2015-365 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014-15 and Fiscal Year 2015-16 Annual Operating and Capital Improvement Budgets.

Consent

10. Consider: (i) approving a Memorandum of Understanding between Stanislaus County and the City of Modesto to provide County-wide fire investigation services; and (ii) amending the budget for the Fiscal Year 2015-2016 Operating Budget. (Funding Source: General Fund)
- Resolution approving a Memorandum of Understanding between Stanislaus County and the City of Modesto to provide County-wide fire investigation services and amending the FY 2015-2016 Operating Budget to reflect the changes to the Memorandum of Understanding for fire investigation services as outlined in Exhibit A.

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

ACTION: Resolution 2015-366 (Lopez/Madrigal; 7/0) approving a Memorandum of Understanding between Stanislaus County and the City of Modesto to provide County-wide fire investigation services and amending the FY 2015-2016 Operating Budget to reflect the changes to the Memorandum of Understanding for fire investigation services as outlined in Exhibit A.

Consent

11. Consider: (i) approving Construction Management Agreements with Kimley-Horn & Associates, (ii) authorizing the Finance Department to create two new Airport capital projects for the Federal Aviation Administration Grant; and (iii) amending the Fiscal Year 2015-16 Capital Improvement Budget. (Funding Source: FAA Grant Funds 90.66%, with City Local Match of 9.34% using Passenger Facility Charges and Stanislaus County Aircraft Tax Funds)
- Resolution approving Construction Management Agreements with Kimley-Horn & Associates (KHA) for Federal Aviation Administration (FAA) Grant Project 03-06-0153-039-2015 (AIP 39), and authorizing the City Manager, or his designee, to execute the Agreements.
 - Resolution authorizing the City Finance Director to approve an Airport Budget Adjustment and establish accounts for Federal Aviation Administration Grant 03-06-0153-039-2015 (AIP 39), not to exceed \$4,138,742.

Public Works; Mark Germanowski, 577-5319, mgermanowski@modestogov.com

ACTION: Resolution 2015-367 (Lopez/Madrigal; 7/0) approving Construction Management Agreements with Kimley-Horn & Associates (KHA) for Federal Aviation Administration (FAA) Grant Project 03-06-0153-039-2015 (AIP 39), and authorizing the City Manager, or his designee, to execute the Agreements.

ACTION: Resolution 2015-368 (Lopez/Madrigal; 7/0) authorizing the City Finance Director to approve an Airport Budget Adjustment and establish accounts for Federal Aviation Administration Grant 03-06-0153-039-2015 (AIP 39), not to exceed \$4,138,742.

Consent

12. Consider approving an Agreement with SWCA Environmental Consultants, Inc. of Half Moon Bay, California for Environmental Services in an amount not to exceed \$74,130 to improve the traffic flow at 14th and D Streets. (Funding Source: CMAQ Funds, No local Match Funds Required)
- Resolution approving an agreement with SWCA, Environmental Consultants, Inc. of Half Moon Bay, California for Environmental Services in an amount not to exceed \$74,130, and authorizing the City Manager, or his designee, to execute the agreement.
- Public Works; Charles Covolo, 571-5537, ccovolo@modestogov.com*

ACTION: Resolution 2015-369 (Lopez/Madrigal; 7/0) approving an agreement with SWCA, Environmental Consultants, Inc. of Half Moon Bay, California for Environmental Services in an amount not to exceed \$74,130, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

13. Consider: (i) accepting Congestion Mitigation and Air Quality funds in the amount of \$170,000 to improve the traffic flow at 14th and D Streets. and (ii) amending the Fiscal Year 2015-16 Capital Improvement Program budget. (Funding Source: CMAQ Funds, No Local Match Required)
- Resolution amending the Fiscal Year 2014-15 Capital Improvement Program (CIP) budget in the amount of \$170,000.
 - Resolution accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$170,000, and authorizing the City Manager, or his designee, to execute the necessary grant funding documents.
- City Manager; Charles Covolo, 571-5537, ccovolo@modestogov.com*

ACTION: Resolution 2015-370 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014-15 Capital Improvement Program (CIP) budget in the amount of \$170,000.

ACTION: Resolution 2015-371 (Lopez/Madrigal; 7/0) accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$170,000, and authorizing the City Manager, or his designee, to execute the necessary grant funding documents.

Consent

14. Consider: (i) approving a new Capital Improvement Program project for the right turn lane eastbound Standiford Avenue to southbound Sisk Road and accepting Congestion Mitigation and Air Quality funds in the amount of \$199,193; and (ii) amending the Fiscal Year 2015-16 Capital Improvement Program budget in the amount of \$225,000. (Funding Source: CMAQ Funds, Local Match – Local Transportation Funds (LTF) - Streets and Roads Fund)
- Resolution approving a new Capital Improvement Program project and accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$199,193, and authorizing the City Manager, or his designee, to execute the necessary grant funding documents.
 - Resolution amending the Fiscal Year 2014-15 Capital Improvement Program (CIP)

budget in the amount of \$225,000.

Public Works; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2015-372 (Lopez/Madrigal; 7/0) approving a new Capital Improvement Program project and accepting Congestion Mitigation and Air Quality (CMAQ) funds in the amount of \$199,193, and authorizing the City Manager, or his designee, to execute the necessary grant funding documents.

ACTION: Resolution 2015-373 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014-15 Capital Improvement Program (CIP) budget in the amount of \$225,000.

Consent

15. Consider: (i) terminating an Agreement with Lionakis for Design Services for the Fleet Maintenance Facility Project in the amount of \$374,187; (ii) approving a new Agreement with Lionakis for Design Services for the Fleet Maintenance Facility Project in an amount not to exceed \$311,935; and (iii) amending the Fiscal Year 2015-2016 Capital Improvement Budget to transfer \$125,000. (Funding Source: Fleet Management Fund)
- Resolution terminating an agreement with Lionakis for Design Services for the Fleet Maintenance Facility Project in an amount of \$374,187 and authorize the City Manager, or his designee, to terminate the agreement.
 - Resolution approving a new agreement with Lionakis for Design Services for the Fleet Maintenance Facility Project in an amount not to exceed \$311,935, and authorizing the City Manager, or his designee, to execute the agreement.
 - Resolution amending the Fiscal Year 2014-2015 Capital Improvement Budget to transfer \$125,000 from line item Construction (CON) to line item Engineering / Design / Administration (EDA) for CIP Project No. 100451.

Public Works; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2015-374 (Lopez/Madrigal; 7/0) terminating an agreement with Lionakis for Design Services for the Fleet Maintenance Facility Project in an amount of \$374,187 and authorize the City Manager, or his designee, to terminate the agreement.

ACTION: Resolution 2015-375 (Lopez/Madrigal; 7/0) approving a new agreement with Lionakis for Design Services for the Fleet Maintenance Facility Project in an amount not to exceed \$311,935, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2015-376 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014-2015 Capital Improvement Budget to transfer \$125,000 from line item Construction (CON) to line item Engineering / Design / Administration (EDA) for CIP Project No. 100451.

Consent

16. Consider certifying the Final Environmental Impact Report for the Tuolumne River Regional Park Obstruction Management Project to make certain findings concerning mitigation measures, and findings regarding alternatives. (Funding Source: Not

Applicable)

- Resolution making certain findings concerning mitigation measures, making findings concerning alternatives certifying the final Environmental Impact Report for the Tuolumne River Regional Park Obstruction Management Project, adopting a mitigation monitoring and reporting program, and adopting a statement of overriding considerations.

Public Works; Mark Germanowski, 577-5319, mgermanowski@modestogov.com

ACTION: Resolution 2015-377 (Lopez/Madrigal; 7/0) making certain findings concerning mitigation measures, making findings concerning alternatives certifying the final Environmental Impact Report for the Tuolumne River Regional Park Obstruction Management Project, adopting a mitigation monitoring and reporting program, and adopting a statement of overriding considerations.

Consent

17. Consider approving a First Amended and Restated Joint Powers Agreement between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the North Valley Regional Recycled Water Program. (Funding Source: Wastewater Fund)

- Resolution approving a First Amended and Restated Joint Powers Agreement between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the North Valley Regional Recycled Water Program, and authorizing the City Manager, or his designee, to execute the Agreement.

Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Resolution 2015-378 (Lopez/Madrigal; 7/0) approving a First Amended and Restated Joint Powers Agreement between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the North Valley Regional Recycled Water Program, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer expressed condolences to City Manager Jim Holgersson on the recent passing of his father.

Councilmember Madrigal announced the Downtown Modesto Ice Rink coming during the holidays from November 21, 2015-January 24, 2016; he requested local sponsorships and requested official co-sponsorship by the City of Modesto; he also recognized Public Works Department staff and Josh Bridegroom for his work.

Councilmember Lopez thanked City employee Mike Sacuskie for his work on the bike lanes in Modesto.

Councilmember Zoslocki requested a moment of silence for the Deputy Sheriff Rudy Morales who was shot in Mariposa County.

Mayor Marsh thanked Public Works Director Bill Sandhu.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:40 p.m.

**ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010
10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP (Open to the
Public)**

18. COUNCIL WORKSHOP: Safer Neighborhoods Initiative Implementation, continued discussion of potential new ordinances:
 - Ordinance amending existing City park regulations to require permits for food distribution and prohibit the intentional abandonment of clothing and other items (Funding Source: Not Applicable)
City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com

CLOSED SESSION

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

Name of cases: Reed v. City of Modesto, et al.
United States District Court
Federal Case No: 1:11-cv-01083-AWI-GSA

Goddard, et al. v. State of California, et al.
Stanislaus County Superior Court
Case No: 659261

Souliotes v. City of Modesto, et al.
United States District Court
Federal Case No: 1:15-cv-00556-LJO-SKO

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

Property: 931 10th Street, Modesto, CA (known as Bartoni Lane)
APN: 105-041-006
Property Owners: City of Modesto
Negotiating Parties:
For City: Jon Yuriar, Property Agent for the City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto
Under Negotiation: Terms of Sale. Review Council's previous decision to require an access easement

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

Property: Portion of Snyder West Drainage Basin, Modesto, CA
APN: 078-058-062
Property Owners: Carver-Bangs/Pelandale-Snyder Community Facilities District (CFD)
No. 1998-2
Negotiating Parties:
For City: Jon Yuriar, Property Agent for the City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto
Under Negotiation: Price and terms of sale

MINUTES

City of Modesto SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

Monday October 12, 2015, at 5:00 p.m.

Roll Call:

Present: Councilmembers Lopez, Gunderson and Kenoyer

PUBLIC COMMENTS

None.

CONSENT

1. [Consider accepting an informational report regarding Modesto's Crime Statistics for January through June 2015, as compared to January through June 2014. \(Funding Source: Not Applicable\)](#)
Police; Galen Carroll, 572-9501, carrollg@modestopd.com
2. [Consider accepting an informational report regarding Modesto's Traffic Statistics for the month of January through June 2015, as compared to January through June 2014. \(Funding Source: Not Applicable\)](#)
Police; Rick Armendariz, 342-6142, armendarizr@Modestopd.com

ACTION: (Motion Gunderson/Kenoyer: unan.) to move items 1 and 2 forward to the City Council for acceptance.

3. [Consider recommendation to the City Council to either establish or deny a new pilot project for Residential Parking Permit Zone for Myrtle Avenue residents between Coldwell Avenue and Stoddard Avenue impacted by Modesto Junior College students \(pursuant to Modesto Municipal Code Section 3-2.1900, et seq.\). \(Funding Source: Surface Transportation Fund - Traffic Operations\)](#)
Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: (Motion Kenoyer/Gunderson: unan.) to move item forward to the City Council for consideration.

Councilmember Lopez left the meeting at 5:51 p.m.

NEW BUSINESS

4. [Consider approving the 2015 Master and Strategic Plans developed for the Modesto Fire Department by Emergency Services Consulting International Services and forwarding to Council for approval. \(Funding Source: Not applicable\)](#)
Fire; Sean Slamon, 572-9590, sslamon@modestofire.com

ACTION: (Motion Kenoyer/Gunderson: unan.) to move Master and Strategic Plans forward to City Council for consideration once they have has been finalized.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:20 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 13, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, The Carpenter’s House Church

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by StanCOG regarding the Transportation Development Act and the Unmet Transit Needs Process. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation by Regina Valentine, StanCOG, regarding the Transportation Development Act and the Unmet Transit Needs Process.

2. Presentation of the Stanislaus Animal Services Agency Annual Report. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation of the Stanislaus Animal Services Agency Annual Report by Executive Director Annette Patton.

3. Presentation of POST Executive Certificate to Modesto Police Chief Galen Carroll from the Commission on Peace Officer Standards and Training. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation of POST Executive Certificate to Modesto Police Chief Galen Carroll

from the Commission on Peace Officer Standards and Training was made.

4. Presentation regarding water conservation program results through September 2015.
(Funding Source: Not Applicable)
Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Presentation by Utilities Director Larry Parlin regarding water conservation program results through September 2015.

MISCELLANEOUS

Legislation
Appointments
Other

5. Consider: (i) reappointing Sandra Lucas to the City of Modesto Planning Commission; and (ii) appointing Jessica Self to the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)
 - Resolution reappointing Sandra Lucas to the City of Modesto Planning Commission.
 - Resolution appointing Jessica Self to the City of Modesto Board of Zoning Adjustment.*Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

ACTION: Resolution 2015-379 (Madrigal/Gunderson; 7/0) reappointing Sandra Lucas to the City of Modesto Planning Commission.

ACTION: Resolution 2015-380 (Madrigal/Gunderson; 7/0) appointing Jessica Self to the City of Modesto Board of Zoning Adjustment.

PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding appeal by George Murphy for two story building permit on Bronson Avenue.
- Pat Glatke spoke regarding half cent sales tax and accounting of monies; she also spoke regarding carryover funds from first year.
- Loretta Carhart spoke regarding City home inspectors.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 6-12: (Lopez/Madrigal; unan.)

CONSENT ITEMS

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

Consent

6. Consider approving the minutes from the October 6, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the October 6, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the minutes from the October 6, 2015 Council meeting.

Consent

7. Consider appointing Councilmember Jenny Kenoyer as the City Council representative to the Stanislaus County Homeless Action Council. (Funding Source: Not Applicable)
 - Motion appointing Councilmember Jenny Kenoyer as the City Council representative to the Stanislaus County Homeless Action Council.
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) appointing Councilmember Jenny Kenoyer as the City Council representative to the Stanislaus County Homeless Action Council.

Consent

8. Consider approving an Agreement with Cornerstone OnDemand, of Santa Monica, CA to provide a fully automated Performance Evaluation System to be implemented citywide for a total cost of \$49,320. (Funding Source: Information Technology Internal Service Fund)
 - Resolution approving an agreement with Cornerstone OnDemand to provide an Online Performance Evaluation System in accordance with the agreed upon scope of work; and authorizing the City Manager, or his designee, to execute the agreement.
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Resolution 2015-381 (Lopez/Madrigal; 7/0) approving an agreement with Cornerstone OnDemand to provide an Online Performance Evaluation System in accordance with the agreed upon scope of work; and authorizing the City Manager, or his designee, to execute the agreement.

Consent

9. Consider approving an exception to the Village One Specific Plan to allow Westurf Nursery to construct restrooms and expand an existing breakroom at 1612 Claus Road, Modesto. (Funding Source: Not Applicable)
 - Resolution granting an exception to the Village One Specific Plan to allow for the construction of a restroom and the expansion of an existing breakroom to the existing building located at 1612 Claus Road, Modesto, and exempt the property from forming a Community Facilities District or annexing to City of Modesto Community Facilities District No. 2004-1.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2015-382 (Lopez/Madrigal; 7/0) granting an exception to the Village One Specific Plan to allow for the construction of a restroom and the expansion of an existing breakroom to the existing building located at 1612 Claus Road, Modesto, and exempt the property from forming a Community Facilities District or annexing to City of Modesto Community Facilities District No. 2004-1.

Consent

10. Consider accepting AB 109 funds from the State of California, Board of State and Community Corrections for a minimum of \$209,814.37 for police overtime, specialized training, equipment, and technology, and amending the Multi-Year 2015-2016 Operating Budget. (Funding Source: Grants - Police)
- Resolution authorizing the City Manager, or his designee, to execute the necessary program documents accepting the AB 109 funds from the State of California, Board of State and Community Corrections (BSCC), for a minimum of \$209,814.37 for police overtime, specialized training, equipment, and technology.
 - Resolution authorizing the Director of Finance, or her designee, to amending the Multi-Year 2015/2016 Operating Budget to appropriate revenues and expenditures of at least \$209,814.37 for the City of Modesto's AB 109 allocation from the State of California, Board of State and Community Corrections (BSCC) and implement the provisions of this resolution.

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

ACTION: Resolution 2015-383 (Lopez/Madrigal; 7/0) authorizing the City Manager, or his designee, to execute the necessary program documents accepting the AB 109 funds from the State of California, Board of State and Community Corrections (BSCC), for a minimum of \$209,814.37 for police overtime, specialized training, equipment, and technology.

ACTION: Resolution 2015-384 (Lopez/Madrigal; 7/0) authorizing the Director of Finance, or her designee, to amending the Multi-Year 2015/2016 Operating Budget to appropriate revenues and expenditures of at least \$209,814.37 for the City of Modesto's AB 109 allocation from the State of California, Board of State and Community Corrections (BSCC) and implement the provisions of this resolution.

Consent

11. Consider accepting the Edward Byrne Memorial Justice Assistance Grant for a joint award with the County of Stanislaus and the City of Modesto, in the amount of \$143,219 and amending the Multi-Year 2015-2016 Operating Budget. (Funding Source: 1341 - Grants - Operational Grants Reimbursed)
- Resolution authorizing the City Manager, or his designee, to execute the necessary grant documents and accepting the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of \$143,219.
 - Resolution authorizing the Director of Finance, or her designee, to amend the Multi-Year 2015/2016 Operating Budget, estimating revenue of \$112,491 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds.

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

ACTION: Resolution 2015-385 (Lopez/Madrigal; 7/0) authorizing the City Manager, or his designee, to execute the necessary grant documents and accepting the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of \$143,219.

ACTION: Resolution 2015-386 (Lopez/Madrigal; 7/0) authorizing the Director of Finance, or her designee, to amend the Multi-Year 2015/2016 Operating Budget, estimating revenue of \$112,491 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds.

Consent

12. Consider: (i) authorizing the purchase of four transit buses for the Modesto Area Express transit system from Gillig LLC, Hayward, CA and authorizing the Purchasing Manager, or his designee, to execute a purchase order for a total estimated cost of \$2,202,140; and (ii) amending the Fiscal Year 2015-2016 Operating Budget in the amount of \$2,251,640 to fund the total project cost including initial purchase, post-delivery equipment additions and contingency. (Funding Source: Transit Funds)
- Resolution authorizing the purchase of four (4) transit buses for the Modesto Area Express (MAX) transit service from Gillig LLC, and authorizing the Purchasing Manager, or his designee, to execute a purchase order for a total estimated cost of \$2,202,140.
 - Resolution amending the Fiscal Year 2015-16 operating budget in the amount of \$2,251,640 to fund the purchase of four (4) transit buses.

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

ACTION: Resolution 2015-387 (Lopez/Madrigal; 7/0) authorizing the purchase of four (4) transit buses for the Modesto Area Express (MAX) transit service from Gillig LLC, and authorizing the Purchasing Manager, or his designee, to execute a purchase order for a total estimated cost of \$2,202,140.

ACTION: Resolution 2015-388 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2015-16 operating budget in the amount of \$2,251,640 to fund the purchase of four (4) transit buses.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the League of California Cities Conference in San Jose and commented on the speaker regarding libraries; she attended StanCOG Policy Board meeting and she will nominate the Pelandale Overpass for an award next year.

Councilmember Madrigal spoke regarding the condition of the Helen White Trail.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on October 3, 2015

13. Hearing to consider approving the expenditure plan for the Fiscal Year 2015-2016 State Supplemental Law Enforcement Services Fund allocation of at least \$100,000 for police overtime, training, technology, and equipment and amending the Fiscal Year 2015-2016 Multi-Year Budget. (Funding Source: 1340 - Intergov - State - SLESF)
- Resolution authorizing the City Manager, or his designee, to execute the necessary program documents accepting the Supplemental Law Enforcement Grant, in the amount of at least \$100,000, from the State Supplemental Law Enforcement Services Fund for police overtime, training, technology, and equipment.
 - Resolution authorizing the Finance Director of Finance, or her designee, to amend the Fiscal Year 2015/2016 Multi-Year Budget to appropriate revenues and expenditures of at least \$100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund.
- Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

ACTION: Resolution 2015-389 (Lopez/Madrigal; 7/0) authorizing the City Manager, or his designee, to execute the necessary program documents accepting the Supplemental Law Enforcement Grant, in the amount of at least \$100,000, from the State Supplemental Law Enforcement Services Fund for police overtime, training, technology, and equipment.

ACTION: Resolution 2015-390 (Lopez/Madrigal; 7/0) authorizing the Finance Director of Finance, or her designee, to amend the Fiscal Year 2015/2016 Multi-Year Budget to appropriate revenues and expenditures of at least \$100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund.

NEW BUSINESS

14. Consider accepting the Annual Investment Report for Fiscal Year 2014-15. (Funding Source: Various Funds)
- Motion accepting the Annual Investment Report for the 2014-15 Fiscal Year.
- Finance; Gloria Garza, 577-5219, ggarza@modestogov.com*

ACTION: Motion (Madrigal/Lopez; 7/0) accepting the Annual Investment Report for the 2014-15 Fiscal Year.

15. Consider authorizing the approval of a term sheet relating to the issuance of Wastewater Refunding Obligations and authorizing the negotiation of final terms. (Funding Source: Wastewater Fund)
- Resolution authorizing the approval of a term sheet relating to the issuance of Wastewater Refunding Obligations and authorizing the negotiation of final terms.
- Finance ; Gloriette Genereux, 577-5371, ggenereux@modestogov.com*

ACTION: Resolution 2015-391 (Gunderson/Lopez; 7/0) authorizing the approval of a term sheet relating to the issuance of Wastewater Refunding Obligations and authorizing the negotiation of final terms.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:33 p.m.

ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010 10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP (Open to the Public)

16. CITY COUNCIL WORKSHOP: Safer Neighborhood Initiative Implementation, Discussion of Appointees and Specific Responsibilities of Safer Neighborhoods Initiative Oversight Board.
- Current Proposed Appointees are: Otto Werner, Karen Swehla, Gustavo Martinez, Lita Theodore from Modesto Neighborhood, Inc., Pam Abel from Modesto City Schools, Cecil Russell from Modesto Chamber of Commerce, Astrid Zuniga from Central Labor Council, Richard Jacobs from League of Women Voters, Linda Lowe from Stanislaus County Aging & Veterans Services Agency, Joe Aja as a Public Safety Representative, and Joseph Sanchez from South Modesto Business Leaders United (proposed). (Funding Source: Not Applicable)
City Manager; Jim Holgersson, 577-5224, jholgersson@modestogov.com

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of cases: City of Modesto, et al. v. The Dow Chemical Company, et al. (PCE)
Court of Appeals of the State of California
Appeal Case No: A134419

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

Monday, September 28, 2015, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmembers Kenoyer (alternate), and Zoslocki
Absent: Councilmember Madrigal

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider approving the recommended budget adjustments to FY2014-15 and FY 2015-16 Annual Operating and Capital Improvement Project Budgets and forwarding to City Council for approval. (Funding Source: Various)
City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) approving the recommended budget adjustments to FY2014-15 and FY 2015-16 Annual Operating and Capital Improvement Project Budgets and forwarding to City Council for approval.

NEW BUSINESS

2. Consider five pro formas and land use repurposing options for the City's three golf courses, which include elimination of golf courses, and/or selling golf course properties, as directed by the Finance Committee at the May 27, 2015 meeting. (Funding Source: Golf Funds/General Fund)
Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) directing staff to move this discussion to a future Council workshop.

3. Consider the award of proposal for the furnishing of golf course management and

maintenance services for Creekside Golf Course and Dryden Golf Course, and golf course maintenance services for all three (3) golf courses, to ValleyCrest Golf Maintenance, Calabasas, CA, in partnership with KemperSports Management, Modesto, CA, and recommend forwarding to the City Council for approval to direct City staff to enter into contract negotiations for an agreement. (Funding Source: Golf Fund)
Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) award of proposal for the furnishing of golf course management and maintenance services for Creekside Golf Course and Dryden Golf Course, and golf course maintenance services for all three (3) golf courses, to ValleyCrest Golf Maintenance, Calabasas, CA, in partnership with KemperSports Management, Modesto, CA, **for two years with three-1 year extensions** and forwarding to the City Council for approval.

4. Consider approving an Agreement with PFM Asset Management, LLC for an anticipated annual cost up to \$200,000 and over 5 years of \$1 million and forwarding to Council for approval. (Funding Source: Not Applicable)
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) approving an Agreement with PFM Asset Management, LLC for an anticipated annual cost up to \$200,000 and over 5 years of \$1 million and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:45 p.m.

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

Monday, October 26, 2015, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmembers Kenoyer (alternate), and Zoslocki
Absent: Councilmember Madrigal

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider approving the recommended budget adjustments to the Fiscal Year 2015-16 Annual Operating and Capital Improvement Project Budgets and refer to City Council for consideration and approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) approving the recommended budget adjustments to the Fiscal Year 2015-16 Annual Operating and Capital Improvement Project Budgets and refer to City Council for consideration and approval.

NEW BUSINESS

2. Consider accepting an informational report on process changes for effective, responsive and transparent government resulting from the Moss Adams Internal Control Study. (Funding Source: Not Applicable)
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) accepting an informational report on process changes for effective, responsive and transparent government resulting from the Moss Adams Internal Control Study.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:30 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 27, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein, College Avenue Church

City Clerk's Announcements: Item 3 - moved to future Council meeting; Item 5 - moved to
New Business; Item 26 – to be heard after City Manager Comments & Reports

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Downey High School in recognition of their Veterans Walk event on November 11, 2015. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 577-5396, Kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Downey High School in recognition of their Veterans Walk event on November 11, 2015.

2. Presentation of Proclamation declaring November 1, 2015 as Extra Mile Day in the City of Modesto (Funding Source: Not Applicable)
City Council ; Kathy Espinoza, 571-5597, kespinoz1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring November 1, 2015 as Extra Mile Day in the City of Modesto.

3. Presentation of Proclamation to Friends of Wesson Ranch Park for their efforts to build a new playground at Wesson Ranch Park. (Funding Source: Not Applicable)
Parks, Recreation and Neighborhoods; Andy Johnson, 571-5582, ajohnson@modetogov.com

ACTION: Continued to a future Council meeting.

PUBLIC COMMENT PERIOD

- John Mataka, Thomas Helme, Bianca Lopez, Marissa Chavez, and Edgar from the Valley Improvement Project, spoke regarding waste diversion and developing sustainable communities in Stanislaus County.
- Chris Aggers spoke regarding a possible Tully Road project, telephone book phone numbers, water citations, homeless in Modesto, dying trees in Modesto, and criticisms of Modesto.
- David Chase spoke regarding the parking problems near Modesto Junior College and repaving of Kansas Avenue.
- Dave Pratt spoke regarding Measure I and Ceres.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 4; 6-19: (Lopez/Madrigal; unan.)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes from the October 13, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the October 13, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the minutes from the October 13, 2015 Council meeting.

Moved to New Business

5. Consider affirming the proposed representatives submitted by the various organizations and directing the City Manager to send an invitation to the identified nonprofit groups in order to determine and recommend the eleventh representative to serve as on Citizen's Oversight Board related to the Safer Neighborhood Initiative. (Funding Source: General Fund)
City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com

ACTION: Resolution 2015-392 (Gunderson/Madrigal; 7/0) affirming the proposed representatives submitted by the various organizations to serve on Citizen's Oversight Board related to the Safer Neighborhood Initiative.

ACTION: Motion (Gunderson/Madrigal; 7/0) seeking out representation from list of nonprofit organizations for one additional representative with recommendation from ten members chosen and forwarding to Council for final approval.

Consent

6. Consider approving a First Amendment to the Claratina Access Agreement between the City of Modesto and JWG McHenry, LLC for the property located on the southeast corner of McHenry Ave. and Claratina Ave to allow right-out access to Claratina Avenue. (Funding Source: JWG McHenry, LLC)

- Resolution approving a First Amendment to the Claratina Access Agreement between the City of Modesto and JWG McHenry, LLC for the property located on the southeast corner of McHenry Avenue and Claratina Avenue to allow right-out access to Claratina Avenue, and authorize the City Manager, or his designee, to execute the Agreement.

City Manager; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2015-393 (Lopez/Madrigal; 7/0) approving a First Amendment to the Claratina Access Agreement between the City of Modesto and JWG McHenry, LLC for the property located on the southeast corner of McHenry Avenue and Claratina Avenue to allow right-out access to Claratina Avenue, and authorize the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider the First Amendment to a reimbursement agreement with JWG McHenry, LLC, a California limited liability company, to include reimbursement for roadway improvements on McHenry Avenue crossing the Hetch Hetchy Pipeline. (Funding Source: Capital Facilities Fees – Streets)

- Resolution approving the First Amendment to the Capital Facilities Fees Public Improvement and Right-of-Way Reimbursement Agreement between the City of Modesto and JWG MCHENRY, LLC, a California limited liability company with a maximum reimbursement amount of \$2,394,603.74, and authorizing the City Manager to execute the First Amendment.

Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2015-394 (Lopez/Madrigal; 7/0) approving the First Amendment to the Capital Facilities Fees Public Improvement and Right-of-Way Reimbursement Agreement between the City of Modesto and JWG MCHENRY, LLC, a California limited liability company with a maximum reimbursement amount of \$2,394,603.74, and authorizing the City Manager to execute the First Amendment.

Consent

8. Consider a two-month extension of the Agreement with ValleyCrest Golf Course Maintenance for golf course management and maintenance services through December 31, 2015 (Funding Source: Golf Fund)

- Resolution extending the existing agreement with ValleyCrest Golf Course Maintenance through December 31, 2015.

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

ACTION: Resolution 2015-395 (Lopez/Madrigal; 7/0) extending the existing agreement with ValleyCrest Golf Course Maintenance through December 31, 2015.

Consent

9. Consider authorizing award of bid for the purchase of five one-ton trucks with utility box to Advanced Truck Body & Equipment, Central Point, OR, for an estimated total cost of \$260,191. (Funding Source: UPP Tertiary Treatment Funds and Fleet Replacement Funds)
- Resolution authorizing the award of bid for the purchase of five (5) one-ton trucks with utility box to Advanced Truck Body & Equipment, Central Point, OR, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$260,191.

Finance; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-396 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of five (5) one-ton trucks with utility box to Advanced Truck Body & Equipment, Central Point, OR, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$260,191.

Consent

10. Consider authorizing the purchase of three 2016 Ford Police Interceptor Utility vehicles to National Auto Fleet Group, Watsonville, CA, for an estimated total cost of \$90,152; and ten 2016 Ford Police interceptor utility vehicles to Folsom Lake Ford, Folsom, CA, for an estimated total cost of \$285,746. (Funding Source: Fleet Replacement Funds)
- Resolution authorizing the award of bids for the purchase of three (3) 2016 Ford Police Interceptor Utility vehicles to National Auto Fleet Group, Watsonville, CA, for an estimated total cost of \$90,152; and ten (10) 2016 Ford Police Interceptor Utility vehicles to Folsom Lake Ford, Folsom, CA for an estimated total cost of \$285,746 and authorizing the Purchasing Manager or his designee to issue the purchasing orders

Finance; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-397 (Lopez/Madrigal; 7/0) authorizing the award of bids for the purchase of three (3) 2016 Ford Police Interceptor Utility vehicles to National Auto Fleet Group, Watsonville, CA, for an estimated total cost of \$90,152; and ten (10) 2016 Ford Police Interceptor Utility vehicles to Folsom Lake Ford, Folsom, CA for an estimated total cost of \$285,746 and authorizing the Purchasing Manager or his designee to issue the purchasing orders

Consent

11. Consider accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2014-15. (Funding Source: N/A)
- Motion accepting a report detailing all personal property sold, donated, or disposed of during FY 2014-15.

City Manager; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) accepting a report detailing all personal property sold, donated, or disposed of during Fiscal Year 2014-15.

Consent

12. Consider accepting the 2014 Assistance to Firefighters Grant Award in the amount of \$55,324 (with a 10% City match of \$5,331) for the purchase and implementation of SitStat and authorizing the Fire Chief, or his designee, to execute all grant-related documents (Funding Source: Grant Funds and General Fund)

- Resolution approving the acceptance of the 2014 Assistance to Firefighters Grant Award for the purchase and implementation of SitStat and authorizing the Fire Chief, or his designee, to execute all grant-related documents.

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

ACTION: Resolution 2015-398 (Lopez/Madrigal; 7/0) approving the acceptance of the 2014 Assistance to Firefighters Grant Award for the purchase and implementation of SitStat and authorizing the Fire Chief, or his designee, to execute all grant-related documents.

Consent

13. Consider approving an Entertainment Permit for The Summoning Halloween Festival as outlined by the City of Modesto Ordinance No. 3492-C.S. (Funding Source: General)

- Resolution approving an Entertainment Permit for The Summoning Halloween Festival as outlined by the City of Modesto Ordinance No. 3492-C.S. and authorizing the Permit Administrator to execute the Special Event Entertainment Permit and all related documents.

Parks Recreation and Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Resolution 2015-399 (Lopez/Madrigal; 7/0) approving an Entertainment Permit for The Summoning Halloween Festival as outlined by the City of Modesto Ordinance No. 3492-C.S. and authorizing the Permit Administrator to execute the Special Event Entertainment Permit and all related documents.

Consent

14. Consider approving a five year agreement with Stott Outdoor Advertising of Chico, California, to sell and maintain advertising on the exteriors of Modesto Area Express Buses, generating a minimum of \$945,000 in revenue over a five year period, which is \$445,000 higher than the expiring five-year agreement provided. (Funding Source: Not Applicable)

- Resolution approving a five year agreement with Stott Outdoor Advertising of Chico, California, to sell and maintain advertising on the exteriors of Modesto Area Express (MAX) Buses, and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2015-400 (Lopez/Madrigal; 7/0) approving a five year agreement with Stott Outdoor Advertising of Chico, California, to sell and maintain advertising on the

exteriors of Modesto Area Express (MAX) Buses, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

15. Consider: (i) purchasing one commuter bus from Motor Coach Industries of Des Plaines, Illinois, for use on the City's Modesto Area Express commuter route to the Dublin/Pleasanton BART station at an estimated total cost of \$627,769; and (ii) amending the Fiscal Year 15/16 Operating Budget in the amount of \$640,324 to fund the total project cost including initial purchase, post-delivery equipment additions and contingency. (Funding Source: Transit Funds)

- Resolution authorizing the purchase of one commuter bus from Motor Coach Industries, Inc. (MCI) and authorizing the Purchasing Manager, or his designee, to execute a purchase order for a total estimated cost of \$627,769.
- Resolution amending the Fiscal Year 2015-16 operating budget in the amount of \$640,324 to fund the purchase of one commuter bus.

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

ACTION: Resolution 2015-401 (Lopez/Madrigal; 7/0) authorizing the purchase of one commuter bus from Motor Coach Industries, Inc. (MCI) and authorizing the Purchasing Manager, or his designee, to execute a purchase order for a total estimated cost of \$627,769.

ACTION: Resolution 2015-402 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2015-16 operating budget in the amount of \$640,324 to fund the purchase of one commuter bus.

Consent

16. Consider: (i) accepting the Preliminary Design Report dated September 11, 2015 for the Ceres Trunk Rehabilitation and Reliability Project as complete; and (ii) approving an agreement with Brown and Caldwell, Walnut Creek, CA for providing Final Design Services for Ceres Trunk Rehabilitation and Reliability Project in an amount not to exceed \$369,024. (Funding Source: Wastewater Fund)

- Resolution accepting the Preliminary Design Report dated September 11, 2015 for the Ceres Trunk Rehabilitation and Reliability Project as complete.
- Resolution approving an agreement with Brown and Caldwell for the Final Design Services for Ceres Trunk Rehabilitation and Reliability Project, in an amount not to exceed \$335,476 for the identified scope of services, plus \$33,548 for additional services (if needed), for a maximum total amount of \$369,024, and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2015-403 (Lopez/Madrigal; 7/0) accepting the Preliminary Design Report dated September 11, 2015 for the Ceres Trunk Rehabilitation and Reliability Project as complete.

ACTION: Resolution 2015-404 (Lopez/Madrigal; 7/0) approving an agreement with Brown and Caldwell for the Final Design Services for Ceres Trunk Rehabilitation and Reliability Project, in an amount not to exceed \$335,476 for the identified scope of services, plus \$33,548 for additional services (if needed), for a maximum total amount of \$369,024, and authorizing

the City Manager, or his designee, to execute the agreement.

Consent

17. Consider approving an Agreement with George Osner, AICP, San Anselmo, CA for On-call Environmental Planning Support Services in an amount not to exceed \$45,000 for one year, with two one-year extension options, at City's discretion. (Funding Source: Various Capital Improvement Program Projects)

- Resolution approving an agreement with George Osner, AICP, for On-call Environmental Planning Support Services for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.

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

ACTION: Resolution 2015-405 (Lopez/Madrigal; 7/0) approving an agreement with George Osner, AICP, for On-call Environmental Planning Support Services for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.

Consent

18. Consider approving a Second Amendment to Agreement with NorthStar Engineering Group, Inc., Modesto, CA for Final Design Services for the Industrial Water Tank 13 and Pump Station Project in an amount not to exceed \$65,770. (Funding Source: Water Fund - CIP)

- Resolution approving a Second Amendment to Agreement with NorthStar Engineering Group, Inc. for Final Design Services for the Industrial Tank 13 and Pump Station Project in an amount not to exceed \$65,770, and authorizing the City Manager, or his designee, to execute the second amendment to agreement.

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

ACTION: Resolution 2015-406 (Lopez/Madrigal; 7/0) approving a Second Amendment to Agreement with NorthStar Engineering Group, Inc. for Final Design Services for the Industrial Tank 13 and Pump Station Project in an amount not to exceed \$65,770, and authorizing the City Manager, or his designee, to execute the second amendment to agreement.

Consent

19. Consider accepting Strengthen & Replace Water System – South Modesto Phase 2 Project as complete and release payments totaling \$1,728,345 to Knife River Construction, of Stockton, California for replacing and upgrading deficient water mains and fire hydrants in the southwest area of Modesto. (Funding Source: Water Fund - CIP)

- Resolution accepting the Strengthen & Replace Water System – South Modesto Phase 2 Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$1,728,345 to Knife River Construction, of Stockton, California who has replaced and upgraded deficient water mains and fire hydrants in the southwest area of Modesto.

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

ACTION: Resolution 2015-407 (Lopez/Madrigal; 7/0) accepting the Strengthen & Replace Water System – South Modesto Phase 2 Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$1,728,345 to Knife River Construction, of Stockton, California who has replaced and upgraded deficient water mains and fire hydrants in the southwest area of Modesto.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the youngest Congressional Medal of Honor winner; she attended a Modesto Firefighters program at El Vista School; she also attended an after school activities program at Capistrano Middle School; she also spoke regarding the removal of tagging on Briggsmore Avenue

Councilmember Gunderson announced work by Tuolumne River Vegetation Management on October 17, 2015 at Mancini Park.

Councilmember Lopez spoke regarding the MAMA awards in Modesto last Saturday and parking near Modesto Junior College.

Councilmember Madrigal also thanked City staff for clean-up in Modesto; he also spoke regarding Modesto on Ice sponsorship.

Mayor Marsh spoke regarding a budget adjustment for bike paths near Modesto Junior College.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

20. Consider accepting an update on the Stanislaus Regional Water Authority Joint Powers Authority activities, project progress, and proposed changes to the Joint Powers Authority and Bylaws, provide direction to the City Council's Director on the Board how to vote on specific items at the October 29, 2015 Authority meeting, provide direction to the City Manager and the Utilities Director regarding future decisions and negotiations with Ceres and Turlock staff, and provide the City Manager direction regarding the expenditure of funds for the Authority. (Funding Source: Not Applicable)
 - Motion accepting an update on the Stanislaus Regional Water Authority Joint Powers Authority activities, project progress, and proposed changes to the Joint Powers Authority and Bylaws, provide direction to the City Council's Director on the Board how to vote on specific items at the October 29, 2015 Authority meeting, provide direction to the City Manager and the Utilities Director regarding future decisions and negotiations with Ceres and Turlock staff, and provide the City Manager direction regarding the expenditure of funds for the Authority.

Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; 7/0) accepting an update on the Stanislaus Regional Water Authority Joint Powers Authority activities, project progress, and proposed changes to the Joint Powers Authority and Bylaws, provide direction to the City Council's Director on the Board how to vote on specific items at the October 29, 2015 Authority meeting, provide direction to the City Manager and the Utilities Director regarding future decisions and negotiations with Ceres and Turlock staff, and provide the City Manager direction regarding the expenditure of funds for the Authority.

21. Consider accepting an informational report regarding the current Wastewater Master Plan effort. (Funding Source: Not Applicable)
- Motion accepting an informational report regarding the current Wastewater Master Plan effort.

Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Motion (Madrigal/Gunderson; 7/0) accepting an informational report regarding the current Wastewater Master Plan effort.

22. Consider accepting an informational report regarding the status of the current Sewer Rate Study. (Funding Source: Not Applicable)
- Motion accepting an informational report regarding the status of the current Sewer Rate Study.

Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Motion (Madrigal/Zoslocki; 7/0) accepting an informational report regarding the status of the current Sewer Rate Study.

HEARINGS

Published in the Modesto Bee on October 3, 2015

23. Hearing to consider approving the application of Hermes Guardian Transport to operate as a non-emergency medical transport service in the City of Modesto. (Funding Source: General Fund Revenue)
- Resolution authorizing the issuance of a permit to Hermes Guardian Transport for non-emergency medical transport in the City of Modesto.

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

ACTION: Resolution 2015-408 (Gunderson/Kenoyer; 6/0; Lopez absent) authorizing the issuance of a permit to Hermes Guardian Transport for non-emergency medical transport in the City of Modesto.

NEW BUSINESS

24. Consider an Ordinance amending Title 4, Chapter 7 of the Modesto Municipal Code to

add Article 5.5, "Disposal of Prescription Waste," authorizing the Police Chief, or his designee, to install and maintain a prescription waste disposal box within the City of Modesto. (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance amending Title 4, Chapter 7 of the Modesto Municipal Code to add Article 5.5, "Disposal of Prescription Waste," authorizing the Police Chief, or his designee, to install and maintain a prescription waste disposal box within the City of Modesto.

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

ACTION: Motion (Madrigal/Gunderson; 7/0) introducing and waiving the first reading of **Ordinance No. 3637-C.S.** amending Title 4, Chapter 7 of the Modesto Municipal Code to add Article 5.5, "Disposal of Prescription Waste," authorizing the Police Chief, or his designee, to install and maintain a prescription waste disposal box within the City of Modesto.

25. Consider accepting the Destination Modesto Report for First Quarter - Fiscal Year 2015-16 and the Convention & Visitors Bureau Annual Activity Report – Fiscal Year 2014-15. (Funding Source: Transient Occupancy Tax)

- Resolution accepting the Convention and Visitors Bureau's FY 2014-15 Annual Activity Report.
- Resolution accepting the First Quarter Convention and Tourism Activity Report FY 2015-16.

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

ACTION: Resolution 2015-409 (Madrigal/Kenoyer; 7/0) accepting the Convention and Visitors Bureau's Fiscal Year 2014-15 Annual Activity Report.

ACTION: Resolution 2015-410 (Madrigal/Kenoyer; 7/0) accepting the First Quarter Convention and Tourism Activity Report Fiscal Year 2015-16.

26. Consider approving and authorizing the execution of certain documents in connection with the private sale and issuance of the City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2015 for \$21,300,000 and authorizing certain other matters. (Funding Source: Wastewater Fund)

- Resolution approving as to form and authorizing the execution and delivery of certain documents in connection with the private sale and issuance of the City of Modesto, California Wastewater Revenue Refunding Bond, Series 2015 and authorizing certain other matters relating thereto.

Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Resolution 2015-411 (Gunderson/Lopez; 7/0) approving as to form and authorizing the execution and delivery of certain documents in connection with the private sale and issuance of the City of Modesto, California Wastewater Revenue Refunding Bond, Series 2015 and authorizing certain other matters relating thereto.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 8:06 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of case: Modesto Irrigation District v. COM
Case No. 2001607

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

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

Property: Acquire waterline easements for the Strengthen & Replace Water System South 9th Street Industrial Area Project.

Property Owners: Property:

416 Hosmer Ave—APN 038-002-025 Stanislaus Distributing Co. & Varni Brothers, Inc.

680 Janopaul Ave—APN 038-002-024 Jose L. Perez

654 Janopaul Ave—APN 038-002-022 & -023 Mikael Lee Hogue

736 Bystrum Rd—APN 038-016-029 David Hosmer

722 Bystrom Rd—APN 038-016-030 Carlos Torres

Negotiating Parties: For City: Jon Yuriar, Property Agent for City of Modesto

Adam U. Lindgren, City Attorney for the City of Modesto

For Property Owners: Stanislaus Distributing Co. & Varni Brothers, Inc.; Jose L. Perez;

Mikael Lee Hogue; David Hosmer; Carlos Torres

Under Negotiation: Price and terms of sale of utility waterline easement acquisitions.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday November 04, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Kevin Carroll, Modesto Gospel Mission

City Clerk’s Announcements: Item 8 - Removed from Consent

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Center for Human Services proclaiming November Runaway and Homeless Youth Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to the Center for Human Services proclaiming November Runaway and Homeless Youth Awareness Month.

PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding the recent election in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 5-7; 9-12: (Lopez/Madrigal; unan.)

CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the October 27, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the October 27, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the minutes from the October 27, 2015 Council meeting.

Consent

3. Consider an Ordinance amending Modesto Municipal Code Section 2-1.18 to align Standing Committee names with the City's 2015-2018 Strategic Plan. (Funding Source: Not Applicable)
 - Motion introducing and waiving the first reading of an Ordinance amending Article 18 of Title 2, Chapter 1, "Standing Committees" of the Modesto Municipal Code to align Standing Committee names with the City's 2015-2018 Strategic Plan.
Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) introducing and waiving the first reading of an **Ordinance No. 3638-C.S.** amending Article 18 of Title 2, Chapter 1, "Standing Committees" of the Modesto Municipal Code to align Standing Committee names with the City's 2015-2018 Strategic Plan.

Consent

4. Consider approving the 2016 Calendar of regularly scheduled City Council and Council Standing Committees meetings. (Funding Source: Not Applicable)
 - Resolution approving the 2016 Calendar of regularly scheduled City Council and Council Standing Committees meetings.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2015-412 (Lopez/Madrigan; 7/0) approving the 2016 Calendar of regularly scheduled City Council and Council Standing Committees meetings.

Consent

5. Consider approving final adoption of **Ordinance No. 3637-C.S.** amending Title 4, Chapter 7 of the Modesto Municipal Code to add Article 5.5, "Disposal of Prescription Waste," authorizing the Police Chief, or his designee, to install and maintain a prescription waste disposal box within the City of Modesto. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3637-C.S.** amending Title 4, Chapter 7 of the Modesto Municipal Code to add Article 5.5, "Disposal of Prescription Waste," authorizing the Police Chief, or his designee, to install and maintain a prescription waste disposal box within the City of Modesto.
City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3637-**

C.S. amending Title 4, Chapter 7 of the Modesto Municipal Code to add Article 5.5, “Disposal of Prescription Waste,” authorizing the Police Chief, or his designee, to install and maintain a prescription waste disposal box within the City of Modesto.

Consent

6. Consider reaffirming the commitment of the City of Modesto to support the continued operation and maintenance of the Tuolumne River Regional Park, including the Gateway Parcel for a period of at least 25 years. (Funding Source: TRRP Fund)
- Resolution reaffirming the commitment of the City of Modesto to support the continued operation and maintenance of the Tuolumne River Regional Park, including the Gateway Parcel for a period of at least 25 years.

Community & Economic Development; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2015-413 (Lopez/Madrigan; 7/0) reaffirming the commitment of the City of Modesto to support the continued operation and maintenance of the Tuolumne River Regional Park, including the Gateway Parcel for a period of at least 25 years.

Consent

7. Consider authorizing the sole source purchase of one 2016 RoadSaver RS3G slurry/microsurfacing truck to Rayner Equipment Systems, Sacramento, CA, for an estimated total cost of \$430,226. (Funding Source: Surface Transportation Fund)
- Resolution authorizing the award of a sole source purchase of one 2016 RoadSaver RS3G slurry/microsurfacing truck to Rayner Equipment Systems, Sacramento, CA, for an estimated total cost of \$430,226, and authorizing the Purchasing Manager or his designee to issue the purchasing order.

City Manager; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-414 (Lopez/Madrigan; 7/0) authorizing the award of a sole source purchase of one 2016 RoadSaver RS3G slurry/microsurfacing truck to Rayner Equipment Systems, Sacramento, CA, for an estimated total cost of \$430,226, and authorizing the Purchasing Manager or his designee to issue the purchasing order.

Removed from Consent

8. Consider approving the Neighborhood Environmental Action Team Agreement between the City of Modesto and the West Modesto King Kennedy Neighborhood Collaborative to maintain the Helen White Memorial Trail (Funding Source: General Fund)

- Resolution approving the Helen White Memorial Trail Neighborhood Environmental Action Team (N.E.A.T.) Agreement

Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Resolution 2015-415 (Madrigan/Lopez; 7/0) approving the Helen White Memorial Trail Neighborhood Environmental Action Team (N.E.A.T.) Agreement.

Consent

9. Consider: (i) authorizing the creation of a new capital project for the P-25 Radio Tower construction at Modesto Fire Station 6; (ii) amending the Fiscal Year 2015-2016 Multi-Year Operating Budget to establish an expense budget for the project in the amount of \$300,000; and (iii) authorizing the issuance of a purchase order to Tait North America, Inc. in the amount of \$300,000 for construction and installation related purposes.
(Funding Source: General Fund)
- Resolution authorizing the Finance Director, or her designee, to amend the Fiscal Year 2015/2016 Multi-Year Operating Budget to create a new multi-year project for the P-25 Radio Tower Construction at Modesto Fire Station 6, and implement the provisions of this resolution.
 - Resolution authorizing the Finance Director, or her designee, to amend the Fiscal Year 2015/2016 Operating Budget to reduce the Police Department budget in the General Fund in the amount of \$300,000 (0100-70100-71342) and to establish a transfer from the General Fund (Fund 0100) to the Grants – Police Fund (Fund 1342) in the amount of \$300,000 to fund the P-25 Radio Tower Construction at Modesto Fire Station 6, and implement the provisions of this resolution.
 - Resolution authorizing the Purchasing Manager, or his designee, to issue a purchase order in an amount not to exceed \$300,000 to Tait North America, Inc. for construction related expenses with the construction and installation of the P-25 Radio Tower at Modesto Fire Station 6.
- Police; Galen L. Carroll, 572-9501, rabbk@modestopd.com*

ACTION: Resolution 2015-416 (Lopez/Madrigal; 7/0) authorizing the Finance Director, or her designee, to amend the Fiscal Year 2015/2016 Multi-Year Operating Budget to create a new multi-year project for the P-25 Radio Tower Construction at Modesto Fire Station 6, and implement the provisions of this resolution.

ACTION: Resolution 2015-417 (Lopez/Madrigal; 7/0) authorizing the Finance Director, or her designee, to amend the Fiscal Year 2015/2016 Operating Budget to reduce the Police Department budget in the General Fund in the amount of \$300,000 (0100-70100-71342) and to establish a transfer from the General Fund (Fund 0100) to the Grants – Police Fund (Fund 1342) in the amount of \$300,000 to fund the P-25 Radio Tower Construction at Modesto Fire Station 6, and implement the provisions of this resolution.

ACTION: Resolution 2015-418 (Lopez/Madrigal; 7/0) authorizing the Purchasing Manager, or his designee, to issue a purchase order in an amount not to exceed \$300,000 to Tait North America, Inc. for construction related expenses with the construction and installation of the P-25 Radio Tower at Modesto Fire Station 6.

Consent

10. Consider adopting three resolutions required for the Clean Water State Revolving Fund Loan Application: the Authorizing Resolution, Reimbursement Resolution, and Pledged Revenues and Funds Resolution. (Funding Source: Not Applicable)
- Resolution authorizing the City Manager, or his designee, to sign and file, for and on behalf of the City of Modesto, for the North Valley Regional Recycled Water Program, a Financial Assistance Application, to certify that the City of Modesto has and will comply with all applicable state and federal statutory and regulatory

requirements, and to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto, and certify financing agreement disbursements on behalf of the City of Modesto.

- Resolution hereby dedicating sewer service charges to payment of any and all Clean Water State Revolving Fund financing. This dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board.
- Resolution hereby stating a finance amount to be provided by the State of California and stating the City of Modesto intends to reimburse the State of California for borrowed funds.

Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2015-419 (Lopez/Madrigal; 7/0) authorizing the City Manager, or his designee, to sign and file, for and on behalf of the City of Modesto, for the North Valley Regional Recycled Water Program, a Financial Assistance Application, to certify that the City of Modesto has and will comply with all applicable state and federal statutory and regulatory requirements, and to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto, and certify financing agreement disbursements on behalf of the City of Modesto.

ACTION: Resolution 2015-420 (Lopez/Madrigal; 7/0) hereby dedicating sewer service charges to payment of any and all Clean Water State Revolving Fund financing. This dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board.

ACTION: Resolution 2015-421 (Lopez/Madrigal; 7/0) hereby stating a finance amount to be provided by the State of California and stating the City of Modesto intends to reimburse the State of California for borrowed funds.

Consent

11. Consider: (i) approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Design-Build Owner Advisor Services for the North Valley Regional Recycled Water Program in the amount of \$2,930,726; and (ii) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$100,000 to be transferred into the project from Wastewater Fund Reserves in order to fund the agreement, plus engineering/design/administration for the North Valley Regional Recycled Water Program. (Funding Source: Wastewater Fund/State Revolving Fund Loan)
 - Resolution approving an Agreement with Carollo Engineers, Inc. for Design-Build Owner Advisor Services for the North Valley Regional Recycled Water Program, in an amount not to exceed \$2,791,168 for the identified scope of services, plus \$139,558 for additional services (if needed), for a maximum total amount of \$2,930,726, and authorizing the City Manager, or his designee, to execute the agreement.

- Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$100,000 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Design-Build Owner Advisor Services for the North Valley Regional Recycled Water Program, including support by City staff.

Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2015-422 (Lopez/Madrigal; 7/0) approving an Agreement with Carollo Engineers, Inc. for Design-Build Owner Advisor Services for the North Valley Regional Recycled Water Program, in an amount not to exceed \$2,791,168 for the identified scope of services, plus \$139,558 for additional services (if needed), for a maximum total amount of \$2,930,726, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2015-423 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$100,000 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Design-Build Owner Advisor Services for the North Valley Regional Recycled Water Program, including support by City staff.

Consent

12. Consider approving a Purchase and Sale Agreement with Litt Road Holdings, LLC, in the amount of \$2,130,000 for real property (APN 084-003-005) located at Litt Road, north of Sylvan Avenue. (Funding Source: Water Fund - CIP)
 - Resolution approving the Purchase & Sale Agreement with Litt Road Holdings, LLC, for a 47.37-acre parcel of land located at Litt Road north of Sylvan Avenue (APN: 084-003-005), in the amount of \$2,130,000.00 and authorizing the City Manager, or his designee, to execute the Agreement and related documents required to close escrow.
 - Resolution authorizing the City Manager, or his designee, to sign the Lease Termination Agreement with Litt Road Holdings, LLC and R Doornenbal Ranches, terminating an existing tenant lease and assigning it to the City in exchange for a one month indemnification by the tenant in favor of the City, (APN 084-003-005).
 - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the acquisition of real property located at Litt Road, north of Sylvan Avenue, owned by Litt Road Holdings, LLC, (APN 084-003-005) to be purchased by the City of Modesto for a Water Services Corporation Yard.
 - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Proposed acquisition of 47.37 acres and the development of a water corporation yard located on the east side of Litt Road, approximately 0.5 mile north of Sylvan Avenue APN 084-003-005 (City of Modesto).

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

ACTION: Resolution 2015-424 (Lopez/Madrigal; 7/0) approving the Purchase & Sale Agreement with Litt Road Holdings, LLC, for a 47.37-acre parcel of land located at Litt Road north of Sylvan Avenue (APN: 084-003-005), in the amount of \$2,130,000.00 and authorizing the City Manager, or his designee, to execute the Agreement and related documents required to close escrow.

ACTION: Resolution 2015-425 (Lopez/Madrigal; 7/0) authorizing the City Manager, or his designee, to sign the Lease Termination Agreement with Litt Road Holdings, LLC and R Doornenbal Ranches, terminating an existing tenant lease and assigning it to the City in exchange for a one month indemnification by the tenant in favor of the City, (APN 084-003-005).

ACTION: Resolution 2015-426 (Lopez/Madrigal; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the acquisition of real property located at Litt Road, north of Sylvan Avenue, owned by Litt Road Holdings, LLC, (APN 084-003-005) to be purchased by the City of Modesto for a Water Services Corporation Yard.

ACTION: Resolution 2015-427 (Lopez/Madrigal; 7/0) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Proposed acquisition of 47.37 acres and the development of a water corporation yard located on the east side of Litt Road, approximately 0.5 mile north of Sylvan Avenue APN 084-003-005 (City of Modesto).

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Dia de Los Muertos event last weekend.

Councilmember Madrigal attended the Manos Unidas Dia de Los Muertos event hosted at the Casa Cultural Tradiciones.

CITY MANAGER COMMENTS & REPORTS

13. Informational update on Stanislaus Regional Water Authority (SRWA) October 29, 2015 Board Meeting. (Funding Source: Not Applicable)
City Manager; James Holgersson , 577-5224, jholgersson@modestogov.com

ACTION: Utilities Director Larry Parlin gave an update on last Thursday's SRWA meeting and will return to Council next week with more information.

UNFINISHED BUSINESS

14. Consider approving a Water Sales Agreement with the Del Puerto Water District for the North Valley Regional Recycled Water Program. (Funding Source: Wastewater Fund Revenue)
 - Resolution approving a Water Sales Agreement with the Del Puerto Water District for the North Valley Regional Recycled Water Program, and authorizing the City Manager, or his designee, to execute the Agreement.

Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Resolution 2015-428 (Madrigal/Lopez; 7/0) approving a Water Sales Agreement with the Del Puerto Water District for the North Valley Regional Recycled Water Program, and authorizing the City Manager, or his designee, to execute the Agreement.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:10 pm.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

HEARING OF COMPLAINTS AGAINST PUBLIC EMPLOYEE

Pursuant to Government Code section 54957(b)

Title: City Clerk

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Smith v. COM, et al
Case No. 1:14-CV-01285-LJO-MJS

Name of case: Holcomb v. COM, et al
Case No. 1:13-CV-01102-AWI-SKO

Name of case: Modesto City Schools v. COM, et al
Case No. 2017448

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

Property: Acquire property on Held Drive, Modesto, CA
(APN 014-026-034)

Property Owners: Property: Frank Bavaro
Trustee of the Mary J. Carone Irrevocable Trust

Frank Carone

Trustee of the Carone Revocable Trust
Mary Carone Trustee of the Carone Revocable Trust

Alex G. Liakos

Trustee for the Liakos Family Trust

Negotiating Parties:

For City: Jon Yuriar, Property Agent for City of Modesto
Adam U. Lindgren, City Attorney for the City of Modesto

For Property Owners: Frank Bavaro and Eric Souza, Esq.

Under Negotiation: Price and terms of sale of acquisition

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday November 10, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements: Item 2 - continued to future Council meeting; Item 8 - Removed from Consent; Item 9 – Removed from Consent

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters; will return to Closed Session after regular Council meeting.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Modesto Chamber of Commerce proclaiming November 28, 2015 Small Business Saturday in the City of Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Cecil Russell, Modesto Chamber of Commerce, proclaiming November 28, 2015 Small Business Saturday in the City of Modesto.

2. Presentation of Proclamation to Greens Restaurant in recognition of the historic preservation project that contributes to the texture and character in Downtown Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Continued to future Council meeting date.

3. Presentation of the City of Modesto's 2nd Chance Week Baby Clothes Collection for local charities in partnership with Stanislaus County. (Funding Source: Not Applicable)
Public Works; Vicki Rice, 577-5495, vrice@modestogov.com

ACTION: Presentation of the City of Modesto's 2nd Chance Week Baby Clothes Collection for local charities in partnership with Stanislaus County was made.

PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding a Public Records Act request; a transcript of the Board of Zoning & Appeals hearings, and public information material for the next Healthy Communities Committee.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 4-7; 10-13: (Lopez/Madrigan; unan.)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes from the November 4, 2015 Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the November 4, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the minutes from the November 4, 2015 Council meeting.

Consent

5. Consider approving a Professional Services Agreement with Pacific Design Associates, Inc. of Modesto to develop construction documents for the Kitchen Remodels at the Senior Citizens Center and the Airport Neighborhood Community Center in an amount not to exceed \$49,400 for the identified scope of services, plus \$4,940 for additional services (if needed), for a maximum total amount of \$54,340, and authorizing the City Manager, or his designee, to execute the agreement. (Funding Source: Community Development Block Grant Entitlement Funds)
 - Resolution approving a Professional Services Agreement with Pacific Design Associates, Inc. of Modesto to develop construction documents for the Kitchen Remodels at the Senior Citizens Center and the Airport Neighborhood Community Center in an amount not to exceed \$49,400 for the identified scope of services, plus \$4,940 for additional services (if needed), for a maximum total amount of \$54,340, and authorizing the City Manager, or his designee, to execute the agreement.
Community & Economic Development; Loren R. Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2015-429 (Lopez/Madrigan; 7/0) approving a Professional Services Agreement with Pacific Design Associates, Inc. of Modesto to develop construction documents for the Kitchen Remodels at the Senior Citizens Center and the Airport Neighborhood Community Center in an amount not to exceed \$49,400 for the identified scope of services, plus \$4,940 for additional services (if needed), for a maximum total amount of

\$54,340, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

6. Consider accepting the Monthly Budget Adjustments Report for September 2015 and amending Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget. (Funding Source: Various)
 - Resolution amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2015-430 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.

Consent

7. Consider authorizing the award of bid for the purchase of one dump truck with 14-yard capacity to Interstate Truck Center LLC, Stockton, CA, for an estimated total cost of \$127,284. (Funding Source: Fleet Replacement Fund)
 - Resolution authorizing the award of bid for the purchase of one dump truck with 14-yard capacity to Interstate Truck Center LLC, Stockton, CA, and authorizing the Purchasing Manager or his designee to issue the purchasing order for an estimated total cost of \$127,284.
Finance; Cindy Medley, 571-5164, cmedley@modestogov.com

ACTION: Resolution 2015-431 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of one dump truck with 14-yard capacity to Interstate Truck Center LLC, Stockton, CA, and authorizing the Purchasing Manager or his designee to issue the purchasing order for an estimated total cost of \$127,284.

Removed from Consent; Councilmember Lopez, absent

8. Consider approving a restructuring of the Utilities Department, including a reclassification and pay range adjustments for various positions within City service to provide more efficient and cost effective services. (Funding Source: Various Funds)
 - Resolution amending the Classification Plan for the City of Modesto to create the classifications of Water Superintendent, Plant Maintenance Superintendent, Utilities Plant Operator Trainee, Utilities Plant Operator I/II, Senior Utilities Plant Operator, Utilities Services Supervisor, Utilities Plant Operations Supervisor, Plant Mechanic Trainee, Plant Mechanic I/II, Senior Plant Mechanic, Plant Maintenance Supervisor, Electrical and Instrumentation Technician Trainee, Electrical and Instrumentation Technician, Utilities Service Worker I/II/III, Senior Utilities Service Worker, Electrical Supervisor – Utilities, Police Range and Training Center Coordinator, Maintenance Planning Technician; and to delete the classifications of Wastewater Treatment Plant Operator I/II/III, Senior Wastewater Treatment Plant Operator, Water Production Operator I/II, Water Division Crewleader, Water Distribution and Production Supervisor, Water Quality Control Technician I/II, Water Quality Control Plant Operations Supervisor, Instrumentation Technician, Electrician - Utilities, Wastewater Collections System Operator I/II, Water Distribution Operator I/II/III, Water Services Equipment Operator I/II, Wastewater

Collections System Crewleader, Wastewater Collections Systems Supervisor, Water Quality Control Plant Operations Supervisor

- Resolution amending Exhibit “A” of Resolution No. 2015-195 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes
- Resolution amending Exhibit “A “ of Resolution No. 2015-196 to revise the Class Range Table for General Non-Sworn Classes
- Resolution amending the Position Allocation and the Fiscal Year 2015-16 Operating Budget for various departments.
- Resolution approving a Letter of Agreement between the City of Modesto and Modesto City Employees Association (MCEA) regarding the effects of the implementation of 2014 utilities reclassification on the cash out of compensatory time off; and authorizing the City Manager or designee to take the necessary administrative action to implement the agreement.

Human Resources; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Motion (Madrigal/no second) to continue item to future Council meeting.
(MOTION DID NOT PASS)

ACTION: Resolution 2015-432 (Cogdill/Kenoyer; 5/1; Madrigal no, Lopez absent)

amending the Classification Plan for the City of Modesto to create the classifications of Water Superintendent, Plant Maintenance Superintendent, Utilities Plant Operator Trainee, Utilities Plant Operator I/II, Senior Utilities Plant Operator, Utilities Services Supervisor, Utilities Plant Operations Supervisor, Plant Mechanic Trainee, Plant Mechanic I/II, Senior Plant Mechanic, Plant Maintenance Supervisor, Electrical and Instrumentation Technician Trainee, Electrical and Instrumentation Technician, Utilities Service Worker I/II/III, Senior Utilities Service Worker, Electrical Supervisor – Utilities, Police Range and Training Center Coordinator, Maintenance Planning Technician; and to delete the classifications of Wastewater Treatment Plant Operator I/II/III, Senior Wastewater Treatment Plant Operator, Water Production Operator I/II, Water Division Crewleader, Water Distribution and Production Supervisor, Water Quality Control Technician I/II, Water Quality Control Plant Operations Supervisor, Instrumentation Technician, Electrician - Utilities, Wastewater Collections System Operator I/II, Water Distribution Operator I/II/III, Water Services Equipment Operator I/II, Wastewater Collections System Crewleader, Wastewater Collections Systems Supervisor, Water Quality Control Plant Operations Supervisor.

ACTION: Resolution 2015-433 (Cogdill/Kenoyer; 5/1; Madrigal no, Lopez absent)

amending Exhibit “A” of Resolution No. 2015-195 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes.

ACTION: Resolution 2015-434 (Cogdill/Kenoyer; 5/1; Madrigal no, Lopez absent)

amending Exhibit “A “ of Resolution No. 2015-196 to revise the Class Range Table for General Non-Sworn Classes.

ACTION: Resolution 2015-435 (Cogdill/Kenoyer; 5/1; Madrigal no, Lopez absent)

approving a Letter of Agreement between the City of Modesto and Modesto City Employees Association (MCEA) regarding the effects of the implementation of 2014 utilities reclassification on the cash out of compensatory time off; and authorizing the City Manager or designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2015-436 (Cogdill/Kenoyer; 5/1; Madrigal no, Lopez absent)
Resolution amending the Position Allocation and the Fiscal Year 2015-16 Operating Budget for various departments.

Removed from Consent

9. Consider: (i) authorizing the award of a sole source procurement for the purchase of a Flight Design CTLEi aircraft from Airtime Aviation, Tulsa, OK, for an estimated cost of \$660,000; and (ii) amending the Fiscal Year 2015/2016 Operating Budget. (Funding Source: 3120 - Special Fund for Capital Outlay)
- Resolution authorizing the award of a sole source procurement for the purchase of a Flight Design CTLEi aircraft from Airtime Aviation, Tulsa, OK; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an amount not to exceed \$660,000.
 - Resolution authorizing the Director of Finance, or her designee, to amend the Fiscal Year 2015/2016 Operating Budget to appropriate expenditures of approximately \$660,000 for the Modesto Police Department's purchase of a Flight Design CTLEi aircraft.

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

ACTION: Motion (Gunderson/Cogdill; 7/0) continuing item to future Council meeting.

Consent

10. Consider an Ordinance amending the Modesto Municipal Code to update regulation of smoking-related products and practices, including the use of e-cigarettes, medical marijuana, and vaping, as well as to enable application of these regulations to the downtown Transportation Center and bus stops. (Funding Source: Transit Funds)
- Motion introducing and waiving the first reading of an Ordinance amending provisions of Title 5, Chapter 8, "Smoking Pollution Control," of the Modesto Municipal Code in order to update regulation of smoking-related products and practices, including the use of e-cigarettes, medical marijuana, and vaping, as well as to enable application of these regulations to all City transit facilities.

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

ACTION: Motion (Lopez/Madrigal; 7/0) introducing and waiving the first reading of **Ordinance No. 3639-C.S.** amending provisions of Title 5, Chapter 8, "Smoking Pollution Control," of the Modesto Municipal Code in order to update regulation of smoking-related products and practices, including the use of e-cigarettes, medical marijuana, and vaping, as well as to enable application of these regulations to all City transit facilities.

Consent

11. Consider approving an Agreement with West Yost Associates, Inc., Pleasanton, CA for consultant services for development of the 2015 Urban Water Management Plan in the amount of \$158,620. (Funding Source: Water Fund)
- Resolution approving an Agreement with West Yost Associates, Inc. for consultant

services for development of the 2015 Urban Water Management Plan, in an amount not to exceed \$144,200 for the identified scope of services, plus \$14,420 for additional services (if needed), for a maximum total amount of \$158,620, and authorizing the City Manager, or his designee, to execute the agreement.

Utilities; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2015-437 (Lopez/Madrigal; 7/0) approving an Agreement with West Yost Associates, Inc. for consultant services for development of the 2015 Urban Water Management Plan, in an amount not to exceed \$144,200 for the identified scope of services, plus \$14,420 for additional services (if needed), for a maximum total amount of \$158,620, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

12. Consider approving a Purchase and Sale Agreement with G & K Enterprises, LLC, in the amount of \$15,500 for sale of real property at 931 Tenth Street, known as Bartoni Lane, (APN 105-041-006). (Funding Source: General Fund Revenue)
- Resolution approving a Purchase and Sale Agreement with G & K Enterprises, LLC, for the City-owned real property at 931 Tenth Street (APN: 105-041-006), in the amount of \$15,500 and authorizing the City Manager, or his designee, to execute the Agreement, the Grant Deed, and all related documents required to close escrow.

Utilities and Community & Economic Development; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2015-438 (Lopez/Madrigal; 7/0) approving a Purchase and Sale Agreement with G & K Enterprises, LLC, for the City-owned real property at 931 Tenth Street (APN: 105-041-006), in the amount of \$15,500 and authorizing the City Manager, or his designee, to execute the Agreement, the Grant Deed, and all related documents required to close escrow.

Consent

13. Consider: (i) approving the plans and specifications for the Cannery Segregation Pump Replacement Project, accepting the bid, and approving a contract with Monterey Mechanical Company, of Oakland, California in the amount of \$2,594,000; and (ii) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$2,235,400 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for Cannery Segregation Pump Replacement Project. (Funding Source: Wastewater Fund Reserves)
- Resolution approving the plans and specifications for the Cannery Segregation Pump Replacement Project, accepting the bid, and approving a contract with Monterey Mechanical Company, of Oakland, California in the amount of \$2,594,000.
 - Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$2,235,400 to be transferred into the project from

Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for Cannery Segregation Pump Replacement Project.

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

ACTION: Resolution 2015-439 (Lopez/Madrigal; 7/0) approving the plans and specifications for the Cannery Segregation Pump Replacement Project, accepting the bid, and approving a contract with Monterey Mechanical Company, of Oakland, California in the amount of \$2,594,000.

ACTION: Resolution 2015-440 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$2,235,400 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for Cannery Segregation Pump Replacement Project.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the First Business Women's Symposium.

Councilmember Madrigal announced Christmas Tree Lighting after the parade in front of City Hall on December 5, 2015; he also spoke regarding Kings Area Rural Transit system app which provides information for their bus riders.

Councilmember Lopez spoke regarding the recent passing of Carl Boyett and all of his contributions to the City of Modesto.

Councilmember Lopez left meeting at 6:05 p.m.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

Councilmember Lopez absent

14. Consider accepting an update on the Stanislaus Regional Water Authority Joint Powers Authority Board meeting of October 29, 2015, and provide City's Director on the Board and staff direction on continued participation in the Stanislaus Regional Water Authority Joint Powers Authority. (Funding Source: Not Applicable)

- Motion accepting an update on the actions at the Stanislaus Regional Water Authority Joint Powers Authority meeting of October 29, 2015, and provide City Council Director on the Board and staff direction on continued participation in the Stanislaus Regional Water Authority Joints Power Authority.

Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Motion (Gunderson/Kenoyer; 6/0; Lopez absent) accepting an update on the actions at the Stanislaus Regional Water Authority Joint Powers Authority meeting of October 29, 2015, **with the guidance that Modesto remove itself from the Stanislaus Regional**

Water Authority Joint Powers Authority.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:30 p.m. and returned to Closed Session.

CLOSED SESSION

Closed Session Matters Heard Prior to and after Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Souliotes v. City of Modesto, et al.

Federal Case No: 1:15-cv-00556-LJO-SKO

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

Appeal Case No: A134419

Name of case: Sipple v. City of Alameda, et al. (AT&T)

Case No. BC462270

Name of case: Montelongo v. City of Modesto, et al.

Federal Case No. 1:15-cv-01605-BAM

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

Case No. 667396

Name of case: North Modesto Groundwater Alliance v. City of Modesto

Case No. 680381

Name of case: Holcomb v. COM, et al

Case No. 1:13-CV-01102-AWI-SKO

PUBLIC EMPLOYEE DISCIPLINE/HEARING OF COMPLAINTS

Pursuant to Government Code section 54957(b)

Title: City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday November 24, 2015, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: James Applegate, Redeemer Church

Poem for a Change of City Officials read by Gillian Wegener, Modesto's Poet Laureate

City Clerk's Announcements: Item 8 continued to December 8, 2015 Council meeting

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matter (held after Council meeting)

Mayor Marsh announced that Congressman Jeff Denham and Assemblywoman Kristin Olsen were in the audience

ELECTION ITEMS

1. Certification of canvass of votes from the November 3, 2015 Election. (Funding Source: Not Applicable)
 - Resolution 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 3, 2015 and declaring the results of said election.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2015-441 (Lopez/Madrigal; 7/0) 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 3, 2015 and declaring the results of said election.

2. Comments from outgoing Councilmembers. (Funding Source: Not Applicable)
City Clerk ; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Comments were made by outgoing Councilmembers Cogdill, Gunderson and Lopez; Certificates of Appreciation were given to the outgoing Councilmembers by Congressman Jeff Denham and Assemblywoman Kristin Olsen; Mayor Marsh presented Certificates of Appreciation from Assemblymember Adam Gray, Senator Anthony Canella, and Senator Cathleen Galgiani.

3. Oath of Office by newly elected Councilmembers and the Modesto City School Board Members. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: City Clerk Stephanie Lopez administered the Oath of Office to newly elected Councilmembers and Modesto Board of Education Members.

4. Seating of new City Councilmembers at the dais. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: The new Councilmembers were seated at the dais.

PUBLIC COMMENT PERIOD

- Chris Aggers spoke regarding watering in the City of Modesto and the Utilities Department.
- Maggie Countryman spoke regarding problems with her neighbor's building permit.
- Harpreet Sandhu, former Richmond Councilmember, congratulated the new Councilmembers, including Councilmember Grewal as the first Sikh Councilmember in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 5, 7-13: (Kenoyer/Madrigan; unan.)

CONSENT ITEMS

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

Consent

5. Consider approving the minutes from the November 10, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the November 10, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madrigan; 7/0) approving the minutes from the November 10,

2015 Council meeting.

Continued to December 8, 2015 Council meeting

6. Consider approving final adoption of **Ordinance No. 3638-C.S.** amending Article 18 of Title 2, Chapter 1, “Standing Committees” of the Modesto Municipal Code to align Standing Committee names with the City’s 2015-2018 Strategic Plan. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3638-C.S.** amending Article 18 of Title 2, Chapter 1, “Standing Committees” of the Modesto Municipal Code to align Standing Committee names with the City’s 2015-2018 Strategic Plan.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Continued to December 8, 2015 Council meeting.

Consent

3. Consider approving final adoption of **Ordinance No. 3639-C.S.** amending provisions of Title 5, Chapter 8, “Smoking Pollution Control,” of the Modesto Municipal Code in order to update regulation of smoking-related products and practices, including the use of e-cigarettes, medical marijuana, and vaping, as well as to enable application of these regulations to all City transit facilities. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3639-C.S.** amending provisions of Title 5, Chapter 8, “Smoking Pollution Control,” of the Modesto Municipal Code in order to update regulation of smoking-related products and practices, including the use of e-cigarettes, medical marijuana, and vaping, as well as to enable application of these regulations to all City transit facilities.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madriral; 7/0) approving final adoption of **Ordinance No. 3639-C.S.** amending provisions of Title 5, Chapter 8, “Smoking Pollution Control,” of the Modesto Municipal Code in order to update regulation of smoking-related products and practices, including the use of e-cigarettes, medical marijuana, and vaping, as well as to enable application of these regulations to all City transit facilities.

Consent

4. Consider approving and authorizing the City Manager or his designee to execute a First Amendment to the Agreement with Data Path, Inc., of Modesto, CA, a professional firm, to provide continued Chief Information Officer services for the City for an additional six month term with a cost of \$17,578 per month. (Funding Source: Information Technology Fund)
 - Resolution approving and authorizing the City Manager or his designee to execute a First Amendment to the Agreement with Data Path, Inc., of Modesto, CA , a professional firm, to provide Chief Information Officer services for the City for an additional six month term with a monthly cost of \$17,578, and to continue with John Dickey as Chief Information Officer, effective November 24, 2015.
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Resolution 2015-442 (Kenoyer/Madriral; 7/0) approving and authorizing the

City Manager or his designee to execute a First Amendment to the Agreement with Data Path, Inc., of Modesto, CA , a professional firm, to provide Chief Information Officer services for the City for an additional six month term with a monthly cost of \$17,578, and to continue with John Dickey as Chief Information Officer, effective November 24, 2015.

Consent

5. Consider accepting the San Joaquin Valley Air Pollution Control District for Alternative Fuel Vehicle Grant and authorizing the Fire Chief, or his designee, to execute all grant-related documents. (Funding Source: Grant Funds and General Fund)
- Resolution approving the San Joaquin Valley Air Pollution Control District for Alternative Fuel Vehicle Grant and authorizing the Fire Chief, or his designee, to execute all grant-related documents.
- Fire; Alan Ernst, 572-9590, aernst@modestofire.com*

ACTION: Resolution 2015-443 (Kenoyer/Madrigal; 7/0) approving the San Joaquin Valley Air Pollution Control District for Alternative Fuel Vehicle Grant and authorizing the Fire Chief, or his designee, to execute all grant-related documents.

Consent

6. Consider approving a First Responder Advanced Life Support Agreement between the Modesto Fire Department and Mountain Valley EMS Agency, and authorizing the City Manager, or his designee, to execute the agreement. (Funding Source: Not applicable)
- Resolution approving a First Responder Advanced Life Support agreement between the Modesto Fire Department and Mountain Valley EMS Agency, and authorizing the City Manager, or his designee, to execute the agreement.
- Fire; Tim Tietjen, 572-9590, ttietjen@modestofire.com*

ACTION: Resolution 2015-444 (Kenoyer/Madrigal; 7/0) approving a First Responder Advanced Life Support agreement between the Modesto Fire Department and Mountain Valley EMS Agency, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

7. Consider approving various letters of agreement between the City of Modesto and represented employee associations; amending a labor policy on behalf of Modesto Police Officers Association and Unrepresented Sworn-Fire employees; and rescinding Resolution Numbers 2014-519, 2014-520 and 2015-334 to amend the written language and make benefit offerings consistent with those in represented employee associations. (Funding Source: Various Funds)
- Resolution rescinding Resolution 2014-519 and approving amended language to make benefit offerings for Unrepresented Management and Confidential employees consistent with those in represented units; and authorizing the City Manager or his designee to take the necessary administrative action to implement the changes.
 - Resolution approving language correcting the compensation for Charter Officers and Executives, effective December 2, 2014; and rescinding Resolution 2014-520 and Resolution No. 2015-334 and authorizing the City Manager or his designee to take the necessary administrative action to implement the changes.

- Resolution approving a Letter of Agreement between the City of Modesto and Modesto Police Officers' Association (MPOA) amending the Memorandum of Understanding for the period of July 1, 2014 to June 30, 2016 to change language in Section 5, Special Compensation; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.
- Resolution approving a Letter of Agreement between the City of Modesto and Modesto Police Management Association (MPMA) amending the Memorandum of Understanding for the period of October 1, 2013 to December 31, 2015 to change language in Article 5, Overtime and Specialty Pay; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.
- Resolution approving a Letter of Agreement between the City of Modesto and Modesto Police Management Association (MPMA) amending the Memorandum of Understanding for the period of October 1, 2013 to December 31, 2015 to change language in Article 9, Uniforms and Uniform Allowances; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.
- Resolution approving the Letter of Agreement resolving the Grievance over Management Leave cash-out between the City of Modesto and Modesto Police Management Association (MPMA); and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.
- Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CALPERS) on behalf of employees represented by the Modesto Police Officers' Association (MPOA).
- Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CALPERS) on behalf of Unrepresented Sworn Fire employees.

Human Resources; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Resolution 2015-445 (Kenoyer/Madrigal; 7/0) rescinding Resolution 2014-519 and approving amended language to make benefit offerings for Unrepresented Management and Confidential employees consistent with those in represented units; and authorizing the City Manager or his designee to take the necessary administrative action to implement the changes.

ACTION: Resolution 2015-446 (Kenoyer/Madrigal; 7/0) approving language correcting the compensation for Charter Officers and Executives, effective December 2, 2014; and rescinding Resolution 2014-520 and Resolution No. 2015-334 and authorizing the City Manager or his designee to take the necessary administrative action to implement the changes.

ACTION: Resolution 2015-447 (Kenoyer/Madrigal; 7/0) approving a Letter of Agreement between the City of Modesto and Modesto Police Officers' Association (MPOA) amending the Memorandum of Understanding for the period of July 1, 2014 to June 30, 2016 to change language in Section 5, Special Compensation; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2015-448 (Kenoyer/Madrigal; 7/0) approving a Letter of Agreement

between the City of Modesto and Modesto Police Management Association (MPMA) amending the Memorandum of Understanding for the period of October 1, 2013 to December 31, 2015 to change language in Article 5, Overtime and Specialty Pay; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2015-449 (Kenoyer/Madriral; 7/0) approving a Letter of Agreement between the City of Modesto and Modesto Police Management Association (MPMA) amending the Memorandum of Understanding for the period of October 1, 2013 to December 31, 2015 to change language in Article 9, Uniforms and Uniform Allowances; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2015-450 (Kenoyer/Madriral; 7/0) approving the Letter of Agreement resolving the Grievance over Management Leave cash-out between the City of Modesto and Modesto Police Management Association (MPMA); and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2015-451 (Kenoyer/Madriral; 7/0) amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CALPERS) on behalf of employees represented by the Modesto Police Officers' Association (MPOA).

ACTION: Resolution 2015-452 (Kenoyer/Madriral; 7/0) amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CALPERS) on behalf of Unrepresented Sworn Fire employees.

Consent

8. Consider approving a Public Utility and Access Easement to Sacramento-Valley Limited Partnership d/b/a Verizon Wireless by AirTouch Cellular, within Mancini Park (APN 038-010-007) to serve a Verizon Wireless Communications Tower. (Funding Source: N/A)
 - Resolution approving an access and public utility easement to Sacramento-Valley Limited Partnership dba Verizon Wireless by AirTouch Cellular, its General Partner, within Mancini Park located on 1204 River Road (APN 038-010-007).
Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2015-453 (Kenoyer/Madriral; 7/0) approving an access and public utility easement to Sacramento-Valley Limited Partnership dba Verizon Wireless by AirTouch Cellular, its General Partner, within Mancini Park located on 1204 River Road (APN 038-010-007).

Consent

9. Consider accepting a Grant Deed from Stanislaus County for a parcel of land in the

community of Grayson, located at Mary & Charles Streets, within United Community Center and Park, for a replacement well to serve the public water supply (a portion of APN 016-034-006). (Funding Source: N/A)

- Resolution approving accepting the Grant Deed from Stanislaus County conveying approximately 9,945 square feet of area (0.23 acre) to the City for a replacement well, and authorizing the City Manager, or his designee, to execute the Certificate of Acceptance for the Grant Deed and all related documents required to record the Deed.

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

ACTION: Resolution 2015-454 (Kenoyer/Madrigal; 7/0) approving accepting the Grant Deed from Stanislaus County conveying approximately 9,945 square feet of area (0.23 acre) to the City for a replacement well, and authorizing the City Manager, or his designee, to execute the Certificate of Acceptance for the Grant Deed and all related documents required to record the Deed.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

10. Consider approving revisions to the City of Modesto Drought Contingency Plan and enacting Drought Stage IIA requirements that restrict outdoor watering to one day a week effective December 1, 2015. (Funding Source: Not Applicable)

- Resolution approving revisions to the City of Modesto Drought Contingency Plan and enacting Drought Stage IIA requirements that restrict outdoor watering to one day a week effective December 1, 2015.

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

ACTION: Resolution 2015-455 (Madrigal/Kenoyer; 7/0) approving revisions to the City of Modesto Drought Contingency Plan and enacting Drought Stage IIA requirements that restrict outdoor watering to one day a week effective December 1, 2015.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned to Closed Session at 6:46 p.m.; Closed Session adjourned at 7:05 p.m.

CLOSED SESSION

Closed Session Matter heard after Council meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

MINUTES

City of Modesto SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

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

Tuesday November 24, 2015, at 4:00 p.m.

Roll Call: Present: Councilmembers Madrigal, Gunderson and Mayor Marsh

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. [Consider reappointment of Board Member Greg Matas to the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com
ACTION: (Motion Marsh/Gunderson: unan.) to forward Greg Matas to the City Council to be considered for reappointment to the Planning Commission.
2. [Consider recommending appointments to fill four \(4\) vacancies on the Citizen's Housing and Community Development Committee and forwarding a recommendation to the City Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development Department; Tina Rocha, 577-5211, trocha@modestogov.com
ACTION: (Motion Madrigal/Marsh: unan.) to forward Helen Mihalopoulos and Julie Scherer to the City Council to be considered for appointment to the Citizen's Housing and Community Development Committee.
3. [Consider recommending appointments to fill three \(3\) vacancies on the Housing Rehabilitation Loan Committee and forwarding a recommendation to the City Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development Department; Tina Rocha, 577-5211, trocha@modestogov.com
ACTION: (Motion Marsh/Gunderson: unan.) to forward

Liduvina Gonzalez to the City Council to be considered for appointment to the Housing Rehabilitation Loan Committee as the financial institution provider representative.

4. Consider appointing Sue Richardson and David A. Leamon to fill vacancies on the Culture Commission and forwarding recommendations to the City Council for approval. (Funding Source: Not Applicable)

Parks, Recreation and Neighborhoods, Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: (Motion: Marsh/Gunderson: unan.) to forward Sue Richardson and David A. Leamon to the City Council to be considered for appointment to the Culture Commission.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:28 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday December 08, 2015, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant

City Clerk's Announcements: Item 22 - removed from Agenda; issue resolved with homeowner; Item 23 - continued to December 15, 2015 Council meeting.

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of survey information by David Boring regarding 10th Street between J and K Streets. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: David Boring presented survey information regarding 10th Street between J and K Streets.

PUBLIC COMMENT PERIOD

- Shanna Edmondson thanked Kathy Espinoza and Councilmember Madrigal regarding stolen property on her property and towing charges for victims of theft.
- Maggie Countryman regarding Board of Building Appeals, Board of Zoning Adjustment, and the appeals process.
- Larry Dovichi spoke regarding abandoned house next door to his property and thanked Modesto Police Department and City staff for their assistance.
- Emerson Drake spoke regarding Councilmembers' fiscal responsibility and the Measure I campaign.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 2-21: (Kenoyer/Ridenour;unan.)

CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the November 24, 2015 Council meeting.
(Funding Source: Not Applicable)
 - Consider approving the minutes from the November 24, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Ridenour; 7/0) approving the minutes from the November 24, 2015 Council meeting.

Consent

3. Consider amending the Bylaws for the Citizen's Housing & Community Development Committee. (Funding Source: Not Applicable)
 - Resolution amending the Bylaws for the Citizens' Housing and Community Development Committee and rescinding City Council Resolution No. 2011-368.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2015-456 (Kenoyer/Ridenour; 7/0) amending the Bylaws for the Citizens' Housing and Community Development Committee and rescinding City Council Resolution No. 2011-368.

Consent

4. Consider amending the Bylaws for the Housing Rehabilitation Loan Committee.
(Funding Source: None)
 - Resolution amending the Bylaws for the Housing Rehabilitation Loan Committee and rescinding City Council Resolution No. 2011-368.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2015-457 (Kenoyer/Ridenour; 7/0) amending the Bylaws for the Housing Rehabilitation Loan Committee and rescinding City Council Resolution No. 2011-368.

Consent

5. Consider approving the Final Map of Fiore Estates Subdivision located north of Scenic Drive, at 908 Rose Avenue and authorizing the City Manager or his designee to execute the Subdivision Agreement with the Subdivider, Winpac-Rose Ave, LLC, a California limited liability company, as required by Section 4-4.605 of the Modesto

Municipal Code. (Funding Source: Not Applicable)

- Resolution approving the Final Map of Fiore Estates Subdivision, authorizing the City Manager or his designee to execute a subdivision agreement with Winpac-Rose Ave, LLC, a California Limited Liability Company and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office

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

ACTION: Resolution 2015-458 (Kenoyer/Ridenour; 7/0) approving the Final Map of Fiore Estates Subdivision, authorizing the City Manager or his designee to execute a subdivision agreement with Winpac-Rose Ave, LLC, a California Limited Liability Company and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office

Consent

6. Consider reintroduction of an Ordinance amending Modesto Municipal Code section 2-1.18 to align Standing Committee names with the City's 2015-2018 Strategic Plan (continued from November 24, 2015 Council meeting). (Funding Source: Not Applicable)

- Motion reintroducing and waiving the first reading of an Ordinance amending Article 18 of Title 2, Chapter 1, "Standing Committees" of the Modesto Municipal Code to align Standing Committee names with the City's 2015-2018 Strategic Plan. *Finance; Director of Finance, 571-5371, ggenreux@modestogov.com*

ACTION: Motion (Kenoyer/Ridenour; 7/0) reintroducing and waiving the first reading of an **Ordinance 3638-C.S.** amending Article 18 of Title 2, Chapter 1, "Standing Committees" of the Modesto Municipal Code to align Standing Committee names with the City's 2015-2018 Strategic Plan.

Consent

7. Consider accepting the Monthly Budget Adjustments Report for October 2015 and amending Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget. (Funding Source: Various)

- Resolution amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.

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

ACTION: Resolution 2015-459 (Kenoyer/Ridenour; 7/0) amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.

Consent

8. Consider approving an agreement with Digital Networks Group, Inc., Aliso Viejo, CA, for the purchase and installation of a media center for the Modesto Police Department for an estimated total cost of \$117,347. (Funding Source: Traffic Safety Fund)

- Resolution authorizing the award of proposal and contract for the purchase and installation of a media center for the Modesto Police Department to Digital Networks Group, Inc., Aliso Viejo, CA, and authorizing the City Manager, or his

designee, to execute the contract for an estimated total cost of \$117,347.
Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2015-460 (Kenoyer/Ridenour; 7/0) authorizing the award of proposal and contract for the purchase and installation of a media center for the Modesto Police Department to Digital Networks Group, Inc., Aliso Viejo, CA, and authorizing the City Manager, or his designee, to execute the contract for an estimated total cost of \$117,347.

Consent

9. Consider: (i) authorizing the creation of a new capital project for the purchase of 800 MHz Radios and establishing the project expenses and transfer budgets in the amount of \$1,903,799; and, (ii) authorizing award of proposal for the purchase and installation of mobile and portable radios for the Modesto Police Department to Motorola Solutions, Inc., San Diego, CA, for an estimated total cost of \$1,344,991. (Funding Source: 3120 – Special Fund for Capital Outlay)

- Resolution authorizing the Director of Finance, or her designee to amend the Capital Improvement Budget for 2015-16 to establish a project account, project expenses and transfer budgets in the amount of \$1,903,799, for the purpose of making the necessary purchases to complete this project.
- Resolution authorizing the award of proposal for the purchase and installation of mobile and portable radios for the Modesto Police Department to Motorola Solutions, Inc., San Diego, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$1,344,991.

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

ACTION: Resolution 2015-461 (Kenoyer/Ridenour; 7/0) authorizing the Director of Finance, or her designee to amend the Capital Improvement Budget for 2015-16 to establish a project account, project expenses and transfer budgets in the amount of \$1,903,799, for the purpose of making the necessary purchases to complete this project.

ACTION: Resolution 2015-462 (Kenoyer/Ridenour; 7/0) authorizing the award of proposal for the purchase and installation of mobile and portable radios for the Modesto Police Department to Motorola Solutions, Inc., San Diego, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$1,344,991.

Consent

10. Consider approving: (i) a five year lease agreement with Hummingbird Aviation, LLC at the Modesto City-County Airport to lease Building No. 1; and (ii) a five year lease agreement with Hummingbird Aviation, LLC at the Modesto City-County Airport to lease Hangar 4S, and authorizing the City Manager, or his designee, to execute the Agreements. (Funding Source: Airport Hangar Rental)

- Resolution approving a five year lease agreement with Hummingbird Aviation, LLC (Hummingbird) at the Modesto City-County Airport (MOD) to lease Building No. 1 and authorizing the City Manager, or designee, to execute the agreement.
- Resolution approving a five year lease agreement with Hummingbird Aviation, LLC (Hummingbird) at the Modesto City-County Airport (MOD) to lease Hangar 4S and authorizing the City Manager, or designee, to execute the agreement

Public Works; Mark Germanowski, 577-5319, mgermanowski@modestogov.com

ACTION: Resolution 2015-463 (Kenoyer/Ridenour; 7/0) approving a five year lease agreement with Hummingbird Aviation, LLC (Hummingbird) at the Modesto City-County Airport (MOD) to lease Building No. 1 and authorizing the City Manager, or designee, to execute the agreement.

ACTION: Resolution 2015-464 (Kenoyer/Ridenour; 7/0) approving a five year lease agreement with Hummingbird Aviation, LLC (Hummingbird) at the Modesto City-County Airport (MOD) to lease Hangar 4S and authorizing the City Manager, or designee, to execute the agreement

Consent

11. Consider approving the construction total of \$660,000 for traffic signals on Prescott Road at Mount Vernon Drive, on Floyd Avenue at Millbrook Avenue and on Roselle Avenue at Belharbour Drive for a project total of \$750,000. (Funding Source: Congestion Mitigation and Air Quality Grant, Surface Transportation Fund and CFF Fund)

- Resolution approving the construction of Traffic Signals on Prescott Road at Mount Vernon Drive, on Floyd Avenue at Millbrook Avenue, and on Roselle Avenue at Belharbour Drive.

Public Works; Jeff Barnes, 577-5468, Jbarnes@modestogov.com

ACTION: Resolution 2015-465 (Kenoyer/Ridenour; 7/0) approving the construction of Traffic Signals on Prescott Road at Mount Vernon Drive, on Floyd Avenue at Millbrook Avenue, and on Roselle Avenue at Belharbour Drive.

Consent

12. Consider: (i) amending the Fiscal Year 2015-16 Capital Improvement Project budget in the amount of \$82,090; and (ii) accepting Regional Surface Transportation Program grant funds in the amount of \$72,674, and authorizing the City Manager, or his designee, to execute the necessary grant funding documents. (Funding Source: Regional Surface Transportation Program Funds & Local Transportation Funds)

- Resolution amending the Fiscal Year 2015-16 Capital Improvement Project (CIP) budget in the amount of \$82,090.
- Resolution accepting Regional Surface Transportation Program (RSTP) funds in the amount of \$72,674, and authorizing the City Manager, or his designee, to execute the necessary grant funding documents.

Public Works; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2015-466 (Kenoyer/Ridenour; 7/0) amending the Fiscal Year 2015-16 Capital Improvement Project (CIP) budget in the amount of \$82,090.

ACTION: Resolution 2015-467 (Kenoyer/Ridenour; 7/0) accepting Regional Surface Transportation Program (RSTP) funds in the amount of \$72,674, and authorizing the City Manager, or his designee, to execute the necessary grant funding documents.

Consent

13. Consider approving an agreement with Dan Cortinovis, P.E., Lincoln, CA for On-call

Engineering Services in an amount not to exceed \$75,000 for one year, with two one-year extension options, at City's discretion. (Funding Source: Various Capital Improvement Program Projects)

- Resolution approving an agreement with Dan Cortinovis, P.E., for On-call Engineering Services for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$75,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.

Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2015-468 (Kenoyer/Ridenour; 7/0) approving an agreement with Dan Cortinovis, P.E., for On-call Engineering Services for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$75,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.

Consent

14. Consider: (i) accepting Emerald Trunk Sewer Relief Project as complete and authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$6,053,749 to McGuire and Hester of Oakland, California; and (ii) approving a second amendment to the agreement with Blackburn Consulting for construction management services for Emerald Trunk Sewer Relief Project in an amount not to exceed \$51,832. (Funding Source: Wastewater Fund)
- Resolution accepting Emerald Trunk Sewer Relief Project as complete, authorizing all necessary steps to the file with the County Recorder, release securities, and release payments totaling \$6,053,749 to McGuire and Hester of Oakland, California.
 - Resolution approving a second amendment to the agreement with Blackburn Consulting for Construction Management Services for Emerald Trunk Sewer Relief project, in an amount not to exceed \$51,832 for the identified scope of services, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2015-469 (Kenoyer/Ridenour; 7/0) accepting Emerald Trunk Sewer Relief Project as complete, authorizing all necessary steps to the file with the County Recorder, release securities, and release payments totaling \$6,053,749 to McGuire and Hester of Oakland, California.

ACTION: Resolution 2015-470 (Kenoyer/Ridenour; 7/0) approving a second amendment to the agreement with Blackburn Consulting for Construction Management Services for Emerald Trunk Sewer Relief project, in an amount not to exceed \$51,832 for the identified scope of services, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

Consent

15. Consider accepting Carpenter Road Bridge Seismic Retrofit Project as complete and authorizing all necessary steps to file with the County Recorder, release securities, and

release payments totaling \$8,432,219 to Flatiron West, Inc. of Benicia, California. (Funding Source: Federal funds, State Bond Funds, Water Fund-CIP)

- Resolution accepting Carpenter Road Bridge Seismic Retrofit Project as complete and authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$8,432,219 to Flatiron West, Inc. of Benicia, California who has seismically retrofitted the existing bridge by strengthening and widening the structure and replacing the waterline within the bridge structure that serves the south area of Modesto.

Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2015-471 (Kenoyer/Ridenour; 7/0) accepting Carpenter Road Bridge Seismic Retrofit Project as complete and authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$8,432,219 to Flatiron West, Inc. of Benicia, California who has seismically retrofitted the existing bridge by strengthening and widening the structure and replacing the waterline within the bridge structure that serves the south area of Modesto.

Consent

16. Consider approving the plans and specifications for the Strengthen & Replace Water System – South 9th Street Industrial Area Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction of Stockton, California in the amount of \$2,569,745.60. Total estimated cost for the construction portion of this project is \$3,039,510.60. (Funding Source: Water Fund)

- Resolution approving the plans and specifications for the Strengthen & Replace Water System – South 9th Street Industrial Area Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, of Stockton, California in the amount of \$2,569,745.60, and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2015-472 (Kenoyer/Ridenour; 7/0) approving the plans and specifications for the Strengthen & Replace Water System – South 9th Street Industrial Area Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, of Stockton, California in the amount of \$2,569,745.60, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

17. Consider approving an Agreement with Horizon Water and Environment, LLC, Oakland, CA for consultant services to develop an Environmental Impact Report for the Wastewater Master Plan in the amount of \$306,411. (Funding Source: Wastewater Fund)

- Resolution approving an agreement with Horizon Water and Environment, LLC, Oakland, CA for Consultant Services to develop an Environmental Impact Report for the Wastewater Master Plan in an amount not to exceed \$278,555 for the identified scope of services, plus \$27,856 for additional services (if needed), for a maximum total amount of \$306,411, and authorizing the City Manager, or his designee, to execute the agreement.

Utilities; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2015-473 (Kenoyer/Ridenour; 7/0) approving an agreement with Horizon Water and Environment, LLC, Oakland, CA for Consultant Services to develop an Environmental Impact Report for the Wastewater Master Plan in an amount not to exceed \$278,555 for the identified scope of services, plus \$27,856 for additional services (if needed), for a maximum total amount of \$306,411, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

18. Consider approving an Agreement with Horizon Water and Environment, LLC, Oakland, CA for consultant services to develop an Environmental Impact Report for the Water Master Plan in the amount of \$320,844. (Funding Source: Water Fund)
- Resolution approving an agreement with Horizon Water and Environment, LLC, Oakland, CA for consultant services to develop an Environmental Impact Report for the Water Master Plan, in an amount not to exceed \$291,676 for the identified scope of services, plus \$29,168 for additional services (if needed), for a maximum total amount of \$320,844 and authorizing the City Manager, or his designee, to execute the agreement.

Utilities; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2015-474 (Kenoyer/Ridenour; 7/0) approving an agreement with Horizon Water and Environment, LLC, Oakland, CA for consultant services to develop an Environmental Impact Report for the Water Master Plan, in an amount not to exceed \$291,676 for the identified scope of services, plus \$29,168 for additional services (if needed), for a maximum total amount of \$320,844 and authorizing the City Manager, or his designee, to execute the agreement.

Consent

19. Consider approving the Amended Drinking Water Supply Project Joint Exercise of Powers Agreement between the Cities of Ceres, Modesto, and Turlock that allows the City of Modesto to withdraw as a participating member and removes the City of Modesto from all financial obligations after November 30, 2015. (Funding Source: Water Fund)
- Resolutions approving the Amended Drinking Water Supply Project Joint Exercise of Powers Agreement between the Cities of Ceres, Modesto, and Turlock that allows the City of Modesto to withdraw as a participating member and removes the City of Modesto from all financial obligations after November 30, 2015, and authorizing the City Manager, or his designee, to execute the Amended JPA Agreement.

Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Resolution 2015-475 (Kenoyer/Ridenour; 7/0) approving the Amended Drinking Water Supply Project Joint Exercise of Powers Agreement between the Cities of Ceres, Modesto, and Turlock that allows the City of Modesto to withdraw as a participating member and removes the City of Modesto from all financial obligations after November 30, 2015, and authorizing the City Manager, or his designee, to execute the Amended JPA Agreement.

Consent

20. Consider approving the plans and specifications for the 2014-2015 Storm Drain Improvements Project, accepting the bid, and approving a contract with Rolfe Construction, of Atwater, California in the amount of \$566,317. (Funding Source: Storm Drain Fund)
- Resolution approving the plans and specifications for the 2014-2015 Storm Drain Improvements Project, accepting the bid, and approving a contract with Rolfe Construction, of Atwater, California in the amount of \$566,317.00 and authorizing the City Manager, or his designee, to execute the agreement.
Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: Resolution 2015-476 (Kenoyer/Ridenour; 7/0) approving the plans and specifications for the 2014-2015 Storm Drain Improvements Project, accepting the bid, and approving a contract with Rolfe Construction, of Atwater, California in the amount of \$566,317.00 and authorizing the City Manager, or his designee, to execute the agreement.

Consent

21. Consider declaring a portion of the City-owned property at 800 N. McClure Road (APN: 079-001-001) as surplus property and authorizing the City's property agent to proceed with the sale of this property. (Funding Source: Fund 3460 - Parks Capital Facility Fee Fund)
- Resolution declaring a portion of the City-owned property located at 800 N. McClure Road (APN: 079-001-001) as surplus property, and authorizing the City's property agent to proceed with the sale of the surplus property.
Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2015-477 (Kenoyer/Ridenour; 7/0) declaring a portion of the City-owned property located at 800 N. McClure Road (APN: 079-001-001) as surplus property, and authorizing the City's property agent to proceed with the sale of the surplus property.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked everyone who attended the Christmas Parade and tree lighting on December 5, 2015.

Councilmember Madrigal also thanked everyone for attending the Christmas Parade; he also spoke regarding the towing issues for stolen vehicles.

Mayor Marsh acknowledged Boy Scout Troop 3 from Our Lady of Fatima.

Councilmember Ah You thanked Collins Electric and Chris Murphy for the downtown Christmas lighting.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

Removed from Agenda

22. Accept a written communication from Lilly Hua regarding sewer connection at 3416 Wycliffe Drive, Modesto. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Removed from Agenda; issue resolved with homeowner.

HEARINGS

November 8, 2015; Continued to December 15, 2015

23. Hearing to consider Amendment # 1 to City of Modesto Fiscal Year 2015-2016 Annual Action Plan to allocate up to \$300,000 in Community Development Block Grant program carryover funds for the Boys and Girls Club of Stanislaus County for the purchase and installation of a modular building. (Funding Source: CDBG)
Community & Economic Development; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Continued to December 15, 2015 Council meeting.

Published in the Modesto Bee on November 22, 2015

24. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2014-15 and making findings related to each of the fee categories. (Funding Source: CFF)
- Resolution accepting the Capital Facilities Fees Annual Report for Fiscal Year 2014-15 and making findings related to each of the fee categories.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2015-478 (Madrigal/Kenoyer; 7/0) accepting the Capital Facilities Fees Annual Report for Fiscal Year 2014-15 and making findings related to each of the fee categories.

Published in the Modesto Bee on Published in the Modesto Bee on November 22, 2015

25. Hearing to consider accepting the Fiscal Year 2014-15 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 2014-15 Annual Report of Funds Held for Future Improvements, and making findings related to each security on file.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2015-479 (Ridenour/Madrigal; 7/0) accepting the Fiscal Year 2014-15 Annual Report of Funds Held for Future Improvements, and making findings related to each security on file.

Published in the Modesto Bee on November 21, 2015

26. Hearing to consider establishing: (i) a residential parking permit zone pilot program for the 400 and 500 block of Myrtle Avenue, between Coldwell Avenue and Stoddard Avenue pending a comprehensive residential parking permit zone study for the Modesto Junior College neighborhood, and (ii) a Residential Parking permit zone fee schedule for the 400 and 500 block of Myrtle Avenue, between Coldwell Avenue and Stoddard Avenue in accordance with the Modesto Municipal Code Section 3-2.1913, as authorized by California Vehicle Code (CVC) Section 22507(a) to be deferred until the comprehensive parking permit zone study is completed. (Funding Source: Surface Transportation Fund and Parking Fund)
- Resolution establishing a residential parking permit zone pilot program for the 400 and 500 block of Myrtle Avenue, between Coldwell Avenue and Stoddard Avenue pending a comprehensive residential parking permit zone study for the Modesto Junior College neighborhood in accordance with Modesto Municipal Code Section 3-2.1900, as authorized by California Vehicle Code (CVC) Section 22507(a).
 - Resolution establishing a residential parking permit zone fee schedule for the 400 and 500 block of Myrtle Avenue, between Coldwell Avenue and Stoddard Avenue in accordance with the Modesto Municipal Code Section 3-2.1913, as authorized by California Vehicle Code (CVC) Section 22507(a) to be deferred until the comprehensive parking permit zone study is completed.

Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2015-480 (Ah You/Madrigan; 7/0) establishing a residential parking permit zone pilot program for the 400 and 500 block of Myrtle Avenue, between Coldwell Avenue and Stoddard Avenue pending a comprehensive residential parking permit zone study for the Modesto Junior College neighborhood in accordance with Modesto Municipal Code Section 3-2.1900, as authorized by California Vehicle Code (CVC) Section 22507(a).

ACTION: Resolution 2015-481 (Ah You/Madrigan; 7/0) establishing a residential parking permit zone fee schedule for the 400 and 500 block of Myrtle Avenue, between Coldwell Avenue and Stoddard Avenue in accordance with the Modesto Municipal Code Section 3-2.1913, as authorized by California Vehicle Code (CVC) Section 22507(a) to be deferred until the comprehensive parking permit zone study is completed.

Published in the Modesto Bee on November 27, 2015

27. Hearing to consider approving implementation of changes to Modesto Area Express bus service in the Sutter/Robertson/Paradise Neighborhood and along J Street and McHenry Avenue effective July 2016, and authorizing the Transit Manager to implement the changes. (Funding Source: Transit Funds)
- Resolution approving implementation of changes to Modesto Area Express (MAX) bus service in the Sutter/Robertson Road/Paradise neighborhood, and along J street and McHenry Avenue effective July 2016, and authorizing the Transit Manager to implement the changes.

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

ACTION: Resolution 2015-482 (Madrigan/Zoslocki; 7/0) approving implementation of

changes to Modesto Area Express (MAX) bus service in the Sutter/Robertson Road/Paradise neighborhood, and along J street and McHenry Avenue effective July 2016, and authorizing the Transit Manager to implement the changes.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

**ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010
10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP (Open to the
Public)**

28. **COUNCIL WORKSHOP:** (i) Water and Wastewater Master Plan and Water and Wastewater Rate Studies Updates; (ii) Discussion of the Medical Marijuana Regulation & Safety Act and the Need to Immediately Adopt an Ordinance Regulating Medical Marijuana Cultivation in Order to Avoid Losing Local Control. (Funding Source: Not Applicable)
Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com ; City Attorney; Adam U. Lindgren, 577-5288; alindgren@modestogov.com, ,

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: 3401 Dale Road, Modesto CA 95356 , APN. 076-031-022

Property Owners: Property: MS Portfolio, LLC

Negotiating Parties:

For City: Jon Yuriar, Property Agent for City of Modesto

Adam U. Lindgren, City Attorney for the City of Modesto

For Property Owners:

Andy Greenwood – Assistant Vice President – for the Macerich Company

Owner’s Representative for MS Portfolio, LLC

Under Negotiation:

Proposed Property Acquisition = 2,424 square feet

Establishment of Public Utilities Easement = 2,447 square feet

Temporary Construction Easement = 5,135 square feet

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of case: Montelongo v. City of Modesto, et al.

Federal Case No. 1:15-cv-01605-BAM

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCEA

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCMA

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MPOA

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MPNSA

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCFFA

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – Unrepresented

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto
CITY COUNCIL MEETING
Second Floor, Room 2001
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday December 15, 2015, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk's Announcements: Items 6, 9 and 13 – Removed from Consent; Items 5 and 17 –
Continued to January 12, 2016 Council Meeting

Declaration of Conflicts of Interest: Councilmember Grewal - Items 18 and 19

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

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider appointing Helen Mihalopoulos and Julie Scherer to the Citizen's Housing and Community Development Committee. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Helen Mihalopoulos and Julie Scherer to the Citizen's Housing and Community Development Committee.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2015-483 (Madrigal/Kenoyer; 7/0) approving the appointment of Helen Mihalopoulos and Julie Scherer to the Citizen's Housing and Community Development Committee.

2. Consider appointing Liduvina Gonzalez to the Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Liduvina Gonzalez to the Housing Rehabilitation Loan Committee.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2015-484 (Madrigal/Ah You; 7/0) approving the appointment of Liduvina Gonzalez to the Housing Rehabilitation Loan Committee.

3. Consider appointing Sue Richardson and David A. Leamon to fill vacancies on the Culture Commission. (Funding Source: Not Applicable)
 - Resolution appointing Sue Richardson and David A. Leamon to the Culture Commission.
Parks Recreation and Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Resolution 2015-485 (Zoslocki/Madrigal; 7/0) appointing Sue Richardson and David A. Leamon to the Culture Commission.

PUBLIC COMMENT PERIOD

Carmen Sabatino spoke regarding the Safer Neighborhoods Community Advisory Board meeting last Wednesday and the purchase and approval of an airplane for the Modesto Police Department.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4; 7-8; 10-12; 14-16 (Kenoyer/Madrigal; 7/0)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes from the December 8, 2015 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the December 8, 2015 Council meeting.
City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; 7/0) approving the minutes from the December 8, 2015 Council meeting.

Continued to January 12, 2016 Council meeting

5. Consider final adoption of Ordinance No. 3638-C.S. amending Article 18 of Title 2, Chapter 1, “Standing Committees” of the Modesto Municipal Code to align Standing Committee names with the City’s 2015-2018 Strategic Plan. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3638-C.S. amending Article 18 of Title 2, Chapter 1, “Standing Committees” of the Modesto Municipal Code to align Standing Committee names with the City’s 2015-2018 Strategic Plan.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Continued to January 12, 2016 Council meeting.

Removed from Consent

6. Consider approving an Agreement with ValleyCrest Golf Maintenance Inc., in partnership with KemperSports Management for furnishing golf course management and maintenance services, in an amount not to exceed \$2,401,705 per year, and over five (5) years of \$12,008,525. (Funding Source: Golf Fund Revenue and General Fund Subsidy)

- Resolution approving a two (2) year contract with three (3) one (1) year extension options at the sole discretion of the City, for an annual estimated amount of \$2,401,705 for furnishing golf course management and maintenance services, to ValleyCrest Golf Maintenance, Calabasas, California, in partnership with Kemper Sports Management, Inc. and authorizing the City Manager or his designee to execute the necessary documents.

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

ACTION: Resolution 2015-486 (Kenoyer/Ridenour; 7/0) approving a two (2) year contract with three (3) one (1) year extension options at the sole discretion of the City, for an annual estimated amount of \$2,401,705 for furnishing golf course management and maintenance services, to ValleyCrest Golf Maintenance, Calabasas, California, in partnership with Kemper Sports Management, Inc. and authorizing the City Manager or his designee to execute the necessary documents.

Consent

7. Consider approving a two-year contract with Del Rio CC Foundation for management of the Municipal Golf Course. (Funding Source: Golf Fund)

- Resolution approving an agreement with the Del Rio CC Foundation to provide golf course professional services for the City's Municipal Golf Course and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: 2015-487 (Kenoyer/Madriral; 7/0) approving an agreement with the Del Rio CC Foundation to provide golf course professional services for the City's Municipal Golf Course and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider a 2-year extension to the Second Amended and Restated Disposition and Development Agreement with EAH Inc., a nonprofit housing corporation, to allow time for negotiation and transfer of a City-owned parcel on 9th street to EAH Inc. for the construction of 74 affordable multifamily units. (Funding Source: Redevelopment Agency Housing Set-Aside)

- Resolution approving a 2-year extension to the Second Amended and Restated Disposition and Development Agreement with EAH Inc., a nonprofit housing corporation, to allow time for negotiation and transfer of a City-owned parcel on

9th street to EAH Inc. for the construction of 74 affordable multifamily units, and authorizing the City Manager, or his designee, to execute all documents necessary to carry out the obligations of the City, and the City as the Successor Housing Agency.

*Community & Economic Development; Carol Averell, 577-5310,
caverell@modestogov.com*

ACTION: Resolution 2015-488 (Kenoyer/Madrigan; 7/0) approving a 2-year extension to the Second Amended and Restated Disposition and Development Agreement with EAH Inc., a nonprofit housing corporation, to allow time for negotiation and transfer of a City-owned parcel on 9th street to EAH Inc. for the construction of 74 affordable multifamily units, and authorizing the City Manager, or his designee, to execute all documents necessary to carry out the obligations of the City, and the City as the Successor Housing Agency.

Removed from Consent

9. Consider approving a Management and Disbursement Agreement with Modesto Improvement Partnership, Inc. for the operation of the Downtown Modesto Community Benefit District, and ordering the levy and collection of charges within the Downtown Community Benefit District. (Funding Source: District Assessments)
- Resolution approving a Management and Disbursement Agreement with Modesto Improvement Partnership, Inc. for the operation of the Downtown Modesto Community Benefit District.
 - Resolution ordering the levy and collection of charges within the Downtown Modesto Community Benefit District.

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

ACTION: Resolution 2015-489 (Madrigan/Grewal; 7/0) approving a Management and Disbursement Agreement with Modesto Improvement Partnership, Inc. for the operation of the Downtown Modesto Community Benefit District.

ACTION: Resolution 2015-490 (Madrigan/Grewal; 7/0) ordering the levy and collection of charges within the Downtown Modesto Community Benefit District.

Consent

10. Consider a maintenance agreement for new and existing equipment that supports the City's network and security and authorizing the award of bid for the purchase of Cisco SmartNet Maintenance to SIGMANet, Inc., Ontario, CA, for a three-year term for an estimated total cost of \$106,604. (Funding Source: Information Technology Fund)
- Resolution authorizing the award of bid for the purchase of Cisco SmartNet Maintenance to SIGMANet, Inc., Ontario, CA, for a three-year term and authorizing the Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$106,604.

Finance; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2015-491 (Kenoyer/Madrigan; 7/0) authorizing the award of bid for the purchase of Cisco SmartNet Maintenance to SIGMANet, Inc., Ontario, CA, for a three-year term and authorizing the Purchasing Manager or his designee to issue a purchase order for an

estimated total cost of \$106,604.

Consent

11. Consider authorizing the procurement of investment services by entering into an agreement with Public Financial Management Asset Management LLC, Baltimore, MD, and authorizing the City Manager, or his designee, to execute the contract for a five-year term with an anticipated annual cost up to \$200,000, in the aggregate not to exceed \$1 million, and three, one-year extension options at the sole discretion of the City. (Funding Source: Funding Source: Various Funds)
- Resolution authorizing the procurement of investment services by entering into an agreement with Public Financial Management Asset Management LLC (PFMAM), Baltimore, MD, for a five (5) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the contract for an anticipated annual cost up to \$200,000 and over five (5) years of \$1 million.

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

ACTION: Resolution 2015-492 (Kenoyer/Madrigal; 7/0) authorizing the procurement of investment services by entering into an agreement with Public Financial Management Asset Management LLC (PFMAM), Baltimore, MD, for a five (5) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the contract for an anticipated annual cost up to \$200,000 and over five (5) years of \$1 million.

Consent

12. Consider approving an agreement with Layman Electric, Inc., Modesto, CA, for the furnishing of LED lighting upgrades at nine fire stations for an estimated total cost of \$69,861. (There is potential for annual savings in the amount \$35,435.) (Funding Source: Fire Department Unrestricted Non-Capital Projects)
- Resolution authorizing the award of bid and contract for the furnishing of LED lighting upgrades at nine (9) fire stations for the Modesto Fire Department to Layman Electric, Inc., Modesto, CA, and authorizing the City Manager, or his designee, to execute the contract for an estimated total cost of \$69,861.

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

ACTION: Resolution 2015-493 (Kenoyer/Madrigal; 7/0) authorizing the award of bid and contract for the furnishing of LED lighting upgrades at nine (9) fire stations for the Modesto Fire Department to Layman Electric, Inc., Modesto, CA, and authorizing the City Manager, or his designee, to execute the contract for an estimated total cost of \$69,861.

Removed from Consent

13. Consider authorizing the write off of Uncollectible Accounts Receivables in the total amount of \$438,634. (Funding Source: Various Funds)
- Resolution authorizing the write off of uncollectible Accounts Receivables in the total amount of \$438,634.

Finance; Leslie Curtin, 571-5889, lcurtin@modestogov.com

ACTION: Resolution 2015-494 (Madrigal/Ridenour; 7/0) authorizing the write off of uncollectible Accounts Receivables in the total amount of \$438,634.

Consent

14. Consider approving a Memorandum of Understanding with the Stanislaus Council of Governments that sets forth the basic structure for cooperative planning and decision making between the City of Modesto and Stanislaus Council of Governments as it relates to Federal Transit Administration funding. (Funding Source: Not Applicable)
- Resolution approving a Memorandum of Understanding (MOU) with Stanislaus Council Of Governments (StanCOG) to set forth the basic structure for cooperative planning and decision making related to Federal Transit Administration (FTA) Funding and authorizing the City Manager, or his designee, to execute the MOU.
Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2015-495 (Kenoyer/Madrigal; 7/0) approving a Memorandum of Understanding (MOU) with Stanislaus Council Of Governments (StanCOG) to set forth the basic structure for cooperative planning and decision making related to Federal Transit Administration (FTA) Funding and authorizing the City Manager, or his designee, to execute the MOU.

Consent

15. Consider approving an Extended Agreement for Sewer Service with the Empire Sanitary District (Funding Source: Not Applicable)
- Resolution approving an Extended Agreement for Sewer Service with the Empire Sanitary District, and authorizing the City Manager, or his designee, to execute the Agreement.
Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Resolution 2015-496 (Kenoyer/Madrigal; 7/0) approving an Extended Agreement for Sewer Service with the Empire Sanitary District, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

16. Consider accepting the Strengthen and Replace La Loma Water Mains Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$2,033,869.41 to Knife River Construction, of Stockton, California. (Funding Source: Water Fund)
- Resolution accepting the Strengthen and Replace La Loma Water Mains Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$2,033,869.41 to Knife River Construction, of Stockton, California.
Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com

ACTION: Resolution 2015-497 (Kenoyer/Madrigal; 7/0) accepting the Strengthen and Replace La Loma Water Mains Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$2,033,869.41 to Knife River Construction, of Stockton, California.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the crossing light on Downey Avenue near Ralston Towers for residents to walk to parking lot.

Councilmember Madrigal thanked Public Works staff and Jeff Barnes regarding placing a stop sign at Ustick Road and Dezzani Lane.

Mayor Marsh announced a procedural change for motions and action items on future Council Agendas.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson announced the retirement of Transit Manager Fred Cavanah and thanked him for his great work and years of service to the City of Modesto.

HEARINGS

Published in the Modesto Bee on November 8, 2015; Continued from the December 8, 2015 Council meeting; Continued to January 12, 2016

17. Hearing to consider Amendment # 1 to City of Modesto Fiscal Year 2015-2016 Annual Action Plan to allocate up to \$300,000 in Community Development Block Grant program carryover funds for and authorizing City staff to negotiate and execute an agreement with the Boys and Girls Club of Stanislaus County for the purchase and installation of a modular building. (Funding Source: CDBG)
Community & Economic Development; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Continued to January 12, 2016 Council meeting.

Published in the Modesto Bee on November 25, 2015; Councilmember Grewal absent due to Conflict of Interest

18. Hearing to consider the application of Valley Ventures LLC to amend the Zoning Map of the City of Modesto to rezone 45 acres of property located west of Dale Road and north of Vintage Faire Mall from Medium Density Residential (R-2) Zone and Planned Development P-D (333) to Low Density Residential (R-1) Zone, Medium-High Density Residential (R-3) Zone, and General Commercial (C-2) Zone. (This project is consistent with the General Plan) (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of Ordinance amending Section 11-3-8 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R-2) Zone and Planned Development P-D(333) to Low Density Residential (R-1) Zone, Medium High Density Residential (R-3) Zone and General Commercial (C-2) Zone, property located west of Dale Road and north of Vintage Faire Mall (Valley Ventures LLC).
 - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental

Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 11-3-8 of the Zoning Map of the City of Modesto to rezone 45 acres from Medium Density Residential (R-2) Zone and Planned Development P-D(333) to Low Density Residential (R-1) Zone, Medium High Density Residential (R-3) Zone and General Commercial (C-2) Zone; a vesting tentative parcel map to divide 45 acres into three parcels; and a vesting tentative subdivision map to divide 32.23 acres into 170 single-family residential lots, three bio-swale lots and one 6.05-acre multi-family residential lot; property located west of Dale Road and north of Vintage Faire Mall (Valley Ventures LLC)

*Community & Economic Development; Katharine Martin, 577-5465,
kamartin@modestogov.com*

ACTION: Motion (Zoslocki/Madriral; 6/0; Grewal absent due to conflict of interest) introducing and waiving the first reading of **Ordinance No. 3640-C.S.** amending Section 11-3-8 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R-2) Zone and Planned Development P-D(333) to Low Density Residential (R-1) Zone, Medium High Density Residential (R-3) Zone and General Commercial (C-2) Zone, property located west of Dale Road and north of Vintage Faire Mall (Valley Ventures LLC).

ACTION: Resolution 2015-498 (Zoslocki/Madriral; 6/0; Grewal absent due to conflict of interest) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 11-3-8 of the Zoning Map of the City of Modesto to rezone 45 acres from Medium Density Residential (R-2) Zone and Planned Development P-D(333) to Low Density Residential (R-1) Zone, Medium High Density Residential (R-3) Zone and General Commercial (C-2) Zone; a vesting tentative parcel map to divide 45 acres into three parcels; and a vesting tentative subdivision map to divide 32.23 acres into 170 single-family residential lots, three bio-swale lots and one 6.05-acre multi-family residential lot; property located west of Dale Road and north of Vintage Faire Mall (Valley Ventures LLC)

Published in the Modesto Bee on November 25, 2015; Councilmember Grewal absent due to Conflict of Interest

19. Hearing to consider an amendment to the Kiernan Business Park Specific Plan to amend storm drain provisions and to clarify and simplify land use and development standards. (Funding Source: Not Applicable)
 - Resolution approving Amendment No. 5 to the Kiernan Business Park Specific Plan to amend storm drain provisions and to clarify and simplify land use and development standard regulations.

*Community & Economic Development; Steve Mitchell, 577-5287,
smitchell@modestogov.com*

ACTION: Resolution 2015-499 (Ridenour/Madriral; 6/0; Grewal absent due to conflict of interest) approving Amendment No. 5 to the Kiernan Business Park Specific Plan to amend storm drain provisions and to clarify and simplify land use and development standard regulations.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 6:55 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Name of case: Montelongo v. City of Modesto, et al.
Federal Case No. 1:15-cv-01605-BAM

Name of case: Modesto Irrigation District v. COM
Case No. 2001607

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees