

2014 LEGISLATIVE HISTORY

MINUTES

City of Modesto
**SPECIAL ECONOMIC DEVELOPMENT COMMITTEE /
COUNCIL WORKSHOP**

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

Monday, January 6, 2014, at 5:00 p.m.

Roll Call Present: Councilmembers Cogdill, Kenoyer, and Zoslocki
Absent: None
Also Present: Councilmembers Madrigal, Gunderson, and Mayor Marsh

PRESENTATIONS

1. Presentation regarding a new jet air service to Los Angeles (LAX), for informational purposes only. (This effort requires raising money from the community to provide risk mitigation for the new service. As part of this presentation there will be a request for help in spreading this message to various business and community entities. (No expenditures are required from the City.) (Funding Source: Not Applicable)
Public Works; David Rudat, 341-2933, drudat@modestogov.com

ACTION: No reportable action.

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

2. Consider accepting a North Valley Regional Recycled Water Program Update. (Funding Source: Not Applicable)
Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: No reportable action.

NEW BUSINESS

3. Consider accepting a status report of development projects processed by the

Community and Economic Development Department for December 2013. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) accepting a status report of development projects processed by the Community and Economic Development Department for December 2013.

4. Consider approving new fares effective summer 2014 for all Modesto Area Express and Modesto Area Dial-A-Ride services and forwarding to Council for approval.
(Funding Source: Transit Revenue)
Public Works; Fred Cavanah , 577-5298, fcavanah@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) approving new fares effective summer 2014 for all Modesto Area Express and Modesto Area Dial-A-Ride services and forwarding to Council for approval.

5. Consider approving the operation of the Modesto Area Express (MAX) system on President's Day and approve enhancements to MAX to improve its ability to adhere more closely to its published schedule and forwarding to Council for approval.
(Funding Source: Transit Funds)
Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) approving the operation of the Modesto Area Express (MAX) system on President's Day and approve enhancements to MAX to improve its ability to adhere more closely to its published schedule and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:45 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 07, 2014, at 5:30 p.m.

Amended

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, UCC

City Clerk's Announcements: Item 11 removed from the Agenda; Items 2-10 removed from
Consent

Declaration of Conflicts of Interest: Cogdill - Item No 3

Reports from Closed Session: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring 2013 as the 100th Year Anniversary of the
founding of the Ghadar Party. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring 2013 as the 100th Year
Anniversary of the founding of the Ghadar Party.

PUBLIC COMMENT PERIOD

- Katherine Borges spoke regarding the Cities of Modesto, Fresno and neighboring
Salida.
- Richard Hicks spoke regarding City government and driveways on Hashem Drive.
- A citizen spoke regarding agriculture in the City of Modesto and Councilmember
Kenoyer's campaign statements regarding agriculture and farm preservation.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ITEMS 2-10: Removed from Consent

CONSENT ITEMS

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

Removed from Consent

2. Consider approving the minutes from the December 10, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the December 10, 2013 City Council meeting. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Gunderson; 7/0) approving the minutes from the December 10, 2013 City Council meeting.

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

3. Consider: (i) accepting \$156,048.05 from Stanislaus County for the State Route 99/Pelandale Avenue Interchange Reconstruction Project; (ii) amending the Fiscal Year 2013/2014 Capital Improvement Program budget to transfer \$156,048.05 in County Public Facilities Fees (PFF) contribution to both revenue and expense from Trust Account No. 6800-00000-23504 to CIP Project No. 100046, line item Utility and EIR (UE), State Route 99/Pelandale Interchange Reconstruction Project; and (iii) amending the Fiscal Year 2013/2014 Capital Improvement Program Budget to transfer \$180,623.95 from line item Land Acquisition (LA) to line item Utility and EIR (UE) for CIP Project No. 100046, State Route 99/Pelandale Interchange Reconstruction Project. (Funding Source: Streets Capital Facility Fee Fund)
 - Resolution accepting \$156,048.05 from Stanislaus County for the State Route 99/Pelandale Avenue Interchange Reconstruction Project.
 - Resolution amending the Fiscal Year 2013/2014 Capital Improvement Program budget to transfer \$156,048.05 in County Public Facilities Fees (PFF) contribution to both revenue and expense from Trust Account No. 6800-00000-23504 to CIP Project No. 100046, line item Utility and EIR (UE), State Route 99/Pelandale Interchange Reconstruction Project.
 - Resolution amending the Fiscal Year 2013/2014 Capital Improvement Program Budget to transfer \$180,623.95 from line item Land Acquisition (LA) to line item Utility and EIR (UE) for CIP Project No. 100046, State Route 99/Pelandale Interchange Reconstruction Project.

Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-01 (Lopez/Madriral; 6/0; Cogdill absent due to conflict of interest) accepting \$156,048.05 from Stanislaus County for the State Route 99/Pelandale Avenue Interchange Reconstruction Project.

ACTION: Resolution 2014-02 (Lopez/Madriral; 6/0; Cogdill absent due to conflict of

interest) amending the Fiscal Year 2013/2014 Capital Improvement Program budget to transfer \$156,048.05 in County Public Facilities Fees (PFF) contribution to both revenue and expense from Trust Account No. 6800-00000-23504 to CIP Project No. 100046, line item Utility and EIR (UE), State Route 99/Pelandale Interchange Reconstruction Project.

ACTION: Resolution 2014-03 (Lopez/Madrigal; 6/0; Cogdill absent due to conflict of interest) amending the Fiscal Year 2013/2014 Capital Improvement Program Budget to transfer \$180,623.95 from line item Land Acquisition (LA) to line item Utility and EIR (UE) for CIP Project No. 100046, State Route 99/Pelandale Interchange Reconstruction Project.

Removed from Consent

4. Consider accepting the Monthly Investment Report for September 2013. (Funding Source: Various Funds)
 - Motion accepting the Monthly Investment Report for September 2013.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) accepting the Monthly Investment Report for September 2013.

Removed from Consent

5. Consider authorizing the award of bid for the furnishing of asphalt and concrete cutting services for the Public Works Department, Wastewater and Water Divisions, to Accurate SawCutting, Turlock, 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 \$29,147, and over five (5) years of \$145,735. (Funding Source: Sewer Operations Fund, Storm Drainage Fund, Water Fund)
 - Resolution authorizing the award of bid for the furnishing of asphalt and concrete cutting services for the Public Works Department, Wastewater and Water Divisions, to Accurate Sawcutting Turlock, 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 \$29,147, and over five (5) years of \$145,735.
Finance and Public Works; Megan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2014-04 (Lopez/Madrigal; 7/0) authorizing the award of bid for the furnishing of asphalt and concrete cutting services for the Public Works Department, Wastewater and Water Divisions, to Accurate Sawcutting Turlock, 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 \$29,147, and over five (5) years of \$145,735.

Removed from Consent

6. Consider authorizing the sole source procurement for the purchase of Colilert Laboratory supplies for the Public Works Department, Wastewater Division and Water Division, Laboratory Services, to IDEXX Distribution, Inc., Westbrook, ME, for an estimated annual cost of \$26,000 and over three (3) years of \$78,000. (Funding Source:

Sewer Fund and Water Fund)

- Resolution authorizing the sole source procurement for the purchase of Coliert Laboratory supplies for the Public Works Department, Wastewater Division and Water Division, Laboratory Services, to IDEXX Distribution, Inc., Westbrook, ME, for a three (3) year agreement, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$26,000 and over three (3) years of \$78,000.

Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2014-05 (Lopez/Madrigan; 7/0) authorizing the sole source procurement for the purchase of Coliert Laboratory supplies for the Public Works Department, Wastewater Division and Water Division, Laboratory Services, to IDEXX Distribution, Inc., Westbrook, ME, for a three (3) year agreement, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$26,000 and over three (3) years of \$78,000.

Removed from Consent

7. Consider authorizing the award of proposal and contract for a Laboratory Information Management System (LIMS) for the Water and Wastewater Divisions of the Public Works Department, to PerkinElmer Health Sciences Inc./Labworks LIMS, Shelton, CT, for an estimated initial cost of \$229,340 and a five (5) year estimated cost of approximately \$ 296,455 including maintenance. (Funding Source: Water and Wastewater Funds)

- Resolution authorizing the award of proposal and contract for the furnishing and installation of a Laboratory Information Management System (LIMS) for the Water and Wastewater Divisions of the Public Works Department, to PerkinElmer Health Sciences Inc./Labworks LIMS, Shelton, CT, for an estimated initial cost of \$229,340 and a five (5) year estimated cost of \$ 296,455 including maintenance and authorizing the City Manager or his designee to execute the contract.

Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Resolution 2014-06 (Lopez/Madrigan; 7/0) authorizing the award of proposal and contract for the furnishing and installation of a Laboratory Information Management System (LIMS) for the Water and Wastewater Divisions of the Public Works Department, to PerkinElmer Health Sciences Inc./Labworks LIMS, Shelton, CT, for an estimated initial cost of \$229,340 and a five (5) year estimated cost of \$ 296,455 including maintenance and authorizing the City Manager or his designee to execute the contract.

Removed from Consent

8. Consider approving Assignment and Assumption Agreements and Consent to Transfer from Stanislaus County Affordable Housing Corporation (STANCO) to Bennett Place, LLC; approving Subordination Agreements between the City of Modesto and Bennett Place, LLC for the acquisition and construction of “Bennett Place” and Subordination Agreement for the Stormwater Treatment Device Access and Maintenance Agreement, and authorizing the City Manager, or his designee, to execute these agreements and any related documents (Funding Source: HOME Investment Partnerships Grant (HOME),

Neighborhood Stabilization Program II (NSP2), and Neighborhood Stabilization Program III (NSP3))

- Resolution approving an Assignment and Assumption Agreement Re: HOME Loan Documents and Consent to Transfer (Bennett Place) from STANCO to Bennett Place, LLC, and authorizing the City Manager, or his designee, to execute all related documents.
- Resolution approving an Assignment and Assumption Agreement Re: NSP 2 Loan Documents and Consent to Transfer (Bennett Place) from STANCO to Bennett Place, LLC, and authorizing the City Manager, or his designee, to execute all related documents.
- Resolution approving an Assignment and Assumption Agreement RE: NSP 3 Loan Documents and Consent to transfer (Bennett Place) from STANCO to Bennett Place, LLC, and authorizing the City Manager, or his designee, to execute all related documents.
- Resolution approving a Subordination Agreement MHPA between the City of Modesto, Bennett Place, LLC., and California Housing Finance Agency to subordinate HOME Loan Documents, except HOME Regulatory Agreement (including amendments), to MHPA Loan Documents for the acquisition and construction of Bennett Place located at 421 Lincoln Avenue and authorizing the City Manager, or his designee, to execute all related documents.
- Resolution approving a Subordination Agreement MHPA between City of Modesto, Bennett Place, LLC, and California Housing Finance Agency to subordinate NSP 2 Loan Documents and NSP 3 Loan Documents, except the NSP 2 Regulatory Agreement and the NSP 3 Regulatory Agreement, to the MHPA Loan Documents for the pre-development and construction of Bennett Place located at 421 Lincoln Avenue and authorizing the City Manager, or his designee, to execute all related documents.
- Resolution approving a Subordination Agreement MHPA between City of Modesto, Bennett Place, LLC and California Housing Finance Agency to subordinate the Stormwater Treatment Device Access and Maintenance Agreement dated January 11, 2013 to the MHPA Loan Documents and authorizing the City Manager, or his designee, to execute all related documents.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2014-07 (Madrigal/Gunderson; 7/0) approving an Assignment and Assumption Agreement Re: HOME Loan Documents and Consent to Transfer (Bennett Place) from STANCO to Bennett Place, LLC, and authorizing the City Manager, or his designee, to execute all related documents.

ACTION: Resolution 2014-08 (Madrigal/Gunderson; 7/0) approving an Assignment and Assumption Agreement Re: NSP 2 Loan Documents and Consent to Transfer (Bennett Place) from STANCO to Bennett Place, LLC, and authorizing the City Manager, or his designee, to execute all related documents.

ACTION: Resolution 2014-09 (Madrigal/Gunderson; 7/0) approving an Assignment and Assumption Agreement RE: NSP 3 Loan Documents and Consent to transfer (Bennett Place) from STANCO to Bennett Place, LLC, and authorizing the City Manager, or his designee, to execute all related documents.

ACTION: Resolution 2014-10 (Madrigal/Gunderson; 7/0) approving a Subordination Agreement MHSA between the City of Modesto, Bennett Place, LLC., and California Housing Finance Agency to subordinate HOME Loan Documents, except HOME Regulatory Agreement (including amendments), to MHSA Loan Documents for the acquisition and construction of Bennett Place located at 421 Lincoln Avenue and authorizing the City Manager, or his designee, to execute all related documents.

ACTION: Resolution 2014-11 (Madrigal/Gunderson; 7/0) approving a Subordination Agreement MHSA between City of Modesto, Bennett Place, LLC, and California Housing Finance Agency to subordinate NSP 2 Loan Documents and NSP 3 Loan Documents, except the NSP 2 Regulatory Agreement and the NSP 3 Regulatory Agreement, to the MHSA Loan Documents for the pre-development and construction of Bennett Place located at 421 Lincoln Avenue and authorizing the City Manager, or his designee, to execute all related documents.

ACTION: Resolution 2014-12 (Madrigal/Gunderson; 7/0) approving a Subordination Agreement MHSA between City of Modesto, Bennett Place, LLC and California Housing Finance Agency to subordinate the Stormwater Treatment Device Access and Maintenance Agreement dated January 11, 2013 to the MHSA Loan Documents and authorizing the City Manager, or his designee, to execute all related documents.

Removed from Consent

9. Consider approving a Memorandum of Understanding with the Stanislaus Council of Governments that provides for the City of Modesto to receive Federal Transit Administration Job Access Reverse Commute funds. (Funding Source: Transit Revenue)
 - Resolution approving a Memorandum Of Understanding (MOU) with the Stanislaus Council Of Governments (StanCOG) to set forth the subrecipient agreement and structure for receiving and administering Federal Transit Administration (FTA) Job Access And Reverse Commute (JARC) Funds and authorizing the City Manager, or his designee, to execute the MOU.

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

ACTION: Resolution 2014-13 (Lopez/Madrigal; 7/0) approving a Memorandum of Understanding (MOU) with the Stanislaus Council of Governments (StanCOG) to set forth the subrecipient agreement and structure for receiving and administering Federal Transit Administration (FTA) Job Access And Reverse Commute (JARC) Funds and authorizing the City Manager, or his designee, to execute the MOU.

Removed from Consent

10. Consider accepting the Avoid the Twelve Grant from the State of California Office of Traffic Safety, in the amount not to exceed \$35,000, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County. (Funding Source: Grant Revenue)

- Resolution accepting the Avoid the Twelve Grant from the State of California Office of Traffic Safety, in the amount not to exceed \$35,000, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the City Manager, or his designee, to execute the necessary program documents.
- Resolution amending the Fiscal Year 2013/2014 Operating Budget estimating revenue and offsetting expenses not to exceed \$35,000, for the Avoid the Twelve Grant, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

Police; Jeramy Young, 572-9664, youngj@modestopd.com

ACTION: Resolution 2014-14 (Madrigal/Lopez; 7/0) accepting the Avoid the Twelve Grant from the State of California Office of Traffic Safety, in the amount not to exceed \$35,000, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2014-15 (Madrigal/Lopez; 7/0) amending the Fiscal Year 2013/2014 Operating Budget estimating revenue and offsetting expenses not to exceed \$35,000, for the Avoid the Twelve Grant, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

Removed from Agenda

11. Consider approving the submittal of the Airport Capital Improvement Plan Summary to the Federal Aviation Administration and Caltrans Aeronautics. (Funding Source: Not applicable)

- Resolution approving the submittal of the Airport Capital Improvement Plan Summary to the Federal Aviation Administration and Caltrans Aeronautics.

Public Works; David Rudat, 341-2933, drudat@modestogov.com

ACTION: Removed from Agenda.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding passion of the community and what's best for the 200,000 citizens of Modesto.

Councilmember Madrigal spoke regarding meetings he has attended with local business owners and possible free wi-fi in downtown Modesto.

Councilmember Lopez also spoke regarding free wi-fi at the Farmer's Market in downtown Modesto.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff spoke regarding Agenda back-up information available on the City's website.

UNFINISHED BUSINESS

12. Consider the application of Berberian Holdings, LP for a General Plan Amendment to re-designate approximately 18 acres from Mixed-use and Residential to Commercial and to rezone the same property from Planned Development Zone, P-D(211) to Planned Development Zone, P-D(596) to allow development of a shopping center and certifying an Environmental Impact Report related to the above-described project, property located at the southwest corner of Sylvan Avenue and Oakdale Road. (continued from December 10, 2013 Council meeting; public hearing closed) (Funding Source: Not Applicable)
- Resolution making certain findings concerning mitigation measures, adopting a Mitigation Monitoring and Reporting Program, making certain findings regarding alternatives, adopting a statement of overriding considerations, and certify the Final Environmental Impact Report for the Marketplace Project (State Clearinghouse No. 2013022013).
 - Resolution approving an amendment to the Modesto Urban Area General Plan, to re-designate approximately ten acres from Mixed Use to Commercial and approximately eight acres from Residential to Commercial, property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP).
 - Motion introducing an Ordinance amending Section 10-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(211), to Planned Development Zone, P-D(596), property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP).
 - Resolution approving a Development Plan for Planned Development Zone, P-D(596) **with driveways on Hashem Drive** (Berberian Holdings, LP).
Community & Economic Development; David Wage, 577-5302, dwage@modestogov.com

ACTION: Resolution 2014-16 (Cogdill/Lopez; 7/0) making certain findings concerning mitigation measures, adopting a Mitigation Monitoring and Reporting Program, making certain findings regarding alternatives, adopting a statement of overriding considerations, and certify the Final Environmental Impact Report for the Marketplace Project (State Clearinghouse No. 2013022013).

ACTION: Resolution 2014-17 (Cogdill/Lopez; 7/0) approving an amendment to the Modesto Urban Area General Plan, to re-designate approximately ten acres from Mixed Use to Commercial and approximately eight acres from Residential to Commercial, property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP).

ACTION: Motion (Cogdill/Lopez; 7/0) introducing **Ordinance No. 3597-C.S.** amending Section 10-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(211), to Planned Development Zone, P-D(596), property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP).

ACTION: Resolution 2014-18 (Cogdill/Lopez; 7/0) approving a Development Plan for Planned Development Zone, P-D(596) **with driveways on Hashem Drive** (Berberian

Holdings, LP).

13. Consider approving a future election date for placing a Residential Urban Limit (RUL) Initiative on a City of Modesto Regular Municipal election. (Funding Source: General Fund)

- Motion rescinding City Council action on August 7, 2013 directing placement of the RUL ballot initiative on the next Regular Election on June 3, 2014.
- Motion considering the placement of a RUL ballot initiative that also includes review of the continued need for the requirement of Advisory elections pursuant to the Charter required Measures A and M on the November 2015 election.

Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Motion (Cogdill/Lopez; 7/0) rescinding City Council action on August 7, 2013 directing placement of the RUL ballot initiative on the next Regular Election on June 3, 2014.

ACTION: Motion (Cogdill/Lopez; 7/0) considering the placement of a RUL ballot initiative on the November 2015 election.

ACTION: Motion (Cogdill/Lopez; 7/0) considering review of continued need for requirement of advisory election pursuant to Charter required Measures A and M if the RUL Measure passes.

Recess at 7:12 p.m.

Reconvened at 7:22 p.m.

14. Consider: (i) accepting the draft General Plan land use and transportation diagrams as the basis for the project description to update the Modesto Urban Area General Plan Master EIR; (ii) authorizing funding in the amount of \$75,000 for limited consultant assistance to update the Modesto Urban Area General Plan Master EIR (continued from December 3, 2013 Council Meeting for Council discussion.) (Funding Source: \$200,000 US HUD-EPA-DOT 2010 Smart Valley Places grant and \$48,000 minimum General Fund Match in staff-time equivalent and General Fund Expenditure)

- For Council discussion only; no recommended action.

Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com

Recess at 9:46 p.m.

Reconvened at 9:58 p.m.

ACTION: No reportable action; this matter will return to Council on January 28, 2014 for Council action.

HEARINGS

Published in the Modesto Bee on December 27, 2013

15. Hearing to consider amending Section 10-3.101 of the Modesto Municipal Code to remove the requirement for a conditional use permit to locate substance abuse clinics in

the City's office and commercial zones. (Funding Source: Not Applicable)

- Motion introducing an Ordinance amending Section 10-3.101 of Chapter 3 of Title 10 of the Modesto Municipal Code to remove the requirement for a conditional use permit to locate a substance abuse clinic in the City's Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2) and Highway Commercial (C-3) Zoning Districts.

Community & Economic Development; Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) continued to January 14, 2014 Council meeting.

Published in the Modesto Bee on December 17, 2013 and December 27, 2013

16. Hearing to consider approving a revision to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport, effective January 8, 2014. (Funding Source: 4310- Airport Operating Fund)

- Resolution approving a revision to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport and rescinding Council Resolution No. 2013-96.

Public Works; David Rudat, 341-2933, drudat@modestogov.com

ACTION: Resolution 2014-19 (Gunderson/Cogdill; 7/0) approving a revision to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport and rescinding Council Resolution No. 2013-96.

NEW BUSINESS

17. Consider: (i) entering into an agreement with Gillig LLC to purchase up to thirty (30) transit buses over five years for the Modesto Area Express transit service (ii) purchasing twenty-two (22) low floor transit buses, at an estimated total cost of \$11,018,740, from Gillig LLC for use in the City's Modesto Area Express transit system; and (iii) amending the FY 13/14 Operating Budget in the amount of \$11,238,740 to fund the purchase. (Funding Source: Transit Funds)

- Resolution approving an agreement with Gillig LLC for the purchase of between nine (9) and thirty (30) low floor transit buses over a five (5) year period.
- Resolution authorizing issuance of a Purchase Order to Gillig LLC for twenty-two (22) low floor transit buses for a total price of \$11,018,739.87, including tax, and authorizing the City Manager, or his designee, to execute a Purchase Order in that amount.
- Resolution amending the fiscal year 2013-2014 operating budget in the amount of \$11,238,740 to fund the purchase of twenty-two (22) transit buses.

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

ACTION: Resolution 2014-20 (Gunderson/Madrigan; 7/0) approving an agreement with Gillig LLC for the purchase of between nine (9) and thirty (30) low floor transit buses over a five (5) year period.

ACTION: Resolution 2014-21 (Gunderson/Madrigan; 7/0) authorizing issuance of a Purchase Order to Gillig LLC for twenty-two (22) low floor transit buses for a total price of \$11,018,739.87, including tax, and authorizing the City Manager, or his designee, to execute a Purchase Order in that amount.

ACTION: Resolution 2014-22 (Gunderson/Madrigan; 7/0) amending the fiscal year 2013-2014 operating budget in the amount of \$11,238,740 to fund the purchase of twenty-two (22) transit buses.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 11:46 p.m.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, January 14, 2014, at 10:00 a.m.

Roll Call Present: Councilmembers Gunderson, Zoslocki and Madrigal (arrived at 10:009 a.m.)

Absent: None

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider accepting an Internal Audit Status Report from Moss Adams LLP as of January 13, 2014. (Funding Source: Not Applicable)
City Auditor; Tom Krippaehne, (206) 302-6409, Tom.Krippaehne@mossadams.com

ACTION: Motion (Madrigal/Zoslocki;unan.) accepting an Internal Audit Status Report from Moss Adams LLP as of January 13, 2014.

NEW BUSINESS

2. Consider accepting: (i) the City's Fiscal Year 2012-2013 Comprehensive Annual Financial Report (CAFR) from external auditors Brown and Armstrong; (ii) the Fiscal Year 2012-2013 audited financial statements and audit reports for nine Community Facilities Districts; and (iii) the Fiscal Year 2012-2013 audit reports for various Joint Powers Agencies and other audits and forwarding to Council for approval (Funding Source: Not Applicable)
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Zoslocki/Madrigal;unan.) accepting: (i) the City's Fiscal Year 2012-2013 Comprehensive Annual Financial Report (CAFR) from external auditors Brown and Armstrong; (ii) the Fiscal Year 2012-2013 audited financial statements and audit reports for nine Community Facilities Districts; and (iii) the Fiscal Year 2012-2013 audit reports for various Joint Powers Agencies and other audits and forwarding to Council for approval.

3. Consider accepting: (i) the Fiscal Year 2012-2013 City of Modesto; and (ii) the Stanislaus Drug Enforcement Agency Single Audit reports and forwarding to Council for approval. (Funding Source: Not Applicable)
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Madrigan/Zoslocki;unan.) accepting: (i) the Fiscal Year 2012-2013 City of Modesto; and (ii) the Stanislaus Drug Enforcement Agency Single Audit reports and forwarding to Council for approval.

4. 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 ending June 30, 2013 and forwarding to Council for approval. (Funding Source: Not Applicable)

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

ACTION: Motion (Madrigan/Zoslocki;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 ending June 30, 2013 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
**SPECIAL MODESTO PUBLIC
FINANCING AUTHORITY MEETING**

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

Tuesday, January 14, 2014, 5:30 p.m.

Roll Call - Present: Commissioners Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki,
Mayor Marsh

Absent:

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item A & B
ACTION CONSENT ITEMS A-B: (Lopez/Madrigal;unan.)

CONSENT ITEMS

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

CONSENT

A. Consider approval of the minutes of the Public Financing Authority meeting the October 22, 2013.

- Motion approving the minutes of the October 22, 2013 Public Finance Authority meeting.

Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal;unan.) approving the minutes of the October 22, 2013 Public Finance Authority meeting.

B. Consider accepting a resolution authorizing a 31 day extension of the irrevocable direct pay Letter of Credit (LOC) with Bank of America supporting the Modesto Public

Financing Authority Lease Revenue Refunding Bonds, Series 2008 (Bonds).

- Resolution authorizing a 31 day extension of the irrevocable direct pay Letter of Credit (LOC) with Bank of America supporting the Modesto Public Financing Authority Lease Revenue Refunding Bonds, Series 2008 (Bonds).

Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Resolution 01-2014 (Lopez/Madrigal;unan.) authorizing a 31 day extension of the irrevocable direct pay Letter of Credit (LOC) with Bank of America supporting the Modesto Public Financing Authority Lease Revenue Refunding Bonds, Series 2008 (Bonds).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:10 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 14, 2014, 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

City Clerk's Announcements: Item 12 will be heard after Item 3

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged Audio Pros, Smile Shine Dental, and Courtesy Staffing.

2. Presentation of Proclamation to Cub Scout Pack 14 for its continued service to the City of Modesto and as a recipient of the National William T. Hornady Award for Conservation. (Funding Source: Not Applicable)
Information Technology; Bryan Sastokas, 577-5229, bsastokas@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Cub Scout Pack 14 for its continued service to the City of Modesto and as a recipient of the National William T. Hornady Award for Conservation.

MISCELLANEOUS Legislation

Appointments
Other

3. Consider approving the reappointment of Dennis Smith to the Board of Zoning Adjustment and the appointment of Marshall Riddle to the Citizens Housing and Community Development Committee as the 2014 Planning Commission representatives. (Funding Source: Not Applicable)
- Resolution approving the reappointment of Dennis Smith as the 2014 Planning Commission representative to the Board of Zoning Adjustment.
 - Resolution approving the appointment of Marshall Riddle as the 2014 Planning Commission representative to the Citizens housing and Community Development Committee.
- Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

ACTION: Resolution 2014-23 (Lopez/Gunderson; 7/0) approving the reappointment of Dennis Smith as the 2014 Planning Commission representative to the Board of Zoning Adjustment.

ACTION: Resolution 2014-24 (Lopez/Gunderson; 7/0) approving the appointment of Marshall Riddle as the 2014 Planning Commission representative to the Citizens housing and Community Development Committee.

PUBLIC COMMENT PERIOD

- Dave Geer spoke regarding concert at Gallo Center on Saturday night and concerns regarding Common Core State Standards.
- Ray Pefferini spoke regarding trees in Modesto and mistletoe.
- Sebastian Jones announced the Martin Luther King luncheon on Friday, January 17, 2014 at 11:00 a.m. to be held at the King-Kennedy Center.
- Carmen Sabatino spoke regarding article in Modesto Bee regarding conduct at Council meetings.
- Joan Rutschow spoke regarding the Modesto General Plan and water.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4-10: (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 January 7, 2014 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the amended minutes from the January 7, 2014 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the minutes from the January 7, 2014 City Council meeting.

Consent

5. Consider approving final adoption of Ordinance No. 3597-C.S. amending Section 10-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(211), to Planned Development Zone, P-D(596), property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP). (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3597-C.S. amending Section 10-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(211), to Planned Development Zone, P-D(596), property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP).
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3597-C.S.** amending Section 10-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(211), to Planned Development Zone, P-D(596), property located at the southwest corner of Sylvan Avenue and Oakdale Road (Berberian Holdings, LP).

Consent

6. Consider amending Section 2-1.18 of the Modesto Municipal Code to authorize creation of an Appointments Committee as the fifth standing committee of the City Council. (Funding Source: Not Applicable)
 - Motion introducing and waiving the first reading of an Ordinance amending Section 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code, titled "Standing Committees," to add an Appointments Committee to review and recommend appointments to City Boards, Commissions, and Committees.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) introducing and waiving the first reading of an **Ordinance No. 3598-C.S.** amending Section 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code, titled "Standing Committees," to add an Appointments Committee to review and recommend appointments to City Boards, Commissions, and Committees.

Consent

7. Consider approving a job sharing agreement between the City of Modesto and the City of Hughson and authorizing the City Manager, or his designee, to execute the

Agreement. (Funding Source: General Fund)

- Resolution approving a job sharing agreement with the City of Hughson for the services of a Senior Planner through Fiscal Year 2013-14; and authorizing the City Manager, or his designee, to execute the Agreement.

Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Resolution 2014-25 (Lopez/Madrigal; 7/0) approving a job sharing agreement with the City of Hughson for the services of a Senior Planner through Fiscal Year 2013-14; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider accepting the Monthly Investment Report for October 2013. (Funding Source: Various)

- Motion accepting the Monthly Investment Report for October 2013.

Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) accepting the Monthly Investment Report for October 2013.

Consent

9. Consider accepting a resolution authorizing a 31 day extension of the irrevocable direct pay Letter of Credit (LOC) with Bank of America supporting the Modesto Public Financing Authority Lease Revenue Refunding Bonds, Series 2008 (Bonds). (Funding Source: General Fund)

- Resolution authorizing a 31 day extension of the irrevocable direct pay Letter of Credit (LOC) with Bank of America supporting the Modesto Public Financing Authority Lease Revenue Refunding Bonds, Series 2008 (Bonds).

Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Resolution 2014-26 (Lopez/Madrigal; 7/0) authorizing a 31 day extension of the irrevocable direct pay Letter of Credit (LOC) with Bank of America supporting the Modesto Public Financing Authority Lease Revenue Refunding Bonds, Series 2008 (Bonds).

Consent

10. Consider approving the plans and specifications for the Interior Recoat Tank 3 project, accepting the bid, and approving a contract with Advanced Industrial Services, Inc. of Los Alamitos, California in the amount of \$247,500. (Total estimated cost for the construction portion of the project is \$332,250) (Funding Source: Water Fund - CIP)

- Resolution approving the plans and specifications for the Interior Recoat Tank 3 project, accepting the bid, and approving a contract with Advanced Industrial Services, Inc. of Los Alamitos, California in the amount of \$247,500, and authorizing the City Manager, or his designee, to execute the contract.

Utility Planning and Projects; Kris Ohlson, 571-5869, kohlson@modestogov.com

ACTION: Resolution 2014-27 (Lopez/Madrigal; 7/0) approving the plans and specifications for the Interior Recoat Tank 3 project, accepting the bid, and approving a contract with Advanced Industrial Services, Inc. of Los Alamitos, California in the amount of \$247,500, and authorizing the City Manager, or his designee, to execute the contract.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding Council Agenda packets available on I-Pads; last year savings are \$9,600 printing costs, 229,456 pages of paper and 27 trees saved; since 2011 savings of \$30,000 in printing costs; 710,080 pages of paper and 85 trees saved.

Councilmember Madrigal spoke regarding a Request for Proposals for free wi-fi in Downtown Modesto.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff and Deputy City Manager Williams-Ridley, along with Councilmembers, thanked Chief Information Officer Bryan Sastokas on behalf of the City of Modesto; Bryan is leaving for a position with the City of Oakland.

HEARINGS

Continued from the January 7, 2014 Council Meeting

11. Hearing to consider amending Section 10-3.101 of the Modesto Municipal Code to remove the requirement for a conditional use permit to locate substance abuse clinics in the City's office and commercial zones. (Funding Source: Not Applicable)
 - Motion introducing and waiving the first reading of an Ordinance amending Section 10-3.101 of Chapter 3 of Title 10 of the Modesto Municipal Code to remove the requirement for a conditional use permit to locate a substance abuse clinic in the City's Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2) and Highway Commercial (C-3) Zoning Districts.
Community & Economic Development; Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) introducing and waiving the first reading of an **Ordinance No. 3599-C.S.** amending Section 10-3.101 of Chapter 3 of Title 10 of the Modesto Municipal Code to remove the requirement for a conditional use permit to locate a substance abuse clinic in the City's Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2) and Highway Commercial (C-3) Zoning Districts.

Published in the Modesto Bee on December 25, 2013 and January 1, 2014

12. Hearing to consider approving the application of E & J Gallo Winery for the abandonment of Grand Street east of South Morton Boulevard; the rezone of 3.87 acres from General Commercial (C-2) to Light Industrial (M-1) and prezone of 4.68 acres to Light Industrial Zone (P-M-1), properties located south of Yosemite Boulevard and west of South Santa Rosa Avenue; and the annexation of 4.68 acres to the City of

Modesto, with simultaneous detachment from the Stanislaus Consolidated Fire Protection District, property located south of Yosemite Boulevard and west of South Santa Rosa Avenue. (Funding Source: Not Applicable)

- Resolution abandoning Grand Street east of South Morton Boulevard.
- Motion introducing and waiving the first reading of an Ordinance amending Section 33-3-9 of the Zoning Map of the City of Modesto to Rezone 3.87 acres from General Commercial Zone, C-2, to Light Industrial Zone, M-1, and prezone 4.68 acres of adjacent unincorporated area to Light Industrial Zone, P-M-1, property located south of Yosemite Boulevard and west of South Santa Rosa Avenue (E & J Gallo Winery)
- Resolution approving the filing of an application with the Stanislaus Local Agency Formation Commission to annex approximately 4.68 acres of property located south of Yosemite Boulevard and west of South Santa Rosa Avenue, and adjacent right-of-way on South Santa Rosa Avenue to the City of Modesto and simultaneously detach property from the Stanislaus Consolidated Fire Protection District (Owner-Initiated—Uninhabited)
- 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 2007072023): Abandonment of Grand Street east of South Morton Boulevard; Rezone of 3.87 acres from General Commercial (C-2) Zone to Light Industrial (M-1) Zone and Prezone of 4.68 acres to Light Industrial (P-M-1) Zone, properties located south of Yosemite Boulevard and west of South Santa Rosa Avenue; and the Annexation of approximately 4.68 acres to the City of Modesto, with simultaneous detachment from the Stanislaus Consolidated Fire Protection District, property located south of Yosemite Boulevard and west of South Santa Rosa Avenue (E & J Gallo Winery)

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

ACTION: Resolution 2014-28 (Lopez/Cogdill; 7/0) abandoning Grand Street east of South Morton Boulevard.

ACTION: Resolution 2014-29 (Lopez/Cogdill; 7/0) approving the filing of an application with the Stanislaus Local Agency Formation Commission to annex approximately 4.68 acres of property located south of Yosemite Boulevard and west of South Santa Rosa Avenue, and adjacent right-of-way on South Santa Rosa Avenue to the City of Modesto and simultaneously detach property from the Stanislaus Consolidated Fire Protection District (Owner-Initiated—Uninhabited).

ACTION: Motion (Lopez/Cogdill; 7/0) introducing and waiving the first reading of **Ordinance No. 3600-C.S.** amending Section 33-3-9 of the Zoning Map of the City of Modesto to Rezone 3.87 acres from General Commercial Zone, C-2, to Light Industrial Zone, M-1, and prezone 4.68 acres of adjacent unincorporated area to Light Industrial Zone, P-M-1, property located south of Yosemite Boulevard and west of South Santa Rosa Avenue (E & J Gallo Winery).

ACTION: Resolution 2014-30 (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 (SCH 2007072023): Abandonment of Grand Street east of South Morton Boulevard; Rezone of 3.87 acres from General Commercial (C-2) Zone to Light Industrial (M-1) Zone and Prezone of 4.68 acres to Light Industrial (P-M-1) Zone, properties located south of Yosemite Boulevard and west of South Santa Rosa Avenue; and the Annexation of approximately 4.68 acres to the City of Modesto, with simultaneous detachment from the Stanislaus Consolidated Fire Protection District, property located south of Yosemite Boulevard and west of South Santa Rosa Avenue (E & J Gallo Winery).

NEW BUSINESS

13. Consider accepting a staff report regarding the potential for the establishment of quiet zones along railroads in and near Modesto, and directing staff to seek grants to establish quiet zones and to add quiet zones to the Capital Improvement Program. (Funding Source: Not Applicable)

- Motion accepting a report from staff regarding the potential for the establishment of quiet zones along railroads in and near Modesto, and directing staff to seek grants to establish quiet zones and to add quiet zones to the Capital Improvement Program.

Community & Economic Development; Cindy van Empel, 577-5280, cvanempel@modestogov.com

ACTION: Motion (Cogdill/Lopez; 7/0) accepting a report from staff regarding the potential for the establishment of quiet zones along railroads in and near Modesto, and directing staff to seek grants to establish quiet zones and to add quiet zones to the Capital Improvement Program.

14. Consider approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Employees' Association (MCEA) for a term of September 24, 2013 to May 30, 2014; authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreements. (Funding Source: All Funds)

- Resolution approving a Proposed Agreement including language changes for a Successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees' Association (MCEA) for a term of September 24, 2013 to May 30, 2014; and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the Agreement.

Human Resources; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Resolution 2014-31 (Lopez/Gunderson; 7/0) approving a Proposed Agreement including language changes for a Successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees' Association (MCEA) for a term of September 24, 2013 to May 30, 2014; and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the Agreement.

15. Consider approving a proposed contract extension agreement between the City of Modesto and Modesto Confidential and Management Association (MCMA) to be incorporated into the existing Memorandum of Understanding (“MOU”) with term of June 19, 2012 - September 23, 2013; unless otherwise modified by the current negotiated contract extension as presented, all terms of the MOU will be extended through the end of June 30, 2014. Council approval will authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the extension agreement. (Funding Source: All Funds)
 - Resolution approving a Proposed Extension Agreement including language changes for the Memorandum of Understanding between the City of Modesto and the Modesto Confidential and Management Association (MCMA) for extending the term of the Agreement from September 23, 2013 to June 30, 2014 and unless otherwise modified by the current negotiated contract extension as presented, all terms of the MOU will be extended through the end of June 30, 2014; and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the Agreement.

Human Resources; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Resolution 2014-32 (Lopez/Gunderson; 7/0) approving a Proposed Extension Agreement including language changes for the Memorandum of Understanding between the City of Modesto and the Modesto Confidential and Management Association (MCMA) for extending the term of the Agreement from September 23, 2013 to June 30, 2014 and unless otherwise modified by the current negotiated contract extension as presented, all terms of the MOU will be extended through the end of June 30, 2014; and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the Agreement.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was adjourned at 7:10 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: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Unrepresented Management and Confidential Employees

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

Property: Purchase of fee interest of the following properties located within the block of 10th and 9th Streets and G & H Streets in the City of Modesto:

APN: 106-42-005 Property Owner: Rugani, Gina Et Al TRS
APN: 106-42-007 Property Owner: Silva, Helen L TRS Et Al
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni,
Myrna

Negotiating Parties: Greg Nyhoff, for City of Modesto
Brent Sinclair, for City of Modesto
Rick Evans, for the City of Modesto
For Property Owners: Michael Rugani

Charles Noble & Dave Noble
Gary & Myrna Gervasoni

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

Property: Purchase of the following properties located within the block of 10th and 9th streets; G and H streets:

APN: 106-42-006 Property Owner: G&K Enterprises LLC
APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-012 Property Owner: G&K Enterprises LLC
Negotiating Parties: Matt Pacher & Rick Evans for City of Modesto

Mike Rein for G&K Enterprises, LLC and Curtis W. Mote

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

Property: Sale of fee interest of the following properties located within the block of 10th and 9th streets; G and H streets in the City of Modesto:

APN: 106-42-001 Property Owner: Modesto RDA (Successor)
APN: 106-42-002 Property Owner: Modesto RDA (Successor)
APN: 106-42-003 Property Owner: Modesto RDA (Successor)
APN: 106-42-004 Property Owner: Modesto RDA (Successor)
APN: 106-42-005 Property Owner: Rugani, Gina Et Al TRS
APN: 106-42-006 Property Owner: G&K Enterprises LLC
APN: 106-42-007 Property Owner: Silva, Helen L TRS Et Al
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni,
Myrna
APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-012 Property Owner: G&K Enterprises LLC
APN: 106-42-013 Property Owner: City of Modesto

Negotiating Parties: Greg Nyhoff, for City of Modesto
Brent Sinclair, for City of Modesto
For Potential Buyer: Staff of Administrative Office of the Courts.
Under Negotiation: Price and Terms of the acquisition of property.

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

MINUTES

City of Modesto
Special City Council Workshop
Strategic Planning
King-Kennedy Memorial Center
601 S. Martin Luther King Drive
Modesto, California
Thursday, January 23, 2014
Time: 8:00 a.m. – 12:00 p.m.

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

MAYOR OPENING COMMENTS

None.

CITY MANAGER OPENING COMMENTS

City Manager Greg Nyhoff made opening comments.

PUBLIC COMMENT PERIOD

None.

NEW BUSINESS

1. Strategic Planning Workshop.

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 12:00 p.m.

MINUTES
City of Modesto
SPECIAL FINANCE COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, January 27, 2014, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmembers Madrigal, Cogdill
Absent: None
Also Present: Councilmembers Kenoyer, Zoslocki

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

Consent

1. Consider approving the monthly Budget Adjustment Report for January 2014 and forwarding to Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Madrigal/Cogdill;unan.) approving the monthly Budget Adjustment Report for January 2014 and forwarding to Council for approval.

NEW BUSINESS

2. Consider approving the proposed FY 2013-14 General Fund Mid-Year Budget Reductions as defined in Exhibit A and forwarding to Council for approval.
(Funding Source: General Fund)
Finance; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Cogdill/Madrigal;unan.) approving the proposed FY 2013-14 General Fund Mid-Year Budget Reductions as defined in Exhibit A (**except funding of John Thurman Field**) and forwarding to Council for approval.

3. Consider approving changes to the House Sewer Line Repair Cost Share Program reimbursement method by providing reimbursement of actual cost for replacement of public improvements in the right-of-way and forwarding to Council for approval. (Funding Source: Not Applicable)
Public Works; Robert Englent, 577-6222, renglent@modestogov.com

ACTION: Item continued to February 24, 2014 Finance Committee meeting.

4. Consider approving adjustments to various Water user fees, the Utility Billing delinquency timeline and inflationary adjustments every 2 years and forwarding to Council for approval. (Funding Source: Water Revenue)

Public Works; David Savidge, 342-2217, dsavidge@modestogov.com

ACTION: Motion (Cogdill/Madrigal;unan.) approving adjustments to various Water user fees, the Utility Billing delinquency timeline and inflationary adjustments every 2 years and forwarding to Council for approval (**with amendment to Item Nos. 11 and 14**).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:20 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 28, 2014, 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, City Ministry Network

City Clerk's Announcements: Item 12 - Removed from Agenda

Declaration of Conflicts of Interest: None

Reports from Closed Session: Interim City Attorney Lindgren spoke regarding Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of an update on the Modesto Historic Graffiti Cruise Route and Walk of Fame Sidewalk Markers. (Funding Source: Not Applicable)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Chris Murphy gave an update on the Modesto Historic Graffiti Cruise Route and Walk of Fame Sidewalk Markers.

2. Presentation of awards by California Water Environment Association to the City of Modesto, Public Works Department, Wastewater Division for Plant of the Year, Operator of the Year and Laboratory Person of the Year for 2013. (Funding Source: Not Applicable)
Public Works; David Savidge, 342-2217, dsavidge@modestogov.com

ACTION: Presentation of awards by California Water Environment Association to the City of Modesto, Public Works Department, Wastewater Division for Large Plant of the Year (City of Modesto Wastewater Treatment Plant), Operator of the Year (Brent Marquardt) and Laboratory Person of the Year for 2013 (Scott Jacobs) were given.

PUBLIC COMMENT PERIOD

- Jay Willis spoke regarding the unemployment rate and job creation in the City of Modesto.
- Carmen Sabatino spoke regarding the Transportation Occupancy Tax in the City of Modesto and the Chamber of Commerce.
- Julie Taylor spoke regarding improving the image in the City of Modesto.
- Frank Carson spoke regarding the Stanislaus County District Attorney's Office and burglaries in the City of Modesto.
- Katherine Borges spoke regarding tourism in the City of Modesto, establishing a George Lucas Museum and a Gateway City to Yosemite.
- Gordon Heinrich spoke regarding Stanislaus County agriculture.
- Amanda Sorenson spoke regarding elected officials and eminent domain.
- Dave Geer spoke regarding his opposition to Common Core State Standards.
- Dwayne Heinrich spoke regarding the invocation and drought.
- Scott Calkins spoke regarding a possible half cent transportation sales tax.
- Loretta Carhart spoke regarding watering by businesses in the City of Modesto; she was referred to Will Wong, Utility Planning & Projects.
- Gaetana Drake spoke regarding signs at the City of Modesto Council meetings.
- A citizen spoke regarding agriculture and water.
- A citizen spoke regarding voting on Council agenda items and vacant buildings in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED ACTION CONSENT ITEMS 3-10: (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 January 14, 2014 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the January 14, 2014 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the minutes from the January 14, 2014 City Council meeting.

Consent

4. Consider approving final adoption of Ordinance No. 3598-C.S. amending Section 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code, titled “Standing Committees,” to add an Appointments Committee to review and recommend appointments to City Boards, Commissions, and Committees. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3598-C.S. amending Section 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code, titled “Standing Committees,” to add an Appointments Committee to review and recommend appointments to City Boards, Commissions, and Committees.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3598-C.S.** amending Section 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code, titled “Standing Committees,” to add an Appointments Committee to review and recommend appointments to City Boards, Commissions, and Committees.

Consent

5. Consider approving final adoption of Ordinance No. 3599-C.S. amending Section 10-3.101 of Chapter 3 of Title 10 of the Modesto Municipal Code to remove the requirement for a conditional use permit to locate a substance abuse clinic in the City’s Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2) and Highway Commercial (C-3) Zoning Districts. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3599-C.S. amending Section 10-3.101 of Chapter 3 of Title 10 of the Modesto Municipal Code to remove the requirement for a conditional use permit to locate a substance abuse clinic in the City’s Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2) and Highway Commercial (C-3) Zoning Districts.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3599-C.S.** amending Section 10-3.101 of Chapter 3 of Title 10 of the Modesto Municipal Code to remove the requirement for a conditional use permit to locate a substance abuse clinic in the City’s Professional Office (P-O), Neighborhood Commercial (C-1), General Commercial (C-2) and Highway Commercial (C-3) Zoning Districts.

Consent

6. Consider approving final adoption of Ordinance No. 3600-C.S. amending Section 33-

3-9 of the Zoning Map of the City of Modesto to Rezone 3.87 acres from General Commercial Zone, C-2, to Light Industrial Zone, M-1, and prezone 4.68 acres of adjacent unincorporated area to Light Industrial Zone, P-M-1, property located south of Yosemite Boulevard and west of South Santa Rosa Avenue (E & J Gallo Winery).
(Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance No. 3600-C.S. amending Section 33-3-9 of the Zoning Map of the City of Modesto to Rezone 3.87 acres from General Commercial Zone, C-2, to Light Industrial Zone, M-1, and prezone 4.68 acres of adjacent unincorporated area to Light Industrial Zone, P-M-1, property located south of Yosemite Boulevard and west of South Santa Rosa Avenue (E & J Gallo Winery).

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

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3600-C.S.** amending Section 33-3-9 of the Zoning Map of the City of Modesto to Rezone 3.87 acres from General Commercial Zone, C-2, to Light Industrial Zone, M-1, and prezone 4.68 acres of adjacent unincorporated area to Light Industrial Zone, P-M-1, property located south of Yosemite Boulevard and west of South Santa Rosa Avenue (E & J Gallo Winery).

Consent

7. Consider approving an updated list of pre-qualified on-call environmental service providers to prepare environmental impact reports and perform other related environmental services, on an as-needed basis, for a period of six (6) years. (Funding Source: Not Applicable)
 - Resolution establishing an updated list of pre-qualified on-call environmental service providers to prepare environmental impact reports and perform other related environmental services, on an as-needed basis, for a period of six (6) years.

Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com

ACTION: Resolution 2014-33 (Lopez/Madrigan; 7/0) establishing an updated list of pre-qualified on-call environmental service providers to prepare environmental impact reports and perform other related environmental services, on an as-needed basis, for a period of six (6) years.

Consent

8. Consider authorizing staff to apply for the CalRecycle Used Oil Competitive Grants as available. (Funding Source: CalRecycle Used Oil Competitive Grants)
 - Resolution approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Used Oil Competitive Grant Cycles, accepting grant awards, amending the annual budget, and authorizing the City Manager or his designee, to execute all grant related documents.

Parks, Recreation & Neighborhoods; Michele Beck, 577-5493, mbeck@modestogov.com

ACTION: Resolution 2014-34 (Lopez/Madrigan; 7/0) approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Used Oil Competitive Grant Cycles, accepting grant awards, amending the annual budget, and

authorizing the City Manager or his designee, to execute all grant related documents.

Consent

9. Consider authorizing the award of bid for the purchase of playground equipment by accessing the terms of a competitively bid agreement through US Communities to GameTime, Inc. (Funding Source: Community Development Block Grant)
- Resolution authorizing the award of bid for the purchase of playground equipment for the Parks, Recreation and Neighborhoods Department by accessing the terms of a competitively bid agreement through US Communities, to GameTime, Novato, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost of \$111,693.38.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2014-35 (Lopez/Madrigan; 7/0) authorizing the award of bid for the purchase of playground equipment for the Parks, Recreation and Neighborhoods Department by accessing the terms of a competitively bid agreement through US Communities, to GameTime, Novato, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost of \$111,693.38.

Consent

10. Consider accepting the work by EMJ Corporation of Irving, Texas, for the Bus Maintenance Facility as complete and authorizing payment of amounts totaling \$11,174,391. (The total project cost is \$15,219,367, which included construction contingency, city forces, equipment acquisition, land acquisition, other costs, engineering design and construction administration.) (Funding Source: Bus Service – Fixed Route Fund)
- Resolution accepting the work by EMJ Corporation, for the Bus Maintenance Facility 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 \$11,174,391.

Utility Planning and Projects; Rob Christensen, 577-5423, rchristensen@modestogov.com

ACTION: Resolution 2014-36 (Lopez/Madrigan; 7/0) accepting the work by EMJ Corporation, for the Bus Maintenance Facility 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 \$11,174,391.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

11. Consider adopting the East Stanislaus Integrated Regional Water Management Plan. (Funding Source: Water Fund)
- Resolution adopting the East Stanislaus Integrated Regional Water Management Plan, and directing staff to submit the IRWMP to the Department of Water Resources for acceptance.
- Utility Planning and Projects; Jim Alves, 571-5557, jalves@modestogov.com*

ACTION: Resolution 2014-37 (Gunderson/Lopez; 7/0) adopting the East Stanislaus Integrated Regional Water Management Plan, and directing staff to submit the IRWMP to the Department of Water Resources for acceptance.

NEW BUSINESS

Removed from the Agenda

12. Consider approving a one-time non-precedent setting waiver of capacity charges to Seneca Foods, LLC in the amount of \$8,475,873.70 as required by Resolution No. 2007-422 (Funding Source: Wastewater Fund)
- Resolution approving a one-time non-precedent setting waiver of capacity charges to Seneca Foods, LLC in the amount of \$8,475,873.70 as required by resolution no. 2007-422.
- Public Works; Thomas Sinclair, 577-9381, tsinclair@modestogov.com*

ACTION: Removed from the Agenda.

13. Consider approving: (i) the organizational restructure of the City of Modesto; (ii) amending the Classification Plan for the City of Modesto to create the classification of Director of Utilities; and (iii) amending Exhibit "A" of Resolution No. 2012-510 to revise the Class Range Table for Executive Management to add Director of Utilities to salary range 1429. (Funding Source: Enterprise Funds)
- Motion approving the organizational restructure of the City of Modesto.
 - Resolution amending the Classification Plan for the City of Modesto to create the classification of Director of Utilities.
 - Resolution amending Exhibit "A" of Resolution No. 2012-510, to revise the Class Range Table for Executive Management to add Director of Utilities to salary range 1429.
- Human Resources; Joseph Lopez, 571-5126, joelopez@modestogov.com*

ACTION: Motion (Lopez/Madrigril; 7/0) approving the organizational restructure of the City of Modesto.

ACTION: Resolution 2014-38 (Lopez/Madrigril; 7/0) amending the Classification Plan for the City of Modesto to create the classification of Director of Utilities.

ACTION: Resolution 2014-39 (Lopez/Madrigal; 7/0) amending Exhibit “A” of Resolution No. 2012-510, to revise the Class Range Table for Executive Management to add Director of Utilities to salary range 1429.

UNFINISHED BUSINESS – CONTINUED

14. Consider: (i) accepting the draft General Plan land use diagram as the basis for the project description to update the Modesto Urban Area General Plan Master EIR; (ii) authorizing funding in the amount of \$75,000 for limited consultant assistance to update the Modesto Urban Area General Plan Master EIR; and (iii) amending the Fiscal Year 2013/2014 Operating Budget to appropriate funding in the amount of \$75,000 from General Fund Reserves to 0100-14400-53300 (Professional Services) for the Modesto Urban Area General Plan Master EIR update (continued from December 3, 2013 and January 7, 2014 Council Meetings). With respect to item (i), the City Council is taking no final action to adopt the draft General Plan land use diagram, but rather, is only directing staff about what to include in the Plan that will be analyzed in the EIR; Council will provide this direction by considering a series of Motions on individual topics and issues in the General Plan, including but not limited to, the Motions listed below. (Funding Source: Funding Source: \$200,000 US HUD-EPA-DOT 2010 Smart Valley Places grant and \$48,000 minimum General Fund Match in staff-time equivalent and General Fund Expenditure)
- Motion to accept the draft General Plan land use diagram as the basis for the project description to update the Modesto Urban Area General Plan Master EIR, as amended by the following Motions.
 - Motion to apply the Business-Commercial-Residential (BCR) land use designation to the Village One Business Park Triangle.
 - Motion to include all, or any portion(s) of, the area to the north of Kiernan Avenue that was the subject of a City of Modesto “Measure M” vote in 2009, within the Modesto Urban Area General Plan land use diagram.
 - Motion to remove all, or any portion(s) of, the Salida Comprehensive Planning District from the Modesto Urban Area General Plan boundary.
 - Motion to remove approximately 500 acres of the Beckwith-Dakota Comprehensive Planning District, located to the west of Dakota Avenue, from the Modesto Urban Area General Plan land use diagram.
 - Motion to change the Modesto Urban Area General Plan land use designations within the portions of the Beckwith-Dakota Comprehensive Planning District to the east of Dakota Avenue to Regional Commercial (RC), Rural Residential (RR), and Business Park-Industrial (BPI).
 - Motion to include approximately 1,400 acres bounded by North Avenue, Morse Road, Kansas Avenue and Dakota Avenue, within the Modesto Urban Area General Plan to be designated for Business Park-Industrial (BPI) land use.
 - Motion to change the land use designation within the 320-acre northern half of the

Highway 132 Comprehensive Planning District from Business Park (BP) to a combination of Mixed Use (MU), Residential (R) and Rural Residential (RR).

- Motion to remove approximately 1,900 acres bounded by Maze Boulevard, Carpenter Road, Whitmore Avenue and Nebraska Avenue / Vivian Road, from the Modesto Urban Area General Plan.
- Motion to direct staff to include policy language within the General Plan Amendment to encourage or require that new growth areas include funding mechanisms specifically for public safety operations.
- Motion to direct staff to include policy language within the General Plan Amendment to establish agricultural mitigation requirements for development within new growth areas
- Resolution authorizing funding in the amount of \$75,000 from General Fund Reserves for limited consultant assistance to update the Modesto Urban Area General Plan Master EIR.
- Resolution amending the Fiscal Year 2013/2014 Operating Budget to appropriate funding in the amount of \$75,000 from General Fund Reserves to 0100-14400-53300 (Professional Services) for the Modesto Urban Area General Plan Master EIR update, and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com

Recess at 8:20 p.m.

Reconvened at 8:43 p.m.

Recess at 12:20 a.m.

Reconvened at 12:28 a.m.

ACTION: Motion (Cogdill/Zoslocki; Gunderson, Madrigal, Kenoyer, Mayor Marsh no; 3/4) to table tonight's Item No. 14; Environmental Impact Report (EIR) preparation; and return to Finance and Economic Development Committees. (MOTION FAILED)

ACTION: Motion (Kenoyer/Gunderson; 7/0) to accept the draft General Plan land use diagram as the basis for the project description to update the Modesto Urban Area General Plan Master EIR, as amended by the following Motions:

ACTION: Motion (Cogdill/Gunderson; 6/0; Madrigal absent) to apply the Business-Commercial-Residential (BCR) land use designation to the Village One Business Park Triangle (with alignment study).

ACTION: Motion (Kenoyer/Lopez; 7/0) to include the area to the north of Kiernan Avenue that was the subject of a City of Modesto "Measure M" vote in 2009, within the Modesto Urban Area General Plan land use diagram and within the Sphere of Influence as presented graphically at the time of Council action.

ACTION: Motion (Cogdill/Lopez; 4/3; Gunderson, Kenoyer, Mayor Marsh no) to include the Salida Comprehensive Planning District within the Modesto Urban Area General

Plan boundary.

ACTION: Motion (Lopez/motion failed for lack of second) to remove from the Draft General Plan: the portion of the Beckwith-Dakota Comprehensive Planning District, located to the east of Dakota Avenue.

ACTION: Motion (Lopez/motion failed for lack of second) to remove from the Draft General Plan: to not include in the Draft General Plan the area generally bounded by North Avenue on the north, Kansas Avenue on the south, Morse Road on the east and Dakota Avenue on the west.

ACTION: Motion to change the Modesto Urban Area General Plan land use designations within the portions of the Beckwith-Dakota Comprehensive Planning District to the east of Dakota Avenue to Regional Commercial (RC), Rural Residential (RR), and Business Park-Industrial (BPI). **(NO ACTION)**

ACTION: Motion (Lopez/Gunderson; 5/2; Cogdill, Zoslocki no) to remove the portion of the Beckwith-Dakota Comprehensive Planning District, located to the west of Dakota, from the Modesto Urban Area General Plan land use diagram.

ACTION: Motion (Cogdill/Madriral; 5/2; Lopez, Zoslocki no) to include land area to the Modesto Urban Area General Plan and Sphere of Influence, and change the Modesto Urban Area General Plan land use designations, within the area generally bounded by SR99, Morse Road extended north and south, Maze Boulevard and Dakota Avenue, to Regional Commercial (RC) north of Beckwith Road, to Agriculture (AG) from Beckwith Road south to Woodland Avenue, and to Business Park (BP) south of Woodland Avenue. (MAYOR'S ALTERNATIVE MAP)

ACTION: Motion to include approximately 1,400 acres bounded by North Avenue, Morse Road, Kansas Avenue and Dakota Avenue, within the Modesto Urban Area General Plan to be designated for Business Park-Industrial (BPI) land use. **(NO ACTION)**

ACTION: Motion to change the land use designation within the 320-acre northern half of the Highway 132 Comprehensive Planning District from Business Park (BP) to a combination of Mixed Use (MU), Residential (R) and Rural Residential (RR). **(NO ACTION)**

ACTION: Motion (Lopez/Kenoyer; 7/0;) to remove approximately 1,900 acres bounded by Maze Boulevard, Carpenter Road, Whitmore Avenue and Nebraska Avenue / Vivian Road, from the Modesto Urban Area General Plan.

ACTION: Motion (Gunderson/Madriral; 4/3; Lopez, Cogdill, Zoslocki no) to direct staff to include policy language within the General Plan Amendment to require that new growth areas include funding mechanisms specifically for public safety operations.

ACTION: Motion (Gunderson/Madriral; 4/3; Lopez, Cogdill, Zoslocki no) to direct staff

to include policy language within the General Plan Amendment to establish agricultural mitigation requirements for development within new growth areas.

ACTION: Resolution 2014-40 (Gunderson/Kenoyer; 7/0) authorizing funding in the amount of \$75,000 from General Fund Reserves for limited consultant assistance to update the Modesto Urban Area General Plan Master EIR.

ACTION: Resolution 2014-41 (Gunderson/Kenoyer; 7/0) amending the Fiscal Year 2013/2014 Operating Budget to appropriate funding in the amount of \$75,000 from General Fund Reserves to 0100-14400-53300 (Professional Services) for the Modesto Urban Area General Plan Master EIR update, and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 12:55 a.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: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Unrepresented Management and Confidential Employees

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

Property: Purchase of fee interest of the following properties located within the block of 10th and 9th Streets and G & H Streets in the City of Modesto:
APN: 106-42-005 Property Owner: Rugani, Gina Et Al TRS
APN: 106-42-007 Property Owner: Silva, Helen L TRS Et Al
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni,
Myrna
Negotiating Parties: Greg Nyhoff, for City of Modesto
Brent Sinclair, for City of Modesto
Rick Evans, for the City of Modesto
For Property Owners: Michael Rugani
Charles Noble & Dave Noble
Gary & Myrna Gervasoni

Under Negotiation: Price and Terms of the acquisition of property.
Property: Purchase of the following properties located within the block of 10th and 9th streets; G and H streets:
APN: 106-42-006 Property Owner: G&K Enterprises LLC
APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-012 Property Owner: G&K Enterprises LLC
Negotiating Parties: Matt Pacher & Rick Evans for City of Modesto
Mike Rein for G&K Enterprises, LLC and Curtis W. Mote

Under Negotiation: Price and Terms of the acquisition of property.
Property: Sale of fee interest of the following properties located within the block of 10th and 9th streets; G and H streets in the City of Modesto:
APN: 106-42-001 Property Owner: Modesto RDA (Successor)
APN: 106-42-002 Property Owner: Modesto RDA (Successor)
APN: 106-42-003 Property Owner: Modesto RDA (Successor)
APN: 106-42-004 Property Owner: Modesto RDA (Successor)
APN: 106-42-005 Property Owner: Rugani, Gina Et Al TRS
APN: 106-42-006 Property Owner: G&K Enterprises LLC
APN: 106-42-007 Property Owner: Silva, Helen L TRS Et Al
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni,

Myrna
APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-012 Property Owner: G&K Enterprises LLC
APN: 106-42-013 Property Owner: City of Modesto
Negotiating Parties: Greg Nyhoff, for City of Modesto
Brent Sinclair, for City of Modesto
For Potential Buyer: Staff of Administrative Office of the Courts.
Under Negotiation: Price and Terms of the acquisition of property.

MINUTES

City of Modesto
**SPECIAL ECONOMIC DEVELOPMENT COMMITTEE /
COUNCIL WORKSHOP**

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

Monday, February 3, 2014, at 5:00 p.m.

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

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider accepting a status report of development projects processed by the Community and Economic Development Department for January 2014. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) accepting a status report of development projects processed by the Community and Economic Development Department for January 2014.

2. Consider approving a draft Ordinance amending Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed and forwarding to Council for approval. (Funding Source: Funding: Traffic Operations (Gas Tax) - 1700)
Community & Economic Development; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) approving a draft Ordinance amending Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed and forwarding to Council for approval.

3. Consider approving the installation of a mid-block crosswalk across South Santa Cruz Avenue to help Gallo Glass Plant workers safely cross South Santa Cruz Avenue when walking to and from their parking lot which will be located at the corner of South Santa Cruz Avenue and Larkin Avenue. (Funding Source: Funding: Gallo Glass Company – Parking Lot Development Project)

*Community & Economic Development; Jeffrey Barnes, 577-5214,
jbarnes@modestogov.com*

ACTION: Motion (Kenoyer/Zoslocki;unan.) approving the installation of a mid-block crosswalk across South Santa Cruz Avenue to help Gallo Glass Plant workers safely cross South Santa Cruz Avenue when walking to and from their parking lot which will be located at the corner of South Santa Cruz Avenue and Larkin Avenue and forwarding to Council for approval.

4. Consider a request from Golden Valley Industries of Stockton on sewer connection options and capacity fee waiver for the property located at 960 Lone Palm Avenue, Modesto. (Funding Source: Wastewater Fund)
Public Works; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) approving a request from Golden Valley Industries of Stockton on sewer connection options and use of the City's Wastewater Capacity Bank to reduce capacity fees for the property located at 960 Lone Palm Avenue, Modesto; requiring full capacity connection and using the City's Wastewater Capacity Bank to cover the full cost of capacity fees for the project and with the condition that if Golden Valley Industries relocates within 5 years, the capacity will return to the City's Wastewater Capacity Bank at no cost to the City; and forwarding to Council for approval (**subject to legal review and Ordinance review by City Attorney**).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:05 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 04, 2014, 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 Nos. 3 and 4 - Removed from Consent

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation from Marvin Jacobo regarding Creekwood Neighborhood and a song by the Johansen Choir. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-597, kespinoza@modestogov.com

ACTION: Presentation was made by Marvin Jacobo regarding Creekwood Neighborhood and a song was sung by the Johansen High School Choir.

2. Presentation of Proclamation recognizing Central Catholic High School Varsity Football Team for their 2013 State Small Schools Division IV Championship. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5598, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation recognizing Central Catholic High School Varsity Football Team for their 2013 State Small Schools Division IV Championship.

PUBLIC COMMENT PERIOD

- Ruben Villalobos introduced Dave Menshew, teacher of Biotech Pathway at Enochs

High School.

- Dave Menshew, teacher of Biotech Pathway at Enochs High School, spoke regarding science students.
- Amanda Sorenson spoke regarding listening to Planning Commission and public meetings.
- Vito Ruggirello, Gordon Heinrich, Scott Calkins, Lina Alldredge, Rickey McGill, and Todd Heinrich spoke regarding disappointment in Council's decision at the January 28, 2014 meeting regarding Wood Colony and the draft General Plan.
- Larry Devecchi spoke regarding sidewalks, reducing expenses in the City of Modesto, MRFA Fire Chief, and graffiti.
- Carmen Sabatino spoke regarding his disappointment at last week's Council meeting and the Chamber of Commerce.
- Rhett Calkins spoke regarding State Route 132 Expressway.
- Marsha Davis spoke regarding last week's Council meeting and Councilmember Kenoyer.
- Roger Green spoke regarding infrastructure at Kiernan Avenue and recognition of Wood Colony residents.
- An audience member spoke regarding economic statistics and the growth rate in Stanislaus County.
- An audience member spoke regarding rain and traffic on Beckwith Road.
- Laurie Wolfe spoke regarding last week's Council meeting and farming in the Wood Colony area.
- Katherine Borges spoke regarding the Goodwin Study Fiscal Analysis of the Salida area.
- Dave Geer spoke regarding implementation of Common Core State Standards by the Modesto City School Board.
- Kurt Abell spoke regarding his approval of the new management at the golf courses in Modesto.
- Loretta Carhart spoke regarding watering by businesses in the City of Modesto; she was referred to Safety & Communities Committee.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

CONSENT ITEMS

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

Removed from Consent

3. Consider approving the minutes from the January 28, 2014 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the January 28, 2014 City Council meeting. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Madriral; 7/0) approving the minutes from the January 28, 2014 City Council meeting.

Removed from Consent

4. Consider approving applications for grant funds for the Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), and authorizing the City Manager, or his designee, to execute all necessary grant documents. (Funding Source: Sustainable Communities Planning Grant and Incentives Program, and minimum ten percent local match from the General Fund)
 - Resolution approving applications for grant funds for the Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), and authorizing the City Manager, or his designee, to execute all necessary grant documents. *Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com*

ACTION: Resolution 2014-42 (Lopez/Cogdill; 7/0) approving applications for grant funds for the Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), and authorizing the City Manager, or his designee, to execute all necessary grant documents.

COUNCIL COMMENTS & REPORTS

- Councilmember Lopez spoke regarding adding Forestry to an Enterprise Fund.
- Mayor Marsh announced the Mayor's State of the City on Wednesday, February 26, 2014 at 5:30 p.m. in Council Chambers.
- Councilmember Madriral spoke regarding graffiti problem in the City of Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on January 18, 2014

5. Hearing to consider approving the Neighborhood Stabilization Program 3 (NSP3) Expenditure Plan and Grant Close-Out Updates, and modifications to the NSP3 Loan Agreements for both Stanislaus County Affordable Housing Corporation (STANCO) and the Housing Authority of the County of Stanislaus (HACS). (Funding Source: Neighborhood Stabilization 3)
- Resolution approving the changes to the Neighborhood Stabilization Program 3 (NSP3) to initiate grant close out and authorizing the City Manager, or his designee to execute the Agreements and related documents required to close the transaction.
 - Resolution amending the FY 2013-14 Multi-Year Budget for NSP3 Project 100598 as determined by the reallocation of funds as set forth in actual grant close out per the Disaster Recovery Grant Reporting System (DRGR), and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.
- Parks, Recreation & Neighborhoods; Marco Sepulveda, 577-5275, msepulveda@modestogov.com*

ACTION: Resolution 2014-43 (Lopez/Madrigan; 7/0) approving the changes to the Neighborhood Stabilization Program 3 (NSP3) to initiate grant close out and authorizing the City Manager, or his designee to execute the Agreements and related documents required to close the transaction.

ACTION: Resolution 2014-44 (Lopez/Madrigan; 7/0) amending the FY 2013-14 Multi-Year Budget for NSP3 Project 100598 as determined by the reallocation of funds as set forth in actual grant close out per the Disaster Recovery Grant Reporting System (DRGR), and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

NEW BUSINESS

6. Consider authorizing (i) the award of bids for the furnishing of closed circuit TV pipeline inspection services for the Department of Public Works, Wastewater Collections Division, to ABC Service, Sacramento, CA, as “primary” contractor and Professional Pipe Services, Walnut, 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 \$491,550, and over five (5) years of \$2,457,750, and (ii) Amend Fiscal Year 2013-14 Wastewater Collections operating budget by appropriating \$491,550 Wastewater Fund reserves to account 4210-54212-53300. (Funding Source: Wastewater Collections Fund)
- Resolution authorizing (i) the award of bids for the furnishing of closed circuit TV pipeline inspection services for the Department of Public Works, Wastewater Collections Division, to ABC Service, Sacramento, CA, as “primary” contractor

and Professional Pipe Services, Walnut, 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 \$491,550, and over five (5) years of \$2,457,750, and (ii) Amend Fiscal Year 2013-14 Wastewater Collections operating budget by appropriating \$491,550 Wastewater Fund reserves to account 4210-54212-53300.

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

ACTION: Resolution 2014-45 (Lopez/Madrigan; 7/0) authorizing (i) the award of bids for the furnishing of closed circuit TV pipeline inspection services for the Department of Public Works, Wastewater Collections Division, to ABC Service, Sacramento, CA, as “primary” contractor and Professional Pipe Services, Walnut, 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 \$491,550, and over five (5) years of \$2,457,750, and (ii) Amend Fiscal Year 2013-14 Wastewater Collections operating budget by appropriating \$491,550 Wastewater Fund reserves to account 4210-54212-53300.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:47 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

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

Name of case: Stanislaus Food Products Company v. City of Modesto
Stanislaus County Superior Court Case No: 2001627

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: Law Offices of Renne Sloan Holtzman & Sakai

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 10, 2014, at 5:00 p.m.

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

PUBLIC COMMENTS

Rhonda Allen, member of First United Methodist Church, spoke regarding concerns about safety around the church due to the large number of homeless people in the area. Police Chief Galen Carroll will contact the church.

NEW BUSINESS

1. Consider approving an extension of the parking time limit within the downtown area bounded by 9th, K, 12th and H Streets from one hour to two hours and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: Motion (Gunderson/Kenoyer;unan.) approving an extension of the parking time limit within the downtown area bounded by 9th, K, 12th and H Streets from one hour to two hours and forwarding to Council for approval.

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 February 11, 2014, 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 Norman, Covenant Church

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

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of National Night Out plaque from National Association of Town Watch for achieving first place in the State of California and fourth place in the nation (cities 100,000-299,000 in populations), for the City of Modesto Police Department's coordination of the August 6, 2013 city-wide National Night Out festivities. It is estimated that over 255 neighborhoods participated in parties within the Modesto city limits. (Funding Source: Not Applicable)
Police; Galen Carroll, 572-9501, carrollg@modestopd.com

ACTION: Police Chief Galen Carroll presented a National Night Out plaque from the National Association of Town Watch for achieving first place in the State of California and fourth place in the nation for the August 6, 2013 National Night Out festivities.

2. Acknowledgment by the City of Modesto to Modesto Police Department officers for their heroic actions during a standoff on January 5, 2014. (Funding Source: Not Applicable)
Police; Galen Carroll, 572-9500, gcarroll@modestogov.com

ACTION: The City of Modesto acknowledged Modesto Police Department officers for their

heroic actions during a standoff on January 5, 2014.

3. Presentation by the Finance Department awarding the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Program for Fiscal Year 2012 to the City of Modesto (Funding Source: Not Applicable)
Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Presentation was made by the Finance Department awarding the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Program for Fiscal Year 2012 to the City of Modesto.

4. Presentation by Utility Planning & Projects Department regarding the City of Modesto Water Conservation Efforts. (Funding Source: Not Applicable)
Utility Planning and Projects; William Wong , 571-5801, WWong@modestogov.com

ACTION: Presentation was made by Utility Planning & Projects Department regarding the City of Modesto Water Conservation Efforts.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in Modesto.
- Pastor Darius Crosby spoke regarding golf in Modesto and Creekside Golfcourse.
- Frank Johnson, NAACP, spoke regarding the Entertainment Commission and downtown Modesto.
- Katherine Borges spoke regarding recall efforts in Modesto.
- Marsha Davis spoke regarding Wood Colony and Harte Ransom School.
- Nancy Green spoke regarding disappointment in Council's decision at the January 28, 2014 meeting regarding Wood Colony and the draft General Plan.
- Florence Hunnicutt spoke in support of Wood Colony.
- Lina Alldredge requested Council take Wood Colony and Salida out of the City's General Plan.
- John Walker spoke regarding agriculture being the backbone of this community.
- Caitlyn Walker requested Wood Colony being removed from General Plan.
- Laurie Wolfe spoke requested Wood Colony be removed from the City's General Plan.
- Rickey McGill spoke regarding homeless problem in Modesto.

- Carmen Sabatino spoke regarding the law firm of Meyers Nave as Interim City Attorney.
- Sebastian Jones spoke regarding tokens at car washes in Modesto.
- Linda Hodges spoke regarding eminent domain and requested Council to rescind its decision regarding Wood Colony.
- Amanda Sorenson spoke about purchasing a home in Salida and property rights.
- Nannette Spysksma spoke regarding annexing Wood Colony and Salida and requested removing both from the General Plan Amendment.
- Roger Green spoke regarding annexing the Beard Tract area and Riverbank Ammunition Plant.
- Brian Hodges spoke regarding United States Constitutional rights and owning a business in Modesto.
- Art Fabela spoke regarding Gateway Park.
- Scott Calkins spoke regarding annexation and EIR of Wood Colony and rescinding vote on January 28, 2014.
- Dave Pratt spoke regarding the sale of water.
- Lucy Ruggirello spoke regarding garbage in the City of Modesto.
- Wayne Spysksma spoke regarding knowing all the facts and consulting the public in Wood Colony, Salida and Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 6-8: (Lopez/Madrigal; unan.)

ACTION CONSENT ITEM 5: (Lopez/Madrigal; unan.)

CONSENT ITEMS

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

Removed from Consent

5. Consider approving the minutes from the February 4, 2014 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the February 4, 2014 City Council meeting. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Madrigal; 7/0) approving the minutes from the February 4, 2014 City Council meeting.

Consent

6. Consider accepting the Second Quarter Update of the City of Modesto Capital Improvement Program for Fiscal Year 2013-14. (Funding Source: Not applicable.)
- Motion accepting the Second Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2013-14.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) accepting the Second Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2013-14.

Consent

7. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 1221 Nadine Avenue; authorizing the City Manager, or his designee, to execute the Outside Service Agreement for the water connection and sign the Will Serve Letter. (Funding Source: General Fund, Water Fund)
- Resolution approving a Will Serve Letter for the property located at 1221 Nadine Avenue, (APN: 038-042-026) 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 Inderjit Singh Toor, a married man, for water service for the property located at 1221 Nadine Avenue, (APN: 038-042-026), and authorizing the City Manager, or his designee, to execute the agreement.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-46 (Lopez/Madrigal; 7/0) approving a Will Serve Letter for the property located at 1221 Nadine Avenue, (APN: 038-042-026) 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 2014-47 (Lopez/Madrigal; 7/0) approving an Outside Service Agreement between the City of Modesto and Inderjit Singh Toor, a married man, for water service for the property located at 1221 Nadine Avenue, (APN: 038-042-026), and authorizing the City Manager, or his designee, to execute the agreement.

Consent

8. Consider approving the granting of sixteen (16) hours of special leave to non-sworn unrepresented management and confidential employees, including charter officers and non-sworn executives. (Funding Source: All Funds)
- Resolution approving the granting of sixteen (16) hours of special leave to non-sworn unrepresented management and confidential employees, including charter officers and non-sworn executives.

Human Resources; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Resolution 2014-48 (Lopez/Madrigal; 7/0) approving the granting of sixteen (16) hours of special leave to non-sworn unrepresented management and confidential employees, including charter officers and non-sworn executives.

Recess at 7:25 p.m.

Reconvened at 7:35 p.m.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal spoke regarding free wi-fi in downtown Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

9. Consider authorizing a three-year extension of the irrevocable direct pay Letter of Credit supporting General Fund's Lease Revenue Refunding Bonds, Series 2008. (Funding Source: General Fund)
 - Resolution approving Amendment No. 2 to amended and restated reimbursement agreement among Bank of America, the City of Modesto and Modesto Public Financing authority; Amendment No. 2 to fee letter; and a supplement to official statement; and authorizing certain other related actions.

Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Resolution 2014-49 (Madrigal/Gunderson; 7/0) approving Amendment No. 2 to amended and restated reimbursement agreement among Bank of America, the City of Modesto and Modesto Public Financing authority; Amendment No. 2 to fee letter; and a supplement to official statement; and authorizing certain other related actions.

10. Consider (i) approving the plans and specifications for the Kiernan Avenue Water Main Replacement project, accepting the bid, and approving a contract with Mountain Cascade, Inc. of Livermore, California in the amount of \$1,225,201.30; and (ii) approving an increase of the Director of Utility Planning and Projects' Authority to issue change orders on the Kiernan Avenue Water Main Replacement project from 8 percent (\$98,016) to 11 percent (\$134,772) of the original contract price; and (iii) amending the Fiscal Year 2013-2014 Capital Improvement Program budget by transferring \$576,323 from Water Fund Reserves into the project to fund construction, contingency, construction administration, and engineering support during construction. (Total estimated cost for the construction portion of the project is \$1,499,973.30) (Funding Source: Water Fund-CIP)
 - Resolution approving the plans and specifications for the Kiernan Avenue Water

Main Replacement project, accepting the bid, and approving a contract with Mountain Cascade, Inc. of Livermore, California in the amount of \$1,225,201.30, and authorizing the City Manager, or his designee, to execute the contract.

- Resolution approving an increase of the Director of Utility Planning and Projects' Authority to issue change orders on the Kiernan Avenue Water Main Replacement project from 8 percent (\$98,016) to 11 percent (\$134,772) of the original contract price with Mountain Cascade, Inc.
- Resolution amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$576,323 to be transferred into the project from Water Fund Reserves in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Kiernan Avenue Water Main Replacement project.

Utility Planning and Projects; Kris Ohlson, 571-5869, kohlson@modestogov.com

ACTION: Resolution 2014-50 (Zoslocki/Madrigan; 7/0) approving the plans and specifications for the Kiernan Avenue Water Main Replacement project, accepting the bid, and approving a contract with Mountain Cascade, Inc. of Livermore, California in the amount of \$1,225,201.30, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2014-51 (Zoslocki/Madrigan; 7/0) approving an increase of the Director of Utility Planning and Projects' Authority to issue change orders on the Kiernan Avenue Water Main Replacement project from 8 percent (\$98,016) to 11 percent (\$134,772) of the original contract price with Mountain Cascade, Inc.

ACTION: Resolution 2014-52 (Zoslocki/Madrigan; 7/0) amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$576,323 to be transferred into the project from Water Fund Reserves in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Kiernan Avenue Water Main Replacement project.

NEW BUSINESS

11. Consider accepting the City's Fiscal Year 2012-2013 City of Modesto and Stanislaus Drug Enforcement Agency Single Audit reports. (Funding Source: Not Applicable)
 - Resolution accepting the City's Fiscal Year 2012-2013 City of Modesto and Stanislaus Drug Enforcement Agency Single Audit reports.

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

ACTION: Resolution 2014-53 (Lopez/Madrigan; 7/0) accepting the City's Fiscal Year 2012-2013 City of Modesto and Stanislaus Drug Enforcement Agency Single Audit reports.

12. Consider accepting: (i) the City's Fiscal Year 2012-2013 Comprehensive Annual Financial Report (CAFR) from external auditors Brown and Armstrong; (ii) the Fiscal Year 2012-2013 audited financial statements and audit reports for nine Community Facilities Districts; and (iii) the Fiscal Year 2012-2013 audit reports for various Joint Powers Agencies and other audits. (Funding Source: Not Applicable)
 - Resolution accepting the Fiscal Year 2012-2013 annual audit reports for the City of

Modesto, its Community Facilities Districts, and various Joint Powers Agencies and grant programs.

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

ACTION: Resolution 2014-54 (Lopez/Madrigan; 7/0) accepting the Fiscal Year 2012-2013 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies and grant programs.

13. 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, 2013. (Funding Source: Not Applicable)
 - Resolution 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 for fiscal year ended June 30, 2013.

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

ACTION: Resolution 2014-55 (Lopez/Madrigan; 7/0) 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 for fiscal year ended June 30, 2013.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:35 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: Purchase of fee interest of the following properties located within the block of 10th and 9th Streets and G & H Streets in the City of Modesto:

APN: 106-42-005 Property Owner: Rugani, Gina Et Al TRS
APN: 106-42-007 Property Owner: Silva, Helen L TRS Et Al
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni,
Myrna

Negotiating Parties: Greg Nyhoff, for City of Modesto
Brent Sinclair, for City of Modesto
Rick Evans, for the City of Modesto
For Property Owners: Michael Rugani

Charles Noble & Dave Noble
Gary & Myrna Gervasoni

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

Property: Purchase of the following properties located within the block of 10th and 9th streets; G and H streets:

APN: 106-42-006 Property Owner: G&K Enterprises LLC
APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-012 Property Owner: G&K Enterprises LLC

Negotiating Parties: Matt Pacher & Rick Evans for City of Modesto
Mike Rein for G&K Enterprises, LLC and Curtis W. Mote

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

Property: Sale of fee interest of the following properties located within the block of 10th and 9th streets; G and H streets in the City of Modesto:

APN: 106-42-001 Property Owner: Modesto RDA (Successor)
APN: 106-42-002 Property Owner: Modesto RDA (Successor)
APN: 106-42-003 Property Owner: Modesto RDA (Successor)
APN: 106-42-004 Property Owner: Modesto RDA (Successor)
APN: 106-42-005 Property Owner: Rugani, Gina Et Al TRS
APN: 106-42-006 Property Owner: G&K Enterprises LLC
APN: 106-42-007 Property Owner: Silva, Helen L TRS Et Al
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni,

Myrna
APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-012 Property Owner: G&K Enterprises LLC
APN: 106-42-013 Property Owner: City of Modesto

Negotiating Parties: Greg Nyhoff, for City of Modesto
Brent Sinclair, for City of Modesto

For Potential Buyer: Staff of Administrative Office of the Courts.

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

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

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, February 24, 2014, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmembers Madrigal, Kenoyer (alternate)
Absent: Councilmember Cogdill
Also Present: Councilmember Zoslocki (left at 5:55 p.m.)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

Consent

1. Consider approving the recommended budget adjustments to the FY2013-14 Annual Operating and Capital Improvement Project Budgets and forwarding to City Council for approval.

Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Kenoyer/Madrigal;unan.) approving the recommended budget adjustments to the FY2013-14 Annual Operating and Capital Improvement Project Budgets and forwarding to City Council for approval.

NEW BUSINESS

2. Consider continued discussion on General Fund reduction items that were brought forth to the Finance Committee at the January 27, 2014 meeting as outlined in Exhibit A.

Finance; Stephan Christensen, 577-5390, schristensen@modestogov.com

ACTION: No reportable action; further discussion re Forestry and Centre Plaza at the March 24, 2014 Finance Committee meeting; Park Closures at the April 9, 2014 Finance Committee meeting.

3. Consider approving amending the Fiscal Year 2013-2014 Golf Fund operating budget to incorporate new revenue sources and expenditures related to the KemperSports management agreement for Creekside and Dryden Golf Courses and

forwarding to Council for approval.
Parks, Recreation & Neighborhoods; Lisa Forester, 577-5451, lforester@modestogov.com

ACTION: Motion (Madrgial/Kenoyer;unan.) approving amending the Fiscal Year 2013-2014 Golf Fund operating budget to incorporate new revenue sources and expenditures related to the KemperSports management agreement for Creekside and Dryden Golf Courses and forwarding to Council for approval.

4. Consider selecting an option for pavement rehabilitation and repair projects of arterial and collector streets; approving an amendment to the Fiscal Year 2013-2014 Surface Transportation Fund (STF) reserve account and forwarding to Council for approval.
Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Motion (Kenoyer/Madrigal;unan.) selecting \$3 million option and forwarding to Council for discussion at the March 25, 2014 Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:19 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 25, 2014, 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

City Clerk's Announcements: Item Nos. 5, 9 and 10 Removed from Consent

Declaration of Conflicts of Interest: Cogdill - Item 15

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring February 2014 as Modesto Grand Jury Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring February 2014 as Modesto Grand Jury Awareness Month

2. Presentation of Proclamation to Joe and Michelle Williams proclaiming February 1, 2014 Reconciliation Day and February 2014 Reconciliation Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Joe and Michelle Williams proclaiming February 1, 2014 Reconciliation Day and February 2014 Reconciliation Month.

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

ACTION: A Presentation was made by Adrian Harrell on behalf of Modesto Sister Cities International.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding problem with mistletoe in Modesto.
- Larry Dovichi spoke regarding unemployment in the City of Modesto and graffiti.
- Dave Geer asked for prayers to people of Ukraine; he also spoke regarding Common Core State Standards Initiative.
- John Walker spoke regarding the Mayor's appearance at Hart Ransom School to speak regarding the General Plan Amendment and Wood Colony.
- Gaetana Drake spoke regarding Council meetings in January re General Plan Amendment and boycotting Chamber of Commerce and City Councilmember businesses.
- Lisa Dovichi-Braden spoke regarding the January 28, 2014 Council meeting, the General Plan Amendment item, and graffiti.
- Marsha Davis spoke regarding Wood Colony, mistletoe and graffiti.
- Valerie Goldstein spoke regarding the soil in the Wood Colony area and capitalizing on strengths in the Modesto area.
- Rickey McGill spoke regarding Wood Colony, Salida and budget crisis.
- Nevada Terpstra spoke of Council e-mails regarding Wood Colony.
- Carmen Sabatino spoke regarding StanCOG meeting on Wednesday and transportation tax.
- Dewey Bedford, BU Universal Group, introduced himself and his business to the City of Modesto.
- Roger Green spoke regarding Wood Colony and the General Plan Amendment.
- Ron Jeske spoke regarding the January 28, 2014 Council meeting, Wood Colony and Salida.
- Athens Abell spoke regarding smart growth in Modesto, General Plan Amendment and areas in and around Modesto; she requested Comprehensive General Plan.
- Art Fabella spoke regarding Gateway Park in Modesto.

- Todd Heinrich spoke regarding Wood Colony.
- Raymer Rollie (sp) spoke regarding buses and route changes in Modesto.
- Cecil Russell spoke regarding Destination LAX and pledges in support.
- Ms. Bono spoke regarding BU Universal Group coming to Modesto.
- Lina Alldredge spoke regarding returning Wood Colony and Salida to return to Council for consideration.
- Emerson Drake spoke regarding Beard Industrial Park and zoning parts of Wood Colony.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4, 6-8, 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 February 11, 2014 Council Meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the February 11, 2014 Council Meeting
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the minutes from the February 11, 2014 Council Meeting

Removed from Consent

5. Consider approving a policy revision for City Council Policy 1.008: Citizen Advisory Group Appointments to eliminate term limits for appointees to the Downtown Improvement District (DID) Board of Directors and maintaining the review and selection process governed through the Appointments Committee. (Funding Source: Not Applicable)
 - Resolution approving a policy revision for City Council Policy 1.008: Citizen Advisory Group Appointments to eliminate term limits for appointees to the Downtown Improvement District (DID) Board of Directors and maintaining the review and selection process governed through the Appointments Committee.
Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2014-56 (Lopez/Madrigal; 7/0) approving a policy revision for City Council Policy 1.008: Citizen Advisory Group Appointments to eliminate term limits for appointees to the Downtown Improvement District (DID) Board of Directors and maintaining the review and selection process governed through the Appointments Committee.

Consent

6. Consider accepting the Monthly Budget Adjustment Report for January 2014 and amending the Fiscal Year 2013-14 Annual Operating and Capital Improvement Budgets. (Funding Source: Various)
 - Resolution amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.

Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com

ACTION: Resolution 2014-57 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.

Consent

7. Consider accepting the Monthly Investment Report for November 2013. (Funding Source: Not applicable)
 - Motion accepting the Monthly Investment Report for November 2013.

Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) accepting the Monthly Investment Report for November 2013.

Consent

8. Consider authorizing the award of bid for the purchase of two (2) trucks with service bodies for the Public Works Department, Water Division through the Fleet Services Division, to Summit Truck Equipment, Commerce City, CO, for a total estimated cost of \$337,122. (Funding Source: Fleet Replacement)
 - Resolution authorizing the award of bid for the purchase of two (2) trucks with service bodies for the Public Works Department, Water Division, through the Fleet Services Division to Summit Truck Equipment, Commerce City, CO, and authorize the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$337,122.

Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2014-58 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of two (2) trucks with service bodies for the Public Works Department, Water Division, through the Fleet Services Division to Summit Truck Equipment, Commerce City, CO, and authorize the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$337,122.

Removed from Consent

9. Consider approving an application for a \$451,060 Land and Water Conservation Fund Grant for development of the Riverwalk Trail in the Gateway Parcel of the Tuolumne

River Regional Park. (Funding Source: Land and Water Conservation Fund Grant)

- Resolution approving an application for a \$451,060 Land and Water Conservation Fund (LWCF) Grant for development of the Riverwalk Trail in the Gateway Parcel of the Tuolumne River Regional Park (TRRP).

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2014-59 (Cogdill/Gunderson; 7/0) approving an application for a \$451,060 Land and Water Conservation Fund (LWCF) Grant for development of the Riverwalk Trail in the Gateway Parcel of the Tuolumne River Regional Park (TRRP).

Removed from Consent

10. Consider: (i) accepting the 2014 Minor Decoy Program and the Shoulder Tap Grant Program in the amount of \$9,500 from the State Department of Alcoholic Beverage Control; and (ii) amending the Fiscal Year 2013/2014 Operating Budget, estimating revenue of \$9,500 for the 2014 Minor Decoy Program and the Shoulder Tap Program. (Funding Source: Special Revenue Grant)

- Resolution accepting the 2014 Minor Decoy Program and the Shoulder Tap Grant Program in the amount of \$9,500 from the State Department of Alcoholic Beverage Control to reduce crime related with sales, distribution and access to alcoholic beverages by minors; and authorizing the City Manager, or his authorized designee, to execute the necessary grant documents.
- Resolution amending the Fiscal Year 2013/2014 Operating Budget, to reflect revenues and expenses in the amount of \$9,500 related to the 2014 Minor Decoy Program and the Shoulder Tap Grant Program.

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

ACTION: Resolution 2014-60 (Madrigal/Gunderson; 7/0) accepting the 2014 Minor Decoy Program and the Shoulder Tap Grant Program in the amount of \$9,500 from the State Department of Alcoholic Beverage Control to reduce crime related with sales, distribution and access to alcoholic beverages by minors; and authorizing the City Manager, or his authorized designee, to execute the necessary grant documents.

ACTION: Resolution 2014-61 (Madrigal/Gunderson; 7/0) amending the Fiscal Year 2013/2014 Operating Budget, to reflect revenues and expenses in the amount of \$9,500 related to the 2014 Minor Decoy Program and the Shoulder Tap Grant Program.

Consent

11. Consider approving a ten-year Lease Agreement between John A. Paoluccio and Dorene J. Paoluccio, property owners, and the City of Modesto, in the amount of \$1,251 per year for the NorthPointe Basin Improvements project. (Total estimated cost is \$12,510) (Funding Source: NorthPointe CFD Fund)

- Resolution approving a ten-year Lease Agreement with John A. Paoluccio and Dorene J. Paoluccio, for a 5,325 square feet (0.12 acres) parcel of land (APN 078-013-031), in the amount of \$1,251 per year, with a total estimated cost of \$12,510, for the NorthPointe Basin Improvements project, and authorizing the City Manager, or his designee, to execute the Lease Agreement and all related documents.

- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Memorandum of Lease, for the property located at 4701 Quinturn Lane, owned by John A. Paoluccio and Dorene J. Paoluccio, (APN 078-013-031) to be leased by the City of Modesto for the NorthPointe Basin Improvements project.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2014-62 (Lopez/Madrigal; 7/0) approving a ten-year Lease Agreement with John A. Paoluccio and Dorene J. Paoluccio, for a 5,325 square feet (0.12 acres) parcel of land (APN 078-013-031), in the amount of \$1,251 per year, with a total estimated cost of \$12,510, for the NorthPointe Basin Improvements project, and authorizing the City Manager, or his designee, to execute the Lease Agreement and all related documents.

ACTION: Resolution 2014-63 (Lopez/Madrigal; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Memorandum of Lease, for the property located at 4701 Quinturn Lane, owned by John A. Paoluccio and Dorene J. Paoluccio, (APN 078-013-031) to be leased by the City of Modesto for the NorthPointe Basin Improvements project.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal spoke regarding free wi-fi in downtown Modesto and Request for Proposals; he also announced Project Prom.

Mayor Marsh announced the State of the City tomorrow night in Council Chambers at 5:30 p.m.

Councilmember Kenoyer requested the General Plan EIR return to next Council Agenda for additional discussion and possible direction based on further public input; areas proposed for agriculture in the General Plan EIR study area; also request any landowner wanting to continue to be in the General Plan EIR study area submit requests in writing; Mayor Marsh will return an item to the March 25, 2014 Council meeting.

Councilmember Zoslocki requested Council revisit Comprehensive General Plan process at the March 25, 2014 meeting as part of discussion (January 28, 2014 Agenda Item #14).

Councilmember Lopez also requested Council revisit full Comprehensive General Plan; Councilmember Kenoyer does not want to address Comprehensive General Plan; Mayor Marsh in favor of full Comprehensive General Plan but concerned regarding time, EIR, and money.

Councilmember Gunderson requested the General Plan Amendment item be placed on an upcoming Council Agenda to provide additional direction to staff regarding general plan boundaries and specifically the Salida area; he would like to speak with residents of Wood Colony area.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

12. Consider (i) adopting a Finding of Conformance for the Emerald Trunk Sewer Relief Project; (ii) approving the plans and specifications for the project, accepting the bid, and approving a contract with McGuire and Hester, of Oakland, California in the amount of \$5,997,118.50; (iii) approving an agreement with Blackburn Consulting for construction management services in an amount not to exceed \$546,827.37; and (iv) amending the Fiscal Year 2013-2014 CIP budget by transferring \$7,196,917 from Wastewater Fund Reserves into the project. (Total estimated cost for the construction portion of the project is \$7,277,128.87) (Funding Source: Wastewater Fund)
- Resolution finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (MEIR) (SCH#2006052076) and General Plan Master EIR (SCH# 2007072023): Emerald Trunk Sewer Relief Project.
 - Resolution approving the plans and specifications for the Emerald Trunk Sewer Relief Project, accepting the bid, and approving a contract with McGuire and Hester, of Oakland, California in the amount of \$5,997,118.50, and authorizing the City Manager, or his designee, to execute the contract.
 - Resolution approving an agreement with Blackburn Consulting for construction management services for Emerald Trunk Sewer Relief Project in an amount not to exceed \$497,115.37 for the identified scope of services, plus \$49,712.00 for additional services (if needed), for a maximum total amount of \$546,827.37 and authorizing the City Manager, or his designee, to execute the agreement.
 - Resolution amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$7,196,917 to be transferred into the project from Wastewater Fund Reserves in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Emerald Trunk Sewer Relief project.

Utility Planning and Projects; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: Resolution 2014-64 (Lopez/Madrigan; 7/0) finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (MEIR) (SCH#2006052076) and General Plan Master EIR (SCH# 2007072023): Emerald Trunk Sewer Relief Project.

ACTION: Resolution 2014-65 (Lopez/Madrigan; 7/0) approving the plans and specifications for the Emerald Trunk Sewer Relief Project, accepting the bid, and approving a contract with McGuire and Hester, of Oakland, California in the amount of \$5,997,118.50, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2014-66 (Lopez/Madrigan; 7/0) approving an agreement with Blackburn Consulting for construction management services for Emerald Trunk Sewer Relief

Project in an amount not to exceed \$497,115.37 for the identified scope of services, plus \$49,712.00 for additional services (if needed), for a maximum total amount of \$546,827.37 and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-67 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$7,196,917 to be transferred into the project from Wastewater Fund Reserves in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Emerald Trunk Sewer Relief project.

13. Consider: (i) approving a Cost-sharing Agreement for associated task items of work to share certain costs between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the development of a Regional Recycled Water Delivery System Phase 3 Feasibility Study; and (ii) amending the Fiscal Year 2013-14 Capital Improvement Program budget in the amount of \$341,260 in order to fully fund the City's portion of the Phase 3 Feasibility Study, and increased staffing costs associated with Phase 3 Feasibility Study review and overall program support (Funding Source: Wastewater Fund)

- Resolution approving a Cost-sharing Agreement for associated task items of work to share certain costs between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the development of a Regional Recycled Water Delivery System Phase 3 Feasibility Study, and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$341,260 to fully fund the City's portion of the Recycled Water Delivery System Phase 3 Feasibility Study, and increased staffing costs associated with the Phase 3 Feasibility Study review and overall program support.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2014-68 (Lopez/Gunderson; 7/0) approving a Cost-sharing Agreement for associated task items of work to share certain costs between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the development of a Regional Recycled Water Delivery System Phase 3 Feasibility Study, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2014-69 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$341,260 to fully fund the City's portion of the Recycled Water Delivery System Phase 3 Feasibility Study, and increased staffing costs associated with the Phase 3 Feasibility Study review and overall program support.

NEW BUSINESS

14. Consider approving the amended Modesto Redevelopment Successor Agency Long

Range Property Management Plan. (Funding Source: Redevelopment Successor Agency Fund CC14860)

- Resolution approving the amended Long Range Property Management Plan of the Modesto Redevelopment Successor Agency pursuant to Health and Safety Code Section 34191.5(b).

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

ACTION: Resolution 2014-70 (Cogdill/Kenoyer; 7/0) approving the amended Long Range Property Management Plan of the Modesto Redevelopment Successor Agency pursuant to Health and Safety Code Section 34191.5(b).

Councilmember Cogdill left meeting at 8:50 p.m.

Councilmember Cogdill absent due to conflict of interest

15. Consider: (i) approving the plans and specifications for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, accepting the bid, and approving a contract with Teichert/MCM, a Joint Venture, Fowler, California in an amount of \$30,999,968.53, and authorizing the City Manager, or his designee, to execute the contract; (ii) authorizing the City Engineer to issue changes in the construction contract via written change orders for the State Route 99/Pelandale Avenue Interchange Project for an amount of all such change orders does not exceed six percent (6%) of the original contract price and (iii) amending the Fiscal Year 2013/2014 Capital Improvement budget to reduce allocation of the State Route 99 Proposition 1B Bond Saving CIP Project No. 100786, from \$43,800,000 to \$41,061,629, and authorizing the Finance Director, or her designee, to implement. (Funding Source: State Route (SR) 99 1B Bond Savings (43,800,000), Local Capital Facilities Fees Streets (\$457,000), Local Water Fund (\$332,400))
- Resolution approving the plans and specifications for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, accepting the bid, and approving a contract with Teichert/MCM, A Joint Venture, Fowler California in an amount of \$30,999,968.53, and authorizing the City Manager, or his designee, to execute the contract.
 - Resolution authorizing the City Engineer to issue changes in the construction contract via written change orders for the State Route 99/Pelandale Avenue Interchange Project for an amount of all such change orders not to exceed six percent (6%) of the original contract price.
 - Resolution amending the Fiscal Year 2013/2014 Capital Improvement budget as reflected in Exhibit A, and reducing allocation of the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, from \$43,800,000 to \$41,061,629, and authorizing the Finance Director, or her designee, to implement the provisions of the resolution.

Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-71 (Lopez/Gunderson; 6/0; Cogdill absent due to conflict of

interest) approving the plans and specifications for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, accepting the bid, and approving a contract with Teichert/MCM, A Joint Venture, Fowler California in an amount of \$30,999,968.53, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2014-72 (Lopez/Gunderson; 6/0; Cogdill absent due to conflict of interest) authorizing the City Engineer to issue changes in the construction contract via written change orders for the State Route 99/Pelandale Avenue Interchange Project for an amount of all such change orders not to exceed six percent (6%) of the original contract price.

ACTION: Resolution 2014-73 (Lopez/Gunderson; 6/0; Cogdill absent due to conflict of interest) amending the Fiscal Year 2013/2014 Capital Improvement budget as reflected in Exhibit A, and reducing allocation of the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, from \$43,800,000 to \$41,061,629, and authorizing the Finance Director, or her designee, to implement the provisions of the resolution.

16. Consider awarding a contract to Storer Transit Systems, Inc., Modesto, CA, to operate Modesto Area Dial-A-Ride for a 5 year period, with one one-year extension option at the sole discretion of the City, for an estimated annual cost of \$3,234,303, and over 5 years of \$16,171,515, and authorize staff to negotiate a final contract with Storer for later consideration by the City Council. (Funding Source: Transit funds)

- Resolution authorizing the Department of Public Works to negotiate a contract with Storer Transit Systems, Inc. to operate Modesto Area Dial-A-Ride transit service for five (5) years commencing on June 28, 2014, and terminating on June 28, 2019, with one one-year extension option at the sole discretion of the City and submit the final agreement to the City Council for consideration.

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

ACTION: Resolution 2014-74 (Lopez/Madriral; 7/0) authorizing the Department of Public Works to negotiate a contract with Storer Transit Systems, Inc. to operate Modesto Area Dial-A-Ride transit service for five (5) years commencing on June 28, 2014, and terminating on June 28, 2019, with one one-year extension option at the sole discretion of the City and submit the final agreement to the City Council for consideration.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:07 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Anticipated litigation pursuant to subdivision (d)(2) of Section 54956.9 of the Government Code. One potential case.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of Case: County of Stanislaus v. City of Modesto
Stanislaus County Superior Court Case No.: 667396

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of Case: City of Modesto, et al., v. The Dow Chemical Co., et al.
Court of Appeal of the State of California, First Appellate District, Division Four, Case No.:
A134419

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP
Sixth Floor, Room 6105
1010 10th Street
Modesto, California
Thursday, February 27, 2014, at 3:00 p.m.

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

PUBLIC COMMENTS

None.

CONSENT ITEMS – None

NEW BUSINESS

1. Consider discussion regarding: (i) role of Appointments Committee; (ii) developing a policy for appointments to Citizen Advisory Groups; and (iii) reviewing and evaluating the current list of boards, commissions and committees to determine whether a need remains for each Citizen Advisory Group. (Funding Source: Not Applicable.

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

ACTION: Motion (Gunderson/Kenoyer;unan.) approving the Committee's 5 Goals: (i) establishing policy for Appointments Committee; (ii) reviewing list of Boards and Commissions and attendance at the meetings; (iii) evaluating Boards and Commission to keep; (iv) outreach for applicants to Boards and Commissions; and (v) reviewing applications and recommending appointments.

ACTINO: Motion (Kenoyer/Gunderson;unan.) approving meeting monthly for the next 4 months and then re-evaluating schedule.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:50 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 04, 2014, 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, Big Valley Grace

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Ms. Sandra Bettincourt regarding the 2015 “Tim Bettincourt O2 Breathe Walk for a Cure.” (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Presentation was made by Ms. Sandra Bettincourt regarding the 2015 “Tim Bettincourt O2 Breathe Walk for a Cure.”

2. Presentation regarding Water Conservation Efforts. (Funding Source: Not Applicable)
Public Works; David Savidge, 342-2246, dsavidge@modestogov.com

ACTION: Presentation was made by David Savidge, Public Works Department, regarding Water Conservation Efforts.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in Modesto and mistletoe.
- Lisa Dovichi-Bradey spoke regarding General Plan Amendment workshop dates in the

City of Modesto and notification of dates for the workshops.

- Cristina Mixon spoke regarding BU Universal Group First Career Expo on March 14, 2014.
- Katherine Borges spoke regarding water conservation in schools and Salida Community Plan (Salida Now Initiative); willing to work with Modesto.
- Pat Bicknell spoke regarding Citizens of Stanislaus County Against Common Core State Standards.
- Ron Jeske spoke regarding creation of 400 jobs by BU Universal Group presentation, Wood Colony and Comprehensive General Plan.
- Laurie Wolfe spoke regarding Wood Colony, Salida and General Plan Amendment; she also spoke regarding landscape design criteria in Modesto.
- Roger Green spoke regarding infill of City land and businesses in Modesto; he was referred to Brent Sinclair, Director of Community & Economic Development.
- Dave Geer spoke regarding opposition to Common Core State Standards.
- Lina Alldredge spoke regarding Wood Colony, Salida and March 25, 2014 Council meeting.
- A citizen spoke regarding debris falling from trees.
- Carlos Nava spoke regarding NSP2 funds and project not finished - Coolidge Apartments.
- Carmen Sabatino spoke regarding Comcast cable charges.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 3-7: (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 February 25, 2014 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the February 25, 2014 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the minutes from the February 25, 2014 Council Meeting.

Consent

4. Consider appointing 3 members as recommended by the Mayor to serve on the 2014 Citizen's Salary Setting Commission. (Three appointments are recommended: John Whiteside - retired Stanislaus County Judge; Marie Bairey - bona fide local nonpartisan political organization with 501(c)(3) status; and Chris Murphy - additional member who demonstrated civic involvement.) (Funding Source: Not Applicable)
 - Motion appointing members as recommended by the Mayor to serve on the Citizen's Salary Setting Commission: John Whiteside, Marie Bairey, and Chris Murphy.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) appointing members as recommended by the Mayor to serve on the Citizen's Salary Setting Commission: John Whiteside, Marie Bairey, and Chris Murphy.

Consent

5. Consider directing staff to prepare and file the 2014-2015 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 2014-2015 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2014-75 (Lopez/Madrigal; 7/0) directing staff to prepare and file the 2014-2015 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1.

Consent

6. Consider directing staff to prepare and file the 2014-2015 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 2014-2015 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2014-76 (Lopez/Madrigal; 7/0) directing staff to prepare and file the 2014-2015 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.

Consent

7. Consider directing staff to prepare and file the 2014-2015 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 2014-2015 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

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

ACTION: Resolution 2014-77 (Lopez/Madrigal; 7/0) directing staff to prepare and file the 2014-2015 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal announced Request for Proposals conference for free wi-fi in downtown Modesto on Friday.

Mayor Marsh will return Comprehensive General Plan discussion to April 8, 2014 Council meeting

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on February 22, 2014

8. Hearing to consider approving implementation of new MAX service to West Modesto and modifications to various existing route schedules effective July 6, 2014, and approving the operation of MAX service on Presidents' Day beginning 2015. (Funding Source: Transit Funds)

- Resolution approving implementation of a new MAX Route 21 RX and modifications to various existing route schedules effective July 6, 2014, approving the operation of MAX service on Presidents' Day beginning 2015, and authorizing the Transit Manager to implement the improvements.

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

ACTION: Resolution 2014-78 (Lopez/Madrigal; 7/0) approving implementation of a new MAX Route 21 RX and modifications to various existing route schedules effective July 6, 2014, approving the operation of MAX service on Presidents' Day beginning 2015, and authorizing the Transit Manager to implement the improvements.

Published in the Modesto Bee on February 15, 2014 and February 22, 2014

9. Hearing to consider: (i) approving adjustments to various Water User Fees effective July 1, 2014, with inflationary adjustments every two years; and (ii) updating the Utility Billing Delinquency Timeline that reduces the amnesty period for delinquent customers before services are disconnected. (Funding Source: Water Fund Reserves)

- Resolution approving adjustments to various Water User Fees effective July 1,

2014, with inflationary adjustments every two years.

- Resolution approving an update to the Utility Billing Delinquency Timeline that reduces the amnesty period for delinquent customers before services are disconnected.

Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2014-79 (Madrigal/Lopez; 7/0) approving adjustments to various Water User Fees effective July 1, 2014, with inflationary adjustments every two years.

ACTION: Resolution 2014-80 (Madrigal/Lopez; 7/0) approving an update to the Utility Billing Delinquency Timeline that reduces the amnesty period for delinquent customers before services are disconnected.

NEW BUSINESS

10. Consider accepting staff's recommendation for award of Non-Exclusive Non-Consensual Franchise Towing Services contracts to sixteen (16) applicants and refer staff's recommendation to the City Manager for his recommendation and report, pursuant to Modesto Municipal Code Sections 11-2.04. (Funding Source: Franchise Tow)

- Motion accepting (1) staff's recommendation for award of City of Modesto Non-Exclusive Non-Consensual Franchise Towing Services based on Request for Application (RFA) No. 1314-28, to the sixteen (16) Applicants listed in Attachment A; and (2) referring staff's recommendation for award of Non-Exclusive, Non-Consensual Franchise Towing Services contracts to the City Manager for recommendation and report.

Police; Karen Robertson, 342-6175, robertsonk@modestopd.com

ACTION: Motion (Lopez/Madrigal; 7/0) accepting (i) staff's recommendation for award of City of Modesto Non-Exclusive Non-Consensual Franchise Towing Services based on Request for Application (RFA) No. 1314-28, to the sixteen (16) Applicants listed in Attachment A; and (ii) referring staff's recommendation for award of Non-Exclusive, Non-Consensual Franchise Towing Services contracts to the City Manager for recommendation and report.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:40 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

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. City of Modesto
Stanislaus County Superior Court Case No. 2001607

CITY OF MODESTO
MINUTES
City of Modesto
CITIZEN'S SALARY SETTING COMMISSION

Conference Room 6709, Sixth Floor
Tenth Street Place, 1010 10th Street
Modesto, California 95354

Monday, March 10, 2014, at 12:00 p.m.

Roll Call Present: Honorable John Whiteside (Retired) Chairperson; Marie Bairey and Ernie Foote
Absent: Chris Murphy, Duwayne Stenger
Also Present: Interim Assistant City Attorney Jose Sanchez

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

None.

NEW BUSINESS

1. Orientation for new members, to include a briefing on the provisions of The Brown Act and Statement of Economic Interest (FPPC Form 700), by the City Attorney and City Clerk's Office.

ACTION: Interim Assistant City Attorney Jose Sanchez gave a brief overview of The Brown Act and FPPC Form 700.

2. Consider reviewing the Citizen's Salary Setting Commission 2014 Timeline.

ACTION: No reportable action.

3. Consider discussing information necessary for reviewing salaries of the City of Modesto Mayor and Councilmembers.

ACTION: The Commission directed staff to return to the next meeting with comparisons of current salaries for cities previously surveyed in 2008, including Stockton, for Mayor and Councilmembers.

4. Consider discussing the calendar and locations for future meetings for the Citizen's Salary Setting Commission.

ACTION: Next scheduled meeting is Wednesday, March 19, 2014 in Conference Room 6709.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:45 p.m.

BY ORDER OF THE CHAIR

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 11, 2014, 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

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: Interim City Attorney Lindgren reported on Closed Session matter

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of certificate of recognition for Francisco Chavez Jr. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh and Councilmember Madrigal presented a Certificate of Recognition to Francisco Chavez Jr.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding bugs in his trees; he was referred to the City Manager.
- John Walker spoke in support of Wood Colony; he was referred to Councilmember Cogdill.
- Lisa Dovichi-Brady spoke regarding e-mail from Mayor Marsh to Councilmember Kenoyer.
- Bonnie Faye Kennedy spoke regarding sidewalks in Modesto; she was referred to

Safety & Communities Committee.

- Loretta Carhart spoke regarding buses in Modesto.
- Marsha Davis spoke in support of Wood Colony and Salida.
- Todd Aaronson spoke regarding the problem with lights on the side-streets in Downtown Modesto.
- Nevada Terpstra spoke regarding sidewalks, downtown Modesto, and Council meeting on March 25, 2014.
- Lina Alldredge spoke regarding Council meeting on March 25, 2014.
- Katherine Borges spoke regarding Modesto Bee article from 2013.
- Dave Pratt spoke regarding toilets and a possible County road tax measure.
- Todd Heinrich spoke in support of Wood Colony.
- A citizen spoke regarding Planning Commission meetings and the General Plan Amendment.
- Julie Taylor spoke regarding Highway 132.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-7: (Lopez/Gunderson; 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 March 4, 2014 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the March 4, 2014 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) approving the minutes from the March 4, 2014 Council Meeting.

Consent

3. Consider: (i) finding that the Roselle and Merle Intersection Project is within the scope of the previously certified Village One Specific Plan Program EIR, as amended by the Village One 1994 Supplemental EIR and the 2003 addenda for the Village One Storm

Drainage Master Plan and Village One Facilities Master Plan Update; (ii) approving the plans and specifications for the Roselle and Merle Intersection Project, accepting the bid, and approving a contract with Breneman, Inc. of Walnut Creek, California in the amount of \$439,264.40; and (iii) amending the Fiscal Year 2013-14 Capital Improvement Program budget for the Roselle and Merle Intersection Project and appropriating \$115,032 from CFD No. 2004-1 (Village One #2) Fund 3290 to CIP Project #100095. Total estimated cost for the construction portion of the project is \$568,411.40. (Funding Source: Village One #2 CFD Tax and CFD No. 2004-1 (Village One #2) Tax)

- Resolution finding that the Roselle and Merle Intersection Project is within the scope of the previously certified Village One Specific Plan Program Environmental Impact Report (SCH No. 90020181), as amended by the Village One 1994 Supplemental EIR and the 2003 addenda for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update.
- Resolution approving the plans and specifications for the Roselle and Merle Intersection Project, accepting the bid, and approving a contract with Breneman, Inc. in the amount of \$439,264.40 and authorizing the City Manager, or his designee, to execute the contract.
- Resolution amending the Fiscal Year 2013-2014 Capital Improvement Program Budget in order to fully fund the Roselle and Merle Intersection project, and authorizing the Finance Director, or her designee to implement the provisions of this resolution.

*Community & Economic Development; Phillip Soares, 575-5258,
psoares@modestogov.com*

ACTION: Resolution 2014-81 (Lopez/Gunderson; 7/0) finding that the Roselle and Merle Intersection Project is within the scope of the previously certified Village One Specific Plan Program Environmental Impact Report (SCH No. 90020181), as amended by the Village One 1994 Supplemental EIR and the 2003 addenda for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update.

ACTION: Resolution 2014-82 (Lopez/Gunderson; 7/0) approving the plans and specifications for the Roselle and Merle Intersection Project, accepting the bid, and approving a contract with Breneman, Inc. in the amount of \$439,264.40 and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2014-83 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2013-2014 Capital Improvement Program Budget in order to fully fund the Roselle and Merle Intersection project, and authorizing the Finance Director, or her designee to implement the provisions of this resolution.

Consent

4. Consider approving the establishment of a mid-block crosswalk across South Santa Cruz Avenue 350' north of Larkin Avenue in the City of Modesto pursuant to Section 21106 of the California Vehicle Code. (Funding Source: Surface Transportation Fund – Traffic Operations 1700-14560)
 - Resolution approving the establishment of a mid-block crosswalk across South

Santa Cruz Avenue 350' north of Larkin Avenue in the City of Modesto pursuant to Section 21106 of the California Vehicle Code.

Community & Economic Development; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com

ACTION: Resolution 2014-84 (Lopez/Gunderson; 7/0) approving the establishment of a mid-block crosswalk across South Santa Cruz Avenue 350' north of Larkin Avenue in the City of Modesto pursuant to Section 21106 of the California Vehicle Code.

Consent

5. Consider: (i) accepting City Manager's recommendation for award of Non-Exclusive Non-Consensual Franchise Towing Services contracts to sixteen (16) applicants; and (ii) scheduling a public hearing to consider the applications, and award Non-Exclusive Non-Consensual Franchise Towing Services contracts. (Funding Source: General Fund/Franchise Tow)
- Resolution accepting the City Manager's recommendation to award Non-Exclusive Non-Consensual Franchise Towing Services contracts and giving notice of the public hearing to consider the applications, and directing the City Clerk to publish the notice, all in accordance with Modesto Municipal Code Section 11-2.01 Et Seq *Police; Karen Robertson, 342-6175, robertsonk@modestopd.com*

ACTION: Resolution 2014-85 (Lopez/Gunderson; 7/0) accepting the City Manager's recommendation to award Non-Exclusive Non-Consensual Franchise Towing Services contracts and giving notice of the public hearing to consider the applications, and directing the City Clerk to publish the notice, all in accordance with Modesto Municipal Code Section 11-2.01 Et Seq.

Consent

6. Consider approving an agreement with V&A Consulting Engineers, Inc. of Oakland, California in the amount of \$272,800 (includes 10% contingency of \$24,800) for wastewater flow monitoring services. (Total estimated project cost, including \$10,000 for staff time, is \$282,800.) (Funding Source: Wastewater Fund)
- Resolution approving an agreement with V&A Consulting Engineers, Inc. of Oakland, California for Wastewater Flow Monitoring Services in an amount not to exceed \$248,000 for the identified scope of services, plus \$24,800 for additional services (if needed), for a maximum total amount of \$272,800, and authorizing the City Manager, or his designee, to execute the agreement. *Utility Planning and Projects; Jim Alves, 571-5557, jalves@modestogov.com*

ACTION: Resolution 2014-86 (Lopez/Gunderson; 7/0) approving an agreement with V&A Consulting Engineers, Inc. of Oakland, California for Wastewater Flow Monitoring Services in an amount not to exceed \$248,000 for the identified scope of services, plus \$24,800 for additional services (if needed), for a maximum total amount of \$272,800, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

7. Consider accepting the work by Rolfe Construction of Atwater, California, for the

2012 Sanitary Sewer Collection System Replacement Project as complete, and authorizing payment of amounts totaling \$799,723. (The total project cost is \$931,300, which included construction contingency, engineering design, and construction administration.) (Funding Source: Wastewater Fund)

- Resolution accepting the work by Rolfe Construction, for the 2012 Sanitary Sewer Collection System 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 \$799,723.

Utility Planning and Projects; Collin Yerzy, 571-5860, cyerzy@modestogov.com

ACTION: Resolution 2014-87 (Lopez/Gunderson; 7/0) accepting the work by Rolfe Construction, for the 2012 Sanitary Sewer Collection System 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 \$799,723.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer announced a Town Hall meeting on Thursday, March 20, 2014 from 6:00 p.m.-8:00 p.m. at Beyer High School.

Councilmember Madrigal announced Project Prom, downtown wi-fi project update, and introduced the King-Kennedy Board of Directors.

Councilmember Gunderson requested the area of Salida be returned to Council for discussion.
ACTION: Motion (Gunderson/Madrigal; MOTION FAILED) requesting the area of Salida be returned to Council for discussion.

Mayor Marsh spoke regarding air service to LAX; special thanks to Councilmember Gunderson.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on February 19, 2014

8. Hearing to consider the application of Florsheim Land Company for an amendment to the Village One Specific Plan and Precise Plan Area No. 15 to redesignate the property from an elementary school site to Village Residential (VR) to allow development of a 62 lot single-family residential subdivision, property located on the southeast corner of Caden Drive and Hillglen Avenue. (Funding Source: Not Applicable)
 - 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. 15 to allow the Hillglen Parks Subdivision (Florsheim Land Company)

- Resolution approving Specific Plan Amendment No. 23 to the Village One Specific Plan to change the land use designation from elementary school to Village Residential to facilitate development of a single-family residential subdivision in Precise Plan Area No. 15, property located at the southeast corner of Caden Drive and Hillglen Avenue (Florsheim Land Company)
- Motion introducing and waiving the first reading of an ordinance amending the Precise Plan Amendment for Area No. 15 in the Village One Specific Plan Area to redesignate ten acres from elementary school to Village Residential to facilitate development of a single-family residential subdivision, property located at the southeast corner of Caden Drive and Hillglen Avenue (Florsheim Land Company)

Community & Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: Resolution 2014-88 (Lopez/Madrigan; 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. 15 to allow the Hillglen Parks Subdivision (Florsheim Land Company).

ACTION: Resolution 2014-89 (Lopez/Madrigan; 7/0) approving Specific Plan Amendment No. 23 to the Village One Specific Plan to change the land use designation from elementary school to Village Residential to facilitate development of a single-family residential subdivision in Precise Plan Area No. 15, property located at the southeast corner of Caden Drive and Hillglen Avenue (Florsheim Land Company).

ACTION: Motion (Lopez/Madrigan; 7/0) introducing and waiving the first reading of **Ordinance No. 3601-C.S.** amending the Precise Plan Amendment for Area No. 15 in the Village One Specific Plan Area to redesignate ten acres from elementary school to Village Residential to facilitate development of a single-family residential subdivision, property located at the southeast corner of Caden Drive and Hillglen Avenue (Florsheim Land Company).

Published in the Modesto Bee on February 24, 2014 and March 1, 2014

9. Hearing to consider revising passenger fares for all Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (MADAR) services effective July 6, 2014. (Funding Source: Transit Revenue)

- Resolution establishing passenger fares for all Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (MADAR) services effective July 6, 2014, and rescinding Resolution No. 2008-315.

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

ACTION: Resolution 2014-90 (Cogdill/Lopez; 7/0) establishing passenger fares for all Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (MADAR) services effective

July 6, 2014, and rescinding Resolution No. 2008-315.

NEW BUSINESS

10. Consider a resolution of support for the Financial Expenditure Plan if a Stanislaus County 2014 Regional Transportation Tax Measure is approved (Funding Source: Not Applicable)
- Resolution supporting Stanislaus County 2014 Regional Transportation Tax Measure Financial Expenditure Plan (Expenditure Plan).
City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com

ACTION: Resolution 2014-91 (Kenoyer/Madrigan; 7/0) supporting Stanislaus County 2014 Regional Transportation Tax Measure Financial Expenditure Plan (Expenditure Plan).

11. Consider approving extending the parking time limit within the downtown area bounded by 9th, K, 12th and H Streets from one hour to two hours. (Funding Source: Not Applicable)
- Motion directing staff to extend the one hour parking time limit zones within the area bounded by 9th, K, 12th and H Streets to two hour time limit zones.
Community & Economic Development; Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: Motion (Madrigan/Gunderson; 7/0) directing staff to extend the one hour parking time limit zones within the area bounded by 9th, K, 12th and H Streets to two hour time limit zones.

12. Consider certifying the Final Environmental Impact Report for the Modesto City-County Airport Obstruction Management Project and make certain findings concerning mitigation measures and alternatives. (Funding Source: Not Applicable)
- Resolution Making Certain Findings Concerning Mitigation Measures, Making Findings Concerning Alternatives and Certifying The Final Environmental Impact Report for the Modesto City-County Airport Obstruction Management Project.
Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Resolution 2014-92 (Gunderson/Lopez; 7/0) making certain findings concerning mitigation measures, making findings concerning alternatives and certifying the Final Environmental Impact Report for the Modesto City-County Airport Obstruction Management Project.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:15 p.m.

CLOSED SESSION

Closed Session Matter Heard Prior to Meeting

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

Property: Purchase of fee interest of the following properties located within the block of 10th and 9th Streets and G & H Streets in the City of Modesto:

APN: 106-42-005 Property Owner: Rugani, Gina Et Al TRS
APN: 106-42-007 Property Owner: Silva, Helen L TRS Et Al
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni, Myrna
Negotiating Parties: Greg Nyhoff, for City of Modesto
Brent Sinclair, for City of Modesto
Rick Evans, for the City of Modesto
For Property Owners: Michael Rugani

Charles Noble & Dave Noble
Gary & Myrna Gervasoni

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

Property: Purchase of the following properties located within the block of 10th and 9th streets; G and H streets:

APN: 106-42-006 Property Owner: G&K Enterprises LLC
APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-012 Property Owner: G&K Enterprises LLC
Negotiating Parties: Matt Pacher & Rick Evans for City of Modesto
Mike Rein for G&K Enterprises, LLC and Curtis W. Mote

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

Property: Sale of fee interest of the following properties located within the block of 10th and 9th streets; G and H streets in the City of Modesto:

APN: 106-42-001 Property Owner: Modesto RDA (Successor)
APN: 106-42-002 Property Owner: Modesto RDA (Successor)
APN: 106-42-003 Property Owner: Modesto RDA (Successor)
APN: 106-42-004 Property Owner: Modesto RDA (Successor)
APN: 106-42-005 Property Owner: Rugani, Gina Et Al TRS
APN: 106-42-006 Property Owner: G&K Enterprises LLC
APN: 106-42-007 Property Owner: Silva, Helen L TRS Et Al
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni, Myrna
APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-012 Property Owner: G&K Enterprises LLC
APN: 106-42-013 Property Owner: City of Modesto

Negotiating Parties: Greg Nyhoff, for City of Modesto
Brent Sinclair, for City of Modesto

For Potential Buyer: Staff of Administrative Office of the Courts.

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

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, March 24, 2014, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmembers Madrigal, Cogdill
Absent: None
Also Present: Councilmembers Kenoyer, Zoslocki (left at 6:15 p.m.)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

Consent

1. Consider approving the recommended budget adjustments to the Fiscal Year 2013-14 Annual Operating and Capital Improvement Project Budgets and forwarding to City Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Cogdill/Madrigal;unan.) approving the recommended budget adjustments to the Fiscal Year 2013-14 Annual Operating and Capital Improvement Project Budgets and forwarding to City Council for approval.

UNFINISHED BUSINESS

2. Consider continued discussion on General Fund reduction items, specifically related to Centre Plaza, that were brought forth to the Finance Committee at the February 24th, 2014 meeting as outlined in Exhibit A. (Funding Source: General Fund)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: No reportable action.

NEW BUSINESS

3. Consider accepting an informational report regarding the mid-year financial status of the General Fund and forwarding to Council for approval. (Funding Source: General Fund)
Finance; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Madrgial/Cogdill;unan.) accepting an informational report regarding the mid-year financial status of the General Fund and forwarding to Council for approval.

4. Consider accepting an informational report regarding the authority to apply a water rate inflator index based on the Consumer Price Index (CPI) and forwarding to Council for approval. (Funding Source: Water Fund).

Finance and Utility Planning and Projects; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Motion (Cogdill/Madrigal;unan.) accepting an informational report regarding the authority to apply a water rate inflator index based on the Consumer Price Index (CPI) and forwarding to Council for approval.

5. Consider approving changes to the House Sewer Line Repair Cost Share Program reimbursement method by providing reimbursement of actual cost for replacement of public improvements in the right-of-way and forwarding to Council for approval. (Funding Source: Not applicable)

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

ACTION: Motion (Cogdill/Madrigal;unan.) approving changes to the House Sewer Line Repair Cost Share Program reimbursement method by providing reimbursement of actual cost for replacement of public improvements in the right-of-way and forwarding to Council for approval.

6. Consider (i) accepting the annual review of Wastewater Rates, approving staff's recommendation regarding a new four-year Rate Plan – Scenario 4, which lowers the rate increases from the existing adopted rate plan; (ii) rescinding Resolution 2013-131 Section 12 -Annual Review of Adopted Rate Increases to allow a biennial review in conjunction with the Wastewater Master Plan Update and forwarding to Council for approval. (Funding Source: Wastewater Fund)

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Motion (Cogdill/Madrigal;unan.) (i) accepting the annual review of Wastewater Rates, approving staff's recommendation regarding a new four-year Rate Plan – Scenario 4, which lowers the rate increases from the existing adopted rate plan; (ii) rescinding Resolution 2013-131 Section 12 -Annual Review of Adopted Rate Increases to allow a biennial review in conjunction with the Wastewater Master Plan Update and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 25, 2014, 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

City Clerk's Announcements: Item 4 reminder to speakers

Declaration of Conflicts of Interest: None

Reports from Closed Session: Interim City Attorney Lindgren reported on closed session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Ukraine delegation by Modesto Sister Cities. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Adrian Harrell, Modesto Sister Cities, presented the delegation from Ukraine.

PUBLIC COMMENT PERIOD

- Gaetana Drake spoke regarding Wood Colony.
- Scott Calkins announced his candidacy for District 3 Stanislaus County Board of Supervisors.
- Lena Alldredge spoke regarding the importance of community.
- Dave Geer spoke regarding an update on Common Core State Standards.
- Dwayne Spyksma spoke regarding Councilmember Kenoyer town hall meeting and Salida.
- John Walker spoke regarding recall of Councilmember Cogdill, Salida and Wood Colony.

- Lisa Dovichi Braden spoke regarding trees, graffiti, and General Plan.
- Tehresa Gamboa, Woodland West Community, announced Thursday meeting at 6:00 pm with Councilmember Dave Lopez.
- Katherine Borges spoke regarding trying to meet with Councilmembers, Modesto Regional Fire Authority Board, and audio from a previous Council meeting.
- Amanda Sorenson spoke regarding February 1, 1996 Modesto Bee article regarding Salida.
- Valerie Goldstein continued reading February 1, 1996 Modesto Bee article.
- Brian DuBois spoke regarding meeting between County staff and Wood Colony residents.
- Laurie Wolfe spoke regarding population growth information from the State of California and agriculture.
- Diane Krussey spoke regarding Councilmembers' conflicts of interest.
- Rickey McGill spoke regarding Wood Colony, Salida and County islands.
- John Olson spoke regarding the General Plan.
- Debbie Phillips spoke regarding professional development by Councilmembers and working together.
- A citizen spoke regarding water in Modesto.
- Rhett Calkins spoke regarding Highway 132.
- Jake Wenger spoke regarding the Wood Colony area and Beckwith Triangle.
- A citizen spoke regarding the history of Wood Colony.
- Carol Dolan spoke in support of Wood Colony and article in New York Times.
- A citizen spoke in support regarding the Chamber of Commerce.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEM 2: Motion (Lopez/Madrigan; 7/0)

CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the March 11, 2014 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the March 11, 2014 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the minutes from the March 11, 2014 Council Meeting.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked everyone for attending her town hall meeting last week.

Councilmember Lopez spoke about his meetings with Ray Pepperini and staff regarding trees and mistletoe; thanked the Partners in Paint volunteers. He also spoke of support for returning an item for discussion to Council regarding General Plan Amendment Items 5 and 6.

ACTION: Motion (Lopez/Zoslocki; 3 /4; Madrigal, Kenoyer, Cogdill, Mayor Marsh no) to schedule a future Council agenda item to revisit Sections 5 and 6 of the General Plan Amendment items from the January 28, 2014 Council meeting. **(MOTION FAILED)**

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

3. Consider (i) approving the inclusion of properties within the City of Modesto's jurisdiction in the California HERO program; and (ii) authorizing the City Manager to execute an amendment to the Western Riverside Council of Governments Joint Powers Agreement. (Funding Source: General Fund)

- Resolution (i) approving the inclusion of properties within the City of Modesto's jurisdiction in the California HERO program; and (ii) authorizing the City Manager to execute an amendment to the WRCOG Joint Powers Agreement to add the City as an Associate Member in order to authorize the City's participation in the California HERO Program, which will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements and electric vehicle charging infrastructure on their properties.

Finance and Community & Economic Development; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Resolution 2014-93 (Gunderson/Madrigal; 7/0) approving the inclusion of properties within the City of Modesto's jurisdiction in the California HERO program; and authorizing the City Manager to execute an amendment to the WRCOG Joint Powers Agreement to add the City as an Associate Member in order to authorize the City's participation in the California HERO Program, which will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements and electric vehicle charging infrastructure on their properties.

4. Consider possible further direction regarding the draft General Plan land use designation for the area designated "Agriculture," generally bounded by Beckwith Road on the north, Morse Road on the east, Woodland Avenue on the south, and Dakota Avenue on the west, as established by the City Council on January 28, 2014. (Funding Source: Not Applicable)

- No Staff Recommendations.

Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com

Recess at 10:10 pm

Reconvened at 10:15 pm

ACTION: Motion (Kenoyer/Cogdill; 7/0) removing the area designated “Agriculture,” generally bounded by Beckwith Road on the north, Morse Road on the east, Woodland Avenue on the south; and Dakota Avenue on the west, as established by the City Council on January 28, 2014 from the draft General Plan land use designation.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 10:20 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: Stanislaus Food Products Company v. City of Modesto
Stanislaus County Superior Court Case No: 2001627

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: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Anticipated litigation pursuant to subdivision (d)(2) of Section 54956.9 of the Government Code. Two potential cases.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 01, 2014, 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, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Cogdill - Item 25

Reports from Closed Session: Interim City Attorney Lindgren reported on the Closed Session matter

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the American Red Cross proclaiming March as the American Red Cross Month 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 the American Red Cross proclaiming March as the American Red Cross Month in the City of Modesto.

2. Presentation by the Modesto Nuts regarding their upcoming season and Opening Day on April 10, 2014. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation by Tyler Richardson, Modesto Nuts, regarding their upcoming season and Opening Day on April 10, 2014 was made.

3. Presentation by Community & Economic Development to introduce the new Downtown Modesto Partnership. (Funding Source: Not Applicable)
Community & Economic Development; Josh Bridegroom, 577-5273, jbridegroom@modestogov.com

ACTION: Presentation by Josh Bridegroom, Community & Economic Development, to introduce the new Downtown Modesto Partnership was made.

MISCELLANEOUS

Legislation
Appointments
Other

4. Consider approving the re-appointments of David Boring, Bart Barringer, Tom Slater and Don Phillips to the Downtown Improvement District Advisory Board. (Funding Source: Not Applicable)
- Resolution approving the re-appointments of David Boring, Bart Barringer, Tom Slater and Don Phillips to the Downtown Improvement District Advisory Board. *City Council; Kathy Espinoza, 571-5591, kespinoza1@modestogov.com*

ACTION: Resolution 2014-94 (Lopez/Madrigan; 7/0) approving the re-appointments of David Boring, Bart Barringer, Tom Slater and Don Phillips to the Downtown Improvement District Advisory Board.

PUBLIC COMMENT PERIOD

- Lori Wolf spoke regarding inspirational people in California and Modesto; she also spoke regarding Wood Colony and Salida.
- Rickey McGill invited Council to First Annual African Elders event on May 23, 2014 at Modesto Centre Plaza.
- John Walker acknowledged the Red Cross and the bridge loan he received.
- Marsha Davis spoke regarding Wood Colony and Salida and thanked Councilmember Lopez.
- Nevada Terpstra spoke regarding Wood Colony.
- Linda Hodges spoke regarding the United States Constitution, Wood Colony and Salida.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5-24; 26-28: (Lopez/Madrigan;unan.)

ACTION CONSENT ITEM 25: (Lopez/Gunderson; unan.; Cogdill 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

5. Consider approving the minutes from the March 25, 2014 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the March 25, 2014 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the minutes from the March 25, 2014 Council Meeting.

Consent

6. Consider approving final adoption of Ordinance No. 3601-C.S. amending the Precise Plan Amendment for Area No. 15 in the Village One Specific Plan Area to redesignate ten acres from elementary school to Village Residential to facilitate development of a single-family residential subdivision, property located at the southeast corner of Caden Drive and Hillglen Avenue (Florsheim Land Company). (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3601-C.S. amending the Precise Plan Amendment for Area No. 15 in the Village One Specific Plan Area to redesignate ten acres from elementary school to Village Residential to facilitate development of a single-family residential subdivision, property located at the southeast corner of Caden Drive and Hillglen Avenue (Florsheim Land Company).
City Clerk; Stephanie Lopez, 571-5597, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3601-C.S.** amending the Precise Plan Amendment for Area No. 15 in the Village One Specific Plan Area to redesignate ten acres from elementary school to Village Residential to facilitate development of a single-family residential subdivision, property located at the southeast corner of Caden Drive and Hillglen Avenue (Florsheim Land Company).

Consent

7. Consider approving amendments to: (i) the City of Modesto Policy Against Harassment and Discrimination; (ii) the City of Modesto Non-Retaliation Policy; and (iii) the City of Modesto Complaint Procedure. (Funding Source: Not Applicable)
 - Resolution approving amendments to the City of Modesto Policy Against Harassment and Discrimination, the City of Modesto Non-Retaliation Policy, and the City of Modesto Complaint Procedure.
City Attorney; Dawn Perez, 577-5262, dperez@modestogov.com

ACTION: Resolution 2014-95 (Lopez/Madrigan; 7/0) approving amendments to the City of Modesto Policy Against Harassment and Discrimination, the City of Modesto Non-Retaliation Policy, and the City of Modesto Complaint Procedure.

Consent

8. Consider approving the Outside Service Agreement for sewer connection for the property located at 1725 John Street. (Funding Source: General Fund & Sewer Fund)

- Resolution approving an Outside Service Agreement between the City of Modesto and Anselmo Maldonado Cervantes a single man, and Yolanda Valencia Gonzales a single woman, both as joint tenants, for sewer service for the property located at 1725 John Street in the Robertson Road Neighborhood, Modesto, (APN: 037-024-027); and authorizing the City Manager, or his designee, to execute the agreement.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-96 (Lopez/Madrigal; 7/0) approving an Outside Service Agreement between the City of Modesto and Anselmo Maldonado Cervantes a single man, and Yolanda Valencia Gonzales a single woman, both as joint tenants, for sewer service for the property located at 1725 John Street in the Robertson Road Neighborhood, Modesto, (APN: 037-024-027); and authorizing the City Manager, or his designee, to execute the agreement.

Consent

9. Consider approving the Outside Service Agreement for sewer connection for the property located at 2232 Robertson Road. (Funding Source: General Fund & Sewer Fund)
 - Resolution approving an Outside Service Agreement between the City of Modesto and Robert L. Tylor, a trustee of the Moretti family trust, for sewer service for the property located at 2232 Robertson Road in the Robertson Road Neighborhood, Modesto, (APN: 037-020-003); and authorizing the City Manager, or his designee, to execute the agreement.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-97 (Lopez/Madrigal; 7/0) approving an Outside Service Agreement between the City of Modesto and Robert L. Tylor, a trustee of the Moretti family trust, for sewer service for the property located at 2232 Robertson Road in the Robertson Road Neighborhood, Modesto, (APN: 037-020-003); and authorizing the City Manager, or his designee, to execute the agreement.

Consent

10. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 5404 Kiernan Avenue. (Funding Source: General Fund, Water Fund)
 - Resolution approving a Will Serve Letter for the property located at 5404 Kiernan Avenue, (APN: 135-001-022) 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 Best Care Center, Inc., a California Corporation for water service for the property located at 4504 Kiernan Avenue, (APN: 135-001-022), and authorizing the City Manager, or his designee, to execute the agreement.
Community & Economic Development; Bill Sandhu, 577-5356,

bsandhu@modestogov.com

ACTION: Resolution 2014-98 (Lopez/Madrigan; 7/0) approving a Will Serve Letter for the property located at 5404 Kiernan Avenue, (APN: 135-001-022) 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 2014-99 (Lopez/Madrigan; 7/0) approving an Outside Service Agreement between the City of Modesto and Best Care Center, Inc., a California Corporation for water service for the property located at 4504 Kiernan Avenue, (APN: 135-001-022), and authorizing the City Manager, or his designee, to execute the agreement.

Consent

11. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 4844 3rd Street. (Funding Source: General Fund and Water Fund)

- Resolution approving a Will Serve Letter for the property located at 4844 3rd Street, (APN: 133-007-044) 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 Arthur B. Wright and Sallie M. Wright, husband and wife as joint tenants, for water service for the property located at 4844 3rd Street, (APN: 133-007-044), and authorizing the City Manager, or his designee, to execute the agreement.

*Community & Economic Development; Bill Sandhu, 577-5356,
bsandhu@modestogov.com*

ACTION: Resolution 2014-100 (Lopez/Madrigan; 7/0) approving a Will Serve Letter for the property located at 4844 3rd Street, (APN: 133-007-044) 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 2014-101 (Lopez/Madrigan; 7/0) approving an Outside Service Agreement between the City of Modesto and Arthur B. Wright and Sallie M. Wright, husband and wife as joint tenants, for water service for the property located at 4844 3rd Street, (APN: 133-007-044), and authorizing the City Manager, or his designee, to execute the agreement.

Consent

12. Consider approving a prequalified vendor list for surveying and plan line development services for various Capital Improvement Projects. (Funding Source: Various CIP Budgets)

- Resolution approving a prequalified vendor list for surveying and plan line development services for various Capital Improvement Projects.

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

ACTION: Resolution 2014-102 (Lopez/Madrigan; 7/0) approving a prequalified vendor list for surveying and plan line development services for various Capital Improvement Projects.

Consent

13. Consider 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 (Radar) to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed. (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.

Community & Economic Development; Jeff Barnes, 577-5214, Jbarnes@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) introducing and waiving the first reading of **Ordinance No. 3602-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

14. Consider accepting the Monthly Investment Report for December 2013. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for December 2013.

Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) accepting the Monthly Investment Report for December 2013.

Consent

15. Consider accepting monthly budget adjustment and amending the Fiscal Year 2013-14 Annual Operating and Capital Improvement Budgets for February 2014. (Funding Source: Various)

- Resolution amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.

Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2014-103 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.

Consent

16. Consider accepting monthly budget adjustments for March 2014 and amending the Fiscal Year 2013-14 Annual Operating and Capital Improvement Budgets. (Funding Source: Various)

- Resolution amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.

Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2014-104 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.

Consent

17. Consider approving the revised Debt Management Policy. (Funding Source: Not Applicable)
- Resolution adopting the revised Debt Management Policy.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Resolution 2014-105 (Lopez/Madrigal; 7/0) adopting the revised Debt Management Policy.

Consent

18. Consider approving the revised Annual Investment Policy. (Funding Source: Not Applicable)
- Resolution adopting the revised Annual Investment Policy.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Resolution 2014-106 (Lopez/Madrigal; 7/0) adopting the revised Annual Investment Policy.

Consent

19. Consider authorizing the award of bid for the purchase of a Vac-Con Hot Shot sewer and storm drain cleaner truck for the Water Quality Control Division, Wastewater and Stormwater Collection Sections through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Atlantic Machinery, Silver Spring, MD, for an estimated total cost of \$235,845. (Funding Source: Fleet Replacement Fund)
- Resolution authorizing the award of bid for the purchase of a Vac-Con Hot Shot sewer and storm drain cleaner truck for the Water Quality Control Division, Wastewater and Stormwater Collection Sections through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Atlantic Machinery, Silver Spring, MD and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$235,845.
Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2014-107 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of a Vac-Con Hot Shot sewer and storm drain cleaner truck for the Water Quality Control Division, Wastewater and Stormwater Collection Sections through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Atlantic Machinery, Silver Spring, MD and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$235,845.

Consent

20. Consider approving: (i) amending section 1.7(k) of Personnel Rule 1 of the City of Modesto relating to the revision of the definition of classified services and (ii) amending section 7.5(d) and (e) of Personnel Rule 7 of the City of Modesto relating to the revision of the types of appointment for temporary and part-time positions.

(Funding Source: N/A)

- Resolution amending section 1.7(k) of Personnel Rule 1 of the City of Modesto relating to the revision of the definition of classified services.
- Resolution amending sections 7.5(d) and (e) of Personnel Rule 7 of the City of Modesto relating to the revision of the types of appointment for temporary and part-time positions.

Human Resources; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Resolution 2014-108 (Lopez/Madrigan; 7/0) amending section 1.7(k) of Personnel Rule 1 of the City of Modesto relating to the revision of the definition of classified services.

ACTION: Resolution 2014-109 (Lopez/Madrigan; 7/0) amending sections 7.5(d) and (e) of Personnel Rule 7 of the City of Modesto relating to the revision of the types of appointment for temporary and part-time positions.

Consent

21. Consider accepting a donation of approximately \$33,057 from Macerich Property Management Co., LLC, for the purchase of technology to fight crime. (Funding Source: MPD Multi-Year Donations)

- Resolution accepting a donation of approximately \$33,057 from Macerich Property Management Co., LLC, for the purchase of technology to fight crime; and authorizing the City Manager, or his designee, to execute the necessary documents.

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

ACTION: Resolution 2014-110 (Lopez/Madrigan; 7/0) accepting a donation of approximately \$33,057 from Macerich Property Management Co., LLC, for the purchase of technology to fight crime; and authorizing the City Manager, or his designee, to execute the necessary documents.

Consent

22. Consider: (i) authorizing the sole source procurement for the purchase of eight Automatic License Plate Recognition Camera Systems equipment, software, license plate readers, installation and maintenance for the Modesto Police Department, to 3M, Knoxville, TN, for an estimated total cost of \$174,789.62; and (ii) authorizing the sole source procurement for the purchase of two Camera License Plate Recognition Readers and installation for an estimated total cost of \$78,463.06. (Funding Source: MY Operating Account/AB 109)

- Resolution authorizing the sole source procurement for the purchase of eight Automatic License Plate Recognition Camera Systems equipment, software, license plate readers, installation and maintenance for the Modesto Police

Department, to 3M, Knoxville, TN; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total of \$174,789.62.

- Resolution authorizing the sole source procurement for the purchase of two Camera License Plate Recognition Systems and installation to 3M, Knoxville, TN; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$78,463.06.

Police; Jeramy Young, 572-9664, youngj@modestopd.com

ACTION: Resolution 2014-111 (Lopez/Madrigal; 7/0) authorizing the sole source procurement for the purchase of eight Automatic License Plate Recognition Camera Systems equipment, software, license plate readers, installation and maintenance for the Modesto Police Department, to 3M, Knoxville, TN; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total of \$174,789.62.

ACTION: Resolution 2014-112 (Lopez/Madrigal; 7/0) authorizing the sole source procurement for the purchase of two Camera License Plate Recognition Systems and installation to 3M, Knoxville, TN; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$78,463.06.

Consent

23. Consider approving the plans and specifications for the Transit Services Tenth Street Place (TSP) 4th Floor Remodel project, accepting the bid, and approving a contract with Netbuilds of Marysville, California in the amount of \$78,810. (Total estimated cost for the construction portion of the project is \$94,021). (Funding Source: Transit Funds)

- Resolution approving the plans and specifications for the Transit Services 4th Floor Remodel project, accepting the bid, and approving a contract with Netbuilds of Marysville, California in the amount of \$78,810, and authorizing the City Manager, or his designee, to execute the contract.

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

ACTION: Resolution 2014-113 (Lopez/Madrigal; 7/0) approving the plans and specifications for the Transit Services 4th Floor Remodel project, accepting the bid, and approving a contract with Netbuilds of Marysville, California in the amount of \$78,810, and authorizing the City Manager, or his designee, to execute the contract.

Consent

24. Consider: (i) approving an On-Call Agreement with RMC Water and Environment (RMC) for Grant Researching and Writing Services in an amount not to exceed \$40,000 for one year with two, one-year extension options at the sole discretion of the City; and (ii) approving an On-Call Agreement with Provost and Pritchard Consulting Group (P&P) for Grant Researching and Writing Services in an amount not to exceed \$40,000 for one year, with two, one-year extension options at the sole discretion of the City for a total annual cost of \$80,000, and \$240,000 over three years. (Funding Source: Water Fund, Wastewater Fund and various water, wastewater and storm drainage Capital Improvement Projects)

- Resolution approving an On-Call Agreement with RMC Water and Environment for Grant Researching and Writing Services in an amount not to exceed \$40,000 for one year, with two, one-year extension options, at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution approving an On-Call Agreement with Provost and Pritchard Consulting Group for Grant Researching and Writing Services , in an amount not to exceed \$40,000 for one year, with two, one-year extension options, at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the Agreement.

Utility Planning and Projects; Glenn Prasad, 571-5149, gprasad@modestogov.com

ACTION: Resolution 2014-114 (Lopez/Madrigal; 7/0) approving an On-Call Agreement with RMC Water and Environment for Grant Researching and Writing Services in an amount not to exceed \$40,000 for one year, with two, one-year extension options, at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2014-115 (Lopez/Madrigal; 7/0) approving an On-Call Agreement with Provost and Pritchard Consulting Group for Grant Researching and Writing Services , in an amount not to exceed \$40,000 for one year, with two, one-year extension options, at the sole discretion of the City, and authorizing the City Manager, or his designee, to execute the Agreement.

Removed from Consent

25. Consider: (i) approving an Agreement with Horizon Water and Environment, LLC for Project Level Environmental Impact Report for the Del Rio Water System Improvements Project in an amount not to exceed \$100,497; and (ii) approving an Agreement with URS Corporation dba URS Corporation Americas for Groundwater Impacts Analysis for Del Rio Water System Improvements Project in an amount not to exceed \$59,506. (Total estimated cost for this portion of the environmental services for this project is \$220,003.) (Funding Source: Water Fund - CIP)
- Resolution approving an agreement with Horizon Water and Environment, LLC for Project Level Environmental Impact Report for the Del Rio Water System Improvements Project in an amount not to exceed \$91,361 for the identified scope of services, plus \$9,136 for additional services (if needed), for a maximum total amount of \$100,497, and authorizing the City Manager, or his designee, to execute the agreement.
 - Resolution approving an agreement with URS Corporation dba URS Corporation Americas for Groundwater Impacts Analysis for Del Rio Water System Improvements Project in an amount not to exceed \$54,096 for the identified scope of services, plus \$5,410 for additional services (if needed), for a maximum total amount of \$59,506, and authorizing the City Manager, or his designee, to execute the agreement.

Utility Planning and Projects; Rob Christensen, 577-5423, rchristensen@modestogov.com

ACTION: Resolution 2014-116 (Lopez/Gunderson; 6/0; Cogdill absent due to conflict of

interest) approving an agreement with Horizon Water and Environment, LLC for Project Level Environmental Impact Report for the Del Rio Water System Improvements Project in an amount not to exceed \$91,361 for the identified scope of services, plus \$9,136 for additional services (if needed), for a maximum total amount of \$100,497, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-117 (Lopez/Gunderson; 6/0; Cogdill absent due to conflict of interest) approving an agreement with URS Corporation dba URS Corporation Americas for Groundwater Impacts Analysis for Del Rio Water System Improvements Project in an amount not to exceed \$54,096 for the identified scope of services, plus \$5,410 for additional services (if needed), for a maximum total amount of \$59,506, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

26. Consider accepting the work by Hobbs Construction Inc. of Clovis, California for the Modesto West Basin Improvements project as complete and authorizing payment of amounts totaling \$406,515. The total project cost is \$795,708 which included construction contingency, engineering design, city construction forces, and construction administration. (Funding Source: Community Facilities District No. 2004-1 (Village One #2))

- Resolution accepting the work by Hobbs Construction, for the Modesto West 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 \$406,515.

Utility Planning and Projects; Collin Yerzy, 571-5860, cyerzy@modestogov.com

ACTION: Resolution 2014-118 (Lopez/Madrigal; 7/0) accepting the work by Hobbs Construction, for the Modesto West 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 \$406,515.

Consent

27. Consider accepting the work by Rolfe Construction of Atwater, California, for the Street Improvements East of El Vista Elementary School Project as complete and authorizing payment of amounts totaling \$297,994. (The total project cost is \$423,413, which included construction contingency, engineering design, and construction administration.) (Funding Source: Safe Route to School Grant, LTF Fund Transfer and City of Modesto Gas Tax)

- Resolution accepting the work by Rolfe Construction, for the Street Improvements East of El Vista Elementary School 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 \$297,994.

Utility Planning and Projects; Collin Yerzy, 571-5860, cyerzy@modestogov.com

ACTION: Resolution 2014-119 (Lopez/Madrigal; 7/0) accepting the work by Rolfe Construction, for the Street Improvements East of El Vista Elementary School 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 \$297,994.

Consent

28. Consider accepting the work by DSS Company, dba Knife River Construction. of Stockton, California, for the East Side of Sutter Avenue South of Marshall Street Improvements Project as complete and authorizing payment of amounts totaling \$369,339. (The total project cost is \$489,682, which included construction contingency, engineering design, and construction administration.) (Funding Source: Safe Route to School Grant, LTF Funds and City of Modesto Gas Tax)
- Resolution accepting the work by Knife River, for the East Side of Sutter Avenue South of Marshall Street 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 \$369,339.
Utility Planning and Projects; Collin Yerzy, 571-5860, cyerzy@modestogov.com

ACTION: Resolution 2014-120 (Lopez/Madrigal; 7/0) accepting the work by Knife River, for the East Side of Sutter Avenue South of Marshall Street 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 \$369,339.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding her work on a Day Center for the Homeless; she requested donation of a building as a tax credit.

Councilmember Madrigal announced Project Prom event on April 6, 2014 at Castle Real Estate.

Councilmember Lopez announced teaching coaching programs at Modesto junior high schools; he requested a Presentation at May Council meeting.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

29. Consider: (i) approving an Agreement with Carollo Engineers, Inc. for Preliminary Design Report for River Trunk Realignment, Beard Brook Siphon, and Cannery Segregation Line Improvement in an amount not to exceed \$1,049,322; and (ii)

amending the Fiscal Year 2013-2014 CIP Budget by transferring \$526,705 into the projects from Wastewater Fund Reserves to fund the agreement, including support by City staff. (Total estimated cost for this portion of the project is \$1,144,714.90) (Funding Source: Wastewater Fund)

- Resolution approving an agreement with Carollo Engineers, Inc. (Carollo) for Preliminary Design Report for River Trunk Realignment, Beard Brook Siphon, and Cannery Segregation Line Improvement in an amount not to exceed \$953,929 for the identified scope of services, plus \$95,393 for additional services (if needed), for a maximum total amount of \$1,049,322, and authorizing the City Manager, or his designee, to execute the agreement.
- Resolution amending the Fiscal Year 2013-2014 CIP budget in the amount of \$526,705 to be transferred into the projects from Wastewater Fund Reserves in order to fully fund an agreement with Carollo Engineers, Inc. for Preliminary Design Report for River Trunk Realignment, Beard Brook Siphon, and Cannery Segregation Line Improvement, including support by City staff.

Utility Planning and Projects; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: Resolution 2014-121 (Cogdill/Gunderson; 7/0) approving an agreement with Carollo Engineers, Inc. (Carollo) for Preliminary Design Report for River Trunk Realignment, Beard Brook Siphon, and Cannery Segregation Line Improvement in an amount not to exceed \$953,929 for the identified scope of services, plus \$95,393 for additional services (if needed), for a maximum total amount of \$1,049,322, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-122 (Cogdill/Gunderson; 7/0) amending the Fiscal Year 2013-2014 CIP budget in the amount of \$526,705 to be transferred into the projects from Wastewater Fund Reserves in order to fully fund an agreement with Carollo Engineers, Inc. for Preliminary Design Report for River Trunk Realignment, Beard Brook Siphon, and Cannery Segregation Line Improvement, including support by City staff.

HEARINGS

Published in the Modesto Bee on March 17, 2014

30. Hearing to consider awarding Non-Exclusive Non-Consensual Franchise Towing Services contracts to sixteen (16) applicants pursuant to Modesto Municipal Code Sections 11-2.01 et seq. (Funding Source: General Fund/Franchise Tow)
- Resolution awarding Non-Exclusive Non-Consensual Franchise Towing Services to sixteen (16) towing companies, and authorizing the City Manager, or his designee, to execute the contracts.

Police; Karen Robertson, 342-6175, robertsonk@modestopd.com

ACTION: Resolution 2014-123 (Lopez/Gunderson; 7/0) awarding Non-Exclusive Non-Consensual Franchise Towing Services to sixteen (16) towing companies, and authorizing the City Manager, or his designee, to execute the contracts.

NEW BUSINESS

31. Consider amending the Fiscal Year 2013-2014 Golf Fund operating budget to incorporate new revenue sources and expenditures related to the KemperSports management agreement for Creekside and Dryden Park Golf Courses. (Funding Source: Golf Fund and General Fund)
- Resolution amending the Fiscal Year 2013-2014 Annual Operating Budget for the Golf Fund
- Parks, Recreation & Neighborhoods; Lisa Forester, 577-5451, lforester@modestogov.com*

ACTION: Resolution 2014-124 (Kenoyer/Gunderson; 7/0) amending the Fiscal Year 2013-2014 Annual Operating Budget for the Golf Fund

32. Consider amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$3,000,000 to be transferred into the Project Collector and Arterial Streets Rehabilitation account (100819-CON-Construction) from Surface Transportation Fund Reserves in order to fully fund this project. (Funding Source: Surface Transportation Fund Reserves)
- Resolution amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$3,000,000 to be transferred into the Project Collector and Arterial Streets Rehabilitation account (100819-CON-Construction) from Surface Transportation Fund Reserves in order to fully fund this project.
- Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

ACTION: Resolution 2014-125 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$3,000,000 to be transferred into the Project Collector and Arterial Streets Rehabilitation account (100819-CON-Construction) from Surface Transportation Fund Reserves in order to fully fund this project.

ACTION: Motion (Lopez/Madrigal; 7/0) directing staff to move forward with Option 2 – 9th Street Segment would connect with MJC East and West Campus with a Class 1 Bike Path.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:25 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: North Modesto Groundwater Alliance v. City of Modesto, et al.

Stanislaus County Superior Court Case No: 680381

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2001
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, April 8, 2014, at 10:00 a.m.

Roll Call Present: Councilmembers Gunderson, Zoslocki and Madrigal (arrived at 10:04 a.m.)
Absent: None
Also Present: Councilmember Kenoyer

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider accepting: (i) City of Modesto Progress Report on Work Performed Under the Direction of the Auditor Committee dated April 8, 2014; and (ii) City of Modesto Water and Wastewater Efficiency Study Final Report dated April 1, 2014 prepared by City Auditor Moss-Adams. (Funding Source: Not Applicable)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Zoslocki/Madrigal;unan.) accepting: (i) City of Modesto Progress Report on Work Performed Under the Direction of the Auditor Committee dated April 8, 2014; and (ii) City of Modesto Water and Wastewater Efficiency Study Final Report dated April 1, 2014 prepared by City Auditor Moss-Adams.

2. Consider accepting the City's Fiscal Year 2011-2012 revision of the City of Modesto Single Audit report. (Funding Source: Not Applicable)
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Zoslocki/Madrigal;unan.) accepting the City's Fiscal Year 2011-2012 revision of the City of Modesto Single Audit report.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:56 a.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 08, 2014, 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: Item 10 - Removed from Consent

Declaration of Conflicts of Interest: Lopez - Item 16

Reports from Closed Session: Mayor announced Council concluded evaluation of Interim City Attorney Law Firm of Meyers Nave; Interim City Attorney Lindgren reported on Closed Session matters.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring April 13-19, 2014 as National Library Week.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Amy Taylor declaring April 13-19, 2014 as National Library Week.

2. Presentation of Proclamation declaring April 30, 2014 as Arbor Day in the City of Modesto. (Funding Source: Not Applicable)
City Clerk; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Steve Lumpkin, Acting Parks, Recreation & Neighborhoods Director, declaring April 30, 2014 as Arbor Day in the City of Modesto.

3. Presentation of Proclamation declaring April 26-May 3, 2014 as Youth Temperance Education Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring April 26-May 3, 2014 as Youth Temperance Education Week.

4. Presentation announcing the 25th Anniversary of Earth Day in the Park Festival on Saturday, April 19th from 10:00am-4:00pm at Graceada Park. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Vicki Rice, 577-5495, vrice@modestogov.com

ACTION: Presentation by Vicki Rice announcing the 25th Anniversary of Earth Day in the Park Festival on Saturday, April 19th from 10:00am-4:00pm at Graceada Park.
Councilmember Lopez announced Council in the Park during Earth Day.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in Modesto.
- Dave Geer gave a Common Core progress report; he spoke regarding a "Building the Machine" YouTube video.
- Carmen Sabatino spoke regarding City Council recalls; he also spoke regarding SkyWest at the Modesto Airport and service from Modesto to San Francisco, the Convention & Visitors Bureau appointment of Maggie Mejia and the success of The Back Story.
- Joel Carranza spoke regarding a citation he received for having pigeons at his home; he was referred to Neighborhood Preservation Unit.
- Rich Fultz spoke regarding opposition from Salida and Wood Colony and consideration of other areas for development.
- Dale Boucher spoke regarding funding for youth centers in Modesto and suggested raising money for Youth Day; Mayor Marsh referred him to Parks, Recreation & Neighborhoods Dept.
- Adam spoke regarding local politicians who think they are above the law.
- Jorge Martinez spoke regarding the City Manager; he also spoke regarding City and County working together.
- Ronald Jeske spoke regarding the Auditor's report on Public Works.
- Mark Bomboy spoke regarding trees, mistletoe and sidewalks in Modesto; he was referred to Will Wong, Utility Planning & Projects.
- Nevada Terpstra spoke regarding Wood Colony.

- Ed Bearden read a poem entitled "If One Could See."

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 5-9: (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 April 1, 2014 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the April 1, 2014 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madriral; 7/0) approving the minutes from the April 1, 2014 Council Meeting.

Consent

6. Consider approving final adoption of Ordinance No. 3602-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. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3602-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/Madriral; 7/0) approving final adoption of **Ordinance No. 3602-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

7. Consider authorizing the award of proposal and contract for Storage Area Network Systems for the Information Technology Department, to Solid Networks, Inc., Modesto, CA, for an estimated total cost of \$336,054, including 5 years of maintenance. (Funding Source: Information Technology Fund)
 - Resolution authorizing the award of proposal and contract for the furnishing and installation of Storage Area Network Systems (SANS) for the Information Technology Division, to Solid Networks, Inc., Modesto, CA, for an estimated total cost of \$336,054 including five (5) years of maintenance and authorizing the City Manager or his designee to execute the contract.
Finance and Information Technology; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2014-126 (Lopez/Madriral; 7/0) authorizing the award of proposal

and contract for the furnishing and installation of Storage Area Network Systems (SANS) for the Information Technology Division, to Solid Networks, Inc., Modesto, CA, for an estimated total cost of \$336,054 including five (5) years of maintenance and authorizing the City Manager or his designee to execute the contract.

Consent

8. Consider accepting the Annual Report for the City's Wastewater 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. *Public Works; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

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

Consent

9. Consider approving the plans and specifications for the NorthPointe Basin Improvements project, accepting the bid, and approving a contract with Breneman, Inc. of Walnut Creek, California in the amount of \$105,380. (Total estimated cost for the construction portion of the project is \$136,918) (Funding Source: NorthPointe CFD Fund)
 - Resolution approving the plans and specifications for the NorthPointe Basin Improvements project, accepting the bid, and approving a contract with Breneman, Inc. of Walnut Creek, California in the amount of \$105,380.00, and authorizing the City Manager, or his designee, to execute the contract. *Utility Planning and Projects; Jesse Franco, 571-5175, jfranco@modestogov.com*

ACTION: Resolution 2014-127 (Lopez/Madrigan; 7/0) approving the plans and specifications for the NorthPointe Basin Improvements project, accepting the bid, and approving a contract with Breneman, Inc. of Walnut Creek, California in the amount of \$105,380.00, and authorizing the City Manager, or his designee, to execute the contract.

Removed from Consent

10. Consider approving an Agreement with Stanislaus County for the operation and maintenance of the completed sewer system for the Parklawn Neighborhood, and a blanket Will-Serve Letter for the 326 lots in the Parklawn Neighborhood. (Funding Source: Wastewater Fund Revenue)
 - Resolution approving an Agreement with Stanislaus County for the operation and maintenance of the completed sewer system for the Parklawn Neighborhood, and authorizing the City Manager or his designee to execute the agreement, also approving a blanket Will-Serve Letter for each of the 326 lots in the Parklawn Neighborhood. *Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*

ACTION: Resolution 2014-128 (Gunderson/Madrigan; 7/0) approving an Agreement with

Stanislaus County for the operation and maintenance of the completed sewer system for the Parklawn Neighborhood, and authorizing the City Manager or his designee to execute the agreement, also approving a blanket Will-Serve Letter for each of the 326 lots in the Parklawn Neighborhood.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the Love Modesto event last Saturday.

Councilmember Madrigal also spoke regarding the Love Modesto event last Saturday; he also thanked everyone for donations to Project Prom event; and downtown wi-fi bid opening.

Mayor Marsh thanked everyone for the turnout for Love Modesto on Saturday.

Councilmember Lopez announced opening day for Modesto Nuts and free tickets for volunteers of Love Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

11. Consider (i) accepting the annual review of Wastewater Rates; and (ii) adopting a new four-year Rate Plan – Scenario 4, which lowers the rate increases from the existing adopted rate plan and revising the annual rate review to a biennial rate review in conjunction with the completion of the Wastewater Master Plan Update. (Funding Source: Wastewater Fund)
 - Motion accepting the report titled “Evaluation of Wastewater Rates” dated March 2014.
 - Resolution rescinding Resolution No. 2013-131, establishing fees for the provision of sewer service for Fiscal Years 2015 through 2018, and revising the annual rate review to a biennial rate review in conjunction with the Wastewater Master Plan Update.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Motion (Madrigal/Gunderson; 7/0) accepting the report titled “Evaluation of Wastewater Rates” dated March 2014.

ACTION: Resolution 2014-129 (Madrigal/Gunderson; 7/0) rescinding Resolution No. 2013-131, establishing fees for the provision of sewer service for Fiscal Years 2015 through 2018, and revising the annual rate review to a biennial rate review in conjunction with the Wastewater Master Plan Update.

12. Consider (i) approving the plans and specifications for the Sutter Treatment Plant Improvements project, accepting the bid, and approving a contract with R.E. Smith Contractor, Inc., of Newcastle, California in the amount of \$1,977,000; and (ii)

amending the Fiscal Year 2013-2014 Capital Improvement Program budget by transferring \$172,595 from Wastewater Fund Reserves into the project to fund construction, contingency, construction administration, and engineering support during construction. (Total estimated cost for the construction portion of the project is \$2,574,005) (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the Sutter Treatment Plant Improvements project, accepting the bid, and approving a contract with R.E. Smith Contractor, Inc., of Newcastle, California in the amount of \$1,977,000.00, and authorizing the City Manager, or his designee, to execute the contract.
- Resolution amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$172,595 to be transferred into the project from Wastewater Fund Reserves in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Sutter Treatment Plant Improvements project.

Utility Planning and Projects; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: Resolution 2014-130 (Gunderson/Lopez; 7/0) approving the plans and specifications for the Sutter Treatment Plant Improvements project, accepting the bid, and approving a contract with R.E. Smith Contractor, Inc., of Newcastle, California in the amount of \$1,977,000.00, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2014-131 (Gunderson/Lopez; 7/0) amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$172,595 to be transferred into the project from Wastewater Fund Reserves in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Sutter Treatment Plant Improvements project.

13. Consider approving the 2014 Improvement Financing Agreement with Modesto Irrigation District (MID) in the amount of \$2.71 million for the Terminal Reservoir Bypass Pipeline project. (Total estimated project cost is \$3,065,970.) (Funding Source: Water Fund)

- Resolution approving the 2014 Improvement Financing Agreement with Modesto Irrigation District in the amount of \$2.71 million for the Terminal Reservoir Bypass Pipeline project, and authorizing the City Manager, or his designee, to execute the agreement.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2014-132 (Gunderson/Lopez; 7/0) approving the 2014 Improvement Financing Agreement with Modesto Irrigation District in the amount of \$2.71 million for the Terminal Reservoir Bypass Pipeline project, and authorizing the City Manager, or his designee, to execute the agreement.

14. Consider (i) possible further direction to undertake a comprehensive General Plan Update following completion of the General Plan Amendment currently underway; (ii) authorizing the appropriation of \$500,000 from General Fund reserves to establish funding for a comprehensive update to the Modesto Urban Area General Plan; and (iii)

amending the Fiscal Year 2013-2014 multi-year budget to appropriate funding in the amount of \$500,000 from General Fund reserves to establish the expense and revenue budget for the comprehensive update to the Modesto Urban Area General Plan.

(Funding Source: General Fund Reserves)

- Motion to consider initiating a comprehensive General Plan Update following adoption of the General Plan Amendment.
- Resolution authorizing the appropriation of \$500,000 from General Fund Reserves to establish funding for a comprehensive update to the Modesto Urban Area General Plan.
- Resolution amending the Fiscal Year 2013-2014 multi-year budget to appropriate funding in the amount of \$500,000 from General Fund reserves to establish the expense and revenue budget for the comprehensive update to the Modesto Urban Area General Plan.

*Community & Economic Development; Patrick Kelly, 577-5268,
pkelly@modestogov.com*

ACTION: Motion (Kenoyer/Madriral; 7/0) to consider initiating a comprehensive General Plan Update following adoption of the General Plan Amendment.

ACTION: Resolution 2014-133 (Kenoyer/Madriral; 7/0) authorizing the appropriation of \$500,000 from General Fund Reserves to establish funding for a comprehensive update to the Modesto Urban Area General Plan.

ACTION: Resolution 2014-134 (Kenoyer/Madriral; 7/0) amending the Fiscal Year 2013-2014 multi-year budget to appropriate funding in the amount of \$500,000 from General Fund reserves to establish the expense and revenue budget for the comprehensive update to the Modesto Urban Area General Plan.

HEARINGS

Published in the Modesto Bee on March 29, 2014

15. Hearing to consider approving the Citizen's Salary Setting Commission 2014 Recommendations for the Mayor and Councilmembers' salaries to remain at the same level as recommended in 2008, 2010, and 2012. (Funding Source: Not Applicable)
- Motion approving the Citizen's Salary Setting Commission 2014 Recommendations for the Mayor and Councilmembers' salaries to remain at the same level as recommended in 2008, 2010, and 2012.

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

ACTION: Motion (Lopez/Gunderson; 7/0) approving the Citizen's Salary Setting Commission 2014 Recommendations for the Mayor and Councilmembers' salaries to remain at the same level as recommended in 2008, 2010, and 2012.

Published in the Modesto Bee on March 19, 2014; Councilmember Lopez absent due to conflict of interest

16. Hearing to consider an application by Cary Pope on behalf of Hahnco Holdings, Inc.,

to rezone a 1.81-acre parcel located on the south side of Hintze Avenue, east of McHenry Avenue, from Planned Development Zone, P-D(497) to Low Density Residential Zone, R-1. (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an ordinance amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone 1.81 acres from Planned Development Zone, P-D(497), to Low Density Residential Zone, R-1, property located on the south side of Hintze Avenue east of McHenry Avenue. (Cary Pope)
- 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 2007072023): Amendment of Section 21-3-9 of the Zoning Map of the City of Modesto to rezone 1.81 acres from Planned Development Zone, P-D(497) to Low Density Residential Zone, R-1, property located on the south side of Hintze Avenue east of McHenry Avenue. (Cary Pope)

Community & Economic Development; Rita Doscher, 577-5279, rdoscher@modestogov.com

ACTION: Motion (Kenoyer/Gunderson;6/0; Lopez absent due to conflict of interest)

introducing and waiving the first reading of **Ordinance No. 3603-C.S.** amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone 1.81 acres from Planned Development Zone, P-D(497), to Low Density Residential Zone, R-1, property located on the south side of Hintze Avenue east of McHenry Avenue (Cary Pope).

ACTION: Resolution 2014-135 (Kenoyer/Gunderson; 6/0; Lopez absent due to conflict of interest) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH 2007072023): Amendment of Section 21-3-9 of the Zoning Map of the City of Modesto to rezone 1.81 acres from Planned Development Zone, P-D(497) to Low Density Residential Zone, R-1, property located on the south side of Hintze Avenue east of McHenry Avenue. (Cary Pope).

Published in the Modesto Bee on March 4, 2014

17. Hearing to consider approving the City of Modesto's Annual Action Plan for Fiscal Year (FY) 2014-2015, which includes recommended allocations for Public Services and Emergency Solutions Grants and authorizing submission of the AAP to the U. S. Department of Housing and Urban Development for use of the funds identified in the Plan. (Funding Source: Community Development Block Grants, HOME Investment Partnerships Program, and Emergency Solutions Grants)
 - Resolution approving the City of Modesto Fiscal Year 2014-2015 U.S. Department of Housing and Urban Development (HUD) Annual Action Plan for use of the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) funds; authorizing submission of an application to HUD pertaining to the Fiscal Year 2014-2015 Annual Action Plan; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to HUD recommended.
 - Resolution approving the estimated allocation of funding in the amount of \$280,147 in Community Development Block Grant Public Service Grants (CDBG),

\$114,977 in Emergency Solutions Grants (ESG), and any carryover funds from FY 2013-2014; and authorizing the City Manager, or his designee, to execute the Agreements recommended.

*Parks, Recreation & Neighborhoods; Jody Christiansen, 342-4707,
mjchristiansen@modestogov.com*

ACTION: Resolution 2014-136 (Lopez/Madrigal; 7/0) approving the City of Modesto Fiscal Year 2014-2015 U.S. Department of Housing and Urban Development (HUD) Annual Action Plan for use of the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) funds; authorizing submission of an application to HUD pertaining to the Fiscal Year 2014-2015 Annual Action Plan; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to HUD.

ACTION: Resolution 2013-137 (Lopez/Cogdill; 7/0) approving the estimated allocation of funding in the amount of \$280,147 in Community Development Block Grant Public Service Grants (CDBG), \$114,977 in Emergency Solutions Grants (ESG), and any carryover funds from FY 2013-2014; and authorizing the City Manager, or his designee, to execute the Agreements.

ACTION: Motion (Lopez/Madrigal; Marsh absent due to conflict of interest) approving the estimated allocation of funding in the amount of \$280,147 in Community Development Block Grant Public Service Grants (CDBG), \$114,977 in Emergency Solutions Grants (ESG), and any carryover funds from FY 2013-2014; and authorizing the City Manager, or his designee, to execute the Agreements.

- Court Appointed Special Advocates Program (CASA)

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:10 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: Stanislaus Food Products Company v. City of Modesto
Stanislaus County Superior Court Case No: 2001627

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

Property: Purchase of fee interest of the following properties located within the block of 10th and 9th Streets and G & H Streets in the City of Modesto:

APN: 106-42-005 Property Owner: Rugani, Gina Et Al TRS
APN: 106-42-007 Property Owner: Silva, Helen L TRS Et Al
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni,
Myrna

Negotiating Parties: Greg Nyhoff, for City of Modesto
Brent Sinclair, for City of Modesto
Rick Evans, for the City of Modesto
For Property Owners: Michael Rugani

Charles Noble & Dave Noble
Gary & Myrna Gervasoni

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

Property: Purchase of the following properties located within the block of 10th and 9th streets; G and H streets:

APN: 106-42-006 Property Owner: G&K Enterprises LLC
APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-012 Property Owner: G&K Enterprises LLC

Negotiating Parties: Matt Pacher & Rick Evans for City of Modesto

Mike Rein for G&K Enterprises, LLC and Curtis W. Mote

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

Property: Sale of fee interest of the following properties located within the block of 10th and 9th streets; G and H streets in the City of Modesto:

APN: 106-42-001 Property Owner: Modesto RDA (Successor)
APN: 106-42-002 Property Owner: Modesto RDA (Successor)
APN: 106-42-003 Property Owner: Modesto RDA (Successor)
APN: 106-42-004 Property Owner: Modesto RDA (Successor)
APN: 106-42-005 Property Owner: Rugani, Gina Et Al TRS
APN: 106-42-006 Property Owner: G&K Enterprises LLC
APN: 106-42-007 Property Owner: Silva, Helen L TRS Et Al
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni,

Myrna

APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-012 Property Owner: G&K Enterprises LLC
APN: 106-42-013 Property Owner: City of Modesto

Negotiating Parties: Greg Nyhoff, for City of Modesto
Brent Sinclair, for City of Modesto

For Potential Buyer: Staff of Administrative Office of the Courts.

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

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

Title: City Attorney
City Clerk
City Auditor

CONFERENCE WITH LABOR NEGOTIATORS: (Pursuant to Section 54957.6 of the Government Code)

Negotiators: Greg Nyhoff, City Manager
Joe Lopez, Human Resources Director

Unrepresented Employees: City Clerk
Interim City Attorney

MINUTES

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

Wednesday April 09, 2014, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmembers Madrigal (arrived at 5:07 p.m.),
Kenoyer (alternate)

Absent: Councilmember Cogdill

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider discussing and providing direction on Forestry Operations and AB 939 Green Waste Fees. (Funding Source: AB 939 Green Waste Fund 4892, Solid Waste Fund 4891, Compost Fund 4890, solid waste maximum rates)
Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Motion (Madrigal/Kenoyer;unan.) approving increases in AB 939 Green Waste Fees to meet AB 939 and AB 341 diversion mandates by moving Community Forestry Division into the Solid Waste Division, Fund 4892 and forwarding to Council for approval.

NEW BUSINESS

2. Consider accepting the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2014-15 and forwarding to Council for approval. (Funding Source: Capital Facilities Fees)
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Motion (Kenoyer/Madrigal;unan.) accepting the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2014-15 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:03 p.m.

MINUTES

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

Monday, April 14, 2014, at 5:00 p.m.

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

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider accepting an oral report from City staff regarding the Public Art Ordinance.
(Funding Source: Not Applicable)
*Community & Economic Development; Josh Bridegroom, 571-5540 ,
jbridegroom@modestogov.com*

ACTION: No Action Taken.

2. Consider accepting an oral report from City staff regarding the use of City Facilities by Neighborhood Safety Groups. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Steve Lumpkin, 577-5471,
slumpkin@modestogov.com*

ACTION: No Action Taken.

3. Consider accepting an informational report regarding Modesto's Crime Statistics for January through December 2013 as compared to January through December 2012.
(Funding Source: Not Applicable)
Police; Joel Broumas, 572-9821, broumasj@modestopd.com

ACTION: Motion (Gunderson/Kenoyer;unan.) accepting an informational report regarding Modesto's Crime Statistics for January through December 2013 as compared to January through December 2012.

4. Consider approving use of asphalt to patch sidewalk trip hazards within residential neighborhoods in place of the current program of removing and replacing sidewalks with concrete and forwarding to Council for approval. (Funding Source: Surface Transportation Funds)
Public Works; Steve Fischio, 342-2222, Steve Fischio

ACTION: Motion (Kenoyer/Gunderson;unan.) approving use of asphalt to patch sidewalk trip hazards within residential neighborhoods in place of the current program of removing and replacing sidewalks with concrete and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:10 p.m.

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

Tuesday April 15, 2014, 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, Big Valley Grace

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters; Mayor Marsh announced recruitment of an Interim City Manager; Ad Hoc Committee to review potential candidates – Councilmembers Dave Lopez, Jenny Kenoyer and Bill Zoslocki; return to May 6, 2014 Council meeting.

PUBLIC COMMENT PERIOD

- Doug Highiet spoke regarding Armadillo Truck crime fighting tool for Modesto Police Department, public safety concern and City budget.
- Ray Pefferini spoke regarding trees, cycling program, and mistletoe in Modesto.
- John Walker spoke regarding public safety and new technology; he also spoke regarding Modesto Bee article regarding leadership.
- Carmen Sabatino spoke regarding Modesto Bee building at 14th and H Streets and old Courthouse site.
- Dave Geer gave an update regarding Common Core State Standards and Common Core Town Hall Meeting on Thursday, May 1, 2014 from 4:00-6:00 pm with Speaker Lydia Gutierrez.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

CONSENT ITEM 1: (Lopez/Gunderson;unan.)

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 April 8, 2014 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the April 8, 2014 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) approving the minutes from the April 8, 2014 Council Meeting.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced Earth Day in the Park on Saturday; Council in the Park will be at the event.

Councilmembers Madrigal and Kenoyer also will attend Earth Day.

Mayor Marsh announced Finance Committee meetings regarding the City's budget starting on May 7, 2014 at 5:00 pm in Council Chambers.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

2. Consider approving the Second Amended Long Range Property Management Plan of the City of Modesto Redevelopment Successor Agency pursuant to Health and Safety Code Section 34191.5(b). (Funding Source: Redevelopment Property Tax Trust Fund)
 - Resolution approving the Second Amended Long Range Property Management Plan of the City of Modesto Redevelopment Successor Agency pursuant to Health and Safety Code Section 34191.5(b).
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2014-138 (Lopez/Cogdill; 7/0) approving the Second Amended Long Range Property Management Plan of the City of Modesto Redevelopment Successor Agency pursuant to Health and Safety Code Section 34191.5(b).

HEARINGS

Published in part in the Modesto Bee on April 1, 2014 and April 8, 2014

3. Consider approving the site acquisition and sale for the Modesto Courthouse Project: (i) the transfer by grant deed of four parcels from the City of Modesto Redevelopment Successor Agency to the City of Modesto; (ii) Conditional Property Acquisition Agreements with six private property owners; (iii) a Property Acquisition Agreement with the State of California; (iv) hearing to consider conditional vacation of an alley within Downtown Block 54 located between H Street, 9th Street, G Street, and 10th Street; (v) a Master Lease with the State of California; (vi) the purchase of Pollution Legal Liability environmental liability insurance rated A by A. M. Best, licensed to do business in the State of California; and (vii) consider creating a multi-year operating budget in FY 2013-14 and appropriate \$330,000 in revenue and expenditures. (Funding Source: Economic Development/Strategic Plan)
- Resolution approving the transfer by grant deed of four (4) parcels: APN 106-042-001, 106-042-002, 106-042-003, and 106-042-004 from the City of Modesto Redevelopment Successor Agency to the City of Modesto, in accordance with the Second Amended Long Range Property Management Plan, for the purpose of the sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts for construction of the new Modesto courthouse project, subject to the approval by the Modesto Redevelopment Successor Agency Oversight Board and the State Department of Finance, and authorizing the City Manager, or his designee, to sign Certificate of Acceptance(s) for real property (APN 106-042-001, 106-042-002, 106-042-003 and 106-042-004) and to execute all documents required to complete the transaction, transfer title, and to close escrow.
 - Resolution approving a Conditional Property Acquisition Agreement (Agreement) with G & K Enterprises, LLC., for the acquisition of real property at 900 H Street, Modesto, CA., being APN 106-042-012, in the amount of \$2,500,000 for the purpose of sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts, for the new Modesto Courthouse Project, and authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Certificate of Acceptance, and (3) all necessary and related documents required to complete the transaction, transfer title, and close escrow.
 - Resolution approving a Conditional Property Acquisition Agreement (Agreement) with Curtis Mote, for the acquisition of real property at 716 9th Street, Modesto, CA., being APN 106-042-011, in the amount of \$325,000 for the purpose of sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts for the new Modesto Courthouse Project, and authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Certificate of Acceptance, and (3) all necessary and related documents required to complete the transaction, transfer title, and to close escrow.
 - Resolution approving a Conditional Property Acquisition Agreement (Agreement) with Gary Gervasoni and Myrna Gervasoni, for the acquisition of real property at 712 and 706 9th Street, Modesto, CA., being APN 106-042-010, for total compensation not to exceed \$492,000 for the purpose of sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts for the new Modesto Courthouse Project, and authorizing the

City Manager, or his designee, to execute (1) the Agreement, (2) a Certificate of Acceptance, and (3) all necessary and related documents required to complete the transaction, transfer title, and close escrow.

- Resolution approving a Conditional Property Acquisition Agreement (Agreement) with Charles W. Noble and Dorothy M. Noble, Trustees of the Noble 1995 Trust, as to an undivided 1/2 interest; Von Deen Bubeck, Trustee of the Von Deen Bubeck Trust as set forth in the Bubeck Revocable Trust dated March 19, 1997, as to an undivided 1/4 interest, and Jerry Bubeck and Von Deen Bubeck, Trustees of the Bubeck Revocable Trust dated March 19, 1997, as to an undivided 1/4 interest for the acquisition of real property at 701 10th Street, Modesto, CA., being APN 106-042-007, in the amount of \$270,000 for the purpose of sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts for the new Modesto Courthouse Project, and authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Certificate of Acceptance, and (3) all necessary and related documents required to complete the transaction, transfer title, and close escrow.
- Resolution approving a Conditional Property Acquisition Agreement (Agreement) with G & K Enterprises, LLC., for the acquisition of real property at 711 10th Street, Modesto, CA., being APN 106-042-006, in the amount of \$625,000 for the purpose of sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts for the new Modesto Courthouse Project, and authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Certificate of Acceptance, and (3) all necessary and related documents required to complete the transaction, transfer title, and close escrow.
- Resolution approving a Conditional Property Acquisition Agreement (Agreement) with Gina Rugani, Michael Gene Rugani and Sandra Ann Heffernan, Trustees, or any Successor Trustee(s) thereto of the Gina Rugani Survivor's Trust Agreement dated July 17, 1978, as amended, for the acquisition of real property at 713 10th Street, Modesto, CA., being APN 106-042-005, in the amount of \$341,000 for the purpose of sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts for the new Modesto Courthouse Project, and authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Certificate of Acceptance, and (3) all necessary and related documents required to complete the transaction, transfer title, and close escrow.
- Resolution approving a Property Acquisition Agreement with the State of California, acting by and through the Judicial Council, Administrative Office of the Courts for acquisition of the real property necessary for the new Modesto Courthouse project, being the city block bounded by H and G Streets, and 9th and 10th Streets (the 10th Street Site) having APNs: 106-042-001, 106-042-002, 106-042-003, 106-042-004, 106-042-005, 106-042-006, 106-042-007, 106-042-0010, 106-042-011, 106-042-012 and 106-042-013, in the amount of \$5,450,000, and authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Grant Deed conveying said real property from the City of Modesto to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts, and (3) all necessary and related documents required to complete the transaction, transfer title, and close escrow.

- Resolution Conditionally Vacating an Alley within Downtown Block 54, Located between H Street, 9th Street, G Street, and 10th Street in the City of Modesto.
- Motion approving the purchase of Pollution Legal Liability environmental insurance, per Wells Fargo Insurance Services, from insurance companies rated A(XV) by A. M. Best and licensed to do business in the State of California in the total coverage amount of \$10,000,000/\$20,000,000 with a term of 10 years - one time premium cost not to exceed \$200,000.
- Resolution approving a Master Lease with the State of California, acting by and through the Judicial Council of the Courts, Administrative Office of the Courts for the use, possession, control and management of the 10th Street Site, and authorizing the City Manager, or his designee, to execute (1) the Master Lease and (2) all related and necessary documents required to complete the transaction.
- Resolution approving the creation of a multi-year operating budget in Fiscal Year 2013-14 and amending the Fiscal Year 2013-14 multi-year budget to appropriate revenues and expenditures in the amount of \$330,000.

Community & Economic Development; Brent Sinclair, 577-5228, bsinclair@modestogov.com

Recess at 7:40 pm

Reconvened at 7:57 pm

ACTION: Resolution 2014-139 (Madrigal/Cogdill; 7/0) approving the transfer by grant deed of four (4) parcels: APN 106-042-001, 106-042-002, 106-042-003, and 106-042-004 from the City of Modesto Redevelopment Successor Agency to the City of Modesto, in accordance with the Second Amended Long Range Property Management Plan, for the purpose of the sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts for construction of the new Modesto courthouse project, subject to the approval by the Modesto Redevelopment Successor Agency Oversight Board and the State Department of Finance, and authorizing the City Manager, or his designee, to sign Certificate of Acceptance(s) for real property (APN 106-042-001, 106-042-002, 106-042-003 and 106-042-004) and to execute all documents required to complete the transaction, transfer title, and to close escrow.

ACTION: Resolution 2014-140 (Madrigal/Cogdill; 7/0) approving a Conditional Property Acquisition Agreement (Agreement) with G & K Enterprises, LLC., for the acquisition of real property at 900 H Street, Modesto, CA., being APN 106-042-012, in the amount of \$2,500,000 for the purpose of sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts, for the new Modesto Courthouse Project, and authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Certificate of Acceptance, and (3) all necessary and related documents required to complete the transaction, transfer title, and close escrow.

ACTION: Resolution 2014-141 (Madrigal/Cogdill; 7/0) approving a Conditional Property Acquisition Agreement (Agreement) with Curtis Mote, for the acquisition of real property at 716 9th Street, Modesto, CA., being APN 106-042-011, in the amount of \$325,000 for the purpose of sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts for the new Modesto Courthouse Project, and

authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Certificate of Acceptance, and (3) all necessary and related documents required to complete the transaction, transfer title, and to close escrow.

ACTION: Resolution 2014-142 (Madrigal/Cogdill; 7/0) approving a Conditional Property Acquisition Agreement (Agreement) with Gary Gervasoni and Myrna Gervasoni, for the acquisition of real property at 712 and 706 9th Street, Modesto, CA., being APN 106-042-010, for total compensation not to exceed \$492,000 for the purpose of sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts for the new Modesto Courthouse Project, and authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Certificate of Acceptance, and (3) all necessary and related documents required to complete the transaction, transfer title, and close escrow.

ACTION: Resolution 2014-143 (Madrigal/Cogdill; 7/0) approving a Conditional Property Acquisition Agreement (Agreement) with Charles W. Noble and Dorothy M. Noble, Trustees of the Noble 1995 Trust, as to an undivided 1/2 interest; Von Deen Bubeck, Trustee of the Von Deen Bubeck Trust as set forth in the Bubeck Revocable Trust dated March 19, 1997, as to an undivided 1/4 interest, and Jerry Bubeck and Von Deen Bubeck, Trustees of the Bubeck Revocable Trust dated March 19, 1997, as to an undivided 1/4 interest for the acquisition of real property at 701 10th Street, Modesto, CA., being APN 106-042-007, in the amount of \$270,000 for the purpose of sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts for the new Modesto Courthouse Project, and authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Certificate of Acceptance, and (3) all necessary and related documents required to complete the transaction, transfer title, and close escrow.

ACTION: Resolution 2014-144 (Madrigal/Cogdill; 7/0) approving a Conditional Property Acquisition Agreement (Agreement) with G & K Enterprises, LLC., for the acquisition of real property at 711 10th Street, Modesto, CA., being APN 106-042-006, in the amount of \$625,000 for the purpose of sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts for the new Modesto Courthouse Project, and authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Certificate of Acceptance, and (3) all necessary and related documents required to complete the transaction, transfer title, and close escrow.

ACTION: Resolution 2014-145 (Madrigal/Cogdill; 7/0) approving a Conditional Property Acquisition Agreement (Agreement) with Gina Rugani, Michael Gene Rugani and Sandra Ann Heffernan, Trustees, or any Successor Trustee(s) thereto of the Gina Rugani Survivor's Trust Agreement dated July 17, 1978, as amended, for the acquisition of real property at 713 10th Street, Modesto, CA., being APN 106-042-005, in the amount of \$341,000 for the purpose of sale to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts for the new Modesto Courthouse Project, and authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Certificate of Acceptance, and (3) all necessary and related documents required to complete the transaction, transfer title, and close escrow.

ACTION: Resolution 2014-146 (Madrigan/Cogdill; 7/0) approving a Property Acquisition Agreement with the State of California, acting by and through the Judicial Council, Administrative Office of the Courts for acquisition of the real property necessary for the new Modesto Courthouse project, being the city block bounded by H and G Streets, and 9th and 10th Streets (the 10th Street Site) having APNs: 106-042-001, 106-042-002, 106-042-003, 106-042-004, 106-042-005, 106-042-006, 106-042-007, 106-042-0010, 106-042-011, 106-042-012 and 106-042-013, in the amount of \$5,450,000, and authorizing the City Manager, or his designee, to execute (1) the Agreement, (2) a Grant Deed conveying said real property from the City of Modesto to the State of California, acting by and through the Judicial Council of California, Administrative Office of the Courts, and (3) all necessary and related documents required to complete the transaction, transfer title, and close escrow.

ACTION: Resolution 2014-147 (Madrigan/Cogdill; 7/0) Conditionally Vacating an Alley within Downtown Block 54, Located between H Street, 9th Street, G Street, and 10th Street in the City of Modesto. Motion approving the purchase of Pollution Legal Liability environmental insurance, per Wells Fargo Insurance Services, from insurance companies rated A(XV) by A. M. Best and licensed to do business in the State of California in the total coverage amount of \$10,000,000/\$20,000,000 with a term of 10 years - one time premium cost not to exceed \$200,000.

ACTION: Motion (Madrigan/Cogdill; 7/0) approving the purchase of Pollution Legal Liability environmental insurance, per Wells Fargo Insurance Services, from insurance companies rated A(XV) by A. M. Best and licensed to do business in the State of California in the total coverage amount of \$10,000,000/\$20,000,000 with a term of 10 years - one time premium cost not to exceed \$200,000.

ACTION: Resolution 2014-148 (Madrigan/Cogdill; 7/0) approving a Master Lease with the State of California, acting by and through the Judicial Council of the Courts, Administrative Office of the Courts for the use, possession, control and management of the 10th Street Site, and authorizing the City Manager, or his designee, to execute (1) the Master Lease and (2) all related and necessary documents required to complete the transaction.

ACTION: Resolution 2014-149 (Madrigan/Cogdill; 7/0) approving the creation of a multi-year operating budget in Fiscal Year 2013-14 and amending the Fiscal Year 2013-14 multi-year budget to appropriate revenues and expenditures in the amount of \$330,000.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:55 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION-

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

CONFERENCE WITH LABOR NEGOTIATORS: (Pursuant to Section 54957.6 of the Government Code)

Negotiators: Greg Nyhoff, City Manager
 Joe Lopez, Human Resources Director

Unrepresented Employee: Interim City Attorney

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

Property: Purchase of fee interest of the following properties located within the block of 10th and 9th Streets and G & H Streets in the City of Modesto:

APN: 106-42-005 Property Owner: Rugani, Gina Et Al TRS
APN: 106-42-007 Property Owner: Silva, Helen L TRS Et Al
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni,
Myrna

Negotiating Parties: Greg Nyhoff, for City of Modesto
Brent Sinclair, for City of Modesto
Rick Evans, for the City of Modesto
For Property Owners: Michael Rugani

Charles Noble & Dave Noble
Gary & Myrna Gervasoni

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

Property: Purchase of the following properties located within the block of 10th and 9th streets; G and H streets:

APN: 106-42-006 Property Owner: G&K Enterprises LLC
APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-012 Property Owner: G&K Enterprises LLC
Negotiating Parties: Matt Pacher & Rick Evans for City of Modesto

Mike Rein for G&K Enterprises, LLC and Curtis W. Mote

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

Property: Sale of fee interest of the following properties located within the block of 10th and 9th streets; G and H streets in the City of Modesto:

APN: 106-42-001 Property Owner: Modesto RDA (Successor)
APN: 106-42-002 Property Owner: Modesto RDA (Successor)
APN: 106-42-003 Property Owner: Modesto RDA (Successor)
APN: 106-42-004 Property Owner: Modesto RDA (Successor)
APN: 106-42-005 Property Owner: Rugani, Gina Et Al TRS
APN: 106-42-006 Property Owner: G&K Enterprises LLC
APN: 106-42-007 Property Owner: Silva, Helen L TRS Et Al
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni,
Myrna

APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-012 Property Owner: G&K Enterprises LLC
APN: 106-42-013 Property Owner: City of Modesto

Negotiating Parties: Greg Nyhoff, for City of Modesto
Brent Sinclair, for City of Modesto

For Potential Buyer: Staff of Administrative Office of the Courts.

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

PUBLIC EMPLOYEE EMPLOYMENT: (Pursuant to Section 54957 of the Government Code)

Title: Discussion regarding City Manager recruitment

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP
Sixth Floor, Room 6105
1010 10th Street
Modesto, California
Thursday, April 24, 2014, at 3:30 p.m.

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

PUBLIC COMMENTS

None.

MISCELLANEOUS

1. Consider approving the following: (i) reappointments to Landmark Preservation Commission Denzil Walker, Barratt Lipomi and Kent Faulkner; (ii) reappointments to the Cultural Commission: Kate Trompetter, for her second and final term on this commission; (iii) recommending an appointment to fill one vacancy on the Landmark Preservation Commission; and (iv) recommending appointments to fill five vacancies on the Cultural Commission and forwarding to Council for approval. (Funding Source: Not Applicable)

*Parks, Recreation & Neighborhoods; Steve Lumpkin, 577-5417,
slumpkin@modestogov.com*

ACTION: Motion (Gunderson/Kenoyer;unan.) continuing item to the May 7, 2014 Appointments Committee meeting.

CONSENT ITEMS – None

UNFINISHED BUSINESS

2. Consider further discussion regarding the Committee's 5 Goals: (i) establishing policy for Appointments Committee; (ii) reviewing list of Boards and Commissions and attendance at the meetings; (iii) evaluating Boards and Commission to keep; (iv) outreach for applicants to Boards and Commissions; and (v) reviewing applications and recommending appointments. (Funding Source: Not Applicable)

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

ACTION: Motion (Gunderson/Kenoyer;unan.) recommending changes to City Council Policy 1.008 and returning to the next Appointments Committee meeting for review and approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:27 p.m.

MINUTES

City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday May 05, 2014, at 5:00 p.m.

Roll Call Present: Councilmembers Cogdill, Kenoyer, and Zoslocki

Absent: None

Also Present: Councilmember Madrigal

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

Consent

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

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

UNFINISHED BUSINESS

2. Consider accepting a report and providing direction to staff on the proposed governance structure of the North Valley Regional Recycled Water Program. (Funding Source: Wastewater Fund)
Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) directing staff to bring recommended governance structure within 60 days to Council and to forward recommended governance structure to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 5:48 p.m.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2001
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, May 6, 2014, at 11:00 a.m.

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

PUBLIC COMMENTS

None.

CONSENT

None.

UNFINISHED BUSINESS

1. Consider approving the Study of Siemens Self-Funding Clean Energy Project Proposal prepared by Auditor Moss-Adams, LLP and forwarding to Council for approval. (Funding Source: Not Applicable)
City Auditor; Mark Steranka, (206) 302-6409, MarkSteranka@mossadams.com

ACTION: Motion (Madrigal/Zoslocki;unan.) approving the Study of Siemens Self-Funding Clean Energy Project Proposal prepared by Auditor Moss-Adams, LLP and forwarding staff recommendations with project options, financing structure and contract with Siemens to Council for approval (time sensitive).

2. Consider approving the City of Modesto Admin-Analyst Restructuring Study Final Report prepared by Auditor Moss-Adams, LLP and forwarding to Council for approval. (Funding Source: Not Applicable)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Madrigal/Zoslocki;unan.) approving the City of Modesto Admin-Analyst Restructuring Study Final Report prepared by Auditor Moss-Adams, LLP and forwarding to Council for approval with quarterly Moss-Adams Progress Report.

3. Consider approving the City of Modesto Progress Report on Work Performed Under the Direction of the Audit Committee prepared by Auditor Moss-Adams, LLP and forwarding to Council for approval. (Funding Source: Not Applicable)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Zoslocki/Madrigal;unan.) approving the City of Modesto Progress Report on Work Performed Under the direction of the Audit Committee prepared by Auditor Moss-

Adams, LLP and forwarding the recommended program to Council for approval; **also directing staff to develop a program to deliver administrative and analytical services in an effective and efficient manner.**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:26 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 06, 2014, 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, Big Valley Grace

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Lopez – Item 7

Reports from Closed Session: Mayor Marsh announced the appointment of Adam Lindgren and Meyers Nave as City Attorney; Councilmember Zoslocki announced recruitment for permanent City Manager and announced James Holgersson, Management Partners, appointed as the Interim City Manager; Mayor Marsh announced Council return to Closed Session after regular Council meeting.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Stanislaus County Asthma Coalition declaring May as Asthma Awareness month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Stan Lindsay, Stanislaus County Asthma Coalition, declaring May as Asthma Awareness month.

2. Presentation regarding Ride for Mom Family Cycling Event on May 10, 2014.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation was made by Bob Fores and Armando Flores regarding Ride for Mom Family Cycling Event on May 10, 2014.

3. Presentation of Proclamation proclaiming May 2014 Older Americans Month.
(Funding Source: Not Applicable)

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

ACTION: Mayor Marsh presented a Proclamation to Maggie Mejia proclaiming May 2014 Older Americans Month.

4. Presentation of Certificate of Recognition to Modesto Christian Girls Basketball Team in recognition of their Division III State Championship. (Funding Source: Not Applicable)

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

ACTION: Mayor Marsh presented a Certificate of Recognition to the Modesto Christian Girls Basketball Team in recognition of their Division III State Championship.

5. 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: Squab Producers; G3 Enterprises, Modesto Plating and Power Coating, Georgia Pacific, Bunge Oils, and Foam Fabricators.

PUBLIC COMMENT PERIOD

- Lani Turner spoke regarding Wood Colony, jobs and education in Modesto.
- Dave Geer gave an update on opposition to Common Core Standards.
- Carmen Sabatino spoke regarding an investigation by the District Attorney's Office.
- Adam, Valley Improvement Projects, spoke regarding bike lanes in Modesto. Councilmember Lopez referred to Safety & Communities Committee in August; Mayor Marsh referred to Bicycle Advisory Committee.
- Gina Edwards spoke regarding wiring problems with her home and Community Impact Central Valley (CCIV); she was referred to Parks, Recreation & Neighborhoods Director Steve Lumpkin.
- Sebastian Jones spoke regarding problems with Ms. Edwards home and maintenance increase by CCIV.
- Loretta Carhart spoke regarding problems when she had work done on her home.
- Katherine Borges spoke regarding statements made by Councilmember Lopez on Salida.
- Rickey McGill spoke regarding managing houses and community organizations; he

announced May 23, 2014 tribute to African American Elders in Modesto.

- Carlos Nava spoke regarding Coolidge Apartments in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 6, 8-24: (Lopez/Kenoyer; unan.)

ACTION CONSENT ITEM 7: (Gunderson/Madriral; unan.; Lopez 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

6. Consider approving the minutes from the April 15, 2014 Special Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the April 15, 2014 Special Council Meeting. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Kenoyer; 7/0) approving the minutes from the April 15, 2014 Special Council Meeting.

Consent-Councilmember Lopez absent due to conflict of interest

7. Consider approving final adoption of **Ordinance No. 3603-C.S.** amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone 1.81 acres from Planned Development Zone, P-D(497), to Low Density Residential Zone, R-1, property located on the south side of Hintze Avenue east of McHenry Avenue. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance 3603-C.S. amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone 1.81 acres from Planned Development Zone, P-D(497), to Low Density Residential Zone, R-1, property located on the south side of Hintze Avenue east of McHenry Avenue. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Gunderson/Madriral; 6/0; Lopez absent due to conflict of interest) approving final adoption of **Ordinance No. 3603-C.S.** amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone 1.81 acres from Planned Development Zone, P-D(497), to Low Density Residential Zone, R-1, property located on the south side of Hintze Avenue east of McHenry Avenue.

Consent

8. Consider approving the plans, notice to bidders, bid form and special provisions for the project titled, "Construction of Right Turn Lane Street Improvements at Eastbound Bangs Avenue to Southbound Prescott Road", accepting the bid, and approving a contract with Breneman, Inc. of Walnut Creek, CA in the amount of \$183,152.50. Estimated construction cost of the project is \$269,091. (Funding Source: Federal Aid

Congestion Mitigation Grant)

- Resolution finding that the following projects are within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH#2007072023): Caltrans Section 130 Grade Crossing Improvements at Seventh & B Streets; CML 5059 (176) – Right Turn Lane at Bangs Avenue to Prescott Road; CML 5059 (184) – Oakdale Road & Sylvan Avenue Intersection Improvements; CML 5059 (186) – Right Turn Lane Southbound McHenry Avenue to Westbound Briggsmore Avenue; and CML 5059 (187) – Right Turn Lane Southbound Prescott Road at Plaza Parkway (City of Modesto).
- Resolution approving the plans, notice to bidders, bid form and special provisions for the project titled, “Construction of Right Turn Lane Street Improvements at Eastbound Bangs Avenue to Southbound Prescott Road”, accepting the bid, and approving a contract with Breneman, Inc. of Walnut Creek CA, in the amount of \$183,152.50; and authorizing the City Manager, or his designee, to execute the contract.

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

ACTION: Resolution 2014-150 (Lopez/Kenoyer; 7/0) finding that the following projects are within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH#2007072023): Caltrans Section 130 Grade Crossing Improvements at Seventh & B Streets; CML 5059 (176) – Right Turn Lane at Bangs Avenue to Prescott Road; CML 5059 (184) – Oakdale Road & Sylvan Avenue Intersection Improvements; CML 5059 (186) – Right Turn Lane Southbound McHenry Avenue to Westbound Briggsmore Avenue; and CML 5059 (187) – Right Turn Lane Southbound Prescott Road at Plaza Parkway (City of Modesto).

ACTION: Resolution 2014-151 (Lopez/Kenoyer; 7/0) approving the plans, notice to bidders, bid form and special provisions for the project titled, “Construction of Right Turn Lane Street Improvements at Eastbound Bangs Avenue to Southbound Prescott Road”, accepting the bid, and approving a contract with Breneman, Inc. of Walnut Creek CA, in the amount of \$183,152.50; and authorizing the City Manager, or his designee, to execute the contract.

Consent

9. Consider approving the plans and specifications, for the project titled, “Railroad Pre-Traffic Signal and Intersection Improvements at 7th Street and B Street”, accepting the bid, and approving a contract with Collins Electrical Company, Inc. of Modesto, CA in the amount of \$314,600. Estimated total construction cost of the project is \$393,250. (Funding Source: 100% Section 130 Grant/Surface Transportation Fund)
 - Resolution approving the plans, and specifications for the project titled, “Intersection Improvements at 7th Street and B Street”, accepting the bid, and approving a contract with Collins Electrical Company, Inc. of Modesto, CA, in the amount of \$314,600; and authorizing the City Manager, or his designee, to execute the contract.

Community & Economic Development; Jeffrey L. Barnes, 577-5468,

jbarnes@modestogov.com

ACTION: Resolution 2014-152 (Lopez/Kenoyer; 7/0) approving the plans, and specifications for the project titled, “Intersection Improvements at 7th Street and B Street”, accepting the bid, and approving a contract with Collins Electrical Company, Inc. of Modesto, CA, in the amount of \$314,600; and authorizing the City Manager, or his designee, to execute the contract.

Consent

10. Consider: (i) approving the 2014-15 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 June 24, 2014, 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 2014-15 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 through 6, and setting a public hearing on June 24, 2014, 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/Kenoyer; 7/0) accepting the 2014-15 Annual Engineer’s Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.

ACTION: Resolution 2014-153 (Lopez/Kenoyer; 7/0) of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6, and setting a public hearing on June 24, 2014, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1.

Consent

11. Consider: (i) approving the 2014-15 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 June 24, 2014, 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 2014-15 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 June 24, 2014 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/Kenoyer; 7/0) accepting the 2014-15 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 2014-154 (Lopez/Kenoyer; 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 June 24, 2014 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

Consent

12. Consider: (i) approving the 2014-15 Engineer's Annual Report for the Shackelford Landscape and Lighting District; and (ii) setting a public hearing on June 24, 2014, 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 2014-15 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 June 24, 2014.

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

ACTION: Motion (Lopez/Kenoyer; 7/0) accepting the 2014-15 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

ACTION: Resolution 2014-155 (Lopez/Kenoyer; 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 June 24, 2014.

Consent

13. Consider acknowledging receipt of notification of the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2014-15. (Funding Source: Capital Facilities Fees)
- Motion acknowledging receipt of notification of the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2014-15.

*Community & Economic Development; Tina Rocha, 577-5211,
trocha@modestogov.com*

ACTION: Motion (Lopez/Kenoyer; 7/0) acknowledging receipt of notification of the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2014-15.

Consent

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

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

Consent

15. Consider accepting the Monthly Budget Adjustments Report for April 2014 and amending the Fiscal Year 2013-14 Annual Operating and Capital Improvement Budgets. (Funding Source: Various)
- Resolution amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2014-156 (Lopez/Kenoyer; 7/0) amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.

Consent

16. Consider authorizing the purchase of two John Deere front loaders for the Public Works Department, Streets Division and Parks, Recreation, and Neighborhoods Department, Solid Waste Division, through the Fleet Services Division, by “accessing the terms” of a competitively bid contract with the State of California, Department of General Services, California Multiple Award Schedules to Pape Machinery, French Camp, CA, for an estimated total cost of \$256,283. (Funding Source: Fleet Replacement Fund)
- Resolution authorizing the purchase of two (2) John Deere front loaders for the Public Works Department, Streets Division and Parks, Recreation, and Neighborhoods Department, Solid Waste Division, through the Fleet Services Division, by “accessing the terms” of a competitively bid contract with the State of California, Department of General Services, California Multiple Award Schedules (CMAS) to Pape Machinery, French Camp, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost \$256,283.
Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2014-157 (Lopez/Kenoyer; 7/0) authorizing the purchase of two (2) John Deere front loaders for the Public Works Department, Streets Division and Parks, Recreation, and Neighborhoods Department, Solid Waste Division, through the Fleet Services Division, by “accessing the terms” of a competitively bid contract with the State of California,

Department of General Services, California Multiple Award Schedules (CMAS) to Pape Machinery, French Camp, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost \$256,283.

Consent

17. Consider: (i) authorizing the purchase of 9 Polaris Ranger Electric Vehicles for various departments through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance to Polaris Sales, Inc., Medina, MN, for an estimated total cost of \$117,312; and (ii) amending the FY13/14 Multi-Year budget to appropriate revenues and expenditures of approximately \$100,000 for a grant received from San Joaquin Valley Air Pollution Control District. (Funding Source: Fleet Replacement Fund and San Joaquin Valley Air Pollution Control District grant)

- Resolution authorizing the purchase of nine (9) Polaris EV Rangers for various departments through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Polaris Sales, Inc., Medina, MN and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$117,312.
- Resolution amending the FY13/14 budget, to appropriate revenues and expenditures of approximately \$100,000 for a grant received from San Joaquin Valley Air Pollution Control District’s (SJVAPCD); and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2014-158 (Lopez/Kenoyer; 7/0) authorizing the purchase of nine (9) Polaris EV Rangers for various departments through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Polaris Sales, Inc., Medina, MN and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$117,312.

ACTION: Resolution 2014-159 (Lopez/Kenoyer; 7/0) amending the FY13/14 budget, to appropriate revenues and expenditures of approximately \$100,000 for a grant received from San Joaquin Valley Air Pollution Control District’s (SJVAPCD); and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

Consent

18. Consider authorizing the purchase of three Ford Explorers for the Modesto Police Department through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the State of California, Department of General Services, California Multiple Award Schedules to Downtown Ford, Sacramento, CA, for an estimated total cost of \$76,356. (Funding Source: Fleet Replacement Fund)

- Resolution authorizing the purchase of three (3) Ford Explorers for the Modesto Police Department through the Public Works Department, Fleet Services Division,

by “accessing the terms” of a competitively bid contract with the State of California, Department of General Services, California Multiple Award Schedules (CMAS) to Downtown Ford, Sacramento, CA and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$76,356.

Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2014-160 (Lopez/Kenoyer; 7/0) authorizing the purchase of three (3) Ford Explorers for the Modesto Police Department through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the State of California, Department of General Services, California Multiple Award Schedules (CMAS) to Downtown Ford, Sacramento, CA and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$76,356.

Consent

19. Consider authorizing an amendment to the Agreement for On-Call Engineering Services with Carollo Engineers from the current amount of \$132,000 to \$182,000 for an Electronic Operations and Maintenance Manual. (Funding Source: Wastewater Fund)

- Resolution approving an amendment to the Agreement for On-Call Engineering Services with Carollo from the current \$132,000 to \$182,000 for an Electronic Operations and Maintenance Manual.
- Resolution approving the transfer of \$50,000 from Operating Cost Center 4210-54312-53300 Plant Operations, Services – Professional and Other to CIP 100369 On-Call Engineering.

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

ACTION: Resolution 2014-161 (Lopez/Kenoyer; 7/0) approving an amendment to the Agreement for On-Call Engineering Services with Carollo from the current \$132,000 to \$182,000 for an Electronic Operations and Maintenance Manual.

ACTION: Resolution 2014-162 (Lopez/Kenoyer; 7/0) approving the transfer of \$50,000 from Operating Cost Center 4210-54312-53300 Plant Operations, Services – Professional and Other to CIP 100369 On-Call Engineering.

Consent

20. Consider approving an Agreement with HydroScience Engineers, Inc. for Preliminary Design Report for Well 299 Arsenic Treatment project in an amount not to exceed \$47,647. (Total estimated cost for this portion of the preliminary design services for this project is \$57,647.) (Funding Source: Water Fund - CIP)

- Resolution approving an agreement with HydroScience Engineers, Inc. for Preliminary Design Report for Well 299 Arsenic Treatment project in an amount not to exceed \$43,315 for the identified scope of services, plus \$4,332 for additional services (if needed), for a maximum total amount of \$47,647, and authorizing the City Manager, or his designee, to execute the agreement.

Utility Planning and Projects; Kris Ohlson, 571-5869, kohlson@modestogov.com

ACTION: Resolution 2014-163 (Lopez/Kenoyer; 7/0) approving an agreement with HydroScience Engineers, Inc. for Preliminary Design Report for Well 299 Arsenic Treatment project in an amount not to exceed \$43,315 for the identified scope of services, plus \$4,332 for additional services (if needed), for a maximum total amount of \$47,647, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

21. Consider approving an Agreement with Carollo Engineers, Inc. for Design Support During Construction for the Sutter Treatment Plant Improvements project in an amount not to exceed \$163,516. (Total estimated cost for the design support during construction portion of the project is \$193,171.) (Funding Source: Wastewater Fund)
- Resolution approving an agreement with Carollo Engineers, Inc. for Design Support During Construction for Sutter Treatment Plant Improvements project in an amount not to exceed \$148,651 for the identified scope of services, plus \$14,865 for additional services (if needed), for a maximum total amount of \$163,516, and authorizing the City Manager, or his designee, to execute the agreement.

Utility Planning and Projects; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: Resolution 2014-164 (Lopez/Kenoyer; 7/0) approving an agreement with Carollo Engineers, Inc. for Design Support During Construction for Sutter Treatment Plant Improvements project in an amount not to exceed \$148,651 for the identified scope of services, plus \$14,865 for additional services (if needed), for a maximum total amount of \$163,516, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

22. Consider approving a License Agreement with Modesto Irrigation District for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves project. (Funding Source: Water Fund-CIP)
- Resolution approving a License Agreement with Modesto Irrigation District for the purpose of installing and maintaining pressure regulating valves on the domestic water transmission main located on MID property, for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2014-165 (Lopez/Kenoyer; 7/0) approving a License Agreement with Modesto Irrigation District for the purpose of installing and maintaining pressure regulating valves on the domestic water transmission main located on MID property, for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required.

Consent

23. Consider: (i) approving an Agreement with Carollo Engineers, Inc. for the Sutter

Treatment Facility Feasibility Study in an amount not to exceed \$219,144; and (ii) amending the Fiscal Year 2013-2014 CIP Budget by transferring \$80,632 into the project account from Wastewater Fund Reserves to fully fund the service agreement and the needed City staff support. (The total estimated cost for this Study including City staff time, is \$280,000.) (Funding Source: Wastewater Fund)

- Resolution approving an agreement with Carollo Engineers, Inc. for the Sutter Treatment Facility Feasibility Study in an amount not to exceed \$199,222 to complete the identified scope of services, plus \$19,922 for additional services (if needed), for a maximum total amount of \$219,144, and authorizing the City Manager, or his designee, to execute the agreement.
- Resolution amending the Fiscal Year 2013-2014 CIP Budget in the amount of \$80,632 to be transferred into CIP account 100644 from Wastewater Fund Reserves in order to fully fund the agreement with Carollo Engineers, Inc. for Professional Engineering Services, including support by City staff, for the City's Sutter Treatment Facility Feasibility Study.

Utility Planning and Projects; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2014-166 (Lopez/Kenoyer; 7/0) approving an agreement with Carollo Engineers, Inc. for the Sutter Treatment Facility Feasibility Study in an amount not to exceed \$199,222 to complete the identified scope of services, plus \$19,922 for additional services (if needed), for a maximum total amount of \$219,144, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-167 (Lopez/Kenoyer; 7/0) amending the Fiscal Year 2013-2014 CIP Budget in the amount of \$80,632 to be transferred into CIP account 100644 from Wastewater Fund Reserves in order to fully fund the agreement with Carollo Engineers, Inc. for Professional Engineering Services, including support by City staff, for the City's Sutter Treatment Facility Feasibility Study.

Consent

24. Consider: (i) accepting the Technical Memorandum Cannery Segregation Pump Station Operational Evaluation dated May 2013 as Preliminary Design Report equivalent for the Cannery Segregation Pump Replacement project as complete; and (ii) approving an Agreement with Nolte Associates, Inc., dba NV5 Inc. for Final Design Report for Cannery Segregation Pump Replacement in an amount not to exceed \$296,936. (Total estimated cost for the final design for this portion of the project is \$356,936.) (Funding Source: Wastewater Fund)

- Resolution accepting the Technical Memorandum Cannery Segregation Pump Station Operational Evaluation dated May 2013 as Preliminary Design Report equivalent for the Cannery Segregation Pump Replacement project as complete.
- Resolution approving an agreement with Nolte Associates, Inc., dba NV5 Inc. (NV5) for Final Design Report for Cannery Segregation Pump Replacement in an amount not to exceed \$269,942 for the identified scope of services, plus \$26,994 for additional services (if needed), for a maximum total amount of \$296,936, and authorizing the City Manager, or his designee, to execute the agreement.

Utility Planning and Projects; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: Resolution 2014-168 (Lopez/Kenoyer; 7/0) accepting the Technical Memorandum Cannery Segregation Pump Station Operational Evaluation dated May 2013 as Preliminary Design Report equivalent for the Cannery Segregation Pump Replacement project as complete.

ACTION: Resolution 2014-169 (Lopez/Kenoyer; 7/0) approving an agreement with Nolte Associates, Inc., dba NV5 Inc. (NV5) for Final Design Report for Cannery Segregation Pump Replacement in an amount not to exceed \$269,942 for the identified scope of services, plus \$26,994 for additional services (if needed), for a maximum total amount of \$296,936, and authorizing the City Manager, or his designee, to execute the agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer gave an update on a Day Drop-In Center for the Homeless.

Councilmember Madrigal invited citizens to Child Safety Seat Check on Saturday May 31, 2014 at Los Amigos Tires; he also announced meeting with South Modesto Business owners.

Mayor Marsh announced Finance Committee meetings starting tomorrow night at 5:00 pm in Council Chambers.

CITY MANAGER COMMENTS & REPORTS

Deputy City Manager Dee Williams-Ridley introduced Larry Parlin, Utilities Director.

NEW BUSINESS

25. Consider recognizing and supporting the Downtown Modesto Partnership. (Funding Source: Not Applicable)
- Resolution of recognition and support for the Downtown Modesto Partnership.
Community & Economic Development; Josh Bridegroom, 571-5540, Jbridegroom@modestogov.com

ACTION: Resolution 2014-170 (Madrigal/Cogdill; 7/0) of recognition and support for the Downtown Modesto Partnership.

26. Consider approving an economic development incentive program for downtown and directing staff to implement. (Funding Source: General Fund)
- Resolution approving economic development incentive program for downtown and directing staff to implement.
Community & Economic Development; Josh Bridegroom, 571-5540, Jbridegroom@modestogov.com

ACTION: Resolution 2014-171 (Madrigal/Gunderson; 7/0) approving economic development incentive program for downtown and directing staff to implement.

27. Consider approving a plan for improvements to 10th Street, between J and I Streets.
(Funding Source: Grants and General Fund)

- Resolution approving the plan to improve 10th Street and directing staff to implement the plan as funding becomes available.

*Community & Economic Development; Josh Bridegroom, 571-5540,
Jbridegroom@modestogov.com*

ACTION: Resolution 2014-172 (Madrigal/Cogdill; 7/0) approving the plan to improve 10th Street and directing staff to implement the plan as funding becomes available.

28. Consider authorizing the award of bids for the furnishing of on-call contracting services for ongoing maintenance projects for the Department of Public Works, Water Division, to D.A. Wood Construction, Inc., Modesto, CA, as “primary” contractor and West Valley Construction Co., Inc., San Jose, CA, as “secondary” contractor, for a two year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$1,000,000, and over five years of \$5,000,000.

(Funding Source: Water Fund)

- Resolution authorizing the award of bids for the furnishing of on-call contracting services for ongoing maintenance projects for the Department of Public Works, Water Division, to D.A. Wood Construction, Inc., Modesto, CA, as “primary” contractor and West Valley Construction Co., Inc., San Jose, 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 City Manager, or his designee, to execute contracts for ongoing maintenance projects, for a combined estimated annual cost of \$1,000,000, and over five (5) years of \$5,000,000.

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

ACTION: Resolution 2014-173 (Madrigal/Gunderson; 7/0) authorizing the award of bids for the furnishing of on-call contracting services for ongoing maintenance projects for the Department of Public Works, Water Division, to D.A. Wood Construction, Inc., Modesto, CA, as “primary” contractor and West Valley Construction Co., Inc., San Jose, 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 City Manager, or his designee, to execute contracts for ongoing maintenance projects, for a combined estimated annual cost of \$1,000,000, and over five (5) years of \$5,000,000.

29. Consider accepting an informational report regarding the mid-year financial status of the General Fund and consider amending the Fiscal Year 2013-2014 Annual Operating Budget for the City of Modesto. (Funding Source: General Fund)

- Resolution accepting the Information Mid-Year Budget Report for Fiscal Year 2013-2014 for the City of Modesto General Fund.
- Resolution amending the Fiscal Year 2013-2014 Annual Operating Budget for the City of Modesto.

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

ACTION: Resolution 2014-174 (Madrigal/Cogdill; 7/0) accepting the Information Mid-

Year Budget Report for Fiscal Year 2013-2014 for the City of Modesto General Fund.

ACTION: Resolution 2014-175 (Madrigal/Cogdill; 7/0) amending the Fiscal Year 2013-2014 Annual Operating Budget for the City of Modesto.

30. Consider approving the proposed FY 2013-2014 General Fund Mid-Year Budget Reductions and amending the FY 2013-2014 Annual Operating Budget per the proposed reductions. (Funding Source: General Fund)
- Resolution approving the proposed Fiscal Year 2013-2014 Mid-Year General Fund Budget Reductions as defined in Exhibit A and amending the Fiscal Year 2013-2014 Annual Operating Budget per the proposed reductions.
Finance; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: Resolution 2014-176 (Madrigal/Cogdill; 7/0) approving the proposed Fiscal Year 2013-2014 Mid-Year General Fund Budget Reductions as defined in Exhibit A and amending the Fiscal Year 2013-2014 Annual Operating Budget per the proposed reductions.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:25 p.m. and returned to Closed Session at 9:30 p.m.

CLOSED SESSION

Closed Session Matters Heard Prior to and After Meeting

PUBLIC EMPLOYEE EMPLOYMENT: (Pursuant to Section 54957 of the Government Code) – Interim City Manager/City Manager

Title: Discussion regarding Interim City Manager and City Manager recruitment

PUBLIC EMPLOYEE APPOINTMENT: (Pursuant to Section 54957 of the Government Code) – Interim City Manager

Title: Interim City Manager

CONFERENCE WITH LABOR NEGOTIATORS: (Pursuant to Section 54957.6 of the Government Code) – Interim City Manager

Negotiator: Joe Lopez, Human Resources Director

Unrepresented Employee: Interim City Manager

PUBLIC EMPLOYEE EMPLOYMENT: (Pursuant to Section 54957 of the Government Code) – City Attorney

Title: City Attorney

PUBLIC EMPLOYEE APPOINTMENT: (Pursuant to Section 54957 of the Government Code) – City Attorney

Title: City Attorney

CONFERENCE WITH LABOR NEGOTIATORS: (Pursuant to Section 54957.6 of the Government Code) – City Attorney

Negotiators: Greg Nyhoff, City Manager

Joe Lopez, Human Resources Director

Unrepresented Employee: City Attorney

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case: Sipple v. City of Alameda, et al.

Los Angeles County Superior Court Case No: BC462270

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Wednesday, May 7, 2014, at 3:44 p.m.

Roll Call - Present: Councilmembers Madrigal, Kenoyer and Gunderson (Kenoyer arrived at 3:49 PM)
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – None

UNFINISHED BUSINESS

1. Consider approving the following: (i) reappointments to Landmark Preservation Commission Denzil Walker, Barratt Lipomi and Kent Faulkner; (ii) reappointments to the Cultural Commission: Kate Trompetter, for her second and final term on this commission; (iii) recommending an appointment to fill one vacancy on the Landmark Preservation Commission; and (iv) recommending appointments to fill five vacancies on the Cultural Commission and forwarding to Council for approval. (Funding Source: Not Applicable)

Parks, Recreation & Neighborhoods; Steve Lumpkin, 577-5417, slumpkin@modestogov.com

ACTION: Motion (Gunderson/Kenoyer;unan.) approving the following: (i) reappointments to Landmark Preservation Commission: Denzil Walker, Barratt Lipomi and Kent Faulkner; and (ii) reappointments to the Cultural Commission: Kate Trompetter, for her second and final term on this commission, and forwarding to Council for approval.

ACTION: Motion (Gunderson/Kenoyer;unan.) continuing item (iii) to the May 28, 2014 Appointments Committee meeting.

ACTION: Motion (Madrigal/Kenoyer;unan.) continuing item (iv) to the May 28, 2014 Appointments Committee meeting.

2. Consider approving recommended changes to City Council Policy 1.008 and

forwarding to Council for approval. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Motion (Madrigal/Kenoyer;unan.) approving **revised** recommended changes to City Council Policy 1.008 and forwarding to Council for approval.

3. Consider further discussion regarding four of the Committee's 5 Goals: (i) reviewing list of Boards and Commissions and attendance at the meetings; (ii) evaluating Boards and Commissions to keep; (iii) outreach for applicants to Boards and Commissions; (iv) reviewing applications and recommending appointments. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Motion (Gunderson/Kenoyer;unan.) continuing item to the May 28th Appointments Committee Meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:50 p.m.

MINUTES

City of Modesto
SPECIAL FINANCE COMMITTEE / WORKSHOP
Chambers Basement Level
1010 10th Street
Modesto, California

BUDGET WORKSHOPS
Wednesday May 07, 2014, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmembers Madrigal and Cogdill
Absent: None
Also Present: Councilmembers Gunderson, Kenoyer, and Zoslocki

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

NEW BUSINESS

- Mayor Opening Comments
Mayor Garrad Marsh gave opening comments
- Budget Overview
 1. Budget Issues Impacting all Budgets
 - Fully Funding Employee Benefits ISF
 - Funding Workers Compensation ISF at FY 12-13 Actuals
- Deputy City Manager Dee Williams-Ridley gave overview of the budget process, report and presentation.
Organizational Transitions
Financial Transitions
- Budget Manager Steve Christensen gave overview:
Citywide Budget
General Fund Overview Fiscal Year 2014-2015 Prior to Mayor's Proposed Changes
Mayor's Proposed Strategies to Balance the Budget for Fiscal Year 2014-2015
Fiscal Year 2014-2015 Proposed Budget General Fund Revenues
Total Revenues
Fiscal Year 2014-2015 Proposed General Fund Expenditures Explanation of Changes
General Fund Proforma
Water and Wastewater Funds
- Deputy City Manager Dee Williams-Ridley:
Department Presentations Schedule for May 7-9, 2014
- City Manager Greg Nyhoff gave history of City budget process

- Reorganization of City Departments and Various Classification Amendments and forwarding to Council for approval

ACTION: Motion (Madrigal/Cogdill;unan.) approving: (i) organizational restructure; (ii) new classifications, (iii) amendment to existing classifications; (iv) amendment to Position Allocation for Fiscal Year 2014/2015; (v) new class Range Table and Salary Schedule for Sworn Executive Management; (vi) amending Ordinance; and (vii) forwarding to Council.

- Department Presentations – General Fund

1. City Clerk’s Office

City Clerk Stephanie Lopez gave staff report and presentation
Overview of Department
Organizational Chart
Fiscal Year 2014-2015 General Fund
Historic Department Expenses
Accomplishments & Highlights
Departmental Challenges

2. City Attorney’s Office

Assistant City Attorney Jose Sanchez gave report and presentation:
Mission Statement
Goals
Department Overview
Fiscal Year 2014-2015 Proposed Department Budget
Challenges and Opportunities

- 3, 4 and 5 City Council/City Auditor/City Manager’s Office

Deputy City Manager Dee Williams-Ridley gave report and presentation:
City Council Priorities; City Council General Fund Overview
City Auditor Priorities; City Auditor General Fund Overview
City Manager Priorities; City Manager General Fund Overview

6. Administrative Services Department (Human Resources and IT)

Director Joe Lopez gave staff report and presentation:
Overview of Administrative Services Department
Administrative Services Department
IT Funding Sources
Information Technology Proposed Budget
Information Technology History and Projection
Employee Benefits Financials
Employee Benefits Fund History and Projection
General Liability Fund Financials
General Liability Fund History and Projection
Worker's Compensation Financials
Workers' Compensation Fund History and Projection

Administrative Services Department Changes
Challenges

7. Finance

Director Gloriette Generaux gave report and presentation:

Overview of Finance Department

Department Staffing

Department Staffing Levels General Fund

Budget Summary of Finance Department-General Fund

Finance General Fund Trends Budget Years Fiscal Year 2008-2009 to Fiscal Year
2014-2015

Finance Budget Summary Proposed Fiscal Year 2014-2015 Budget by Division and
by Fund

Impact of Mayor's Proposed Changes

8. Community and Economic Development Department

Director Brent Sinclair gave report and presentation:

Department Overview

Staffing

CEDD's Story

Organizational Chart

Volunteer Efforts

General Fund Expenses & Revenues

Accomplishments

Departmental Challenges

9. Parks, Recreation and Neighborhoods Department

Director Steve Lumpkin gave report and presentation:

Who we are

Organizational Chart

Proposed General Fund expenses Fiscal Year 2014-2015 by Division

Administration Programs and Services

Administration - Commitment through volunteers/partnerships

Recreation Programs and Services

Recreation - What we Do - Value through Activities and Services

Historical Properties Programs and Services

Historical Properties - The beauty of the past and future

HUD Programs and Services

10. Public Works – Parks Operations

Director Rick Woods gave report and presentation:

Who We Are

Organizational Chart

Park Sites, Landscaping, Streetscape, Sound Walls Maintenance, 15 miles of bike paths, John Thurman Field maintenance, Mary Grogan Soccer Field maintenance and Graffiti Abatement

General Fund Programs and Services

Proposed General Fund Expenses Fiscal Year 2014-2015 by Division

Parks Operations - Maintaining Safety & Bringing Beauty to Parks

11. Police Department

Chief Galen Carroll gave report and presentation:

Mission Statement

Modesto Police Department Vision

2013 in Review

Accomplishments 2013

Department Overview

5 Year Staffing History Including Fiscal Year 2014-2015 Proposed Budget

5 Year Expense History Including Fiscal Year 2014-2015 Proposed Budget

5 Year General Fund Revenue History Including Fiscal Year 2014-2015 Proposed Budget

Proposed Fiscal Year 2014-2015 Expense by Division

Proposed Fiscal Year 2014-2015 Expense by Program

Mayor's Proposed Budget Reductions

Impacts of Mayor's Proposed Reductions

Future Challenges

Service Level Comparisons

Largest 25 Cities in California

Modesto Compared to California Cities of Comparable Size

Victimization Rate in 2013

Crime Distribution

Index Crime Rate

Property Crime Rate

Violent Crime Rate

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:50 p.m.

MINUTES

City of Modesto
SPECIAL FINANCE COMMITTEE / WORKSHOP
Chambers Basement Level
1010 10th Street
Modesto, California

BUDGET WORKSHOPS
Thursday, May 08, 2014, at 9:00 a.m.

Roll Call - Present: Mayor Marsh, Councilmembers Madrigal and Cogdill
Absent: None
Also Present: Councilmembers Gunderson, Kenoyer, and Zoslocki

PUBLIC COMMENTS

None.

NEW BUSINESS

- Department Presentations (continued) – General Fund
12. Modesto Regional Fire Authority
Fire Chief Sean Slamon gave report and presentation:
Mission Statement
Responsibilities
Services Provided
Significant Achievements
Organizational Chart
Fiscal Year 2014-2015 Proposed Department Budget
Mayor's Proposed Changes
Reduction Options
Brownout Defined
Impacts of Budget Changes
Station 6 Brownout
Station 3 Brownout
Station 6 & 3
Impacts of Budget Changes
Departmental Challenges
How We Compare
Budget
Sworn Personnel
Staffing Trend

- Department Presentations – Non-General Fund

13. Utilities Department

Director Larry Parlin and Deputy Director Will Wong gave report and presentation:

Overview

Organizational Chart

Water Fund

Wastewater Fund

Storm Drain Fund

Capital Improvement Services Fund

14. Public Works Department

Director Rick Woods gave report and presentation

Who we are

Public Works Department

Surface Transportation Fund

Fund Overview

Fund Highlights

Organizational Charts - Street Services

Organizational Charts - Traffic Engineering & Operations Division

Proposed Fiscal Year 2015 Expense by Program

Projected Fiscal Year 2015 Revenue

Mayor Proposed Changes

Fleet Services Fund

Fund Overview

Department Highlights

Departmental Challenges

Organizational Charts

Volunteer Efforts

Expense/Revenue Detail

Parking Fund

Fund Overview

Department Highlights

Departmental Challenges

Organizational Charts

Expense/Revenue Detail

Parking Fund Reserve

Airport Fund

Fund Overview

Department Highlights

Departmental Challenges

Organizational Charts

Volunteer Efforts

Expense/Revenue Detail

Transit Fund

Fund Overview
Department Highlights
Departmental Challenges
Organizational Charts
Transit Expense Detail
Expense/Revenue Detail
Mayor Proposed Changes

Solid Waste

Fund Overview - Funds 4891, 4892, 4890, 4895, 1360

Department Highlights
Organizational Charts
Expense/Revenue Detail

Building Services TSP Engineering

Fund Overview
Department Highlights
Departmental Challenges
Expenses/Revenue
Building Services - Maintaining Facilities
Mayor - FTA position - 80%?
Cavanah - Local Transportation Fund - 20%; no general fund money used

- Reports Back on Unanswered Questions
None.

- Final Deliberations
None.

ACTION: Motion (Cogdill/Madrigal;unan.) approving 2014-2-015 Proposed Budget and forwarding to June 10, 2014 Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:45 a.m.

MINUTES

City of Modesto
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP**

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

Monday, May 12, 2014, at 5:00 p.m.

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

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider accepting an oral report from City staff regarding the City of Modesto Water Conservation Efforts. (Funding Source: Not Applicable)
Public Works; David Savidge, 342-2246, dsavidge@modestogov.com

ACTION: No Action Taken.

NEW BUSINESS

2. Consider: (i) approving the implementation of an administrative fee to allow for cost recovery of local processing costs related to Carry Concealed Weapon Permits, pursuant to Penal Code Section 26190; (ii) scheduling a public hearing authorizing implementation of a Carry Concealed Weapon Administrative Fee for cost recovery of local processing costs, pursuant to Penal Code Section 26190 and forwarding to Council for approval. (Funding Source: General Fund)
Police; Joel Broumas, 572-9821, BroumasJ@Modestopd.com

ACTION: Motion (Gunderson/Kenoyer;unan.) approving the implementation of an administrative fee to allow for cost recovery of local processing costs related to Carry Concealed Weapon Permits, pursuant to Penal Code Section 26190; (ii) scheduling a public hearing authorizing implementation of a Carry Concealed Weapon Administrative Fee for cost recovery of local processing costs, pursuant to Penal Code Section 26190 and forwarding to Council for approval.

3. Consider approving: (i) the application of HB Medi-Cal Transportation Services to

operate as a non-emergency medical transport service in the City of Modesto; (ii) the application of Central One Mobility to operate as a non-emergency medical transport service in the City of Modesto; and (iii) scheduling a public hearing to consider the applications of HB Medi-Cal Transportation Services, and Central One Mobility to operate as a non-emergency medical transport 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 (Gunderson/Kenoyer;unan.) approving (i) the application of HB Medi-Cal Transportation Services to operate as a non-emergency medical transport service in the City of Modesto; (ii) the application of Central One Mobility to operate as a non-emergency medical transport service in the City of Modesto; and (iii) scheduling a public hearing to consider the applications of HB Medi-Cal Transportation Services, and Central One Mobility to operate as a non-emergency medical transport service in the City of Modesto, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:23 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 13, 2014, 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: Rick Fritzeimer, Youth for Christ

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Cogdill - Item 8
City Attorney - Item 14
City Clerk - Item 12

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring May 18-24, 2014 as National Public Works Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring May 18-24, 2014 as National Public Works Week.

2. Presentation by the Modesto Regional Fire Authority and American Medical Response regarding a CPR training day pilot program. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation was made by the Modesto Regional Fire Authority and American Medical Response regarding a CPR training day pilot program.

3. Presentation of Proclamation inducting Heather Grigsby to the Modesto Junior Giants Hall of Fame. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation inducting Heather Grigsby to the Modesto Junior Giants Hall of Fame.

4. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Cecil Russell, Modesto Chamber of Commerce, acknowledged Data Path and Mayor Marsh presented a Certificate of Recognition.

PUBLIC COMMENT PERIOD

- Bill Jaques spoke regarding MoBand Fundraiser on Thursday, May 29, 2014.
- Carmen Sabatino spoke regarding political event yesterday evening and being followed after event; he requested a police report.
- Ray Pefferini spoke regarding trees in Modesto.
- John Walker spoke regarding the General Plan Update, Wood Colony and water.
- Ronda Bell, President Stanislaus Regional Dispatchers, spoke regarding Stanislaus Regional 911.
- Dave Geer spoke regarding Common Core State Standards.
- Roger Green spoke regarding Wood Colony.
- Ron Jeske spoke regarding standards in education and economic incentives for businesses.
- Gina Edwards and Sebastian Jones spoke regarding Community Impact Central Valley (CCIV) meeting today and problems with repairs at housing complex; Councilmember Madrigal offered to meet with Ms. Edwards.
- Phyllis Davis spoke regarding West Modesto, neighborhood watch group and safety issues; she requested a location for meetings.
- Louisa Bryant spoke regarding need for water conservation at StoneyBrook Apartment Complex in Modesto; she was referred to Steve Fischio.
- Dave Pratt spoke regarding money for raises.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5-7, 9-11; 13, 15: (Lopez/Gunderson;unan.)

ACTION CONSENT ITEM 8: (Lopez/Gunderson;unan.; Councilmember Cogdill absent due to conflict of interest)

ACTION CONSENT ITEM 12: (Lopez/Madrigal;unan.)

ACTION CONSENT ITEM 14: (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 May 6, 2014 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the May 6, 2014 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) approving the minutes from the May 6, 2014 Council Meeting.

Consent

6. Consider approving the plans and specifications, for the project titled, "New Traffic Signals - 2010," accepting the bid, and approving a contract with Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA in the amount of \$514,962. (Estimated total construction cost of the project is \$643,702.) (Funding Source: Congestion Mitigation and Air Quality (CMAQ) 100%)
 - Resolution approving the plans, and specifications for the project titled, "New Traffic Signals - 2010", accepting the bid, and approving a contract with Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA, in the amount of \$514,962; and authorizing the City Manager, or his designee, to execute the contract.
Community & Economic Development; Jeffrey L. Barnes, 577-5468, jlbarnes@modestogov.com

ACTION: Resolution 2014-177 (Lopez/Gunderson; 7/0) approving the plans, and specifications for the project titled, "New Traffic Signals - 2010", accepting the bid, and approving a contract with Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA, in the amount of \$514,962; and authorizing the City Manager, or his designee, to execute the contract.

Consent

7. Consider approving the Outside Service Agreement for sewer connection for the property located at 1646 Las Vegas Street in the Bret Harte Sewer District. (This action is authorized by City Council Policy 5.001 and 5.002 regarding extension of water and sewer services into unincorporated areas.) (Funding Source: General Fund, and Sewer Fund)
 - Resolution approving an Outside Service Agreement between the City of Modesto and Javier Rangel and Maria Rangel, husband and wife as joint tenants, for sewer

service for the property located at 1646 Las Vegas Street in the Bret Harte Sewer District, Modesto, (APN: 056-013-017); and authorizing the City Manager, or his designee, to execute the agreement.

*Community & Economic Development; Bill Sandhu, 577-5356,
bsandhu@modestogov.com*

ACTION: Resolution 2014-178 (Lopez/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and Javier Rangel and Maria Rangel, husband and wife as joint tenants, for sewer service for the property located at 1646 Las Vegas Street in the Bret Harte Sewer District, Modesto, (APN: 056-013-017); and authorizing the City Manager, or his designee, to execute the agreement.

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

8. Consider approving an Agreement with the State of California, Department of Highway Patrol for the State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$359,876, for traffic control related services during the construction phase of the project, and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: State Route (SR) 99 1B Bond Savings)

- Resolution approving Agreement No. 13R465000 with the State of California, Department of Highway Patrol for the State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$359,876, for traffic control related services during the construction phase of the project, and authorizing the City Manager, or his designee, to execute the Agreement.

*Community & Economic Development; Bill Sandhu, 577-5356,
bsandhu@modestogov.com*

ACTION: Resolution 2014-179 (Lopez/Gunderson; 6/0; Cogdill absent due to conflict of interest) approving Agreement No. 13R465000 with the State of California, Department of Highway Patrol for the State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$359,876, for traffic control related services during the construction phase of the project, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider approving a Will Serve Letter and Outside Service Agreement for sewer connection for the property located at 827 Seybold Avenue. (This action is authorized by City Council Policy 5.001 and 5.002 regarding extension of water and sewer services into unincorporated areas.) (Funding Source: General Fund and Sewer Fund)

- Resolution approving a Will Serve Letter for the property located at 827 Seybold Avenue, (APN: 030-014-020) to connect to the City of Modesto's existing sewer 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 Manuel Lopez, a married man, for sewer service for the property located at 827 Seybold Avenue, (APN: 030-014-020); and authorizing the City Manager, or his designee, to execute the agreement.

*Community & Economic Development; Bill Sandhu, 577-5356,
bsandhu@modestogov.com*

ACTION: Resolution 2014-180 (Lopez/Gunderson; 7/0) approving a Will Serve Letter for the property located at 827 Seybold Avenue, (APN: 030-014-020) to connect to the City of Modesto's existing sewer system, and authorizing the City Manager, or his designee, to sign the Will Serve Letter.

ACTION: Resolution 2014-181 (Lopez/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and Manuel Lopez, a married man, for sewer service for the property located at 827 Seybold Avenue, (APN: 030-014-020); and authorizing the City Manager, or his designee, to execute the agreement.

Consent

10. Consider approving the establishment of a new Residential Parking Permit zone Downtown Zone #1, and Fee Schedule for 1128 11th Street pursuant to Ordinance No. 2788-C.S. (Funding Source: Surface Transportation Fund - Traffic Operations 1700-14560)

- Resolution approving the establishment of a new Residential Parking Permit (RPP) zone Downtown Zone #1 (DT#1), and Fee Schedule along the front and side frontages of 1128 11th Street.

*Community & Economic Development; Jeffrey L. Barnes, 577-5468,
jbarnes@modestogov.com*

ACTION: Resolution 2014-182 (Lopez/Gunderson; 7/0) approving the establishment of a new Residential Parking Permit (RPP) zone Downtown Zone #1 (DT#1), and Fee Schedule along the front and side frontages of 1128 11th Street.

Consent

11. Consider accepting the Monthly Investment Report for February 2014. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for February 2014.

Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

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

Consent

12. Consider: (i) authorizing a 5% merit increase for the City Clerk, effective retroactive to August 13, 2013, and an additional 5% merit increase for the City Clerk effective July 1, 2014; (ii) approving Amendment Number One to the Employment Agreement with Stephanie Lopez, City Clerk, dated April 8, 2008. (Funding Source: General Fund)

- Resolution authorizing a 5% merit increase for the City Clerk, effective retroactive

to August 13, 2013, and an additional 5% merit increase effective July 1, 2014.

- Resolution approving Amendment Number One to the Employment Agreement with Stephanie Lopez, City Clerk, dated April 8, 2008.

Human Resources; Joseph Lopez, 571-5126 , joelopez@modestogov.com

ACTION: Resolution 2014-183 (Lopez/Madrigan; 7/0) authorizing a 5% merit increase for the City Clerk, effective retroactive to August 13, 2013, and an additional 5% merit increase effective July 1, 2014.

ACTION: Resolution 2014-184 (Lopez/Madrigan; 7/0) approving Amendment Number One to the Employment Agreement with Stephanie Lopez, City Clerk, dated April 8, 2008.

Consent

13. Consider approving and authorizing the City Manager to execute an agreement with Management Partners, a professional firm, to provide interim City Manager services for the City, and to appoint James Holgersson as interim City Manager, effective May 14, 2014. (Funding Source: General Fund)

- Resolution approving and authorizing the City Manager to execute an agreement with Management Partners, a professional firm, to provide interim City Manager services for the City, and to appoint James Holgersson as interim City Manager.

Human Resources; Joseph Lopez, 571-5126 , joelopez@modestogov.com

ACTION: Resolution 2014-185 (Lopez/Gunderson; 7/0) approving and authorizing the City Manager to execute an agreement with Management Partners, a professional firm, to provide interim City Manager services for the City, and to appoint James Holgersson as interim City Manager.

Consent

14. Consider approving and authorizing the City Manager to execute an agreement with Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”), a professional law firm, to provide City Attorney services for the City, and appoint Adam Lindgren as City Attorney, effective May 13, 2014. (Funding Source: General Fund)

- Resolution approving and authorizing the City Manager to execute an agreement with Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”), a professional law firm, to provide City Attorney services for the City, and appoint Adam Lindgren as City Attorney.

Human Resources; Joseph Lopez, 571-5126 , joelopez@modestogov.com

ACTION: Resolution 2014-186 (Madrigan/Lopez; 7/0) approving and authorizing the City Manager to execute an agreement with Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”), a professional law firm, to provide City Attorney services for the City, and appoint Adam Lindgren as City Attorney.

Consent

15. Consider accepting a grant in the amount of \$40,000 from the U.S. Department of Justice Drug Enforcement Agency for the Stanislaus Drug Enforcement Agency; and amending the SDEA Fiscal Year 2014/15 multi-year operating budget to include this

new revenue (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 \$40,000 for the Stanislaus County Drug Enforcement Agency; and authorizing the City Manager, or his designee, to execute all necessary grant documents.
- Resolution amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2014/15 Multi-Year Operating Budget estimating revenue in the amount of \$40,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant.

Police; Clint Raymer, 558-6300, raymerc@modestopd.com

ACTION: Resolution 2014-187 (Lopez/Gunderson; 7/0) accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$40,000 for the Stanislaus County Drug Enforcement Agency; and authorizing the City Manager, or his designee, to execute all necessary grant documents.

ACTION: Resolution 2014-188 (Lopez/Gunderson; 7/0) amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2014/15 Multi-Year Operating Budget estimating revenue in the amount of \$40,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal announced Child Safety Event at May 31, 2014 at Los Amigos Tire on Crows Landing Road.

Mayor Marsh, Councilmembers Cogdill, Lopez, Kenoyer, Madrigal, Zoslocki and Gunderson thanked City Manager Greg Nyhoff for his contribution to the City of Modesto.

CITY MANAGER COMMENTS & REPORTS

City Manager Greg Nyhoff thanked the Mayor, Council, City staff and the citizens of Modesto.

NEW BUSINESS

16. Consider: (i) accepting an informational report on ePayables Implementation; (ii) amending the FY 2013-2014 Finance Department Operating Budget to add \$65,347 of new revenues from the ePayables cash payout incentive funding in the Accounting Division and to fund one Account Technician; and (iii) amending the FY 2013-2014 Position Allocation for the Finance Department to add 1.0 full-time Account Technician for the managing and processing of the ePayables payment function for the City's vendor payments. (Funding Source: General Fund – New Revenue Source)
 - Resolution accepting an informational report on ePayables Implementation and amending the FY 2013-2014 Finance Department Operating Budget to add \$65,347 of new revenues from the ePayables cash payout incentive funding in the

Accounting Division to fund one Account Technician.

- Resolution amending the FY 2013-2014 Position Allocation for the Finance Department to add 1.0 full-time Account Technician for the managing and processing of the ePayables payment function.

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

ACTION: Resolution 2014-189 (Lopez/Gunderson; 7/0) accepting an informational report on ePayables Implementation and amending the FY 2013-2014 Finance Department Operating Budget to add \$65,347 of new revenues from the ePayables cash payout incentive funding in the Accounting Division to fund one Account Technician.

ACTION: Resolution 2014-190 (Lopez/Gunderson; 7/0) amending the FY 2013-2014 Position Allocation for the Finance Department to add 1.0 full-time Account Technician for the managing and processing of the ePayables payment function.

17. Consider approving implementation of a new program that will use asphalt to patch sidewalk trip hazards within residential neighborhoods in place of the current program of removing and replacing sidewalks with concrete. (Funding Source: Surface Transportation Fund)
- Resolution implementing a new program that will use asphalt to patch sidewalk trip hazards within residential neighborhoods in place of the current program of removing and replacing sidewalks with concrete.

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

ACTION: Resolution 2014-191 (Lopez/Cogdill; 7/0) implementing a new program that will use asphalt to patch sidewalk trip hazards within residential neighborhoods in place of the current program of removing and replacing sidewalks with concrete.

18. Consider approving an Agreement with Storer Transit Systems, Inc., Modesto, CA (Storer), to furnish Dial-A-Ride services for a 5 year period with 1 year extension option at the sole discretion of the City, for an estimated annual cost of \$3,234,303, and over a 5 year period for a total cost of \$16,171,515, subject to annual CPI adjustments and authorizing the City Manager, or his designee, to execute a final agreement with Storer. (Funding Source: Transit Funds)
- Resolution approving an agreement with Storer Transit Systems, Inc., Modesto, CA, to furnish Dial-A-Ride services for a five (5) year period with one (1) one-year extension option at the sole discretion of the City, for an estimated annual cost of \$3,234,303, and over a five (5) year period for a total cost of \$16,171,515, subject to annual CPI adjustments and authorizing the City Manager, or his designee, to execute a final agreement with Storer.

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

ACTION: Resolution 2014-192 (Cogdill/Gunderson; 7/0) approving an agreement with Storer Transit Systems, Inc., Modesto, CA, to furnish Dial-A-Ride services for a five (5) year period with one (1) one-year extension option at the sole discretion of the City, for an estimated annual cost of \$3,234,303, and over a five (5) year period for a total cost of

\$16,171,515, subject to annual CPI adjustments and authorizing the City Manager, or his designee, to execute a final agreement with Storer.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:35 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: Law Offices of Renne Sloan Holtzman & Sakai

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: Stanislaus Food Products Company v. City of Modesto

Stanislaus County Superior Court Case No: 2001627

SPECIAL AGENDA
MODESTO PLANNING COMMISSION AND
FINANCE COMMITTEE
MONDAY, MAY 20, 2014 - 6:00 PM

Minutes

Being the hour of 6:00 pm, the meeting was called to order by Mayor Marsh.

I. ROLL CALL

Mayor Marsh and Council Member Madrigal present; Council member Cogdill absent.

Commissioners Carter, Grewal, Gillum, Lucas, Smith, Riddle and Tyler present;

II. CAPITAL IMPROVEMENT PROGRAM, FY 2013-2014

Motion/Action (Approved)

It was moved by Commissioner Carter, seconded by Commissioner Grewal and carried by majority; (Carter, Grewal, Gillum, Lucas, Smith, Riddle, Tyler, ayes; none, noes; none, absent; None, recused) that the Planning Commission approve **RESOLUTION NO. 2014-12** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MODESTO FINDING THE FISCAL YEAR 2014-2015 CAPITAL IMPROVEMENT PROGRAM IN CONFORMANCE WITH THE MODESTO URBAN AREA GENERAL PLAN PURSUANT TO SECTION 65401 OF THE GOVERNMENT CODE (CITY OF MODESTO)

Motion/Action (Approved)

It was moved by Council Member Madrigal, seconded by Mayor Marsh, and carried by majority (Madrigal, Marsh ayes; none, noes; Cogdill, absent; None, recused) that the Finance Committee recommend to the City Council approval of the FY 2014-2015 CIP Budget.

VII. ORAL COMMUNICATIONS

Council Member Madrigal invited Planning Commissioners, Staff and the public to attend a Child Car Seat Safety event on Saturday, May 31st from 10 am to 2pm at Los Amigos Tires, 1700 Crowslanding Rd, Modesto. Donations accepted.

VIII. MATTERS TOO LATE FOR THE AGENDA

None.

IX. ADJOURNMENT

The meeting was adjourned at 6:45 pm.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 27, 2014, 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, City Ministry Network

City Clerk's Announcements: None; Assistant City Attorney Sanchez announced revisions to Resolution for Item 6

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation on Modesto's neighboring movement: "Modesto, A City of Great Neighbors" by Marvin Jacobo, City Ministry Network/Modesto Neighborhoods. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation made on Modesto's neighboring movement: "Modesto, A City of Great Neighbors" by Marvin Jacobo, City Ministry Network/Modesto Neighborhoods.

2. Presentation from the United Way of Stanislaus County on the Graduation Coach Program. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation made by the United Way of Stanislaus County on the Graduation Coach Program.

3. Presentation by District Attorney Birgit Fladager with information on three strikes, the effect of realignment and statistics for the Modesto area. (Funding Source: Not Applicable)

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

ACTION: Presentation made by District Attorney Birgit Fladager with information on three strikes, the effect of realignment and statistics for the Modesto area.

MISCELLANEOUS

Legislation
Appointments
Other

4. Consider approving the following: (i) reappointing Denzil Walker, Barratt Lipomi and Kent Faulkner to the Landmark Preservation Commission; and (ii) reappointing Kate Trompetter to the Culture Commission. (Funding Source: Not Applicable)
- Resolution reappointing Denzil Walker to the Landmark Preservation Commission.
 - Resolution reappointing Barratt Lipomi to the Landmark Preservation Commission.
 - Resolution reappointing Kent Faulkner to the Landmark Preservation Commission.
 - Resolution reappointing Kate Trompetter to the Culture Commission.
- Parks, Recreation & Neighborhoods; Steve Lumpkin, 577-5417, slumpkin@modestogov.com*

ACTION: Resolution 2014-193 (Madrigal/Lopez; 7/0) reappointing Denzil Walker to the Landmark Preservation Commission.

ACTION: Resolution 2014-194 (Madrigal/Lopez; 7/0) reappointing Barratt Lipomi to the Landmark Preservation Commission.

ACTION: Resolution 2014-195 (Madrigal/Lopez; 7/0) reappointing Kent Faulkner to the Landmark Preservation Commission.

ACTION: Resolution 2014-196 (Madrigal/Lopez; 7/0) reappointing Kate Trompetter to the Culture Commission.

PUBLIC COMMENT PERIOD

- Louise Bryant spoke regarding need for water conservation at StoneyBrook Apartment Complex in Modesto
- Carmen Sabatino spoke regarding candidates, endorsements and the Neighborhood Stabilization Program.
- A citizen spoke regarding use of City facilities for no charge by neighborhood watch programs in West Modesto.
- Sebastian Jones spoke regarding use of City facilities for no charge by neighborhood watch programs in West Modesto.

- Juanita Jackson spoke regarding problems in West Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 5-10: (Lopez/Gunderson;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 May 13, 2014 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the May 13, 2014 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) approving the minutes from the May 13, 2014 Council Meeting.

Consent

6. Consider authorizing Modesto Sister Cities International to represent the City as its official envoy on trips related to fellowship, but not to act as the City's agent in any legally binding matter or contract. (Funding Source: Not Applicable)
 - Resolution authorizing Modesto Sister Cities International to represent the City as its official envoy on trips related to fellowship, but not to act as the City's agent in any legally binding matter or contract.
City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com

ACTION: Resolution 2014-197 (Lopez/Gunderson; 7/0) authorizing Modesto Sister Cities International to represent the City as its official envoy on trips related to fellowship, but not to act as the City's agent in any legally binding matter or contract. **(AS AMENDED)**

Consent

7. Consider approving a Parcel Map for 3 lots on Hashem Drive, authorizing the City Clerk to certify the easement abandonments on the Parcel Map, and record it with the Stanislaus County Recorder's Office. (Funding Source: General Fund)
 - Resolution approving a Parcel Map for 3 lots on Hashem Drive, authorizing the City Clerk to certify the easement abandonments on the Parcel Map, and record it with the Stanislaus County Recorder's Office.
Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2014-198 (Lopez/Gunderson; 7/0) approving a Parcel Map for 3 lots on Hashem Drive, authorizing the City Clerk to certify the easement abandonments on the

Parcel Map, and record it with the Stanislaus County Recorder's Office.

Consent

8. Consider approving the sale of Gateway Village to an entity of Self Help Enterprises; approving an Assignment and Assumption Agreements and Consent to Transfer from Paradise Road Partners to Self-Help Communities 1 LLC, and authorizing the City Manager, or his designee, to execute these agreements and any related documents (Funding Source: HOME Investment Partnerships Program (HOME), Former Redevelopment Agency (RDA) Funds and Capital Facility Funds (CFF))
- Resolution approving the sale of Gateway Village from Paradise Road Partners to Self-Help Communities 1, LLC.
 - Resolution approving an Assignment and Assumption Agreement and Consent to Transfer HOME Investment Partnerships Program (HOME) Loan Documents and authorizing the City Manager, or his designee, to execute all related documents.
 - Resolution approving an Assignment and Assumption Agreement and Consent to Transfer regarding RDA Loan Documents and authorizing the City Manager, or his designee, to execute all related documents.
 - Resolution approving an Assignment and Assumption Agreement and Consent to Transfer regarding CFF Exemption Agreement Documents and authorizing the City Manager, or his designee, to execute all related documents.
- Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

ACTION: Resolution 2014-199 (Lopez/Gunderson; 7/0) approving the sale of Gateway Village from Paradise Road Partners to Self-Help Communities 1, LLC.

ACTION: Resolution 2014-200 (Lopez/Gunderson; 7/0) approving an Assignment and Assumption Agreement and Consent to Transfer HOME Investment Partnerships Program (HOME) Loan Documents and authorizing the City Manager, or his designee, to execute all related documents.

ACTION: Resolution 2014-201 (Lopez/Gunderson; 7/0) approving an Assignment and Assumption Agreement and Consent to Transfer regarding RDA Loan Documents and authorizing the City Manager, or his designee, to execute all related documents.

ACTION: Resolution 2014-202 (Lopez/Gunderson; 7/0) approving an Assignment and Assumption Agreement and Consent to Transfer regarding CFF Exemption Agreement Documents and authorizing the City Manager, or his designee, to execute all related documents.

Consent

9. Consider approving an agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$11,050 to provide training for up to 50 students not employed by the contract agency or 100 students employed by the contract agency in four-hour Force Options Simulator Courses and for another 50 students in four-hour Mobile Force Options Simulator training courses. (Funding

Source: POST Reimbursement/General Fund)

- Resolution approving an Agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$11,050 to provide training for 50 students not employed by the contract agency or 100 students employed by the contract agency in four-hour Force Options Simulator courses and for another 50 students in four-hour Mobile Force Options Simulator Training Courses; and authorizing the City Manager, or his designee, to execute the Agreement.

Police; Dan Shrader, 342-6147, shraderd@modestopd.com

ACTION: Resolution 2014-203 (Lopez/Gunderson; 7/0) approving an Agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$11,050 to provide training for 50 students not employed by the contract agency or 100 students employed by the contract agency in four-hour Force Options Simulator courses and for another 50 students in four-hour Mobile Force Options Simulator Training Courses; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. 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 \$151,805 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 2014 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 2014-204 (Lopez/Gunderson; 7/0) 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 2014 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.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal announced Child Safety Seat Event on Saturday, March 31, 2014 at Los Amigos Tire; he also spoke regarding use of City facilities for no charge by neighborhood watch groups.

Councilmember Cogdill and Mayor Marsh thanked Acting Parks, Recreation & Neighborhoods Director Steve Lumpkin who is retiring.

Councilmember Lopez announced a fundraiser for MoBand on Thursday.

CITY MANAGER COMMENTS & REPORTS

Interim City Manager Jim Holgersson spoke regarding goals for the City.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:56 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

PUBLIC EMPLOYEE EMPLOYMENT: (Pursuant to Section 54957 of the Government Code) – City Manager

Title: Discussion regarding City Manager recruitment

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, Interim City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

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

Monday, May 28, 2014, at 5:00 p.m.

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

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2014 and forwarding to Council for approval. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Jocelyn Reed, 209-5775, jreed@modestogov.com

ACTION: Motion (Kenoyer/Madrigal;unan.) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2014 and forwarding to Council for approval.

2. Consider accepting the staff report and providing direction to staff declaring the approximate 22-acre McClure Property as surplus property and implementing the process to sell as surplus property. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Motion (Kenoyer/Madrigal;unan.) accepting the staff report and providing direction to staff declaring the approximate 22-acre McClure Property as surplus property and implementing the process to sell as surplus property.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:55 p.m.

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2001
1010 10th Street
Modesto, California
Thursday, May 29, 2014, at 3:00 p.m.

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

PUBLIC COMMENTS

Jon Rodriguez spoke regarding the need for the City to work with the Alliance and the need for a Business Outreach Committee.

CONSENT ITEMS – None

UNFINISHED BUSINESS

1. Consider approving the following: (i) appointment to fill one vacancy on the Landmark Preservation Commission; and (ii) appointments to fill five vacancies on the Culture Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Steve Lumpkin, 577-5417, slumpkin@modestogov.com

ACTION: Motion (Kenoyer/Gunderson;unan.) appointing Matthew Scott Lippert to the Landmark Preservation Commission

ACTION: Motion (Gunderson/Kenoyer;unan.) appointing Leng Power and Ann Bailey (registered County voters residing outside Modesto) to the Culture Commission.

ACTION: Motion (Kenoyer/Gunderson;unan.) appointing Rosa Escutia-Braaton, David Burkett, Bob Barzan, Sarah Stevenson and reappointing Kate Trompetter to the Culture Commission.

2. Consider further discussion regarding four of the Committee's 5 Goals: (i) reviewing list of Boards and Commissions and attendance at the meetings; (ii) evaluating Boards and Commissions to keep; (iii) outreach for applicants to Boards and Commissions; (iv) reviewing applications and recommending appointments. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Interim City Manager Jim Holgersson will return to the June 26, 2014 Appointments Committee with updated information on attendance, current members names, and vacancies on the City's Boards and Commissions. Committee members will be contacting assigned Chairs of Boards and Commissions to discuss outreach.

NEW BUSINESS

3. Consider recommending an appointment to fill current vacancy on the Modesto City-County Airport Advisory Committee and forwarding to Council for approval. (Funding Source: Not Applicable)

Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Motion (Gunderson/Madrigan;Kenoyer no) appointing Mark Cacioppo to the Modesto City-County Airport Advisory Committee and forwarding to Council for approval. (After meeting, it was determined that only one applicant (who was not appointed) met the criteria (Commercial Carrier/Service Provider) for this appointment and this item will return to the next Appointments Committee on June 26, 2014.

4. Consider approving the appointments of Mary Ramirez and Joshua Little to the Housing Rehabilitation Loan Committee (HRLC) and forwarding to Council for approval. (Funding Source: Not Applicable)

Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com

ACTION: Motion (Gunderson/Kenoyer;unan.) appointing Mary Ramirez (Housing Authority of Stanislaus County representative) to the Housing Rehabilitation Loan Committee (HRLC) and forwarding to Council for approval.; the other applicant did not meet the criteria for appointment.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:54 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 02, 2014, at 5:00 p.m.

Roll Call Present: Councilmembers Cogdill, Kenoyer, and Zoslocki

Absent: None

Also Present: Councilmember Madrigal

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider discussion and direction on proposal for a commercial center/mini-storage facility at the southwest corner of Carpenter Road and Paradise Road. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) directing staff to involve in the process developing a tax sharing agreement with the County, City Development Standards and Sewer and Water.

The Committee also further directed staff to include a clause in the agreement that addresses alternative requirements if the proposed development site is taken out of the General Plan and also directed staff to bring this item back to the Committee for approval of the agreement.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 5:44 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 03, 2014, 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: Item 6 hearing continued to June 10, 2014 Council meeting

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Society for Handicapped Children and Adults proclaiming June 2014 As Disability Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Lynn Quijada-Vaughan, Society for Disabilities, proclaiming June 2014 as Disability Awareness Month.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in Modesto.
- Ali Alebari spoke regarding taxi cab services in Modesto; illegal cabs (Uber and Lyft Cars) are dangerous to public.
- Lani Turner spoke regarding the Beckwith Dakota Triangle and Wood Colony.
- Mark Bomboy spoke regarding curbs and gutters on Kurt Avenue and delivered a Petition to the Council.

- Lena Alldredge spoke regarding Wood Colony.
- Nevada Terpstra spoke regarding the Master EIR and Wood Colony.
- Lisa Dovichi Braden spoke regarding Wood Colony and graffiti.
- Loretta Carhart spoke regarding dogs and roller skating on tennis courts.
- Sebastian Jones spoke regarding car wash tokens.
- Todd Heinrich spoke regarding Wood Colony.
- A citizen requested neighborhood watch programs having access to City facilities at no cost.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 2-5: (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 May 27, 2014 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the May 27, 2014 Council meeting.
City Council; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the minutes from the May 27, 2014 Council meeting.

Consent

3. Consider appointing a voting delegate and alternates for the 2014 League of California Cities Annual Conference to be held in Los Angeles, CA on September 3-5, 2014. (Funding Source: Not Applicable)
 - Motion approving Mayor Garrad Marsh as a voting delegate and Councilmembers Tony Madrigal and Bill Zoslocki as alternates for the 2014 League of California Cities Annual Conference to be held in Los Angeles, CA on September 3-5, 2014.
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 Tony Madrigal and Bill Zoslocki as alternates for the 2014 League of California Cities Annual Conference to be held in Los Angeles, CA on September

3-5, 2014.

Consent

4. Consider approving the proposal by E & J Gallo Winery to construct a traffic signal on State Highway 132 (Yosemite Boulevard) at Morton Boulevard. (Funding Source: Surface Transportation Fund - Traffic Operations)
 - Resolution approving the proposal by E & J Gallo Winery to construct a traffic signal on State Highway 132 (Yosemite Boulevard) at Morton Boulevard in the City of Modesto.
Community & Economic Development; Jeffrey Barnes, 577-5468, jrbarnes@modestogov.com

ACTION: Resolution 2014-205 (Lopez/Madrigal; 7/0) approving the proposal by E & J Gallo Winery to construct a traffic signal on State Highway 132 (Yosemite Boulevard) at Morton Boulevard in the City of Modesto.

Consent

5. Consider approving Stanislaus Multi-Cultural Community Health Coalition – West Modesto/King Kennedy Neighborhood Collaborative certification as a Community-Based Development Organization (CBDO). (Funding Source: Community Development Block Grant (CDBG) Program)
 - Resolution authorizing Stanislaus Multi-Cultural Community Health Coalition – West Modesto/King Kennedy Neighborhood Collaborative certification as a Community-Based Development Organization (CBDO).
Parks, Recreation & Neighborhoods; Hugo Ramirez, 577-5368, HRamirez@modestogov.com

ACTION: Resolution 2014-206 (Lopez/Madrigal; 7/0) authorizing Stanislaus Multi-Cultural Community Health Coalition – West Modesto/King Kennedy Neighborhood Collaborative certification as a Community-Based Development Organization (CBDO).

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal spoke regarding LAFCO meeting approving sewer services in the Parklawn Neighborhood, a Child Safety Seat event last weekend, and the Latino Community Roundtable backpack drive.

CITY MANAGER COMMENTS & REPORTS

None.

Councilmember Lopez left meeting at 6:15 p.m.

HEARINGS

Published in the Modesto Bee on May 18, 2014; continued to June 10, 2014 Council Meeting; Councilmember Lopez absent

6. Hearing to consider a contract under the California Legislation 4217.10 - 4217.18 regarding thermal or electrical energy conservation services. - CONTINUED TO JUNE 10, 2014 COUNCIL MEETING (Funding Source: Not Applicable)
Finance; Mark Averell, 577-5405, maverell@modestogov.com

ACTION: This hearing was continued to the June 10, 2014 Council meeting.

Published in the Modesto Bee on May 17 and May 23, 2014; Councilmember Lopez absent

7. Hearing to consider approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2014, and rescinding Resolution No. 2013-225. (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 July 1, 2014 and rescinding Resolution No. 2013-225.

Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2014-207 (Kenoyer/Gunderson; 6/0; Lopez absent) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2014 and rescinding Resolution No. 2013-225.

Published in the Modesto Bee on May 17 and May 23, 2014; Councilmember Lopez absent

8. Hearing to consider approving implementation of an administrative fee to allow for cost recovery of local processing costs related to Carry Concealed Weapon Permits, pursuant to Penal Code Section 26190. (Funding Source: General Fund)

- Resolution approving implementation of an administrative fee to allow for cost recovery of local processing costs related to Carry Concealed Weapon Permits, pursuant to Penal Code Section 26190.

Police; Joel Broumas, 572-9821, BroumasJ@Modestopd.com

ACTION: Resolution 2014-208 (Zoslocki/Cogdill; 6/0; Lopez absent) approving implementation of an administrative fee to allow for cost recovery of local processing costs related to Carry Concealed Weapon Permits, pursuant to Penal Code Section 26190.

Published in the Modesto Bee on May 23, 2014; Councilmember Lopez absent

9. Hearing to consider approving: (i) the application of HB Medi-Cal Transportation Services to operate as a non-emergency medical transport service in the City of Modesto; and (ii) the application of Central One Mobility 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 HB Medi-Cal Transportation Services, Inc. for non-emergency medical transport in the City of Modesto.
- Resolution authorizing the issuance of a permit to Central One Mobility for non-emergency medical transport in the City of Modesto.

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

ACTION: Resolution 2014-209 (Gunderson/Kenoyer; 6/0; Lopez absent) authorizing the issuance of a permit to HB Medi-Cal Transportation Services, Inc. for non-emergency medical transport in the City of Modesto.

ACTION: Resolution 2014-210 (Gunderson/Kenoyer; 6/0; Lopez absent) authorizing the issuance of a permit to Central One Mobility for non-emergency medical transport in the City of Modesto.

NEW BUSINESS

Councilmember Lopez absent

10. Consider: (i) approving the plans and specifications for the Briggsmore Avenue Rehabilitation Project, accepting the bid, and approving a contract with George Reed, Inc., of Modesto, California in the amount of \$1,429,802; and (ii) amending the Fiscal Year 2013-2014 Capital Improvement Program budget by transferring \$50,000 from Local Transportation Funds into the project to fund construction, contingency, construction administration, and engineering support during construction. (Total estimated cost for the construction portion of the project is \$1,744,358.) (Funding Source: Capital Grants and Local Transportation Funds)
- Resolution approving the plans and specifications for the Briggsmore Avenue Rehabilitation Project, accepting the bid, and approving a contract with George Reed, Inc., of Modesto, California in the amount of \$1,429,802, and authorizing the City Manager, or his designee, to execute the contract.
 - Resolution amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$50,000 to be transferred into the project from Local Transportation Funds in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Briggsmore Avenue Rehabilitation Project.

*Community & Economic Development; Phillip Soares, 575-5258,
psoares@modestogov.com*

ACTION: Resolution 2014-211 (Zoslocki/Gunderson; 6/0; Lopez absent) approving the plans and specifications for the Briggsmore Avenue Rehabilitation Project, accepting the bid, and approving a contract with George Reed, Inc., of Modesto, California in the amount of \$1,429,802, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2014-212 (Zoslocki/Gunderson; 6/0; Lopez absent) amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$50,000 to be transferred into the project from Local Transportation Funds in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Briggsmore Avenue Rehabilitation Project.

Councilmember Lopez absent

11. Consider authorizing a three-year extension of the irrevocable direct pay Letter of Credit supporting the Water Refunding Revenue Certificates of Participation, Series

2008 (Bonds). (Funding Source: Water Fund)

- Resolution approving a three-year extension of the irrevocable direct pay Letter of Credit (LOC) supporting the Water Refunding Revenue Certificates of Participation, Series 2008A (Water Bonds); amendment to the amended and restated reimbursement agreement among JP Morgan, the City of Modesto and Modesto Public Financing authority; amendment to fee letter; and a supplement to official statement; and authorizing certain other related actions.

Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Resolution 2014-213 (Zoslocki/Gunderson; 6/0; Lopez absent) approving a three-year extension of the irrevocable direct pay Letter of Credit (LOC) supporting the Water Refunding Revenue Certificates of Participation, Series 2008A (Water Bonds); amendment to the amended and restated reimbursement agreement among JP Morgan, the City of Modesto and Modesto Public Financing authority; amendment to fee letter; and a supplement to official statement; and authorizing certain other related actions.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:45 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(s): Maria Garcia v. City of Modesto
 California Workers Compensation Appeals Board
 Nos. ADJ8214400 and ADJ8739432

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 10, 2014, 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 10 - to be heard after Acknowledgments and Presentations

Declaration of Conflicts of Interest: Item 8 - Cogdill and Zoslocki miscellaneous CIP conflicts

Reports from Closed Session: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the SOS Club proclaiming June 21, 2014 as Olympic 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 the SOS Club proclaiming June 21, 2014 as Olympic Day in the City of Modesto.

PUBLIC COMMENT PERIOD

- Louisa Bryant spoke regarding water conservation at StoneyBrook Apartments; she provided pictures to Council regarding overwatering; she was referred to Steve Fischio, Public Works Department.
- Ron Hurst spoke regarding young educated people and keeping them in Modesto; he would like more culture in Modesto to bring jobs.
- Marshal Riddle has ideas for keeping young educated people in Modesto and introduced some projects to create nightlife and entertainment scene such as First Fridays; Mayor Marsh referred Messrs. Hurst and Riddle to Safety & Communities

Committee and Economic Development Committee.

- Keith Jakobs spoke regarding emergency dispatch services in Modesto.
- Dave Geer gave a progress report for Citizens of Stanislaus County against Common Core.
- Dave Pratt spoke regarding issues brought before Council.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-6: (Lopez/Zoslocki; 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 3, 2014 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the June 3, 2014 Council meeting.
City Council; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Zoslocki; 7/0) approving the minutes from the June 3, 2014 Council meeting.

Consent

3. Consider accepting the Monthly Investment Report for March 2014. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for March 2014.
Finance; Gloria Garza, 575-5219, ggarza@modestogov.com

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

Consent

4. Consider authorizing: (i) the sole source procurement for the purchase of a 3D laser scanner, hardware, software, accessories, training, and support costs, to produce 3D color images in digital format to recreate major traffic collisions, crime scenes, and to assist the Modesto Police Department in preparation for disaster recovery, to FARO Technologies, Inc., Lake Mary, FL, for an estimated total cost of \$79,846; and (ii) amending the adopted 2013/2014 Operating Budget. (Funding Source: Traffic Safety Fund)
 - Resolution authorizing the award of a sole source procurement for the purchase of a 3D laser scanner, hardware, software, accessories, training, support costs, and two-year extended warranty for hardware and calibration costs, to produce 3D color

images in digital format to recreate major traffic collisions, crime scenes, and to assist the Modesto Police Department in preparation for disaster recovery, to FARO Technologies, Inc., Lake Mary, FL; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total of \$79,846.

- Resolution amending the adopted 2013/2014 Operating Budget to transfer existing appropriations of an estimated total amount of \$79,846 for the purchase of a 3D laser scanner, hardware, software, accessories, training, support costs, and two-year extended warranty for hardware and calibration costs, to produce 3D color images in digital format to recreate major traffic collision scenes, crime scenes, and to assist the Modesto Police Department in preparation for disaster recovery; and authorizing the Director of Finance, or her designee, to execute the necessary steps to implement the provisions of this resolution.

Police; Craig Gundlach, 342-9129, gundlachc@modestopd.com

ACTION: Resolution 2014-214 (Lopez/Zoslocki; 7/0) authorizing the award of a sole source procurement for the purchase of a 3D laser scanner, hardware, software, accessories, training, support costs, and two-year extended warranty for hardware and calibration costs, to produce 3D color images in digital format to recreate major traffic collisions, crime scenes, and to assist the Modesto Police Department in preparation for disaster recovery, to FARO Technologies, Inc., Lake Mary, FL; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total of \$79,846.

ACTION: Resolution 2014-215 (Lopez/Zoslocki; 7/0) amending the adopted 2013/2014 Operating Budget to transfer existing appropriations of an estimated total amount of \$79,846 for the purchase of a 3D laser scanner, hardware, software, accessories, training, support costs, and two-year extended warranty for hardware and calibration costs, to produce 3D color images in digital format to recreate major traffic collision scenes, crime scenes, and to assist the Modesto Police Department in preparation for disaster recovery; and authorizing the Director of Finance, or her designee, to execute the necessary steps to implement the provisions of this resolution.

Consent

5. Consider approving an amended agreement with Kimley-Horn and Associates, Inc. to provide design and planning services for an Airport Storm water Infrastructure Master Plan in an amount not to exceed \$261,315. (Funding Source: Federal Grant Funds/Passenger Facility Charges)

- Resolution approving an amended agreement with Kimley-Horn and Associates to provide design and planning services for an Airport Storm Water Infrastructure Master Plan for the Modesto City-County Airport not to exceed \$261,315.

Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Resolution 2014-216 (Lopez/Zoslocki; 7/0) approving an amended agreement with Kimley-Horn and Associates to provide design and planning services for an Airport Storm Water Infrastructure Master Plan for the Modesto City-County Airport not to exceed \$261,315.

Consent

6. Consider approving: (i) a right-of-way dedication by the City of Modesto on behalf of the public for streets, public use, and right-of-way; and (ii) a Grant of Easement to Modesto Irrigation District. (Funding Source: Not Applicable)
- Resolution approving a Right-of-Way Dedication on behalf of the public by the City of Modesto for dedication of an 824 square-foot portion of a city-owned parcel located at 629 Second Street (APN 103-022-001), for the intersection of G Street and Sierra Drive adjacent to Block Z, and authorizing the City Manager, or his designee, to execute the Right-of-Way Dedication and all related documents.
 - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Right-of-Way Dedication on behalf of the public of a portion of a city-owned parcel (APN 103-022-001) to be used for the intersection of G Street and Sierra Drive.
 - Resolution approving a Grant of Easement to Modesto Irrigation District for a 20-foot wide, 1,737 square feet portion of a city-owned parcel, located at 629 Second Street (APN 103-022-001), and authorizing the City Manager, or his designee, to execute the Grant of Easement and all related documents.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2014-217 (Lopez/Zoslocki; 7/0) approving a Right-of-Way Dedication on behalf of the public by the City of Modesto for dedication of an 824 square-foot portion of a city-owned parcel located at 629 Second Street (APN 103-022-001), for the intersection of G Street and Sierra Drive adjacent to Block Z, and authorizing the City Manager, or his designee, to execute the Right-of-Way Dedication and all related documents.

ACTION: Resolution 2014-218 (Lopez/Zoslocki; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Right-of-Way Dedication on behalf of the public of a portion of a city-owned parcel (APN 103-022-001) to be used for the intersection of G Street and Sierra Drive.

ACTION: Resolution 2014-219 (Lopez/Zoslocki; 7/0) approving a Grant of Easement to Modesto Irrigation District for a 20-foot wide, 1,737 square feet portion of a city-owned parcel, located at 629 Second Street (APN 103-022-001), and authorizing the City Manager, or his designee, to execute the Grant of Easement and all related documents.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal spoke regarding presentations by Information Technology for wi-fi in downtown Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on May 18, 2014; Continued from the June 3, 2014 Council meeting.

7. Hearing to consider approval of a Clean Energy Project Performance Contracting Agreement with Siemens Industry Inc., Hayward, CA for a total estimated cost of \$8,411,006 and authorize the City Manager or his designee to execute the agreement. (Funding Source: Not Applicable)
- Resolution approving a Clean Energy Project Performance Contracting Agreement (PCA) with Siemens Industry Inc., Hayward, CA for a total estimated cost of \$ 8,411,006 and authorizing the City Manager or his designee to execute the agreement.

Finance; Mark Averell, 577-5405, markaverell@modestogov.com

ACTION: Resolution 2014-220 (Cogdill/Madrigal; 6/1; Zoslocki no) approving a Clean Energy Project Performance Contracting Agreement (PCA) with Siemens Industry Inc., Hayward, CA for a total estimated cost of \$ 8,411,006 and authorizing the City Manager or his designee to execute the agreement.

Recess at 8:23 p.m.

Reconvened at 8:35 p.m.

Published in the Modesto Bee on May 24, 2014

8. Hearing to consider the Proposed Fiscal Year 2014-2015 Operating Budget and Capital Improvement Program for the City of Modesto. (Funding Source: Various)
- Motion introducing an Ordinance approving the FY 2014-2015 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 2014-2015 budget development process.
 - Resolution amending the FY 2014-2015 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 (Madrigal/Lopez; 6/0; Codgill absent due to conflict of interest) approving the FY 2014-2015 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.

- Upgrade Traffic Signals 2010
- F Street Trunk

ACTION: Motion (Lopez/Gunderson; 6/0; Zoslocki absent due to conflict of interest) approving the FY 2014-2015 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.

- 2011-2012 Sanitary Sewer Replacement

ACTION: Motion (Cogdill/Gunderson;7/0) introducing **Ordinance No. 3604-C.S.** approving the FY 2014-2015 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.

ACTION: Resolution 2014-221 (Cogdill/Gunderson;7/0) 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 2014-2015 budget development process.

ACTION: Resolution 2014-222 (Cogdill/Gunderson; 7/0) amending the FY 2014-2015 City of Modesto Position Allocation to modify the position allocation as part of the addendum as shown in Exhibit 5.

NEW BUSINESS

9. Consider approving the organizational restructure of the City of Modesto and an amendment to the Modesto Municipal Code amending various classifications.
(Funding Source: All Funds)
 - Motion approving the organizational restructure of the City of Modesto.
 - Resolution rescinding Resolution No. 2013-185.
 - Resolution amending the Classification Plan for the City of Modesto to create the classification of Director of Administrative Services, Operations Manager, Recreation and Neighborhoods Services Manager, Engineering Division Manager, MRFA Finance Manager; to amend the job specification for Business Development Manager and change the title to Business Center Manager; to amend the job specification for Budget and Financial Analysis Manager and change the title to Budget Manager; and to restore and amend the job specification for Police Records Manager and change the title to Police Civilian Manager.
 - Resolution amending Exhibit "A" of Resolution No. 2014-39 to revise the Class Range Table for Executive Management to add Director of Administrative Services to salary range 1425.
 - Resolution amending Exhibit "A" of Resolution No. 2013-220 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes.
 - Resolution amending Exhibit "A" of Resolution No. 2013-221 to revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to add Human Resources Manager to salary range 2444; add Budget Manager to salary range 2450.
 - Resolution approving a new Class Range Table and Salary Schedule for Sworn Executive Management as set forth in Exhibit "A" attached hereto effective July 1, 2014.
 - Resolution amending the Position Allocation for Fiscal Year 14/15 as adopted in the operating budget.
 - Motion introducing and waiving the first reading of an Ordinance amending Chapter 3, entitled "Administrative Departments," of Title 2, entitled "Administration," of the Modesto Municipal Code.
 - Resolution approving a severance package which includes severance pay, health benefits, employee assistance program, and interview leave for employees subject

to layoff due to an authorized reduction in force.
Human Resources; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Motion (Zoslocki/Gunderson; 6/1; Lopez no) approving the organizational restructure of the City of Modesto.

ACTION: Resolution 2014-223 (Zoslocki/Gunderson; 6/1; Lopez no) rescinding Resolution No. 2013-185.

ACTION: Resolution 2014-224 (Zoslocki/Gunderson; 6/1; Lopez no) amending the Classification Plan for the City of Modesto to create the classification of Director of Administrative Services, Operations Manager, Recreation and Neighborhoods Services Manager, Engineering Division Manager, MRFA Finance Manager; to amend the job specification for Business Development Manager and change the title to Business Center Manager; to amend the job specification for Budget and Financial Analysis Manager and change the title to Budget Manager; and to restore and amend the job specification for Police Records Manager and change the title to Police Civilian Manager.

ACTION: Resolution 2014-225 (Zoslocki/Gunderson; 6/1; Lopez no) amending Exhibit "A" of Resolution No. 2014-39 to revise the Class Range Table for Executive Management to add Director of Administrative Services to salary range 1425.

ACTION: Resolution 2014-226 (Zoslocki/Gunderson; 6/1; Lopez no) amending Exhibit "A" of Resolution No. 2013-220 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes.

ACTION: Resolution 2014-227 (Zoslocki/Gunderson; 6/1; Lopez no) amending Exhibit "A" of Resolution No. 2013-221 to revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to add Human Resources Manager to salary range 2444; add Budget Manager to salary range 2450.

ACTION: Resolution 2014-228 (Zoslocki/Gunderson; 6/1; Lopez no) approving a new Class Range Table and Salary Schedule for Sworn Executive Management as set forth in Exhibit "A" attached hereto effective July 1, 2014.

ACTION: Resolution 2014-229 (Zoslocki/Gunderson; 6/1; Lopez no) amending the Position Allocation for Fiscal Year 14/15 as adopted in the operating budget.

ACTION: Motion (Zoslocki/Gunderson; 6/1; Lopez no) introducing and waiving the first reading of an Ordinance No. 3605-C.S. amending Chapter 3, entitled "Administrative Departments," of Title 2, entitled "Administration," of the Modesto Municipal Code.

ACTION: Resolution 2014-230 (Zoslocki/Gunderson; 6/1; Lopez no) approving a severance package which includes severance pay, health benefits, employee assistance program, and interview leave for employees subject to layoff due to an authorized reduction in force.

Item 10 heard after Acknowledgments and Presentations

10. Consider approving: (i) the termination of the Joint Powers Agreement of the Modesto Regional Fire Authority (MRFA); rescinding resolutions No. 2011-14 and 2011-15 and directing the City of Modesto Representative to support the dissolution of MRFA; (ii) a Memorandum of Understanding between City of Modesto, Salida Fire Protection District and County of Stanislaus; (iii) motion supporting a conceptual plan of transition to a broader based collaborative regional model for Stanislaus County Fire Service Boundary Drops and Shared Resources; (iv) a one-year agreement between the City of Modesto and the Salida Fire Protection District for Fire and Emergency Response Services; (v) a one-year service agreement between the County of Stanislaus and the City of Modesto for Interim Information Technology Services; (vi) an agreement between City of Modesto and County of Stanislaus regarding the use of County vehicles; (vii) an agreement between City of Modesto and County of Stanislaus to provide less than County-wide Fire Services. (Funding Source: General Fund)
- Resolution approving the termination of the Joint Powers Agreement of the Modesto Regional Fire Authority (MRFA); rescinding Resolutions No. 2011-14 and No. 2011-15 and directing the City of Modesto Representative to support the dissolution of MRFA.
 - Resolution approving a Memorandum of Understanding between City of Modesto, Salida Fire Protection District and County of Stanislaus regarding the transition of fire and emergency services from the former Modesto Regional Fire Authority; and authorizing the City Manager or designee to execute the agreement.
 - Motion supporting a conceptual plan of transition to a broader based collaborative regional model for Stanislaus County Fire Service Boundary Drops and Shared Resources.
 - Resolution approving a one-year agreement between the City of Modesto and the Salida Fire Protection District for Fire and Emergency Response Services and directing the City Manager or designee to execute the agreement.
 - Resolution approving a one-year service agreement between the County of Stanislaus and the City of Modesto for Interim Information Technology Services and directing the City Manager or designee to execute the agreement.
 - Resolution approving an agreement between City of Modesto and County of Stanislaus regarding the use of County vehicles; and authorizing the City Manager or designee to execute the agreement; and authorizing the City Manager or designee to execute the agreement.
 - Resolution approving an agreement between City of Modesto and County of Stanislaus to provide less than County-wide Fire Services; and authorizing the City Manager or designee to execute the agreement.

City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Resolution 2014-231 (Lopez/Madrigal; 7/0) approving the termination of the Joint Powers Agreement of the Modesto Regional Fire Authority (MRFA); rescinding Resolutions No. 2011-14 and No. 2011-15 and directing the City of Modesto Representative to support the dissolution of MRFA.

ACTION: Resolution 2014-232 (Lopez/Madrigan; 7/0) approving a Memorandum of Understanding between City of Modesto, Salida Fire Protection District and County of Stanislaus regarding the transition of fire and emergency services from the former Modesto Regional Fire Authority; and authorizing the City Manager or designee to execute the agreement.

ACTION: Motion (Lopez/Madrigan; 7/0) supporting a conceptual plan of transition to a broader based collaborative regional model for Stanislaus County Fire Service Boundary Drops and Shared Resources.

ACTION: Resolution 2014-233 (Lopez/Madrigan; 7/0) approving a one-year agreement between the City of Modesto and the Salida Fire Protection District for Fire and Emergency Response Services and directing the City Manager or designee to execute the agreement.

ACTION: Resolution 2014-234 (Lopez/Madrigan; 7/0) approving a one-year service agreement between the County of Stanislaus and the City of Modesto for Interim Information Technology Services and directing the City Manager or designee to execute the agreement.

ACTION: Resolution 2014-235 (Lopez/Madrigan; 7/0) approving an agreement between City of Modesto and County of Stanislaus regarding the use of County vehicles; and authorizing the City Manager or designee to execute the agreement; and authorizing the City Manager or designee to execute the agreement.

ACTION: Resolution 2014-236 (Lopez/Madrigan; 7/0) approving an agreement between City of Modesto and County of Stanislaus to provide less than County-wide Fire Services; and authorizing the City Manager or designee to execute the agreement.

Recessed at 6:17 p.m.

Reconvened at 6:25 p.m.

11. Consider approving: (i) an 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 \$1,061,111.11; and (ii) amending the FY 2013-14 Multi-year budget to create Project 100824 for Airport Obstruction Removal and to amend the budget to appropriate \$78,500 from Airport Reserves to be transferred into the project for initial funding which will be reimbursed upon receipt of FAA Grant Funds. (Funding Source: Federal Grant Funds / Passenger Facility Charges)
 - Resolution approving an 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 \$1,061,111.11.
 - Resolution amending the FY 2013-14 Multi-year budget to create Project 100824 for Airport Obstruction Removal and to amend the budget to appropriate \$78,500 from Airport Reserves to be transferred into the project for initial funding which will be reimbursed upon receipt of FAA Grant Funds.

Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Resolution 2014-237 (Gunderson/Madrigal; 7/0) approving an 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 \$1,061,111.11.

ACTION: Resolution 2014-238 (Gunderson/Madrigal; 7/0) amending the FY 2013-14 Multi-year budget to create Project 100824 for Airport Obstruction Removal and to amend the budget to appropriate \$78,500 from Airport Reserves to be transferred into the project for initial funding which will be reimbursed upon receipt of FAA Grant Funds.

12. Consider authorizing the submission of the Transportation Development Act Transit Claim for Fiscal Year 2014-2015 to the Stanislaus Council of Governments in the amount of \$9,848,810. (Funding Source: TDA Revenue)
- Resolution authorizing submission of the City's Transportation Development Act Transit Claim for Fiscal Year 2014-2015 to the Stanislaus Council of Governments (StanCOG) in the amount of \$9,848,810.

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

ACTION: Resolution 2014-239 (Lopez/Zoslocki; 7/0) authorizing submission of the City's Transportation Development Act Transit Claim for Fiscal Year 2014-2015 to the Stanislaus Council of Governments (StanCOG) in the amount of \$9,848,810.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:55 p.m.

MINUTES

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

Monday June 23, 2014, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmembers Madrigal, Cogdill
Absent: None.
Also Present: Jenny Kenoyer and Bill Zoslocki

PUBLIC COMMENTS

None.

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

NEW BUSINESS

1. Consider approving the annual inflationary adjustment of certain Development User Fees as identified in the Development User Fee Schedule, per Resolution No. 2011-106 and forwarding to Council for approval. (Funding Source: General Fund Revenue)
Community & Economic Development; Laurie Smith, 577-5437, lsmith@modestogov.com

ACTION: Motion (Cogdill/Madrigal;unan.) approving the annual inflationary adjustment of certain Development User Fees as identified in the Development User Fee Schedule, per Resolution No. 2011-106 and forwarding to Council for approval

2. Consider approval of Fire Prevention Development User Fees, per Section 3-1.108 of the Modesto Municipal Code and forwarding to Council for approval. (Funding Source: General Fund)
Fire; Mike Payton, 571-5876, mpayton@modestorfa.org

ACTION: Motion (Madrigal/Cogdill;unan.) approval of Fire Prevention Development User Fees, per Section 3-1.108 of the Modesto Municipal Code and forwarding to Council for approval.

3. Consider discussion and provide direction regarding investigation and implementation of Emergency Response Cost Recovery Program and forwarding Committee recommendations to Council for approval. (Funding Source: Not Applicable)
Fire; Sean Slamon, 552-3723, SSlamon@modestorfa.org

ACTION: No Action Taken. This item will return to the Finance Committee at a future date.

4. Consider approving the recommended budget adjustments to the FY2013-14 Annual Operating and Capital Improvement Project Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Cogdill/Madrigan;unan) approving the recommended budget adjustments to the FY 2013-14 Annual Operating and Capital Improvement Project Budgets and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:35 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 24, 2014, 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: Darryl Fair, Renaissance Christian Center

City Clerk’s Announcements: Items 6, 7 and 10 - Removed from Consent

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Nelson\Nygaard Consulting Associates on Downtown Parking.
(Funding Source: Not Applicable)
*Community & Economic Development; Josh Bridegroom, 571-5540,
jbridegroom@modestogov.com*

ACTION: Presentation was made by Nelson\Nygaard Consulting Associates on Downtown Parking.

2. Presentation on Modesto’s partnership with a mobile device payment application
“Check” that provides citizens with the ability to pay and track their utility bills.
(Funding Source: Not Applicable)
Finance; Leslie Curtin, 571-5889, lcurtin@modestogov.com

ACTION: Presentation was made regarding Modesto’s partnership with a mobile device payment application “Check” that provides citizens with the ability to pay and track their utility bills.

3. Presentation of Phase 2 Tertiary Project Yearly Update. (Funding Source: Not Applicable)
Utility Planning and Projects; Jennifer Pratt, 342-4570, jpratt@modestogov.com

ACTION: Presentation was made regarding the Phase 2 Tertiary Project Yearly Update.

MISCELLANEOUS

Legislation
Appointments
Other

4. Consider approving the appointment of Mary Ramirez to fill the Housing Authority of the County of Stanislaus vacancy on the City of Modesto Housing Rehabilitation and Loan Committee (HRLC) (Funding Source: Not Applicable)
- Resolution approving the appointment of Mary Ramirez to fill the Housing Authority of the County of Stanislaus vacancy on the City of Modesto Housing Rehabilitation and Loan Committee (HRLC)
Parks, Recreation, & Neighborhoods; Jody Christiansen, 342-4707, mjchristiansen@modestogov.com

ACTION: Resolution 2014-240 ((Lopez/Madrigan; 7/0)) approving the appointment of Mary Ramirez to fill the Housing Authority of the County of Stanislaus vacancy on the City of Modesto Housing Rehabilitation and Loan Committee (HRLC).

PUBLIC COMMENT PERIOD

- Dave Nicholson spoke regarding the closure of water play structures (lives near Freedom Park). Mayor directed staff to return to Council with an update.
- Louisa Bryant spoke regarding water conservation at StoneyBrook Apartments.
- Carmen Sabatino spoke regarding the Convention & Visitors Bureau.
- Doug Estes spoke regarding parking in Modesto.
- Debra Harper spoke regarding human rights and hostility in the community.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5; 8-9, 11-16: (Lopez/Kenoyer; unan.)

ACTION ITEM 5: (Gunderson/Madrigan; majority; Lopez, Kenoyer no)

ACTION ITEM 6: (Cogdill/Madrigan; majority; Lopez, Kenoyer no)

ACTION ITEM 10: (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 June 10, 2014 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the June 10, 2014 Council meeting.
City Council; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Kenoyer; 7/0) approving the minutes from the June 10, 2014 Council meeting.

Removed from Consent

6. Consider approving final adoption of Ordinance No. 3604-C.S. approving the FY 2014-2015 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3604-C.S. approving the FY 2014-2015 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Gunderson/Madriral; 5/2; Lopez, Kenoyer no) approving final adoption of **Ordinance No. 3604-C.S.** approving the FY 2014-2015 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.

Removed from Consent

7. Consider approving final adoption of Ordinance 3605-C.S. amending Chapter 3, entitled “Administrative Departments,” of Title 2, entitled “Administration,” of the Modesto Municipal Code. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance 3605-C.S. amending Chapter 3, entitled “Administrative Departments,” of Title 2, entitled “Administration,” of the Modesto Municipal Code.
City Clerk; Stephanie Lopez, 577-5356, slopez@modestogov.com

ACTION: Motion (Cogdill/Madriral; 5/2; Lopez, Kenoyer no) approving final adoption of **Ordinance No. 3605-C.S.** amending Chapter 3, entitled “Administrative Departments,” of Title 2, entitled “Administration,” of the Modesto Municipal Code.

Consent

8. Consider authorizing an Outside Counsel Legal Services Agreement in an amount not to exceed \$200,000 with the Law Office of Arata, Swingle, Sodhi and VanEgmond to represent of the City of Modesto in tort liability cases. (Funding Source: General Liability Fund)
 - Resolution authorizing the City of Modesto to enter into an Outside Legal Services Agreement in an amount not to exceed \$200,000 with the Law Office of Arata, Swingle, Sodhi and VanEgmond to represent the City of Modesto in tort liability cases.
City Attorney; Adam Lindgren, 571-5159, alindgren@modestogov.com

ACTION: Resolution 2014-241 (Lopez/Kenoyer; 7/0) authorizing the City of Modesto to enter into an Outside Legal Services Agreement in an amount not to exceed \$200,000 with the Law Office of Arata, Swingle, Sodhi and VanEgmond to represent the City of Modesto in tort liability cases.

Consent

9. Consider authorizing an Outside Counsel Legal Services Agreement in an amount not to exceed \$200,000 with the Law Office of Burke, Williams & Sorensen, LLP for representation of the City of Modesto in the Reed v. City of Modesto case. (Funding Source: MPD General Liability Fund)
- Resolution authorizing the City of Modesto to enter into an Outside Legal Services Agreement in an amount not to exceed \$200,000 with the Law Office of Burke, Williams & Sorensen, LLP for representation of the City of Modesto in the Reed v. City of Modesto case.

City Attorney; Adam Lindgren, 571-5159, alindgren@modestogov.com

ACTION: Resolution 2014-242 (Lopez/Kenoyer; 7/0) authorizing the City of Modesto to enter into an Outside Legal Services Agreement in an amount not to exceed \$200,000 with the Law Office of Burke, Williams & Sorensen, LLP for representation of the City of Modesto in the Reed v. City of Modesto case.

Removed from Consent

10. Consider recognizing and supporting "Modesto, A City of Great Neighbors" commitment to neighborhood building and collaboration. (Funding Source: Not Applicable)
- Resolution of recognition and support of "Modesto, A City of Great Neighbors" commitment to neighborhood building and collaboration.

Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com

ACTION: Resolution 2014-243 (Kenoyer/Madrigal; 7/0) of recognition and support of "Modesto, A City of Great Neighbors" commitment to neighborhood building and collaboration.

Consent

11. Consider approving the annual inflationary adjustment of certain Development User Fees as identified in the Development User Fee Schedule, per Resolution No. 2011-106. (Funding Source: General Fund Revenue)
- Resolution approving the annual inflationary adjustment of certain Development User Fees as identified in the Development User Fee Schedule, per Resolution No. 2011-106.

Community & Economic Development; Laurie Smith, 577-5437, lsmith@modestogov.com

ACTION: Resolution 2014-244 (Lopez/Kenoyer; 7/0) approving the annual inflationary adjustment of certain Development User Fees as identified in the Development User Fee Schedule, per Resolution No. 2011-106.

Consent

12. Consider approving a contract with Pillsbury Winthrop Shaw Pittman LLP, Washington, DC for lobbying efforts at the Federal level for an initial one-year term and with four additional one-year extension options at the sole discretion of the City for an annual contract value of \$90,000. (Funding Source: General Fund)
- Resolution authorizing a contract with Pillsbury Winthrop Shaw Pittman LLP, Washington, DC for lobbying efforts at the federal level for an initial one-year term and with four (4) additional one-year extension options at the sole discretion of the City for an annual contract value of \$90,000 and authorizing the City Manager, or his designee, to execute the contract extension.

Finance and City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Resolution 2014-245 (Lopez/Kenoyer; 7/0) authorizing a contract with Pillsbury Winthrop Shaw Pittman LLP, Washington, DC for lobbying efforts at the federal level for an initial one-year term and with four (4) additional one-year extension options at the sole discretion of the City for an annual contract value of \$90,000 and authorizing the City Manager, or his designee, to execute the contract extension.

Consent

13. Consider approving the submittal of application(s) to The San Joaquin Valley Air Pollution Control District for Alternative Fuel Vehicle Grant, authorizing the Fire Chief, or his designee, to execute all grant-related documents, and enter into an agreement to receive the grant funds (if awarded). (Funding Source: Grants)
- Resolution approving the submittal of application(s) to The San Joaquin Valley Air Pollution Control District for Alternative Fuel Vehicle Grant, authorizing the Fire Chief, or his designee, to execute all grant-related documents, and enter into an agreement to receive the grant funds (if awarded).

Fire; Josh Hauselmann, 572-9597, jhauselmann@modestogov.com

ACTION: Resolution 2014-246 (Lopez/Kenoyer; 7/0) approving the submittal of application(s) to The San Joaquin Valley Air Pollution Control District for Alternative Fuel Vehicle Grant, authorizing the Fire Chief, or his designee, to execute all grant-related documents, and enter into an agreement to receive the grant funds (if awarded).

Consent

14. Consider approving the 2014-2015 Fiscal Year Appropriation 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 2014-2015 annual budget.

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

ACTION: Resolution 2014-247 (Lopez/Kenoyer; 7/0) establishing the calculation for the appropriation limit for the Fiscal Year 2014-2015 annual budget.

Consent

15. Consider approving a continued agreement with Final Cut Media for a period of one year in the sum of \$202,070 with the option of a one year extension for the management of the Education and Government television master control room. Total funding for the one year with the option of a one year extension is not to exceed \$404,140. (Funding Source: Education & Government Cable funds)

- Resolution approving a continued agreement with Final Cut Media for a period of one (1) year in the sum of \$202,070 with the option of a one (1) year extension, and authorizing the City Manager or his designee to execute the agreement, for the management of the Education and Government (EG) television master control room.

Information Technology; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Resolution 2014-248 (Lopez/Kenoyer; 7/0) approving a continued agreement with Final Cut Media for a period of one (1) year in the sum of \$202,070 with the option of a one (1) year extension, and authorizing the City Manager or his designee to execute the agreement, for the management of the Education and Government (EG) television master control room.

Consent

16. Consider approving a one year extension with an option of an additional one year extension approved by Resolution 2003-121 to the cost sharing agreement between the City of Modesto and Stanislaus County for the management of the Education and Government Access Channels on AccessModesto. (Funding Source: Information Technology and Stanislaus County)

- Resolution approving a one (1) year extension with an option of an additional one (1) extension approved on Resolution 2003-121 to the cost sharing agreement between the City of Modesto and Stanislaus County for the management of the Education and Government Access Channels on AccessModesto.

Information Technology; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Resolution 2014-249 (Lopez/Kenoyer; 7/0) approving a one (1) year extension with an option of an additional one (1) extension approved on Resolution 2003-121 to the cost sharing agreement between the City of Modesto and Stanislaus County for the management of the Education and Government Access Channels on AccessModesto.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal announced the Latino Community Roundtable Backpack Drive.

Councilmember Kenoyer discussed the number of staff hours spent at StoneyBrook Apartments and water conservation; she thanked staff for their time and dedication.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson announced weekly This Week in Government (TWIG) report.

Recess at 7:42 p.m.

Reconvened at 8:00 p.m.

UNFINISHED BUSINESS

17. Consider approving/disapproving a Master Lease Purchase Agreement with a 15 year term and stated interest at 2.75 percent to finance the Clean Energy Project Performance Contracting Agreement (PCA) with Siemens; and (if approved) authorize the City to execute the various documents associated with this Agreement. If the Council does not approve the Lease, the Performance Agreement will automatically lapse. (Funding Source: Various Funds)
- Motion approving/disapproving a Master Lease Purchase Agreement with a 15 year term and stated interest at 2.75 percent to finance the Clean Energy Project Performance Contracting Agreement (PCA) with Siemens; and (if approved) authorize the City to execute the various documents associated with this Agreement. If the Council does not approve the Lease, the Performance Agreement will automatically lapse.

Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Motion (Zoslocki/Gunderson; 7/0) disapproving a Master Lease Purchase Agreement with a 15 year term and stated interest at 2.75% to finance the Clean Energy Project Performance Contracting Agreement with Siemens; the Performance Agreement will automatically lapse.

HEARINGS

Published in the Modesto Bee on June 14, 2014

18. Hearing to consider the Fiscal Year 2014-15 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 2014-15 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 2014-250 (Kenoyer/Zoslocki; 7/0) confirming the Fiscal Year 2014-15 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

Published in the Modesto Bee on June 14, 2014

19. Hearing to consider the Fiscal Year 2014-15 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 2014-15 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 2014-251 (Kenoyer/Zoslocki; 7/0) confirming the Fiscal Year 2014-15 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2.

Published in the Modesto Bee on June 14, 2014

20. Hearing to consider the Fiscal Year 2014-15 annual assessment for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
- Resolution confirming the Fiscal Year 2014-15 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 2014-252 (Madrigal/Kenoyer; 7/0) confirming the Fiscal Year 2014-15 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

Published in the Modesto Bee on June 4, 2014

21. Hearing to consider an application by Ms. Mai Nguyen to rezone a 4,400 square foot lot with an existing office building, located at 1645 W. Orangeburg Avenue, from Professional Office Zone, P-O to Neighborhood Commercial Zone, C-1. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance amending Section 19-3-9 of the Zoning Map of the City of Modesto to Rezone from Professional Office (P-O) Zone to Neighborhood Commercial (C-1) Zone, property located at 1645 W. Orangeburg Avenue (Ms. Mai Nguyen).
 - Resolution finding that the project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH 2007072023): Amendment of Section 19-3-9 of the Zoning Map of the City of Modesto to Rezone from Professional Office (P-O) Zone to Neighborhood Commercial (C-1) Zone, property located at 1645 W. Orangeburg Avenue (Ms. Mai Nguyen).

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

ACTION: Motion (Lopez/Madrigan; 7/0) introducing and waiving the first reading of an **Ordinance No. 3606-C.S.** amending Section 19-3-9 of the Zoning Map of the City of Modesto to Rezone from Professional Office (P-O) Zone to Neighborhood Commercial (C-1) Zone, property located at 1645 W. Orangeburg Avenue (Ms. Mai Nguyen).

ACTION: Resolution 2014-253 (Lopez/Madrigan; 7/0) finding that the project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH 2007072023): Amendment of Section 19-3-9 of the Zoning Map of the City of Modesto to Rezone from Professional Office (P-O) Zone to Neighborhood Commercial (C-1) Zone, property located at 1645 W. Orangeburg Avenue (Ms. Mai Nguyen).

NEW BUSINESS

22. Consider: (i) approving a letter of agreement between the City of Modesto and Modesto Police Officers' Association for the restructuring of retiree medical sick leave conversion program; and (ii) approving a letter of agreement between the City of Modesto and Modesto Police Officers' Association amending the Memorandum of Understanding for the period of July 1, 2010 to June 30, 2014 to change language for Section 5, Special Compensation and Section 23, Special Assignments. (Funding Source: Employee Benefits Fund & General Fund)

- Resolution approving a letter of agreement between the City of Modesto and Modesto Police Officers' Association for the restructuring of retiree medical sick leave conversion program and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement.
- Resolution approving a letter of agreement between the City of Modesto and Modesto Police Officers' Association amending the Memorandum of Understanding for the period of July 1, 2010 to June 30, 2014 to change language for Section 5, Special Compensation and Section 23, Special Assignments; and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement.

Human Resources; Joseph Lopez, 571-5126 , joelopez@modestogov.com

ACTION: Resolution 2014-254 (Zoslocki/Lopez; 7/0) approving a letter of agreement between the City of Modesto and Modesto Police Officers' Association for the restructuring of retiree medical sick leave conversion program and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2014-255 (Zoslocki/Lopez; 7/0) approving a letter of agreement between the City of Modesto and Modesto Police Officers' Association amending the Memorandum of Understanding for the period of July 1, 2010 to June 30, 2014 to change language for Section 5, Special Compensation and Section 23, Special Assignments; and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement.

23. Consider rescinding the Fiscal Year 2014-2015 Modesto Regional Fire Authority (MRFA) contribution and increasing the Fiscal Year 2014-2015 City of Modesto Fire Department (MFD) budget within the General Fund to bring fire services back into the City from MRFA. (Funding Source: General Fund)
- Resolution rescinding the Fiscal Year 2014-2015 Modesto Regional Fire Authority contribution of \$22,590,642 and amending the Fiscal Year 2014-2015 City of Modesto Operating Budget to increase the Modesto Fire Department General Fund operating budget by \$22,617,884 to incorporate the Modesto Fire Department back into the City of Modesto.
- Fire; Kristin Reffalt, 552-3716, kreffalt@modestorfa.org*

ACTION: Resolution 2014-256 (Zoslocki/Kenoyer; 7/0) rescinding the Fiscal Year 2014-2015 Modesto Regional Fire Authority contribution of \$22,590,642 and amending the Fiscal Year 2014-2015 City of Modesto Operating Budget to increase the Modesto Fire Department General Fund operating budget by \$22,617,884 to incorporate the Modesto Fire Department back into the City of Modesto.

MATTERS TOO LATE FOR THE AGENDA

ACTION: Motion (Zoslocki/Madriral;unan.) directing staff to place an item on the next Finance Committee Agenda for consideration to review the budget, including the Employee Benefits Fund and Worker's Compensation Funds and take \$1 million from those funds to fund Fire Station 6 and Modesto Police Department.

ADJOURNMENT

This meeting was adjourned at 10:30 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(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

Name of case: Rodriguez v. City of Modesto

United States District Court

Federal Case No: 1:10-CV-01370-LJO-MJS

**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, Interim City Manager

Employee Organization: Unrepresented Management and Confidential Employees

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

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2001
1010 10th Street
Modesto, California
Thursday, June 26, 2014, at 3:04 p.m.

Roll Call - Present: Councilmembers Madrigal, Kenoyer and alternate Zoslocki
Absent: Gunderson

PUBLIC COMMENTS

None.

CONSENT ITEMS – None

UNFINISHED BUSINESS

1. Consider further discussion and provide direction regarding the Committee's 5 Goals: (i) revising Council Policy 1.008 to reflect the priorities of the Appointments Committee (ii) reviewing list of Boards and Commissions and attendance at the meetings; (iii) evaluating Boards and Commissions to keep or dissolve; (iv) outreach for applicants to Boards and Commissions (including recruitment, updated web page, appreciation opportunities and development of Candidate Notebook); (v) reviewing applications and recommending appointments. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer; unan.) Approving revised recommended changes to City Council Policy 1.008 and forwarding to Council for approval.

ACTION: Motion (Zoslocki/Kenoyer; unan.) Directing staff to plan for an annual Appreciation Event for Citizen Advisory Group appointees serving the City of Modesto.

ACTION: Interim City Manager Jim Holgersson will return to the August 28th Appointments Committee with updated information on attendance, current members names, and vacancies on the City's Boards and Commissions. Committee members to continue to contact assigned Chairs of Boards and Commissions to discuss outreach. Council Executive Assistant Kathy Espinoza to inform Appointments Committee members of the process which will be implemented to notify all applicants of eligibility, opportunity and interview time.

NEW BUSINESS

3. Consider recommending the appointment of Josh Little to fill a "Service Provider" vacancy on the City of Modesto Housing Rehabilitation Loan Committee (HRLC) and

forwarding to Council for approval. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Jody Christiansen, 342-4707,
mjchristiansen@modestogov.com*

ACTION: Motion (Kenoyer/Zoslocki; unan.) Recommending the appointment of Josh Little to fill a “Service Provider” vacancy on the City of Modesto Housing Rehabilitation Loan Committee (HRLC) and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:12 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 01, 2014, 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: Jeremy Thiessen, Shelter Cove Community Church

City Clerk's Announcements: Item 7 - Removed from Consent

Declaration of Conflicts of Interest: None

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

PUBLIC COMMENT PERIOD

- Louisa Bryant spoke regarding water conservation at the Stoney Brook Apartments and the Public Works Department.
- Carmen Sabatino spoke regarding the Convention & Visitors Bureau Board appointments by Councilmembers and the Transient Occupancy Tax.
- Jeremiah Williams, Chairman, announced the 4th of July Parade on Friday morning.
- Cecil Russell spoke regarding the history of the Chamber of Commerce and Convention & Visitors Bureau.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 1-6; 8-10: (Lopez/Madrigal;unan.)
ACTION CONSENT ITEM 7: (Lopez/Madrigal;unan.)

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 24, 2014 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the June 24, 2014 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the minutes from the June 24, 2014 City Council meeting.

Consent

2. Consider authorizing the purchase of one John Deere 35G compact excavator for the Public Works Department, Water Division, through the Fleet Services Division, by “accessing the terms” of a competitively bid contract with the State of California, Department of General Services, California Multiple Award Schedules (CMAS) to Pape Machinery, French Camp, CA, for an estimated total cost of \$58,114. (Funding Source: Water Fund)
 - Resolution authorizing the purchase of one John Deere 35G compact excavator for the Public Works Department, Waster Division, through the Fleet Services Division, by “accessing the terms” of a competitively bid contract with the State of California, Department of General Services, California Multiple Award Schedules (CMAS) to Pape Machinery, French Camp, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost \$58,114.

Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2014-257 (Lopez/Madrigal; 7/0) authorizing the purchase of one John Deere 35G compact excavator for the Public Works Department, Waster Division, through the Fleet Services Division, by “accessing the terms” of a competitively bid contract with the State of California, Department of General Services, California Multiple Award Schedules (CMAS) to Pape Machinery, French Camp, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost \$58,114.

Consent

3. Consider authorizing the purchase of four (4) half-ton pickup trucks for various Divisions through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the County of Alameda to Albany Ford, Albany, CA, for an estimated total cost of \$93,102. (Funding Source: Fleet Replacement Fund)
 - Resolution authorizing the purchase of four (4) half-ton pickup trucks for various Divisions through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the County of Alameda to Albany Ford, Albany, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost \$93,102.

Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2014-258 (Lopez/Madrigal; 7/0) authorizing the purchase of four (4) half-ton pickup trucks for various Divisions through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the County of Alameda to Albany Ford, Albany, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost \$93,102.

Consent

4. Consider accepting the 2013 Assistance to Firefighters Grant Award for Personal Protective Equipment for awarded funding of \$91,613. (Funding Source: Grant funds)
 - Resolution approving the acceptance of the 2013 Assistance to Firefighters Grant Award for Personal Protective Equipment and authorizing the Fire Chief, or his designee, to execute all grant-related documents.

Fire; Kristin Reffalt, 552-3716, kreffalt@modestorfa.org

ACTION: Resolution 2014-259 (Lopez/Madrigal; 7/0) approving the acceptance of the 2013 Assistance to Firefighters Grant Award for Personal Protective Equipment and authorizing the Fire Chief, or his designee, to execute all grant-related documents.

Consent

5. Consider authorizing the sole source procurement for the purchase of a RoboteX Avatar III remote control tactical robot and accessories, for mission requirements needed by the Modesto Police Department, to RoboteX, Inc., Sunnyvale, CA, for an estimated total cost of \$59,065. (Funding Source: General Fund)
 - Resolution authorizing the award of a sole source procurement for the purchase of a RoboteX Avatar III remote control tactical robot and accessories, for mission requirements needed by the Modesto Police Department, to RoboteX, Inc., Sunnyvale, CA; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total of \$59,065.

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

ACTION: Resolution 2014-260 (Lopez/Madrigal; 7/0) authorizing the award of a sole source procurement for the purchase of a RoboteX Avatar III remote control tactical robot and accessories, for mission requirements needed by the Modesto Police Department, to RoboteX, Inc., Sunnyvale, CA; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total of \$59,065.

Consent

6. Consider authorizing the sole source procurement for the purchase of a Spacesaver High Density Mobile Storage System to store property taken as evidence and stored within the Evidence and Property facility, to Systems & Space, Inc., Pleasanton, CA, for an estimated total cost of \$111,554. (Funding Source: General Fund)
 - Resolution authorizing the award of a sole source procurement for the purchase of a Spacesaver High Density Mobile Storage System to store property taken as evidence and stored within the Evidence and Property facility, to Systems & Space, Inc., Pleasanton, CA; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total of \$111,554.

Police; Andy Schlenker, 342-6179, schlenkera@modestopd.com

ACTION: Resolution 2014-261 (Lopez/Madrigal; 7/0) authorizing the award of a sole source procurement for the purchase of a Spacesaver High Density Mobile Storage System to store property taken as evidence and stored within the Evidence and Property facility, to Systems & Space, Inc., Pleasanton, CA; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total of \$111,554.

Removed from Consent

7. Consider authorizing the sole source procurement for the purchase of software, computers, servers, equipment and components, to allow the Modesto Police Department viewing access of traffic corridors throughout the City, to CelPlan Technologies, Inc., Reston, VA, for an estimated total cost of \$76,620. (Funding Source: Traffic Safety Fund)
 - Resolution authorizing the award of a sole source procurement for the purchase of software, computers, servers, equipment and components, to allow the Modesto Police Department viewing access of traffic corridors throughout the city, to CelPlan Technologies, Inc., Reston, VA; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total of \$76,620.

Police; Andy Schlenker, 342-6179, schlenkera@modestopd.com

ACTION: Resolution 2014-262 (Lopez/Madrigal; 7/0) authorizing the award of a sole source procurement for the purchase of software, computers, servers, equipment and components, to allow the Modesto Police Department viewing access of traffic corridors throughout the city, to CelPlan Technologies, Inc., Reston, VA; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total of \$76,620.

Consent

8. Consider accepting the work by D.A. Wood Construction, Inc. of Empire, California, for the Strengthen & Replace Water System between El Vista Avenue & Cloverdale Avenue project as complete, and authorizing payment of amounts totaling \$173,853. (The total project cost is \$237,172, which included construction contingency, engineering design, city forces and construction administration.) (Funding Source: Water Fund - CIP)
 - Resolution accepting the work by D.A. Wood Construction, for the Strengthen & Replace Water System between El Vista Avenue & Cloverdale Avenue 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 \$173,853.

*Utility Planning and Projects; Rob Christensen, 577-5423,
rchristensen@modestogov.com*

ACTION: Resolution 2014-263 (Lopez/Madrigal; 7/0) accepting the work by D.A. Wood Construction, for the Strengthen & Replace Water System between El Vista Avenue &

Cloverdale Avenue 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 \$173,853.

Consent

9. Consider approving: (i) an agreement with CHG Structural, Inc. in an amount not to exceed \$96,200 for funding and implementation support services for the North Valley Regional Recycled Water Program; and (ii) amending the Fiscal Year 2014-15 Capital Improvement Program budget by transferring \$96,200 into the project account from Wastewater Fund Reserves to fully fund the agreement. (Funding Source: Wastewater)
- Resolution approving an Agreement with CHG Structural, Inc. in an amount not to exceed \$96,200 for funding and implementation support services for the North Valley Regional Recycled Water Program, and authorize the City Manager, or his designee, to execute the Agreement.
 - Resolution amending the Fiscal Year 2014-15 Capital Improvement Program budget by transferring \$96,200 into the project from Wastewater Fund Reserves to fully fund the agreement.

Utility Planning and Projects; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Resolution 2014-264 (Lopez/Madrigal; 7/0) approving an Agreement with CHG Structural, Inc. in an amount not to exceed \$96,200 for funding and implementation support services for the North Valley Regional Recycled Water Program, and authorize the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2014-265 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014-15 Capital Improvement Program budget by transferring \$96,200 into the project from Wastewater Fund Reserves to fully fund the agreement.

Consent

10. Consider approving a transfer of real property located at 148 Imperial Avenue (APN: 056-049-020) from Modesto-Ceres Fire Protection Agency to the City of Modesto for Fire Station #10. (Funding Source: Not Applicable)
- Resolution approving the transfer of real property from Modesto-Ceres Fire Protection Agency for a 2.23-acre parcel, located at 148 Imperial Avenue (APN 056-049-020), and authorizing the City Manager, or his designee, to accept the transfer and execute all related documents required to transfer the property.
 - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the transfer of property located at 148 Imperial Avenue (APN 056-049-020), owned by the Modesto-Ceres Fire Protection Agency, to be transferred to the City of Modesto for the benefit of the Modesto Fire Department.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2014-266 (Lopez/Madrigal; 7/0) approving the transfer of real property from Modesto-Ceres Fire Protection Agency for a 2.23-acre parcel, located at 148 Imperial Avenue (APN 056-049-020), and authorizing the City Manager, or his designee, to

accept the transfer and execute all related documents required to transfer the property.

ACTION: Resolution 2014-267 (Lopez/Madrigal; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the transfer of property located at 148 Imperial Avenue (APN 056-049-020), owned by the Modesto-Ceres Fire Protection Agency, to be transferred to the City of Modesto for the benefit of the Modesto Fire Department.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced the recent Health Magazine edition with his daughter Desi's picture on the cover.

Councilmember Madrigal updated the Council on meetings he has had with the Southwest Businesses United, a possible sign on Crows Landing Road, and access to City street lights during holidays on Crows Landing Road for holiday decorations.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

11. Consider: (i) adopting a Finding of Conformance for the Shackelford Sewer Crossing Project; (ii) approving the plans and specifications for the Shackelford Sewer Crossing project, accepting the bid, and approving a contract with Mozingo Construction, Inc., of Oakdale, California in the amount of \$2,057,561.70; (iii) approving an Agreement with O'Dell Engineering, Inc. dba O'Dell Engineering for Design Support During Construction for the Shackelford Sewer Crossing project in an amount not to exceed \$166,811; and (iv) amending the Fiscal Year 2014-2015 CIP Budget by transferring \$1,006,009 into the project account from Wastewater Fund Reserves to fully fund the construction, contingency, and construction administration for the project, including engineering/design/admin support. (Total estimated cost for the construction portion of this project is \$2,651,050) (Funding Source: Wastewater Fund)
 - Resolution finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (MEIR) (SCH#2006052076) and General Plan Master EIR (SCH# 2007072023): Shackelford Sewer Crossing Project.
 - Resolution approving the plans and specifications for the Shackelford Sewer Crossing project, accepting the bid, and approving a contract with Mozingo Construction, Inc., of Oakdale, California in the amount of \$2,057,561.70, and authorizing the City Manager, or his designee, to execute the contract.
 - Resolution approving an agreement with O'Dell Engineering, Inc. dba O'Dell Engineering for Design Support During Construction for the Shackelford Sewer Crossing project in an amount not to exceed \$151,646 for the identified scope of services, plus \$15,165 for additional services (if needed), for a maximum total amount of \$166,811, and authorizing the City Manager, or his designee, to execute

the agreement.

- Resolution amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$1,006,009 to be transferred into the project from Wastewater Fund Reserves in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Shackelford Sewer Crossing project.

Utility Planning and Projects; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: Resolution 2014-268 (Gunderson/Madrigal; 7/0) finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (MEIR) (SCH#2006052076) and General Plan Master EIR (SCH# 2007072023): Shackelford Sewer Crossing Project.

ACTION: Resolution 2014-269 (Gunderson/Madrigal; 7/0) approving the plans and specifications for the Shackelford Sewer Crossing project, accepting the bid, and approving a contract with Mozingo Construction, Inc., of Oakdale, California in the amount of \$2,057,561.70, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2014-270 (Gunderson/Madrigal; 7/0) approving an agreement with O'Dell Engineering, Inc. dba O'Dell Engineering for Design Support During Construction for the Shackelford Sewer Crossing project in an amount not to exceed \$151,646 for the identified scope of services, plus \$15,165 for additional services (if needed), for a maximum total amount of \$166,811, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-271 (Gunderson/Madrigal; 7/0) amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$1,006,009 to be transferred into the project from Wastewater Fund Reserves in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Shackelford Sewer Crossing project.

NEW BUSINESS

12. Consider authorizing: (i) the issuance of City of Modesto Community Facilities District No. 2004-1 (Village One #2) 2014 Special Tax Refunding bonds, in an aggregate principal amount not to exceed \$31,000,000; (ii) the execution and delivery of an Indenture, a Bond Purchase Agreement, a Continuing Disclosure Agreement and an Escrow Agreement; (iii) the distribution of an Official Statement in connection therewith; and (iv) the execution of necessary documents and certificates and related actions. (Funding Source: CFD No. 2004-1 (Village One #2) Special Tax Bonds)
 - Resolution authorizing the issuance of City of Modesto Community Facilities District No. 2004-1 (Village One #2) 2014 Special Tax Refunding Bonds, in an aggregate principal amount of not to exceed \$31,000,000, Authorizing the Execution and Delivery of an Indenture, a Bond Purchase Agreement, a Continuing

Disclosure Agreement and an Escrow Agreement, authorizing the distribution of an official statement in connection therewith and authorizing the execution of necessary documents and certificates and related actions.

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

ACTION: Resolution 2014-272 (Kenoyer/Gunderson; 7/0) authorizing the issuance of City of Modesto Community Facilities District No. 2004-1 (Village One #2) 2014 Special Tax Refunding Bonds, in an aggregate principal amount of not to exceed \$31,000,000, Authorizing the Execution and Delivery of an Indenture, a Bond Purchase Agreement, a Continuing Disclosure Agreement and an Escrow Agreement, authorizing the distribution of an official statement in connection therewith and authorizing the execution of necessary documents and certificates and related actions.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:15 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

MODESTO CITY COUNCIL

www.modestogov.com

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 08, 2014, 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 announced Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring August 5, 2014, as “National Night Out” in the City of Modesto. (Funding Source: Not Applicable)
City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring August 5, 2014, as “National Night Out” in the City of Modesto.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider accepting the resignation of Joe Rocha from the City of Modesto Equal Opportunity/Disability Commission and Human Relations Commission. (Funding

Source: Not Applicable)

- Resolution accepting with regret the resignation of Joe Rocha from the City of Modesto Equal Opportunity/Disability Commission and Human Relations Commission, effective June 12, 2014.

*Administrative Services Department; Joe Lopez, 571-5126 ,
Joelopez@modestogov.com*

ACTION: Resolution 2014-273 (Lopez/Cogdill; 7/0) accepting the resignation of Joe Rocha from the City of Modesto Equal Opportunity/Disability Commission and Human Relations Commission.

3. Consider approving the appointment of Josh Little to fill a “Service Provider” vacancy on the City of Modesto Housing Rehabilitation and Loan Committee. (Funding Source: Not Applicable)

- Resolution appointing Josh Little to fill a “Service Provider” vacancy on the City of Modesto Housing Rehabilitation and Loan Committee.

*Parks, Recreation, & Neighborhoods; Jody Christiansen, 342-4707 ,
mjchristiansen@modestogov.com*

ACTION: Resolution 2014-274 (Lopez/Madrigal; 7/0) appointing Josh Little to fill a “Service Provider” vacancy on the City of Modesto Housing Rehabilitation and Loan Committee.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees and mistletoe in Modesto.
- Carmen Sabatino spoke regarding a tree in front of his business; he also spoke regarding Convention & Visitors Bureau appointments by Councilmembers and the Chamber of Commerce presentations to Council.
- Cecil Russell spoke regarding ACE Train to San Francisco 49'ers Stadium.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-13: (Lopez/Madrigal; unan.)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes from the July 1, 2014 City Council meeting. (Funding Source: Not Applicable)

- Motion approving the minutes from the July 1, 2014 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madriral; 7/0) approving the minutes from the July 1, 2014 City Council meeting.

Consent

5. Consider approving final adoption of Ordinance No. 3606-C.S. introducing and waiving the first reading of an Ordinance amending Section 19-3-9 of the Zoning Map of the City of Modesto to Rezone from Professional Office (P-O) Zone to Neighborhood Commercial (C-1) Zone, property located at 1645 W. Orangeburg Avenue (Ms. Mai Nguyen). (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3606-C.S. introducing and waiving the first reading of an Ordinance amending Section 19-3-9 of the Zoning Map of the City of Modesto to Rezone from Professional Office (P-O) Zone to Neighborhood Commercial (C-1) Zone, property located at 1645 W. Orangeburg Avenue (Ms. Mai Nguyen).

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

ACTION: Motion (Lopez/Madriral; 7/0) approving final adoption of **Ordinance No. 3606-C.S.** introducing and waiving the first reading of an Ordinance amending Section 19-3-9 of the Zoning Map of the City of Modesto to Rezone from Professional Office (P-O) Zone to Neighborhood Commercial (C-1) Zone, property located at 1645 W. Orangeburg Avenue (Ms. Mai Nguyen).

Consent

6. Consider approving a policy revision for City Council Policy 1.008: Citizen Advisory Group Appointments to define the responsibilities of the Appointments Committee and update the review and selection process governed through the Appointments Committee. (Funding Source: Not Applicable)
 - Resolution approving a policy revision for City Council Policy 1.008: Citizen Advisory Group Appointments to expand the responsibilities of the Appointments Committee and update the review and selection process governed through the Appointments Committee.

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

ACTION: Resolution 2014-275 (Lopez/Madriral; 7/0) approving a policy revision for City Council Policy 1.008: Citizen Advisory Group Appointments to expand the responsibilities of the Appointments Committee and update the review and selection process governed through the Appointments Committee.

Consent

7. Consider 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 \$200,000. (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 \$200,000.

City Council; Garrad Marsh, 571-5597, gmarsh@modestogov.com

ACTION: Resolution 2014-276 (Lopez/Madrigal; 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 \$200,000.

Consent

8. Consider: (i) approving the plans and specifications, for the project titled, "Upgrade Traffic Signals - 2010", accepting the bid, and approving a contract with Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA in the amount of \$868,597. (Estimated total construction cost of the project is \$955,456.70; (ii) amending the Fiscal Year 2014-2015 Capital Improvement Program Budget to transfer \$121,934 from the following line items: Engineering, Design, and Administration, Contingency, and Construction Administration to the Construction line item.) (Funding Source: Congestion Mitigation and Air Quality (CMAQ) 100% / Surface Transportation Find (STF) 0%)

- Resolution approving the plans, and specifications for the project titled, "Upgrade Traffic Signals - 2010", accepting the bid, and approving a contract with Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA, in the amount of \$868,597; and authorizing the City Manager, or his designee, to execute the contract.
- Resolution Amending the Fiscal Year 2014-2015 Capital Improvement Program budget to transfer \$121,934 from the following line items: \$77,167 from Engineering, Design, and Administration (EDA), \$12,696 from Contingency (CTGY), and \$32,071 from Construction Administration (CA) to the Construction (CON) line item.

Community & Economic Development; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2014-277 (Lopez/Madrigal; 7/0) approving the plans, and specifications for the project titled, "Upgrade Traffic Signals - 2010", accepting the bid, and approving a contract with Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA, in the amount of \$868,597; and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2014-278 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014-2015 Capital Improvement Program budget to transfer \$121,934 from the following line items: \$77,167 from Engineering, Design, and Administration (EDA), \$12,696 from Contingency (CTGY), and \$32,071 from Construction Administration (CA) to the Construction (CON) line item.

Consent

9. Consider authorizing a contract with Fehr & Peers for \$78,230 to provide traffic analysis services associated with the General Plan Amendment Master EIR in Fiscal Year 2014-15. (Funding Source: General Fund)

- Resolution authorizing the Interim City Manager, or his designee, to sign a contract

with Fehr & Peers for \$78,230 to provide the City with traffic analysis services associated with the GPA Master EIR in fiscal year 2014-15.

Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com

ACTION: Resolution 2014-279 (Lopez/Madrigal; 7/0) authorizing the Interim City Manager, or his designee, to sign a contract with Fehr & Peers for \$78,230 to provide the City with traffic analysis services associated with the GPA Master EIR in fiscal year 2014-15.

Consent

10. Consider approving an Agreement with Yosemite Community College District and the County of Stanislaus for the continued operations of the Regional Fire Science Training Center in Fiscal Year 2014-15 and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: General Fund)

- Resolution approving an agreement between the City of Modesto, County of Stanislaus, and Yosemite Community College District for the continued operations of the Regional Fire Training Center, and authorizing the City Manager, or his designee, to execute the agreement.

Fire; Alan Ernst, 552-3720, aernst@modestorfa.org

ACTION: Resolution 2014-280 (Lopez/Madrigal; 7/0) approving an agreement between the City of Modesto, County of Stanislaus, and Yosemite Community College District for the continued operations of the Regional Fire Training Center, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

11. Consider recognizing and supporting the Graduation Coach Program, a United Way of Stanislaus County Program, in partnership with Center for Human Services. (Funding Source: Not Applicable)

- Resolution of recognition and support the Graduation Coach Program, a United Way of Stanislaus County Program, in partnership with Center for Human Services.

Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com

ACTION: Resolution 2014-281 (Lopez/Madrigal; 7/0) of recognition and support the Graduation Coach Program, a United Way of Stanislaus County Program, in partnership with Center for Human Services.

Consent

12. Consider approving a five year lease agreement with five, five-year renewal options between the City of Modesto and Verizon Wireless LLC for the placement of a cellular tower at Ustach Park Storm Basin. (Funding Source: Cell Tower Facility Rent)

- Resolution approving a five-year lease agreement with five, five-year options to extend the Lease Agreement between the City of Modesto and Verizon Wireless LCC for the placement of a cellular tower at Ustach Park Strom Basin and authorizing the City manager, or his designee, to execute the lease agreement.

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

ACTION: Resolution 2014-282 (Lopez/Madrigal; 7/0) approving a five-year lease agreement with five, five-year options to extend the Lease Agreement between the City of Modesto and Verizon Wireless LCC for the placement of a cellular tower at Ustach Park Strom Basin and authorizing the City manager, or his designee, to execute the lease agreement.

Consent

13. Consider accepting the work by W.M. Lyles Co. of Fresno, California, for the Scenic Sewer Lift Station project as complete and authorizing payment of amounts totaling \$1,686,684. (The total project cost is \$2,181,752, which included construction contingency, engineering design and construction administration.) (Funding Source: Wastewater Fund)

- Resolution accepting the work by W.M. Lyles Co, for the Scenic Sewer Lift Station 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 \$1,686,684.

*Utility Planning and Projects; Rob Christensen, 577-5423,
rchristensen@modestogov.com*

ACTION: Resolution 2014-283 (Lopez/Madrigal; 7/0) accepting the work by W.M. Lyles Co, for the Scenic Sewer Lift Station 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 \$1,686,684.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal gave an update regarding the Southwest Modesto Business Leaders request for a sign at Crows Landing and Hatch Roads; he invited Council to Family Fun Nights on Fridays in July at Apostolic Jubilee Center in Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

14. Consider: (i) authorizing the submittal of an application to the California Department of Water Resources for an Integrated Regional Water Management Drought Relief Prop 84 Grant in an amount not to exceed \$20 Million; and (ii) authorizing the submittal of an application to the California Department of Water Resources for an interregional Integrated Regional Water Management Drought Relief Prop 84 Grant on behalf of the North Valley Recycled Water Project in an amount not to exceed \$10 Million. (Funding Source: Not Applicable)

- Resolution authorizing the submittal of an application to the California Department

of Water Resources for an Integrated Regional Water Management Drought Relief Prop 84 Grant in an amount not to exceed \$20 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.

- Resolution authorizing the submittal of an application to the California Department of Water Resources for an interregional Integrated Regional Water Management Drought Relief Prop 84 Grant on behalf of the North Valley Recycled Water Project in an amount not to exceed \$10 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.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2014-284 (Madrigal/Kenoyer; 7/0) authorizing the submittal of an application to the California Department of Water Resources for an Integrated Regional Water Management Drought Relief Prop 84 Grant in an amount not to exceed \$20 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.

ACTION: Resolution 2014-285 (Madrigal/Kenoyer; 7/0) authorizing the submittal of an application to the California Department of Water Resources for an interregional Integrated Regional Water Management Drought Relief Prop 84 Grant on behalf of the North Valley Recycled Water Project in an amount not to exceed \$10 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.

HEARINGS

Published in the Modesto Bee on June 23, 2014 and June 28, 2014

15. Hearing to consider approving adjustments to the Fire Prevention Development User Fees, per Section 3-1.108 of the Modesto Municipal Code with annual inflationary adjustments. (Funding Source: General Fund Revenue)

- Resolution approving adjustments to the Fire Prevention Development User Fees, per Section 3-1.108 of the Modesto Municipal Code with annual inflationary adjustments.

Fire; Mike Payton, 571-5876, mpayton@modestorfa.org

ACTION: Resolution 2014-286 (Lopez/Gunderson; 7/0) approving adjustments to the Fire Prevention Development User Fees, per Section 3-1.108 of the Modesto Municipal Code with annual inflationary adjustments.

NEW BUSINESS

16. Consider approving the City of Modesto Progress Report on work performed under the direction of the Audit Committee prepared by Auditor Moss-Adams LLP. (Funding Source: Not Applicable)
- Motion approving the City of Modesto Progress Report on work performed under the Direction of the Audit Committee prepared by Auditor Moss-Adams LLP.
City Auditor; Mark Steranka, (206) 302-6409, MarkSteranka@mossadams.com

ACTION: Motion (Gunderson/Madrigal; 7/0) approving the City of Modesto Progress Report on work performed under the Direction of the Audit Committee prepared by Auditor Moss-Adams LLP.

17. Consider approving an Employee Parking Pilot Program with Valley First Credit Union that would pioneer a reduction in the cost of parking for employers in the downtown area. (Funding Source: Not Applicable)
- Resolution adopting the framework for an Employee Parking Pilot Program with Valley First Credit Union for the downtown area, and authorizing the City Manager to execute the final agreement.
Community & Economic Development; Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: Resolution 2014-287 (Madrigal/Lopez; 7/0) adopting the framework for an Employee Parking Pilot Program with Valley First Credit Union for the downtown area, and authorizing the City Manager to execute the final agreement.

18. Consider authorizing the award of proposal and contract for the furnishing of custodial services for Citywide use to Varsity Facility Services, Rancho Cordova, 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 \$398,354, and over five (5) years of \$1,991,770. (Funding Source: Various Funds)
- Resolution authorizing the award of proposal and contract for the furnishing of custodial services for Citywide use to Varsity Facility Services, Rancho Cordova, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Interim City Manager, or his designee, to execute the contract for an estimated annual cost of \$398,354, and over five (5) years of \$1,991,770.
Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2014-288 (Gunderson/Madrigal; 7/0) authorizing the award of proposal and contract for the furnishing of custodial services for Citywide use to Varsity Facility Services, Rancho Cordova, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Interim City Manager, or his designee, to execute the contract for an estimated annual cost of \$398,354, and over five (5) years of \$1,991,770.

19. Consider authorizing the submission of the City's Local Transportation Fund Fiscal

Year 2013/14 claim for “other” purposes in the amount of \$2,024,045 to the Stanislaus Council of Governments. (Funding Source: Not Applicable)

- Resolution authorizing the submission of the City’s Local Transportation Fund FY2013/2014 claim in the amount of \$2,024,045 to the Stanislaus Council of Governments.

Public Works; Maria Garnica, 571-5118, mgarnica@modestogov.com

ACTION: Resolution 2014-289 (Madrigal/Gunderson; 6/0; Lopez absent) authorizing the submission of the City’s Local Transportation Fund FY2013/2014 claim in the amount of \$2,024,045 to the Stanislaus Council of Governments.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:20 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(a) of the Government Code)

Name of case: Stanislaus Food Products Company v. City of Modesto
Stanislaus County Superior Court Case No: 2001627

Name of case: Carlos Castro vs. City of Modesto
Stanislaus County Superior Court Case No: 683588

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (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: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

Tuesday July 08, 2014, at 5:30 p.m.

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

PUBLIC COMMENT PERIOD

None.

NEW BUSINESS

1. Consider approving the allocation of additional HOME Investment Partnership Program (HOME) Entitlement funds to Satellite Affordable Housing Associates (SAHA) and American Baptist Homes of the West (ABHOW), in the amount of \$725,640, to further assist with construction costs for the development of Tower Park Senior Housing, 50 affordable housing rental units for very low income seniors, and authorizing the City Manager, or his designee, to execute these agreements and any related documents. (Funding Source: HOME Entitlement)
 - Resolution approving the allocation of additional HOME Investment Partnership Program Entitlement funds to Satellite Affordable Housing Associates (SAHA) and American Baptist Homes of the West (ABHOW), in the amount of \$725,640, to further assist with construction costs for the development of Tower Park Senior Housing, a 50 affordable housing rental units for very low income seniors, and authorizing the City Manager, or his designee, to execute these agreements and any related documents.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310 ,
caverell@modestogov.com*

ACTION: Resolution 2014-290 (Kenoyer/Zoslocki; 7/0) approving the allocation of additional HOME Investment Partnership Program Entitlement funds to Satellite Affordable Housing Associates (SAHA) and American Baptist Homes of the West (ABHOW), in the amount of \$725,640, to further assist with construction costs for the development of Tower Park Senior Housing, a 50 affordable housing rental units for very low income seniors, and authorizing the City Manager, or his designee, to execute these agreements and any related documents.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:40 p.m.

MINUTES

City of Modesto
SPECIAL CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday August 06, 2014, 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: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements: Items 11 and 12 - Removed from Consent

Declaration of Conflicts of Interest: Cogdill – Item 4

Reports from Closed Session: Assistant City Attorney Jose Sanchez reported on Closed Session matters; Item 8 - revised Resolution

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider accepting the resignations of: (i) Marshall Riddle from the City of Modesto Planning Commission; and (ii) Jaylen French from the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)
 - Resolution accepting, with regret, the resignation of Marshall Riddle from the City of Modesto Planning Commission.
 - Resolution accepting, with regret, the resignation of Jaylen French from the City of Modesto Board of Zoning Adjustment.

*Community and Economic Development; Patrick Kelly, 577-5268,
pkelly@modestogov.com*

ACTION: Resolution 2014-291 (Madrigal/Cogdill; 7/0) accepting, with regret, the resignation of Marshall Riddle from the City of Modesto Planning Commission.

ACTION: Resolution 2014-292 (Madrigal/Cogdill; 7/0) accepting, with regret, the resignation of Jaylen French from the City of Modesto Board of Zoning Adjustment.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding the City of Modesto Grand Prix event over the weekend; he also spoke regarding July 25, 2014 DUI checkpoint.
- Chris Ricci spoke regarding the City of Modesto Grand Prix event over the weekend.
- Ron Jeske spoke regarding jobs and farming on east side of Modesto; he also spoke regarding the property at Oakdale and Sylvan and other properties in Modesto.
- Sherry Clark announced Hot August Nights event on August 22, 2014 at 1900 Coffee Road.
- Dave Pratt spoke regarding a court system for veterans.
- Dave Geer spoke regarding the City of Modesto Grand Prix event over the weekend; he also spoke regarding the flags in City Hall and the movie “America, Imagine the World Without Her” playing at the Brenden Theater.
- A citizen spoke regarding a clean-up event on Tuolumne River and thanked Councilmember Madrigal, a clean-up event under the 9th Street Bridge will be held next weekend, and wells going dry in Modesto.
- Cecil Russell spoke regarding the City of Modesto Grand Prix event over the weekend, KCRA 3 promotion of event, and thanked the Kiwanis for their work.
- Maryann Sanders announced the 4th Annual State of Business & Education event on August 27, 2014 at 7:00 am at The Martin Petersen Event Center.
- Jeremiah Williams spoke regarding the flags in City Hall; he also thanked the North Modesto Kiwanis and City staff for the City of Modesto Grand Prix event over the weekend; he provided a trophy to the Mayor for his help during the 4th of July parade.
- Bob Dunbar spoke regarding the City of Modesto Grand Prix event over the weekend; he thanked Mary Otten, Andy Johnson and Scott Humphries.
- Loretta Carhart spoke regarding bus service during the City of Modesto Grand Prix event over the weekend.
- John Sanders spoke regarding the City of Modesto Grand Prix event over the weekend.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 2-3; 5-10; 13-14: (Lopez/Kenoyer;unan.)

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

CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the July 8, 2014 Regular and Special City Council meetings. (Funding Source: Not Applicable)
 - Motion approving the minutes from the July 8, 2014 Regular and Special City Council meetings.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Kenoyer; 7/0) approving the minutes from the July 8, 2014 Regular and Special City Council meetings.

Consent

3. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 408 F. Street in Waterford. (Funding Source: General Fund, Water Fund)
 - Resolution approving a Will Serve Letter for the property located at 408 F. Street in Waterford (APN: 134-008-059) 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 Housing Authority of the County of Stanislaus for water service for the property located at 408 F. Street in Waterford (APN: 134-008-059), and authorizing the City Manager, or his designee, to execute the Agreement.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-293 (Lopez/Kenoyer; 7/0) approving a Will Serve Letter for the property located at 408 F. Street in Waterford (APN: 134-008-059) 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 2014-294 (Lopez/Kenoyer; 7/0) approving an Outside Service Agreement between the City of Modesto and Housing Authority of the County of Stanislaus for water service for the property located at 408 F. Street in Waterford (APN: 134-008-059), and authorizing the City Manager, or his designee, to execute the Agreement.

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

4. Consider approving a First 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 \$43,709.73. (Funding Source: State Route (SR) 99 Proposition 1B Bond Savings (\$41,061,629))
 - Resolution approving a First 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 \$43,709.73; and authorizing the City Manager, or his designee, to execute the Amendment.

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

ACTION: Resolution 2014-295 (Lopez/Madrigal; 6/0; Cogdill absent due to conflict of interest) approving a First 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 \$43,709.73; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

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

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

Consent

6. Consider accepting the Monthly Budget Adjustment Report for June 2014 and amending the Fiscal Year 2013-14 Annual Operating and Capital Improvement Budgets. (Funding Source: Various)
 - Resolution amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2014-296 (Lopez/Kenoyer; 7/0) amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.

Consent

7. Consider authorizing the award of proposals and contracts for the furnishing of hazardous waste spill cleanup services for the Department of Utilities, Wastewater Division, to Advanced Chemical Transport, Merced, CA, as “primary” contractor and CleanHarbors, San Jose, 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 \$15,000, and over five (5) years of \$75,000. (Funding Source: Stormwater Fund)
 - Resolution authorizing the award of proposals and contracts for the furnishing of hazardous waste spill cleanup services for the Department of Utilities, Wastewater Division, to Advanced Chemical Transport, Merced, CA, as “primary” contractor and CleanHarbors, San Jose, 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 Interim City Manager, or his designee, to execute the contracts for an estimated annual cost of \$15,000, and over five (5) years of \$75,000.

Finance and Utility Planning and Projects; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2014-297 (Lopez/Kenoyer; 7/0) authorizing the award of proposals and contracts for the furnishing of hazardous waste spill cleanup services for the Department of Utilities, Wastewater Division, to Advanced Chemical Transport, Merced, CA, as “primary” contractor and CleanHarbors, San Jose, 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 Interim City Manager, or his designee, to execute the contracts for an estimated annual cost of \$15,000, and over five (5) years of \$75,000.

Consent

8. Consider approving an Automatic and Mutual Aid Agreement between the City of Modesto, City of Ceres, City of Turlock and Stanislaus Consolidated Fire Protection District and authorizing the City Manager, or his designee, to execute the agreement. (Funding Source: Not Applicable)

- Resolution approving an Automatic and Mutual Aid Agreement between the City of Modesto, City of Ceres, City of Turlock and Stanislaus Consolidated Fire Protection District and authorizing the City Manager, or his designee, to execute the agreement..

Fire; Sean Slamon, 552-3600, sslamon@modestorfa.org

ACTION: Resolution 2014-298 (Lopez/Kenoyer; 7/0) approving an Automatic and Mutual Aid Agreement between the City of Modesto, City of Ceres, City of Turlock and Stanislaus Consolidated Fire Protection District and authorizing the City Manager, or his designee, to execute the agreement. **(AS AMENDED)**

Consent

9. Consider approving an Agreement with Modesto City Schools for the services of four School Police Officers to provide direct law enforcement services to 7-12 campuses. (Funding Source: General Fund)

- Resolution approving an Agreement between the City of Modesto and Modesto City Schools for the services of four Modesto Police Officers/School Resource Officers to provide direct law enforcement services to the Modesto City Schools District at 12 school sites, in an amount not to exceed \$448,000; and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Police; Andy Schlenker, 342-6179, schlenkera@modestopd.com

ACTION: Resolution 2014-299 (Lopez/Kenoyer; 7/0) approving an Agreement between the City of Modesto and Modesto City Schools for the services of four Modesto Police Officers/School Resource Officers to provide direct law enforcement services to the Modesto City Schools District at 12 school sites, in an amount not to exceed \$448,000; and authorizing

the Interim City Manager, or his designee, to execute the Agreement.

Consent

10. Consider approving a Memorandum of Understanding with Stanislaus County Office of Education for one full-time Modesto Police Officer/School Resource Officer at Petersen Alternative Center for Education campus. (Funding Source: General Fund - School Police Reimbursement)
- Resolution approving a Memorandum of Understanding with Stanislaus County Office of Education for the services of one Modesto Police Officer/School Resource Officer at Petersen Alternative Center for Education campus in the amount of \$112,000; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.
- Police; Andy Schlenker, 342-6179, schlenkera@modestopd.com*

ACTION: Resolution 2014-300 (Lopez/Kenoyer; 7/0) approving a Memorandum of Understanding with Stanislaus County Office of Education for the services of one Modesto Police Officer/School Resource Officer at Petersen Alternative Center for Education campus in the amount of \$112,000; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

Removed from Consent

11. Consider authorizing the City Manager, or his designee, to sign and accept Federal Grant Offers and any documents related to projects contained in the FAA Grant Offer. (Funding Source: FAA Grant 90% / Local Match PFC 10%)
- Resolution authorizing the City Manager, or his designee, to accept Federal Aviation Administration (FAA) Grant Offers, and execute the necessary grant documents.
- Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com*

ACTION: Resolution 2014-301 (Gunderson/Kenoyer; 7/0) authorizing the City Manager, or his designee, to accept Federal Aviation Administration (FAA) Grant Offers, and execute the necessary grant documents.

Removed from Consent

12. Consider authorizing the City Manager, or his Designee, to approve the Award of Bid for Construction of the Airway Obstruction Management Project. (Funding Source: FAA Construction Grant 90% / Local Match PFC 10%)
- Resolution authorizing the City Manager, or designee, to approve the Award of Bid for Construction of the Airway Obstruction Management Project.
- Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com*

ACTION: Resolution 2014-302 (Gunderson/Kenoyer; 7/0) authorizing the City Manager, or designee, to approve the Award of Bid for Construction of the Airway Obstruction Management Project.

Consent

13. Consider accepting the work by Advanced Industrial Services, Inc. of Los Alamitos, California, for the Interior Recoat Tank 3 project as complete and authorizing payment of amounts totaling \$246,300. (The total project cost is \$295,440, which included construction contingency, engineering design and construction administration.) (Funding Source: Water Fund - CIP)

- Resolution accepting the work by Advanced Industrial Services, Inc., for the Interior Recoat Tank 3 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 \$246,300.

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

ACTION: Resolution 2014-303 (Lopez/Kenoyer; 7/0) accepting the work by Advanced Industrial Services, Inc., for the Interior Recoat Tank 3 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 \$246,300.

Consent

14. Consider approving an 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 \$57,472. (Funding Source: Water Fund - CIP)

- Resolution approving an 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 \$57,472, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

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

ACTION: Resolution 2014-304 (Lopez/Kenoyer; 7/0) approving an 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 \$57,472, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

Consent

15. Consider authorizing the award of a sole source procurement for the disposal of gray water for the Utilities Department, Water Services Division to East Bay Municipal Utility District (EBMUD), Oakland, CA for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$27,000 and over five years of \$135,000. (Funding Source: Water Fund)

- Resolution authorizing the award of a sole source procurement for the disposal of gray water for the Utilities Department, Water Services Division to East Bay Municipal Utility District, Oakland, 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 \$27,000 and over five (5) years of \$135,000.

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

ACTION: Resolution 2014-305 (Lopez/Kenoyer; 7/0) authorizing the award of a sole source procurement for the disposal of gray water for the Utilities Department, Water Services Division to East Bay Municipal Utility District, Oakland, 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 \$27,000 and over five (5) years of \$135,000.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding National Night Out event last night in Modesto; he thanked Lt. Jolene Gonzales who is retiring.

Councilmember Madrigal thanked Modesto Police Department during National Night Out event last night.

Councilmember Zoslocki also thanked the Modesto Police Department during National Night event last night in Modesto.

CITY MANAGER COMMENTS & REPORTS

Interim City Manager Holgersson announced the selection of Sean Slamon as the City of Modesto Fire Chief; swearing in ceremony on August 12, 2014 at 4:00 p.m. in Council Chambers.

NEW BUSINESS

16. Consider authorizing the award of bids for the purchase and delivery of bulk fuels and oils/lubricants for use Citywide to SC Fuels, Orange, CA, (bulk fuel), and E.R. Vine & Sons, Ceres, CA, (oils/lubricants), 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 \$1,909,975, and over five (5) years of \$9,549,875. (Funding Source: Various)
 - Resolution authorizing the award of bids for the purchase and delivery of bulk fuels and oils/lubricants for use Citywide to SC Fuels, Orange, CA, (bulk fuel), and E.R. Vine & Sons, Ceres, CA, (oils/lubricants), 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 \$1,909,975, and over five (5) years of \$9,549,875.

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

ACTION: Resolution 2014-306 (Lopez/Kenoyer; 7/0) authorizing the award of bids for the purchase and delivery of bulk fuels and oils/lubricants for use Citywide to SC Fuels, Orange, CA, (bulk fuel), and E.R. Vine & Sons, Ceres, CA, (oils/lubricants), 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 \$1,909,975, and over five (5) years of \$9,549,875.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:46 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: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Unrepresented Management and Confidential Employees

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

Property: Acquisition of 11,805 sq. ft. of land for a permanent sewer easement, located at 1229 Brighton Ave.

APN: 032-010-015

Negotiating Parties: DDG Properties, Owner

Jon Yuriar, Property Agent for City of Modesto

Adam U. Lindgren, City Attorney

Under Negotiation: Price and terms of permanent sewer easement acquisition

MINUTES

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

Monday August 11, 2014, at 5:00 p.m.

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

PUBLIC COMMENTS

Jeff Barnes, City of Modesto Traffic Engineer, provided an update regarding bike lanes.

NEW BUSINESS

1. Consider accepting an informational report on the Anti-Graffiti Initiative and Action Plan and forwarding to Council for approval. (Funding Source: All Funds)
Administrative Services; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Motion (Kenoyer/Gunderson;unan.) accepting an informational report on the Anti-Graffiti Initiative and Action Plan.

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 August 12, 2014, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Gunderson, Kenoyer, Lopez, Madrigal (arrived at 5:55 pm), Zoslocki, Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jim Applegate, Redeemer

City Clerk's Announcements: Item 7 - Removed from Consent

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren reported on the Closed Session matter

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Advocates for Justice Student Mentor Program. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Presentation was made by Advocates for Justice Student Mentor Program.

2. Presentation of Mayor's Top Teens Scholarship and Farewell. (Funding Source: Not Applicable)
Information Technology; Loree Lee, 577-5331, llee@modestogov.com

ACTION: Presentation of Mayor's Top Teens Scholarship and Farewell was made.

Recess at 6:55 pm

Reconvened at 7:15 pm

PUBLIC COMMENT PERIOD

- Steve Trapp will be requesting a partnership with the City of Modesto for Veterans

Day on November 11, 2014 and event at State Theater in the evening.

- Dave Geer gave an update on Common Core and event on November 5, 2014 at Centre Plaza.
- Dave Pratt spoke regarding good things teenagers are doing.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 3-6; 8: (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 August 6, 2014 Special City Council meetings. (Funding Source: Not Applicable)
 - Motion approving the minutes from the August 6, 2014 Special City Council meetings.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the minutes from the August 6, 2014 Special City Council meetings.

Consent

4. Consider approving a Claratina Access Agreement between the City of Modesto and JWG McHenry, LLC, a California limited liability company, for a right-in-only access ramp for the new Infiniti Dealership from Claratina Avenue, approximately 590 feet east of McHenry Avenue. (Funding Source: JWG McHenry, LLC and Capital Facilities Fees)
 - Resolution approving a Claratina Access Agreement between the City of Modesto and JWG McHenry, LLC, a California limited liability company, for a right-in-only access ramp for the new Infiniti Dealership from Claratina Avenue, approximately 590 feet east of McHenry Avenue.
Community and Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2014-307 (Lopez/Madrigal; 7/0) approving a Claratina Access Agreement between the City of Modesto and JWG McHenry, LLC, a California limited liability company, for a right-in-only access ramp for the new Infiniti Dealership from Claratina Avenue, approximately 590 feet east of McHenry Avenue.

Consent

5. Consider accepting the Monthly Investment Report for May 2014. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for May 2014.
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

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

Consent

6. Consider approving renewal of the agreement for Participation in the Stanislaus Operational Area Organization and authorizing the City Manager, or his designee, to execute the agreement. (Funding Source: Not Applicable)
 - Resolution approving renewal of the agreement for Participation in the Stanislaus Operational Area and authorizing the City Manager, or his designee, to execute the agreement.
Fire; Mike Payton, 571-5876, mpayton@modestorfa.org

ACTION: Resolution 2014-308 (Lopez/Madrigal; 7/0) approving renewal of the agreement for Participation in the Stanislaus Operational Area and authorizing the City Manager, or his designee, to execute the agreement.

Removed from Consent

7. Consider approving an Entertainment Permit for X-Fest Modesto 2014 as outlined by the City of Modesto Ordinance No. 3492-C.S (Funding Source: General Fund)
 - Resolution approving an Entertainment Permit for X-Fest Modesto 2014 as outlined by the City of Modesto Ordinance No. 3492-C.S. and authorizing the Permit Administrator to execute the Entertainment Special Event Permit and all related documents.
Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com

ACTION: Resolution 2014-309 (Lopez/Madrigal; 7/0) approving an Entertainment Permit for X-Fest Modesto 2014 as outlined by the City of Modesto Ordinance No. 3492-C.S. and authorizing the Permit Administrator to execute the Entertainment Special Event Permit and all related documents.

Consent

8. Consider authorizing: (i) the sole source procurement for the repair or replacement of an Internalift Screw Pump for the Utilities Department - Wastewater Division from Evoqua Water Technologies, Thomasville, GA., for an estimated total cost of \$800,000; and (ii) establishing CIP Account 100825 Internalift Screw Pump and amending the Fiscal Year 2014-2015 Capital Improvement Program budget by transferring \$847,000 from Wastewater Fund Reserves into the project to fund the pump repair or replacement and crane removal/installation services. (Funding Source: Wastewater Fund)
 - Resolution authorizing the award of a sole source procurement for the repair or replacement of an Internalift Screw Pump for the Utilities Department - Wastewater Division from Evoqua Water Technologies, Thomasville, GA., and

authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$800,000.

- Resolution establishing CIP Account 100825 Internalift Screw Pump and amending the Fiscal Year 2014-2015 Capital Improvement Program budget by transferring \$847,000 from Wastewater Fund Reserves into the project to fund the pump repair or replacement and crane removal/installation services.

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

ACTION: Resolution 2014-310 (Lopez/Madrigal; 7/0) authorizing the award of a sole source procurement for the repair or replacement of an Internalift Screw Pump for the Utilities Department - Wastewater Division from Evoqua Water Technologies, Thomasville, GA., and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$800,000.

ACTION: Resolution 2014-311 (Lopez/Madrigal; 7/0) establishing CIP Account 100825 Internalift Screw Pump and amending the Fiscal Year 2014-2015 Capital Improvement Program budget by transferring \$847,000 from Wastewater Fund Reserves into the project to fund the pump repair or replacement and crane removal/installation services.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal invited the public and Council to a soccer tournament sponsored by Manos Unidas South Community Group on August 17, 2014 at Fairview Park.

Councilmember Kenoyer spoke regarding a problem with hyacinth covering the Tuolumne River.

CITY MANAGER COMMENTS & REPORTS

None.

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 Management Association (MPMA) for a term of October 1, 2013 to December 31, 2015; (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 Management Association (MPMA); (iii) freezing sick leave conversion to retiree medical for Sworn Unrepresented employees; approving specialty pay for Police Captains; incorporating previously authorized benefits for Unrepresented Management employees, including charter officers and executives; and rescinding Resolution No. 2012-371; and (iv) 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 Management Police safety members. (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 Management Association (MPMA) for a term of October 1, 2013 to December 31, 2015; and authorizing the Director of Administrative Services and City Manager to take the necessary administrative action to implement the agreement.
- Resolution freezing sick leave conversion to retiree medical for Sworn Unrepresented employees; approving specialty pay for Police Captains; incorporating previously authorized benefits for Unrepresented Management employees, including charter officers and executives; and rescinding Resolution No. 2012-371.
- 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 Management Police Safety members
- 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 Management Association (MPMA).

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

ACTION: Resolution 2014-312 (Lopez/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 Management Association (MPMA) for a term of October 1, 2013 to December 31, 2015; and authorizing the Director of Administrative Services and City Manager to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2014-313 (Lopez/Gunderson; 7/0) freezing sick leave conversion to retiree medical for Sworn Unrepresented employees; approving specialty pay for Police Captains; incorporating previously authorized benefits for Unrepresented Management employees, including charter officers and executives; and rescinding Resolution No. 2012-371.

ACTION: Resolution 2014-314 (Lopez/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 Unrepresented Management Police Safety members.

ACTION: Resolution 2014-315 (Lopez/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 Management Association (MPMA).

10. Consider approving a 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, for right-of-way and public improvements in connection with the new Infiniti Dealership on McHenry Avenue (south of the

McHenry/Claratina intersection) and on Claratina Avenue (east of McHenry) and authorizing the City Manager to execute the Agreement. (Funding Source: Capital Facilities Fees)

- Resolution approving a 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 for right-of-way and public improvements in connection with the new Infiniti Dealership on McHenry Avenue (south of the McHenry/Claratina intersection) and on Claratina Avenue (east of McHenry) and authorizing the City Manager to execute the Agreement. *Community and Economic Development; Tina Rocha, 577-5321 , trocha@modestogov.com*

ACTION: Resolution 2014-316 (Cogdill/Gunderson; 7/0) approving a 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 for right-of-way and public improvements in connection with the new Infiniti Dealership on McHenry Avenue (south of the McHenry/Claratina intersection) and on Claratina Avenue (east of McHenry) and authorizing the City Manager to execute the Agreement. **(AS AMENDED)**

11. Consider authorizing staff to apply for a \$3,000,000 California Energy Commission 1% loan to replace approximately 9,500 high pressure sodium (HPS) street lights with Light Emitting Diodes (LED), and authorizing the City Manager, or his designee, to execute the agreement. (Funding Source: Surface Transportation Fund (STF))
 - Resolution authorizing staff to apply for a \$3,000,000 California Energy Commission 1% interest loan to replace HPS street lights with LED street lights in the City of Modesto. *Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

ACTION: Resolution 2014-317 (Gunderson/Kenoyer; 7/0) authorizing staff to apply for a \$3,000,000 California Energy Commission 1% interest loan to replace HPS street lights with LED street lights in the City of Modesto.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:00 p.m.

CLOSED SESSION

Closed Session Matter Heard Prior to Meeting

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

Property: Purchase of fee interest of the following properties located within the block of 10th and 9th Streets and G & H Streets in the City of Modesto:

APN: 106-42-005 Property Owner: Rugani, Gina et al. TRS

APN: 106-42-007 Property Owner: Charles W. Noble et al. TRS

APN: 106-42-010 Property Owner: Gervasoni, Gary C & Gervasoni, Myrna

Negotiating Parties: Jim Holgersson, for City of Modesto

Brent Sinclair, for City of Modesto

Adam Lindgren, for the City of Modesto

For Property Owners: Michael Rugani

Charles Noble & Dave Noble

Gary & Myrna Gervasoni

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

Property Streets: Purchase of the following properties located within the block of 10th and 9th Streets; G and H Streets:

APN: 106-42-006 Property Owner: G&K Enterprises, LLC

APN: 106-42-011 Property Owner: Mote, Curtis W.

APN: 106-42-012 Property Owner: G&K Enterprises, LLC

Negotiating Parties: Matt Pacher & Adam Lindgren for City of Modesto

Mike Rein for G&K Enterprises, LLC and Curtis W. Mote

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

Property: Sale of fee interest of the following properties located within the block of 10th and 9th Streets; G and H Streets in the City of Modesto:

APN: 106-42-001 Property Owner: City of Modesto

APN: 106-42-002 Property Owner: City of Modesto

APN: 106-42-003 Property Owner: City of Modesto

APN: 106-42-004 Property Owner: City of Modesto

APN: 106-42-005 Property Owner: Rugani, Gina et al TRS

APN: 106-42-006 Property Owner: G&K Enterprises, LLC

APN: 106-42-007 Property Owner: Charles W. Noble et al. TRS

APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni, Myrna

APN: 106-42-011 Property Owner: Mote, Curtis W.

APN: 106-42-012 Property Owner: G&K Enterprises, LLC

APN: 106-42-013 Property Owner: City of Modesto

Negotiating Parties: Jim Holgersson, for City of Modesto

Brent Sinclair, for City of Modesto

For Potential Buyer: Staff of Administrative Office of the Courts

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

MINUTES

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

Monday August 25, 2014, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmembers Kenoyer (alternate), Zoslocki (alternate) and Madrigal (arrived at 5:17 p.m.)

Absent: Councilmember Cogdill Jr.

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 3

CONSENT

Consent

1. Consider approving the revised Investment Policy and forwarding to 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 Council for approval.

Consent

2. Consider approving the revised Debt Management Policy and forwarding to Council for approval. (Funding Source: Not Applicable)
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan) approving the revised Debt Management Policy and forwarding to Council for approval

Consent

3. Consider approving the recommended budget adjustments to the FY2013-14 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) approving the recommended budget adjustments to the FY2013-14 Annual Operating and Capital Improvement Project Budgets and forwarding to Council for approval.

NEW BUSINESS

4. Consider a verbal report on the status of the Fire Department budget. (Funding Source: General Fund)
Fire; Sean Slamon, 572-9590, sslamon@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan) accepting a verbal report on cost recovery item by the Fire Department and directing staff to return with a formal report in September 2014.

5. Consider a verbal report back on cost recovery item by Fire Department. (Funding Source: General Fund)
Fire; Sean Slamon, 572-9590, sslamon@modestogov.com

ACTION: Motion (Madrigan/Zoslocki;unan) accepting a verbal report back on cost recovery item by Fire Department.

6. Consider approving the Wastewater Capacity Charges and Water Connection Fees annual inflationary adjustment of 4.9% for Fiscal Year 2014-15 and forwarding to Council for approval. (Funding Source: Wastewater & Water Funds)
Utilities Department; William Wong, 571-5801, WWong@modestogov.com

ACTION: Motion (Madrigan/Zoslocki;unan) approving the Wastewater Capacity Charges and Water Connection Fees annual inflationary adjustment of 4.9% for Fiscal Year 2014-15 and forwarding to Council for approval.

7. Consider approving a one-time, non-precedent setting debt forgiveness to the Riverdale Park Tract Community Services District in the amount of \$63,039.66 and forwarding to Council for approval. (Funding Source: Water Fund)
Utilities Department; William Wong, 571-5801, WWong@modestogov.com

ACTION: Motion (Zoslocki/Madrigan;unan) approving a one-time, non-precedent setting debt forgiveness to the Riverdale Park Tract Community Services District in the amount of \$63,039.66 and forwarding to Council for approval.

8. Consider accepting an informational report updating the status of the Waterford and Hickman Water Systems. (Funding Source: Water Fund)
Utilities Department; William Wong, 571-5801, WWong@modestogov.com

ACTION: Motion (Zoslocki/Madrigal;unan) accepting an informational report updating the status of the Waterford and Hickman Water Systems.

9. Consider accepting an informational report on the potential refunding of the City of Modesto, Community Facilities District (CFD) No. 2003-01 (Fairview Village) Special Tax Bonds, Series 2005. (Funding Source: Not Applicable)
Finance; Gloriette Genereux, 577-5371, ggenereaux@modestogov.com

ACTION: Motion (Zoslocki/Madrigal;unan) accepting an informational report on the potential refunding of the City of Modesto, Community Facilities District (CFD) No. 2003-01 (Fairview Village) Special Tax Bonds, Series 2005 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:19 p.m.

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2001
1010 10th Street
Modesto, California
Thursday, August 28, 2014, at 3:04 p.m.

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

PUBLIC COMMENTS

None.

CONSENT ITEMS – None

UNFINISHED BUSINESS

1. Consider further discussion and provide direction regarding four of the Committee's 5 Goals: (i) reviewing list of Boards and Commissions and attendance at the meetings; (ii) evaluating Boards and Commissions to keep or dissolve; (iii) outreach for applicants to Boards and Commissions (including recruitment and updated web page); (iv) reviewing applications and recommending appointments. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Motion (Gunderson/Madrigal; majority; Kenoyer no) recommending dissolution of three Citizen Advisory Groups: Citizens Advisory Committee on Recycling (CACOR), City of Modesto Blue Ribbon Commission on Homelessness, and Local Cable Programming Committee, and forwarding to Council for approval.

ACTION: Staff directed to distribute the City of Modesto Directory of City Boards, Commissions and Committees throughout the City after Council approval of dissolution of three Citizen Advisory Groups: Citizens Advisory Committee on Recycling (CACOR), City of Modesto Blue Ribbon Commission on Homelessness, and Local Cable Programming Committee.

ACTION: Directed the City Manager to ask the City Council to consider restoring funding for the Youth Commission.

ACTION: Staff to update City Council Policy 1.008 to allow the Appointments Committee to discuss the creation of Citizen Advisory Groups and forward their recommendations to the

Mayor and Council. This update will be brought back to the Committee for review at the next Appointments Committee meeting.

ACTION: Staff to provide a report on attendance at the Citizen Advisory Groups and to make recommendations about the continued need for the Committee/Commission or Board, and if there is a potential for the consolidation of any groups.

NEW BUSINESS

2. Consider recommending an appointment to fill a current vacancy on the Modesto City-County Airport Advisory Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Motion (Kenoyer/Gunderson; unan.) recommending the appointment of William Johnson to fill a current vacancy on the Modesto City-County Airport Advisory Committee and forwarding to Council for approval.

3. Consider requesting interviews for one (1) vacancy on the Planning Commission and one (1) on the Board of Zoning Adjustment. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Motion (Kenoyer/Gunderson; unan.) requesting interviews on September 10th and September 12th, 2014, for one (1) vacancy on the Planning Commission and one (1) on the Board of Zoning Adjustment.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:20 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 02, 2014, 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, City Ministry Network

City Clerk's Announcements: Items 8 & 10 - Removed from Consent

Declaration of Conflicts of Interest: Cogdill - Item 14

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring September 2014 as Adult Literacy Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring September 2014 as Adult Literacy Awareness Month.

2. Presentation by Stanislaus County regarding the progress and future of the North County Corridor Project. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation was made by Stanislaus County regarding the progress and future of the North County Corridor Project.

3. Presentation of Certificate of Recognition to Jacob Berlin recognizing him for his outstanding dedication and commitment to improving our community. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to Jacob Berlin recognizing him for his outstanding dedication and commitment to improving our community.

4. Presentation of SR99/Pelandale Avenue Intersection Reconstruction Project Update.
(Funding Source: Not Applicable)
Public Works; Bill Sandhu, 577-5356 , bsandhu@modestogov.com

ACTION: Presentation was made regarding the SR99/Pelandale Avenue Intersection Reconstruction Project.

PUBLIC COMMENT PERIOD

- Gary Doesekle spoke regarding problems at the bus station; he was referred to Transit Manager Fred Cavanah.
- Ray Pefferini spoke regarding trees in Modesto.
- Carmen Sabatino spoke regarding the SWAT team in Modesto.
- Gaetana Drake spoke regarding transparency.
- A citizen spoke regarding clean-up of the Tuolumne River.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5-7; 9; 11-13; 15: (Lopez/Madrigal;unan.)

ACTION CONSENT ITEM 14: (Lopez/Madrigal; unan.; Cogdill 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

5. Consider approving the Minutes from the August 12, 2014 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the August 12, 2014 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the minutes from the August 12, 2014 City Council meeting.

Consent

6. Consider amending the City's Anti-Drug/Alcohol Misuse Program to ensure continued compliance with the regulations of the Federal Department of Transportation. (Funding Source: Not Applicable)
 - Resolution amending the City's Anti-Drug/Alcohol Misuse Program to ensure

continued compliance with the regulations of the Federal Department of Transportation
Administrative Services Department; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Resolution 2014-318 (Lopez/Madrigal; 7/0) amending the City's Anti-Drug/Alcohol Misuse Program to ensure continued compliance with the regulations of the Federal Department of Transportation.

Consent

7. Consider authorizing the Purchasing Manager to issue purchase agreements for maintenance contracts/support agreements throughout Fiscal Year 2014-15 for the "sole source" procurement of various hardware and software maintenance support agreements from hardware and software manufacturers for the Information Technology Division for an estimated annual cost not to exceed \$1,061,232. (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 2014-2015 from hardware and software manufacturers for the Information Technology Division, for an estimated annual cost not to exceed \$1,061,232

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

ACTION: Resolution 2014-319 (Lopez/Madrigal; 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 2014-2015 from hardware and software manufacturers for the Information Technology Division, for an estimated annual cost not to exceed \$1,061,232.

Removed from Consent

8. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 872 Codoni Avenue. (The action is authorized by City Council Policy 5.001 and 5.002 regarding extension of water and sewer services into unincorporated areas.) (Funding Source: General Fund, Water Fund)
- Resolution approving a Will Serve Letter for the property located at 872 Codoni Avenue (APN: 018-061-011) 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 872 Codoni Ave LLC for water service for the property located at 872 Codoni Avenue (APN: 018-061-011), and authorizing the City Manager, or his designee, to execute the Agreement.

Community & Economic Development; Bill Sandhu, 577-3556, bsandhu@modestogov.com

ACTION: Resolution 2014-320 (Kenoyer/Cogdill; 6/0; Lopez absent) approving a Will Serve Letter for the property located at 872 Codoni Avenue (APN: 018-061-011) 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 2014-321 (Kenoyer/Cogdill; 6/0; Lopez absent) approving an Outside Service Agreement between the City of Modesto and 872 Codoni Ave LLC for water service for the property located at 872 Codoni Avenue (APN: 018-061-011), and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider accepting the Monthly Budget Adjustments Report for June 2014 and amending the Fiscal Year 2013-14 and Fiscal Year 2014-15 Annual Operating and Capital Improvement Budgets. (Funding Source: Various)
- Resolution amending the Fiscal Year 2013-2014 and 2014-15 Annual Operating and Capital Improvement Budgets.
- Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

ACTION: Resolution 2014-322 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2013-2014 and 2014-15 Annual Operating and Capital Improvement Budgets.

Removed from Consent

10. Consider approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group). (Funding Source: Various Funds)
- 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 2014-323 (Gunderson/Lopez; 7/0) 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

11. Consider authorizing the award of bid for the purchase of three trucks with EH Wachs valve exercisers for the Utilities Department, Water Services Division, through the Public Works Department, Fleet Services Division, to Albany Ford, Albany, CA, for an estimated cost of \$215,805. (Funding Source: Water Services Fund)
- Resolution authorizing the award of bid for the purchase of three (3) trucks with EH Wachs Valve Exercisers for the Utility Department, Water Services Division, through the Public Works Department, Fleet Services Division, to Albany Ford, Albany, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$215,805.
- Finance and Public Works; Ken Masasso, 577-5420, kmasasso@modestogov.com*

ACTION: Resolution 2014-324 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of three (3) trucks with EH Wachs Valve Exercisers for the Utility Department, Water Services Division, through the Public Works Department, Fleet Services Division, to

Albany Ford, Albany, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$215,805.

Consent

12. Consider authorizing the award of bid for the purchase of a Vac-Con Hydro-Excavation truck for the Utilities Department, Water Services Division, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Atlantic Machinery, Silver Spring, MD, for an estimated total cost of \$390,735. (Funding Source: Funding Source: Water Services Division)
- Resolution authorizing the award of bid for the purchase of a Vac-Con Hydro Excavation truck for the Utilities Department, Water Service Division, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Atlantic Machinery, Silver Spring, MD and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$390,735.
Finance and Public Works; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2014-325 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of a Vac-Con Hydro Excavation truck for the Utilities Department, Water Service Division, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Atlantic Machinery, Silver Spring, MD and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$390,735.

Consent

13. Consider approving the Transit system goal of 1% Disadvantaged Business Enterprise (DBE) participation in federally funded transit system contracts for the period ending September 30, 2017. (Funding Source: Bus Funds)
- Resolution approving the Transit system Disadvantaged Business Enterprise (DBE) goal of 1% for the period ending September 30, 2017.
Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2014-326 (Lopez/Madrigal; 7/0) approving the Transit system Disadvantaged Business Enterprise (DBE) goal of 1% for the period ending September 30, 2017.

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

14. Consider approving the plans and specifications by the Yosemite Community College District - Modesto Junior College to construct a traffic signal on Blue Gum Avenue at Prichard Avenue. (Funding Source: Surface Transportation Fund - Traffic Operations 1700-53550)
- Resolution approving the plans and specifications by the Yosemite Community College District – Modesto Junior College (MJC) to construct a traffic signal on Blue Gum Avenue at Prichard Avenue in the City of Modesto.
Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2014-327 (Lopez/Madrigal; 6/0; Cogdill absent due to conflict of interest) approving the plans and specifications by the Yosemite Community College District – Modesto Junior College (MJC) to construct a traffic signal on Blue Gum Avenue at Prichard Avenue in the City of Modesto.

Consent

15. Consider approving agreements with: (i) Black Water Consulting Engineers Inc. for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work; (ii) Brown & Caldwell for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work; (iii) Carollo Engineering for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work; (iv) Nolte Associates Inc., dba NV5, for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work; and (v) West Yost Associates for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work. (The total cumulative expenditure amount will not to exceed \$200,000 per year in the Wastewater Fund and \$100,000 per year in the Storm Drain Fund.) (Funding Source: Wastewater and Storm Drain Funds)
- Resolution approving an agreement with Black Water Consulting Engineers Inc. for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
 - Resolution approving an agreement with Brown & Caldwell for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
 - Resolution approving an agreement with Carollo Engineering for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
 - Resolution approving an agreement with Nolte Associates Inc., dba NV5, for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
 - Resolution approving an agreement with West Yost Associates for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related

work, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

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

ACTION: Resolution 2014-328 (Lopez/Madrigal; 7/0) approving an agreement with Black Water Consulting Engineers Inc. for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2014-329 (Lopez/Madrigal; 7/0) approving an agreement with Brown & Caldwell for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2014-330 (Lopez/Madrigal; 7/0) approving an agreement with Carollo Engineering for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2014-331 (Lopez/Madrigal; 7/0) approving an agreement with Nolte Associates Inc., dba NV5, for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2014-332 (Lopez/Madrigal; 7/0) approving an agreement with West Yost Associates for On-call Engineering Services in an annual amount not to exceed \$200,000 for wastewater-related work and an annual amount not to exceed \$100,000 for storm drain-related work, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal requested a moment of silence for the grandfather of Jorge Perez; he will attend the League of California Cities this week.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

16. Consider: (i) 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 street lights and associated appurtenances used to upgrade street lighting throughout the city for a not-to-exceed amount of \$4,000,000; and (ii) amending the fiscal year 2014-2015 Capital Improvement program (CIP) adding a new CIP account "Street Light Upgrade to LED Lighting" in the amount of \$3,800,000. (Funding Source: Street Light Fund CIP & Surface Transportation Reserves)

- 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 for Public Works projects consisting of the design, purchase, and installation of street lights and associated appurtenances throughout the City for an amount not-to-exceed \$4,000,000.
- Resolution amending the fiscal year 2014/2015 budget moving \$3,800,000 from Surface Transportation Fund (STF) reserves to a new Capital Improvement Program (CIP) account "Street Light Upgrade to LED Lighting".

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

ACTION: Motion (Lopez/Gunderson; 7/0) introducing and waiving the first reading of **Ordinance No. 3607-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 street lights and associated appurtenances throughout the City for an amount not-to-exceed \$4,000,000.

ACTION: Resolution 2014-333 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2014/2015 budget moving \$3,800,000 from Surface Transportation Fund (STF) reserves to a new Capital Improvement Program (CIP) account "Street Light Upgrade to LED Lighting".

17. Consider (i) approving an agreement with Carollo Engineers, Inc. for consultant services to update the City's Wastewater Master Plan (WWMP), in an amount not to exceed \$1,955,697; and (ii) amending the Fiscal Year 2014-2015 CIP Budget by transferring \$684,500 into the project account from Wastewater Fund Reserves to fully fund the service agreement, other related future WWMP agreements, and City staff support. (Total estimated project cost is \$2,471,197.) (Funding Source: Wastewater Fund)

- Resolution approving an agreement with Carollo Engineers, Inc. for consultant services to update the City's Wastewater Master Plan, in an amount not to exceed \$1,777,906 for the identified scope of services, plus \$177,791 for additional services (if needed), for a maximum total amount of \$1,955,697, 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 \$684,500 to be transferred into CIP account 100740 from Wastewater Fund Reserves in order to fully fund the agreement with Carollo Engineers, Inc. for Consultant Services, including support by City staff, to update the City's Wastewater Master Plan and to fund future agreements for CEQA and Prop 218, including support by City staff.

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

ACTION: Resolution 2014-334 (Kenoyer/Gunderson; 7/0) approving an agreement with Carollo Engineers, Inc. for consultant services to update the City's Wastewater Master Plan, in an amount not to exceed \$1,777,906 for the identified scope of services, plus \$177,791 for additional services (if needed), for a maximum total amount of \$1,955,697, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-335 (Kenoyer/Gunderson; 7/0) amending the Fiscal Year 2014-2015 CIP Budget in the amount of \$684,500 to be transferred into CIP account 100740 from Wastewater Fund Reserves in order to fully fund the agreement with Carollo Engineers, Inc. for Consultant Services, including support by City staff, to update the City's Wastewater Master Plan and to fund future agreements for CEQA and Prop 218, including support by City staff.

18. Consider: (i) approving an agreement with West Yost Associates, Inc. for consultant services to develop a Water Master Plan, in an amount not to exceed \$1,292,500; and (ii) amending the Fiscal Year 2014-2015 CIP Budget by transferring \$82,000 into the project account from Water Fund Reserves to fully fund the service agreement, other related future Water Master Plan agreements and City staff support. (Total estimated project cost is \$1,758,000) (Funding Source: Water Fund - CIP)
- Resolution approving an agreement with West Yost Associates, Inc., for consultant services to develop a Water Master Plan, in an amount not to exceed \$1,175,000 for the identified scope of services, plus \$117,500 for additional services (if needed), for a maximum total amount of \$1,292,500, 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 \$82,000 to be transferred into CIP account 100695 from Water Fund Reserves in order to fully fund the agreement with West Yost Associates, Inc. for Consultant Services, including support by City staff, to prepare the City's Water Master Plan and to fund future agreements for CEQA and Prop 218, including support by City staff.

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

ACTION: Resolution 2014-336 (Kenoyer/Gunderson; 7/0) approving an agreement with West Yost Associates, Inc., for consultant services to develop a Water Master Plan, in an amount not to exceed \$1,175,000 for the identified scope of services, plus \$117,500 for additional services (if needed), for a maximum total amount of \$1,292,500, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-337 (Kenoyer/Gunderson; 7/0) amending the Fiscal Year 2014-2015 CIP Budget in the amount of \$82,000 to be transferred into CIP account 100695 from Water Fund Reserves in order to fully fund the agreement with West Yost Associates, Inc. for Consultant Services, including support by City staff, to prepare the City's Water Master Plan and to fund future agreements for CEQA and Prop 218, including support by City staff.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:00 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, Interim City Manager

Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case: Carlos Castro vs. City of Modesto
Stanislaus County Superior Court Case No: 683588

MINUTES

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

Monday, September 8, 2014, at 5:37 p.m.

Roll Call – Present: Councilmembers Lopez, Gunderson and Kenoyer
Absent: None
Also Present: Councilmember Madrigal (left at 6:40 p.m.)

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider accepting a report from staff on the conversion of College Avenue between Needham Street and Briggsmore Avenue from a four lane to a three lane vehicular facility with bicycle lanes. (Funding Source: Surface Transportation Fund Reserves) *Community & Economic Development; Phil Soares, 577-5258, psoares@modestogov.com*

ACTION: Motion (Gunderson/Kenoyer;unan.) accepting a report on the conversion of College Avenue between Needham Street and Briggsmore Avenue from a four lane to a three lane vehicular facility with bicycle lanes, and directing staff to complete the traffic study and forward the item to Council for acceptance.

1. Consider accepting an informational report regarding Modesto's Crime Statistics for January through June 2014, as compared to January through June 2013. (Funding Source: Not Applicable) *Police; Joel Broumas, 572-9821, BroumasJ@Modestopd.com*

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

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:07 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 09, 2014, 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 7 - Removed from Consent

Declaration of Conflicts of Interest: : Cogdill - Items 12 and 16
Mayor Marsh - Item 15

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to Omar Perez in honor of his assistance to the Modesto Fire Department during a fire on July 29, 2014 on Bleu Chapelle Court. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-559, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to Omar Perez in honor of his assistance to the Modesto Fire Department during a fire on July 29, 2014 on Bleu Chapelle Court.

2. Presentation regarding the 2014 Stanislaus Heart and Stroke Walk. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Presentation regarding the 2014 Stanislaus Heart and Stroke Walk on Saturday, September 27, 2014.

3. Presentation by Tuolumne River Trust offering community support of local river parks. (Funding Source: Not Applicable)

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

ACTION: Presentation by Tuolumne River Regional Trust offering community support of local river parks.

4. Presentation of Certificate of Recognition to Bevy Bird for writing and directing a play to benefit the Wesson Ranch Playground. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to Bevy Bird for writing and directing a play to benefit the Wesson Ranch Playground.

5. Presentation of the City of Modesto's Annual Business Recycling Awards. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Vicki Rice, 577-5495, vrice@modestogov.com

ACTION: Presentation by Vicki Rice of the City of Modesto's Annual Business Recycling Awards were made: Boyett Petroleum, Center for Human Services, Community Business College, Community Hospice-Hope Chest Thrift Stores, DoubleTree by Hilton Modesto, Modesto Junk Company, United Cerebral Palsy of Stanislaus County, Boyd Corporation, Archway Commons, Crystal Creamery, Once Upon a Child, FTG Incorporated, and the Almond Board of California.

PUBLIC COMMENT PERIOD

- Debra Harper spoke regarding respect in community and bus transportation in Modesto.
- Susan Mendieta Beasley announced the Family Architecture Event 2014 on September 13, 2014 and International Heritage Festival on October 4, 2014.
- Carmen Sabatino spoke regarding his Public Records Act request on the Super Kart event in Modesto.
- Dave Geer gave an update on Common Core.
- Carlos Nava spoke regarding pollution prevention; he was referred to Acting Public Works Director Bill Sandhu regarding signs.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 6; 8-11; 13-14; 17: (Lopez/Madrigal;unan.)

ACTION CONSENT ITEMS 12; 16: (Lopez/Madrigal; unan.; Cogdill absent due to conflict of interest)

ACTION CONSENT ITEM 15: (Lopez/Madrigal;unan.; Mayor Marsh 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

6. Consider approving the Minutes from the September 2, 2014 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the September 2, 2014 City Council meeting.
City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the Minutes from the September 2, 2014 City Council meeting.

Removed from Consent

7. Consider final adoption of **Ordinance No. 3607-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 street lights and associated appurtenances throughout the City for an amount not-to-exceed \$4,000,000 (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3607-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 street lights and associated appurtenances throughout the City for an amount not-to-exceed \$4,000,000.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Cogdill/Gunderson; 7/0) approving final adoption of **Ordinance No. 3607-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 street lights and associated appurtenances throughout the City for an amount not-to-exceed \$4,000,000.

Consent

8. Consider approving adoption of the City of Modesto's Equal Opportunity Plan for Fiscal Years 2013/2014 through 2018/2019. (Funding Source: Not applicable)
 - A resolution adopting the City of Modesto's Five-Year Equal Opportunity Plan for Fiscal Years 2013/2014 through 2018/2019.
Administrative Services Department; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Resolution 2014-338 (Lopez/Madrigan; 7/0) adopting the City of Modesto's Five-Year Equal Opportunity Plan for Fiscal Years 2013/2014 through 2018/2019.

Consent

9. Consider approving Amendment No. 1 to an Agreement with Disability Access Consultant, Inc. to assist in updating the 1992 Self Evaluation and Transition Plan (in an amount not to exceed \$96,823) and authorizing the City Manager, or his designee to execute the Agreement (Funding Source: The funding will come from Non-General Funds)

- Resolution approving Amendment No. 1 to an agreement for services between the City of Modesto and Disability Access Consultant, Inc. to assist the City in updating the 1992 Self Evaluation and Transition Plan (in an amount not to exceed \$96,823) and authorizing the City Manager, or his designee, to execute the Agreement.

*Community & Economic Development; Patrick Kelly, 577-5268,
pkelly@modestogov.com*

ACTION: Resolution 2014-339 (Lopez/Madrigal; 7/0) approving Amendment No. 1 to an agreement for services between the City of Modesto and Disability Access Consultant, Inc. to assist the City in updating the 1992 Self Evaluation and Transition Plan (in an amount not to exceed \$96,823) and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider: (i) accepting the AB 109 funds from the State of California, Board of State and Community Corrections, for a minimum of \$420,655.78 for police overtime, specialized training, equipment, and technology; (ii) amending the Multi-Year 2014-2015 Operating Budget to appropriate revenues and expenditures of at least \$420,655.78 for police overtime, specialized training, equipment, and technology. (Funding Source: Grants-Police)

- Resolution accepting the AB 109 funds from the State of California, Board of State and Community Corrections (BSCC), for a minimum of \$420,655.78 for police overtime, specialized training, equipment, and technology; and authorizing the City Manager, or his designee, to execute the necessary program documents.
- Resolution amending the Multi-Year 2014/2015 Operating Budget to appropriate revenues and expenditures of at least \$420,655.78 for the City of Modesto's AB 109 allocation from the State of California, Board of State and Community Corrections (BSCC); and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

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

ACTION: Resolution 2014-340 (Lopez/Madrigal; 7/0) accepting the AB 109 funds from the State of California, Board of State and Community Corrections (BSCC), for a minimum of \$420,655.78 for police overtime, specialized training, equipment, and technology; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2014-341 (Lopez/Madrigal; 7/0) amending the Multi-Year 2014/2015 Operating Budget to appropriate revenues and expenditures of at least \$420,655.78 for the City of Modesto's AB 109 allocation from the State of California, Board of State and Community Corrections (BSCC); and authorizing the Director of Finance, or her designee, to implement

the provisions of this resolution.

Consent

11. Consider amending the Fiscal Year 2014-2015 Capital Improvement Program (CIP) budget for the reconfiguration of 10th and 11th Streets, and appropriating \$40,000 from trust account to CIP Project #100725. (Funding Source: Developer Funded)
- Resolution amending the Fiscal Year 2014-2015 Capital Improvement Program budget for the reconfiguration of 10th and 11th streets and appropriating \$40,000 from trust account to CIP project # 100725.

Public Works; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-342 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014-2015 Capital Improvement Program budget for the reconfiguration of 10th and 11th streets and appropriating \$40,000 from trust account to CIP project # 100725.

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

12. Consider: (i) approving the First Amendment to the Construction Cooperative Agreement between the City of Modesto and California Department of Transportation (Caltrans) for State Route 99 / Pelandale Avenue Interchange Reconstruction Project; (ii) amending the Fiscal Year 2014/2015 Capital Improvement budget increasing allocation of the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, from \$41,061,629 to \$41,630,000; and (iii) authorizing the Finance Director, or her designee, to implement. (Funding Source: State route (SR) 99 1B Bond Savings)
- Resolution approving the First Amendment to the Construction Cooperative Agreement (10-397) between the City of Modesto and California Department of Transportation (Caltrans) for the construction of State Route 99 / Pelandale Avenue Interchange Reconstruction Project, and authorizing the Interim 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 increase allocation of the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, from \$41,061,629 to \$41,630,000, 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 2014-343 (Lopez/Madrigal; 6/0; Cogdill absent due to conflict of interest) approving the First Amendment to the Construction Cooperative Agreement (10-397) between the City of Modesto and California Department of Transportation (Caltrans) for the construction of State Route 99 / Pelandale Avenue Interchange Reconstruction Project, and authorizing the Interim City Manager, or his designee, to execute the Amendment.

ACTION: Resolution 2014-344 (Lopez/Madrigal; 6/0; Cogdill absent due to conflict of interest) amending the Fiscal Year 2014/2015 Capital Improvement budget as reflected in Exhibit A, and increase allocation of the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, from \$41,061,629 to \$41,630,000, and authorizing the Finance Director, or her designee, to implement the provisions of the resolution.

Consent

13. Consider approving the City of Modesto Standard Specifications, 2014 Edition. (Funding Source: Not Applicable)
- Resolution approving the City of Modesto Standard Specifications, 2014 Edition. *Public Works; Balhar Sandhu, 577-5356, bsandhu@modestogov.com*

ACTION: Resolution 2014-345 (Lopez/Madrigal; 7/0) approving the City of Modesto Standard Specifications, 2014 Edition.

Consent

14. Consider accepting the work by Koch & Koch, Inc. of Penn Valley, California, for the Jennings Wastewater Treatment Plant Improvements project as complete and authorizing payment of amounts totaling \$890,350. (The total project cost is \$1,067,925, which included construction contingency, engineering design, and construction administration.) (Funding Source: Wastewater Fund)
- Resolution accepting the work by Koch & Koch, Inc., for the Jennings Wastewater Treatment Plant 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 \$890,350. *Utilities Department; Rob Christensen, 577-5423, rchristensen@modestogov.com*

ACTION: Resolution 2014-346 (Lopez/Madrigal; 7/0) accepting the work by Koch & Koch, Inc., for the Jennings Wastewater Treatment Plant 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 \$890,350.

Consent – *Mayor Marsh absent due to conflict of interest*

15. Consider declaring the City-owned real property located at the southwest corner of Hillglen and Millbrook Avenues (APN: 085-028-091), containing 0.16 acres, as surplus land, and authorizing the City's property agent to proceed with the sale of this property. (Funding Source: Wastewater Fund)
- Resolution declaring the City-owned real property located at the southwest corner of Hillglen and Millbrook Avenues (APN: 085-028-091), containing 0.16 acres, as surplus land, reserving the northerly 32 feet for future right-of-way of Hillglen Avenue, and authorizing the City's Property Agent to proceed with the sale of this property. *Utilities Department; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

ACTION: Resolution 2014-347 (Lopez/Madrigal; 6/0; Mayor Marsh absent due to conflict of interest) declaring the City-owned real property located at the southwest corner of Hillglen and Millbrook Avenues (APN: 085-028-091), containing 0.16 acres, as surplus land, reserving the northerly 32 feet for future right-of-way of Hillglen Avenue, and authorizing the City's Property Agent to proceed with the sale of this property.

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

16. Consider accepting the work by DSS Company dba Knife River Construction of Stockton, California, for the Sylvan and Litt Improvement Project as complete and authorizing payment of amounts totaling \$5,012,578. The total project cost is \$6,580,894, which included construction contingency, engineering design, land acquisition, utility relocation, and construction administration. (Funding Source: Village One #2 CFD Tax, Sewer Fund-CIP, Water Fund-CIP)

- Resolution accepting the work by Knife River Construction for the Sylvan and Litt Improvement 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 \$5,012,578.

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

ACTION: Resolution 2014-348 (Lopez/Madrigal; 6/0; Cogdill absent due to conflict of interest) accepting the work by Knife River Construction for the Sylvan and Litt Improvement 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 \$5,012,578.

Consent

17. Consider approving a cooperating agency Memorandum of Understanding with the US Bureau of Reclamation for the North Valley Regional Recycled Water Program (NVRWP), and authorizing the City Manager, or his designee, to execute this MOU and all documents related to the NVRWP Phase 3 Feasibility Study on behalf of the City. (Funding Source: Wastewater Fund)

- Resolution approving a cooperating agency Memorandum of Understanding with the US Bureau of Reclamation for the North Valley Regional Recycled Water Program, and authorizing the City Manager, or his designee, to execute this MOU and all documents related to the NVRWP Phase 3 Study on behalf of the City.

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

ACTION: Resolution 2014-349 (Lopez/Madrigal; 7/0) approving a cooperating agency Memorandum of Understanding with the US Bureau of Reclamation for the North Valley Regional Recycled Water Program, and authorizing the City Manager, or his designee, to execute this MOU and all documents related to the NVRWP Phase 3 Study on behalf of the City.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked staff for their assistance with her requests for information.

Councilmember Madrigal announced La Fiesta Empieza on Monday, September 15, 2014 and gave an update on the Cactus Festival last weekend.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on August 29, 2014

18. Hearing to consider approving the expenditure plan for the Fiscal Year 2014-2015 State Supplemental Law Enforcement Services Fund (SLESF) allocation of at least \$100,000 for police overtime, training, technology, and equipment. (Funding Source: 1340 - Operation Block Grants)

- Resolution 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; and authorizing the City Manager, or his designee, to execute the necessary program documents.
- Resolution amending the Fiscal Year 2014/2015 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; and authorizing the Finance Director of Finance, or her designee, to implement the provisions of this resolution.

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

ACTION: Resolution 2014-350 (Kenoyer/Gunderson; 7/0) 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; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2014-351 (Kenoyer/Gunderson; 7/0) amending the Fiscal Year 2014/2015 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; and authorizing the Finance Director of Finance, or her designee, to implement the provisions of this resolution.

NEW BUSINESS

19. Consider authorizing the award of bid for the purchase of rock, sand and gravel for the Utilities Department, Wastewater Division and Water Division, to West Coast Sand & Gravel, Modesto, 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 \$387,414, and over five (5) years of \$1,937,070. (Funding Source: Wastewater Fund and Water Fund)

- Resolution authorizing the award of bid for the purchase of rock, sand and gravel for the Utilities Department, Wastewater Division and Water Division, to West Coast Sand & Gravel, Modesto, 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 \$387,414, and over five (5) years of \$1,937,070.

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

ACTION: Resolution 2014-352 (Lopez/Madriral; 7/0) authorizing the award of bid for the purchase of rock, sand and gravel for the Utilities Department, Wastewater Division and Water Division, to West Coast Sand & Gravel, Modesto, 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 \$387,414, and over five (5) years of \$1,937,070.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

**CONFERENCE WITH 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, Interim 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 September 09, 2014, 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 7 - Removed from Consent

Declaration of Conflicts of Interest: : Cogdill - Items 12 and 16
Mayor Marsh - Item 15

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to Omar Perez in honor of his assistance to the Modesto Fire Department during a fire on July 29, 2014 on Bleu Chapelle Court. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-559, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to Omar Perez in honor of his assistance to the Modesto Fire Department during a fire on July 29, 2014 on Bleu Chapelle Court.

2. Presentation regarding the 2014 Stanislaus Heart and Stroke Walk. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Presentation regarding the 2014 Stanislaus Heart and Stroke Walk on Saturday, September 27, 2014.

3. Presentation by Tuolumne River Trust offering community support of local river parks. (Funding Source: Not Applicable)

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

ACTION: Presentation by Tuolumne River Regional Trust offering community support of local river parks.

4. Presentation of Certificate of Recognition to Bevy Bird for writing and directing a play to benefit the Wesson Ranch Playground. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to Bevy Bird for writing and directing a play to benefit the Wesson Ranch Playground.

5. Presentation of the City of Modesto's Annual Business Recycling Awards. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Vicki Rice, 577-5495, vrice@modestogov.com

ACTION: Presentation by Vicki Rice of the City of Modesto's Annual Business Recycling Awards were made: Boyett Petroleum, Center for Human Services, Community Business College, Community Hospice-Hope Chest Thrift Stores, DoubleTree by Hilton Modesto, Modesto Junk Company, United Cerebral Palsy of Stanislaus County, Boyd Corporation, Archway Commons, Crystal Creamery, Once Upon a Child, FTG Incorporated, and the Almond Board of California.

PUBLIC COMMENT PERIOD

- Debra Harper spoke regarding respect in community and bus transportation in Modesto.
- Susan Mendieta Beasley announced the Family Architecture Event 2014 on September 13, 2014 and International Heritage Festival on October 4, 2014.
- Carmen Sabatino spoke regarding his Public Records Act request on the Super Kart event in Modesto.
- Dave Geer gave an update on Common Core.
- Carlos Nava spoke regarding pollution prevention; he was referred to Acting Public Works Director Bill Sandhu regarding signs.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 6; 8-11; 13-14; 17: (Lopez/Madrigan;unan.)

ACTION CONSENT ITEMS 12; 16: (Lopez/Madrigan; unan.; Cogdill absent due to conflict of interest)

ACTION CONSENT ITEM 15: (Lopez/Madrigan;unan.; Mayor Marsh 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

6. Consider approving the Minutes from the September 2, 2014 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the September 2, 2014 City Council meeting.
City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the Minutes from the September 2, 2014 City Council meeting.

Removed from Consent

7. Consider final adoption of **Ordinance No. 3607-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 street lights and associated appurtenances throughout the City for an amount not-to-exceed \$4,000,000 (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3607-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 street lights and associated appurtenances throughout the City for an amount not-to-exceed \$4,000,000.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Cogdill/Gunderson; 7/0) approving final adoption of **Ordinance No. 3607-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 street lights and associated appurtenances throughout the City for an amount not-to-exceed \$4,000,000.

Consent

8. Consider approving adoption of the City of Modesto's Equal Opportunity Plan for Fiscal Years 2013/2014 through 2018/2019. (Funding Source: Not applicable)
 - A resolution adopting the City of Modesto's Five-Year Equal Opportunity Plan for Fiscal Years 2013/2014 through 2018/2019.
Administrative Services Department; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Resolution 2014-338 (Lopez/Madrigan; 7/0) adopting the City of Modesto's Five-Year Equal Opportunity Plan for Fiscal Years 2013/2014 through 2018/2019.

Consent

9. Consider approving Amendment No. 1 to an Agreement with Disability Access Consultant, Inc. to assist in updating the 1992 Self Evaluation and Transition Plan (in an amount not to exceed \$96,823) and authorizing the City Manager, or his designee to execute the Agreement (Funding Source: The funding will come from Non-General Funds)

- Resolution approving Amendment No. 1 to an agreement for services between the City of Modesto and Disability Access Consultant, Inc. to assist the City in updating the 1992 Self Evaluation and Transition Plan (in an amount not to exceed \$96,823) and authorizing the City Manager, or his designee, to execute the Agreement.

*Community & Economic Development; Patrick Kelly, 577-5268,
pkelly@modestogov.com*

ACTION: Resolution 2014-339 (Lopez/Madrigal; 7/0) approving Amendment No. 1 to an agreement for services between the City of Modesto and Disability Access Consultant, Inc. to assist the City in updating the 1992 Self Evaluation and Transition Plan (in an amount not to exceed \$96,823) and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider: (i) accepting the AB 109 funds from the State of California, Board of State and Community Corrections, for a minimum of \$420,655.78 for police overtime, specialized training, equipment, and technology; (ii) amending the Multi-Year 2014-2015 Operating Budget to appropriate revenues and expenditures of at least \$420,655.78 for police overtime, specialized training, equipment, and technology. (Funding Source: Grants-Police)

- Resolution accepting the AB 109 funds from the State of California, Board of State and Community Corrections (BSCC), for a minimum of \$420,655.78 for police overtime, specialized training, equipment, and technology; and authorizing the City Manager, or his designee, to execute the necessary program documents.
- Resolution amending the Multi-Year 2014/2015 Operating Budget to appropriate revenues and expenditures of at least \$420,655.78 for the City of Modesto's AB 109 allocation from the State of California, Board of State and Community Corrections (BSCC); and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

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

ACTION: Resolution 2014-340 (Lopez/Madrigal; 7/0) accepting the AB 109 funds from the State of California, Board of State and Community Corrections (BSCC), for a minimum of \$420,655.78 for police overtime, specialized training, equipment, and technology; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2014-341 (Lopez/Madrigal; 7/0) amending the Multi-Year 2014/2015 Operating Budget to appropriate revenues and expenditures of at least \$420,655.78 for the City of Modesto's AB 109 allocation from the State of California, Board of State and Community Corrections (BSCC); and authorizing the Director of Finance, or her designee, to implement

the provisions of this resolution.

Consent

11. Consider amending the Fiscal Year 2014-2015 Capital Improvement Program (CIP) budget for the reconfiguration of 10th and 11th Streets, and appropriating \$40,000 from trust account to CIP Project #100725. (Funding Source: Developer Funded)
- Resolution amending the Fiscal Year 2014-2015 Capital Improvement Program budget for the reconfiguration of 10th and 11th streets and appropriating \$40,000 from trust account to CIP project # 100725.

Public Works; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-342 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014-2015 Capital Improvement Program budget for the reconfiguration of 10th and 11th streets and appropriating \$40,000 from trust account to CIP project # 100725.

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

12. Consider: (i) approving the First Amendment to the Construction Cooperative Agreement between the City of Modesto and California Department of Transportation (Caltrans) for State Route 99 / Pelandale Avenue Interchange Reconstruction Project; (ii) amending the Fiscal Year 2014/2015 Capital Improvement budget increasing allocation of the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, from \$41,061,629 to \$41,630,000; and (iii) authorizing the Finance Director, or her designee, to implement. (Funding Source: State route (SR) 99 1B Bond Savings)
- Resolution approving the First Amendment to the Construction Cooperative Agreement (10-397) between the City of Modesto and California Department of Transportation (Caltrans) for the construction of State Route 99 / Pelandale Avenue Interchange Reconstruction Project, and authorizing the Interim 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 increase allocation of the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, from \$41,061,629 to \$41,630,000, 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 2014-343 (Lopez/Madrigal; 6/0; Cogdill absent due to conflict of interest) approving the First Amendment to the Construction Cooperative Agreement (10-397) between the City of Modesto and California Department of Transportation (Caltrans) for the construction of State Route 99 / Pelandale Avenue Interchange Reconstruction Project, and authorizing the Interim City Manager, or his designee, to execute the Amendment.

ACTION: Resolution 2014-344 (Lopez/Madrigal; 6/0; Cogdill absent due to conflict of interest) amending the Fiscal Year 2014/2015 Capital Improvement budget as reflected in Exhibit A, and increase allocation of the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, from \$41,061,629 to \$41,630,000, and authorizing the Finance Director, or her designee, to implement the provisions of the resolution.

Consent

13. Consider approving the City of Modesto Standard Specifications, 2014 Edition. (Funding Source: Not Applicable)
- Resolution approving the City of Modesto Standard Specifications, 2014 Edition. *Public Works; Balhar Sandhu, 577-5356, bsandhu@modestogov.com*

ACTION: Resolution 2014-345 (Lopez/Madrigal; 7/0) approving the City of Modesto Standard Specifications, 2014 Edition.

Consent

14. Consider accepting the work by Koch & Koch, Inc. of Penn Valley, California, for the Jennings Wastewater Treatment Plant Improvements project as complete and authorizing payment of amounts totaling \$890,350. (The total project cost is \$1,067,925, which included construction contingency, engineering design, and construction administration.) (Funding Source: Wastewater Fund)
- Resolution accepting the work by Koch & Koch, Inc., for the Jennings Wastewater Treatment Plant 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 \$890,350. *Utilities Department; Rob Christensen, 577-5423, rchristensen@modestogov.com*

ACTION: Resolution 2014-346 (Lopez/Madrigal; 7/0) accepting the work by Koch & Koch, Inc., for the Jennings Wastewater Treatment Plant 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 \$890,350.

Consent – *Mayor Marsh absent due to conflict of interest*

15. Consider declaring the City-owned real property located at the southwest corner of Hillglen and Millbrook Avenues (APN: 085-028-091), containing 0.16 acres, as surplus land, and authorizing the City's property agent to proceed with the sale of this property. (Funding Source: Wastewater Fund)
- Resolution declaring the City-owned real property located at the southwest corner of Hillglen and Millbrook Avenues (APN: 085-028-091), containing 0.16 acres, as surplus land, reserving the northerly 32 feet for future right-of-way of Hillglen Avenue, and authorizing the City's Property Agent to proceed with the sale of this property. *Utilities Department; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

ACTION: Resolution 2014-347 (Lopez/Madrigal; 6/0; Mayor Marsh absent due to conflict of interest) declaring the City-owned real property located at the southwest corner of Hillglen and Millbrook Avenues (APN: 085-028-091), containing 0.16 acres, as surplus land, reserving the northerly 32 feet for future right-of-way of Hillglen Avenue, and authorizing the City's Property Agent to proceed with the sale of this property.

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

16. Consider accepting the work by DSS Company dba Knife River Construction of Stockton, California, for the Sylvan and Litt Improvement Project as complete and authorizing payment of amounts totaling \$5,012,578. The total project cost is \$6,580,894, which included construction contingency, engineering design, land acquisition, utility relocation, and construction administration. (Funding Source: Village One #2 CFD Tax, Sewer Fund-CIP, Water Fund-CIP)

- Resolution accepting the work by Knife River Construction for the Sylvan and Litt Improvement 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 \$5,012,578.

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

ACTION: Resolution 2014-348 (Lopez/Madrigal; 6/0; Cogdill absent due to conflict of interest) accepting the work by Knife River Construction for the Sylvan and Litt Improvement 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 \$5,012,578.

Consent

17. Consider approving a cooperating agency Memorandum of Understanding with the US Bureau of Reclamation for the North Valley Regional Recycled Water Program (NVRWP), and authorizing the City Manager, or his designee, to execute this MOU and all documents related to the NVRWP Phase 3 Feasibility Study on behalf of the City. (Funding Source: Wastewater Fund)

- Resolution approving a cooperating agency Memorandum of Understanding with the US Bureau of Reclamation for the North Valley Regional Recycled Water Program, and authorizing the City Manager, or his designee, to execute this MOU and all documents related to the NVRWP Phase 3 Study on behalf of the City.

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

ACTION: Resolution 2014-349 (Lopez/Madrigal; 7/0) approving a cooperating agency Memorandum of Understanding with the US Bureau of Reclamation for the North Valley Regional Recycled Water Program, and authorizing the City Manager, or his designee, to execute this MOU and all documents related to the NVRWP Phase 3 Study on behalf of the City.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked staff for their assistance with her requests for information.

Councilmember Madrigal announced La Fiesta Empieza on Monday, September 15, 2014 and gave an update on the Cactus Festival last weekend.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on August 29, 2014

18. Hearing to consider approving the expenditure plan for the Fiscal Year 2014-2015 State Supplemental Law Enforcement Services Fund (SLESF) allocation of at least \$100,000 for police overtime, training, technology, and equipment. (Funding Source: 1340 - Operation Block Grants)

- Resolution 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; and authorizing the City Manager, or his designee, to execute the necessary program documents.
- Resolution amending the Fiscal Year 2014/2015 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; and authorizing the Finance Director of Finance, or her designee, to implement the provisions of this resolution.

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

ACTION: Resolution 2014-350 (Kenoyer/Gunderson; 7/0) 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; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2014-351 (Kenoyer/Gunderson; 7/0) amending the Fiscal Year 2014/2015 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; and authorizing the Finance Director of Finance, or her designee, to implement the provisions of this resolution.

NEW BUSINESS

19. Consider authorizing the award of bid for the purchase of rock, sand and gravel for the Utilities Department, Wastewater Division and Water Division, to West Coast Sand & Gravel, Modesto, 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 \$387,414, and over five (5) years of \$1,937,070. (Funding Source: Wastewater Fund and Water Fund)

- Resolution authorizing the award of bid for the purchase of rock, sand and gravel for the Utilities Department, Wastewater Division and Water Division, to West Coast Sand & Gravel, Modesto, 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 \$387,414, and over five (5) years of \$1,937,070.

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

ACTION: Resolution 2014-352 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of rock, sand and gravel for the Utilities Department, Wastewater Division and Water Division, to West Coast Sand & Gravel, Modesto, 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 \$387,414, and over five (5) years of \$1,937,070.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

**CONFERENCE WITH 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, Interim 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 September 22, 2014, at 5:04 p.m.

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

Absent: Councilmembers Cogdill Jr and Madrigal

Council has not delegated directive or final approval authority to the Committees. Committee actions are recommendations to the full City Council, not final decisions on an issue.

PUBLIC COMMENTS

None.

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

UNFINISHED BUSINESS

1. Consider a verbal report regarding the Fire Department budget. (Funding Source: Not Applicable)
Fire; Sean Slamon, 572-9590, slamon@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer; unan.) directing staff to prepare a Budget Adjustment for Council consideration to maintain Fire Station 6 opens through June 30, 2015.

ACTION: Motion (Kenoyer/ Zoslocki; unan.) accepting a verbal report regarding the Fire Department budget and authorizing the Fire Chief to bring a report detailing quint purchase options directly to Council.

NEW BUSINESS

2. Consider approving the establishment of Maintenance Worker Positions in Forestry, Compost, and Solid Waste Divisions and forwarding to Council for approval. (Funding Source: Reallocation of funds currently budgeted for temporary labor in Forestry, Compost, and Solid Waste Enterprise Funds)
Parks, Recreation & Neighborhoods; Jocelyn Reed, 209-5775, jreed@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) approving: (i) Reallocating \$290,000 in funding currently budgeted for 12 temporary labor positions and administrative costs to re-establish 6 Maintenance Worker I/II positions in the Forestry Division; (ii) Reallocating \$98,000 in funding currently budgeted for 4 temporary labor positions and professional services to 2 Maintenance Worker I/II positions in the Compost Division; and (iii) Reallocating \$98,000 in funding currently budgeted for 4 temporary labor positions to 2 Maintenance Worker I positions in the Solid Waste Division and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:41 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 23, 2014, 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

City Clerk's Announcements: Item Nos. 3, 7, 9, 14 and 18 - Removed from Consent

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring September 2014 as National Preparedness Month. (Funding Source: Not Applicable)
Fire; Mike Payton, 571-5876 , mpayton@modestorfa.org

ACTION: Mayor Marsh presented a Proclamation to the Modesto Fire Department declaring September 2014 as National Preparedness Month.

PUBLIC COMMENT PERIOD

- Vernon Price spoke regarding unlawful camping tickets in public places.
- Terhesa Gamboa spoke regarding neighborhood watch group meetings in City facilities.
- Carmen Sabatino spoke regarding time limits for Public Comments.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2, 4-6; 8; 10-13; 15-17; 19-22: (Lopez/Gunderson;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 September 9, 2014 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the September 9, 2014 City Council meeting. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

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

Removed from Consent

3. Consider approving an Agreement between the City of Modesto and San Joaquin Valley Insurance Authority (SJVIA) for participation in group medical insurance coverage for a three-year period starting plan year 2015; continue dental and vision coverage through the City's self-insured program for plan year 2015; authorizing the Employee Benefits Manager to serve as the coordinator for the various plans; and authorizing the City Manager to execute the necessary agreements. (Funding Source: Not Applicable)
 - Resolution approving agreement between the City of Modesto and San Joaquin Valley Insurance Authority (SJVIA) for participation in group medical insurance coverage for a three-year period starting plan year 2015; continue dental and vision coverage through the City's self-insured program; authorizing the Employee Benefits Manager to serve as the coordinator for the various plans; and authorizing the City Manager to execute the necessary agreements. *Administrative Services; Joseph Lopez, 571-5126, joelopez@modestogov.com*

ACTION: Resolution 2014-353 (Lopez/Gunderson; 7/0) approving agreement between the City of Modesto and San Joaquin Valley Insurance Authority (SJVIA) for participation in group medical insurance coverage for a three-year period starting plan year 2015; continue dental and vision coverage through the City's self-insured program; authorizing the Employee Benefits Manager to serve as the coordinator for the various plans; and authorizing the City Manager to execute the necessary agreements.

Consent

4. Consider approving the Second 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 \$180,000, and authorizing the City Manager, or his designee to execute the Second Amendment to the Agreement. (Funding Source: General Fund)
 - Resolution approving a Second 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 \$180,000, and

authorizing the City Manager, or his designee to execute the Second Amendment to the Agreement.

*Community & Economic Development; Laurie Smith, 577-5437,
lsmith@modestogov.com*

ACTION: Resolution 2014-354 (Lopez/Gunderson; 7/0) approving a Second 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 \$180,000, and authorizing the City Manager, or his designee to execute the Second Amendment to the Agreement.

Consent

5. Consider: (i) approving the transfer for no payment of two (2) parcels, APNs 105-041-021 and 105-048-008, held in the name of the former Redevelopment Agency of the City of Modesto (RDA) from the City of Modesto Redevelopment Successor Agency (Successor Agency) to the City of Modesto (City), in accordance with the Second Amended Long Range Property Management Plan as approved by the State of California Department of Finance, and (ii) authorizing the Interim City Manager, or his designee, to execute all documents necessary to transfer title of the two parcels to the City of Modesto. (Funding Source: Not Applicable)

- Resolution approving the transfer for no payment of two (2) parcels, APNs 105-041-021 and 105-048-008, held in the name of the former Redevelopment Agency of the City of Modesto from the City of Modesto Redevelopment Successor Agency to the City of Modesto, in accordance with the Second Amended Long Range Property Management Plan as approved by the State of California Department of Finance, and authorizing the Interim City Manager, or his designee, to execute all documents necessary to transfer title of the two parcels to the City of Modesto.

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

ACTION: Resolution 2015-355 (Lopez/Gunderson; 7/0) approving the transfer for no payment of two (2) parcels, APNs 105-041-021 and 105-048-008, held in the name of the former Redevelopment Agency of the City of Modesto from the City of Modesto Redevelopment Successor Agency to the City of Modesto, in accordance with the Second Amended Long Range Property Management Plan as approved by the State of California Department of Finance, and authorizing the Interim City Manager, or his designee, to execute all documents necessary to transfer title of the two parcels to the City of Modesto.

Consent

6. Consider approving a repayment schedule for loans issued by the City of Modesto General Fund to the Modesto Redevelopment Agency and the loan issued from the Redevelopment Low and Moderate Income Housing Fund to the Redevelopment Agency for payment to the State of California Supplemental Education Revenue Augmentation Fund (SERAF), applying the Local Agency Investment Fund (LAIF) rate in existence at the time the loans were incurred. (Funding Source: Redevelopment

Property Tax Trust Fund (RPTTF) and General Fund)

- Resolution approving a repayment schedule for loans issued by the City of Modesto General Fund to the Modesto Redevelopment Agency, and the loan issued from the Redevelopment Low and Moderate Income Housing Fund to the Redevelopment Agency for payment to the State of California Supplemental Education Revenue Augmentation Fund (SERAF), applying the Local Agency Investment Fund (LAIF) rate in existence at the time the loans were incurred.

Community & Economic Development; Stephan Christensen, 577-5390, schristensen@modestogov.com

ACTION: Resolution 2014-356 (Lopez/Gunderson; 7/0) approving a repayment schedule for loans issued by the City of Modesto General Fund to the Modesto Redevelopment Agency, and the loan issued from the Redevelopment Low and Moderate Income Housing Fund to the Redevelopment Agency for payment to the State of California Supplemental Education Revenue Augmentation Fund (SERAF), applying the Local Agency Investment Fund (LAIF) rate in existence at the time the loans were incurred.

Removed from Consent

7. Consider recognizing and supporting the implementation of the Downtown Economic Development Incentive Program for Downtown Modesto. (Funding Source: General Fund)
 - Resolution recognizing and supporting implementation of the Downtown Economic Development Incentive Program for Downtown Modesto.

Community & Economic Development; Josh Bridegroom, 571-5540, Jbridegroom@modestogov.com

ACTION: Resolution 2014-357 (Madrigal/Lopez; 7/0) recognizing and supporting implementation of the Downtown Economic Development Incentive Program for Downtown Modesto.

ACTION: Motion (Gunderson/Madrigal; 3/4; Lopez, Zoslocki, Kenoyer, Cogdill no) to further define to include streamlining mural applications in the encroachment fee exemption. **(MOTION FAILED)**

Consent

8. Consider authorizing the award of bid for the furnishing of pest control services for Citywide use to Merced Pest Control, Merced, 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 \$17,380, and over five (5) years of \$86,900. (Funding Source: Various Funds)
 - Resolution authorizing the award of bid for the furnishing of pest control services for Citywide use to Merced Pest Control, Merced, 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 \$17,380, and over five (5) years of \$86,900.
Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2014-358 (Lopez/Gunderson; 7/0) authorizing the award of bid for the furnishing of pest control services for Citywide use to Merced Pest Control, Merced, 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 \$17,380, and over five (5) years of \$86,900.

Removed from Consent

9. Consider authorizing the award of proposals and contracts for the furnishing of background investigation services for the Modesto Police Department to Simpson Investigative Services Group, Pleasant Hill, CA, as “primary” contractor; and Rank Investigation & Protection, Inc., Modesto, 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 \$35,000, and over five (5) years of \$175,000. (Funding Source: General Fund)

- Resolution authorizing the award of proposals and contracts for the furnishing of background investigation services for the Modesto Police Department to Simpson Investigative Services Group, Pleasant Hill, CA, as “primary” contractor and Rank Investigation & Protection, Inc., Modesto, 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 Interim City Manager, or his designee, to execute the contracts for an estimated annual cost of \$35,000, and over five (5) years of \$175,000.

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

ACTION: Resolution 2014-359 (Lopez/Gunderson; 7/0) authorizing the award of proposals and contracts for the furnishing of background investigation services for the Modesto Police Department to Simpson Investigative Services Group, Pleasant Hill, CA, as “primary” contractor and Rank Investigation & Protection, Inc., Modesto, 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 Interim City Manager, or his designee, to execute the contracts for an estimated annual cost of \$35,000, and over five (5) years of \$175,000.

Consent

10. Consider authorizing the award of bid for the purchase of combination air and vacuum relief valves for the Utilities Department, Wastewater Division to Ferguson/Groeniger Co., Modesto, CA, for an estimated total cost of \$88,935. (Funding Source: Wastewater Fund)

- Resolution authorizing the award of bid for the purchase of combination air and vacuum relief valves for the Utilities Department, Wastewater Division to Ferguson/Groeniger Co., Modesto, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$88,935.

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

ACTION: Resolution 2014-360 (Lopez/Gunderson; 7/0) authorizing the award of bid for

the purchase of combination air and vacuum relief valves for the Utilities Department, Wastewater Division to Ferguson/Groeniger Co., Modesto, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$88,935.

Consent

11. Consider approving the annual surplus of the following items: recovered stolen and/or seized property accumulated by the Police Department, property accumulated by the City, and surplus City vehicles and equipment and authorizing the Purchasing Manager as designated by the City Manager to sell same by sealed bid, consignment, public auction, online auction, as scrap, or donate to an eligible non-profit 501(c)(3) organization if the items cannot be sold. (Funding Source: Various Funds)

- Resolution annually declaring as surplus the following items: recovered stolen and/or seized property accumulated by the Police Department, property accumulated by the City and surplus City vehicles and equipment and authorizing the Purchasing Manager as designated by the City Manager to sell same by sealed bid, consignment, public auction, online auction, as scrap, or donate to an eligible non-profit 501(c)(3) organization if the items cannot be sold.

Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Resolution 2014-361 (Lopez/Gunderson; 7/0) annually declaring as surplus the following items: recovered stolen and/or seized property accumulated by the Police Department, property accumulated by the City and surplus City vehicles and equipment and authorizing the Purchasing Manager as designated by the City Manager to sell same by sealed bid, consignment, public auction, online auction, as scrap, or donate to an eligible non-profit 501(c)(3) organization if the items cannot be sold.

Consent

12. Consider: (i) accepting an Assistance to Firefighters Grant (AFG) Programs Offer in the amount of \$91,613 from the Federal Emergency Management Agency (FEMA) for Personal Protective Equipment (PPE) on behalf of Modesto Regional Fire Authority (MRFA); and (ii) amending the FY 2014-15 operating budget to create a new cost center in fund 1341 (Grants – Operations grants reimbursed) for the assistance to fire fighters grant in the amount of \$91,613 and to establish a transfer from the General Fund for the remaining 10% match of \$10,179 (Funding Source: Federal Grant Funds/General Fund)

- Resolution accepting an Assistance to Firefighters Grant in the amount of \$91,613 from the Federal Emergency Management Agency for Personal Protective Equipment on behalf of Modesto Regional Fire Authority.
- Resolution amending the FY 2014-15 operating budget to create a new cost center in fund 1341 (Grants – Operations grants reimbursed) for the assistance to fire fighters grant in the amount of \$91,613 and to establish a transfer from the General Fund for the remaining 10% match of \$10,179.

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

ACTION: Resolution 2014-362 (Lopez/Gunderson; 7/0) accepting an Assistance to Firefighters Grant in the amount of \$91,613 from the Federal Emergency Management Agency

for Personal Protective Equipment on behalf of Modesto Regional Fire Authority.

ACTION: Resolution 2014-363 (Lopez/Gunderson; 7/0) amending the FY 2014-15 operating budget to create a new cost center in fund 1341 (Grants – Operations grants reimbursed) for the assistance to fire fighters grant in the amount of \$91,613 and to establish a transfer from the General Fund for the remaining 10% match of \$10,179.

Consent

13. Consider amending the position allocation for Fiscal Year 2014-2015 as adopted in the operating budget to restore a Recreation Coordinator to a .75 allocation. (Funding Source: General Fund)

- Resolution amending the position allocation for Fiscal Year 2014-2015 as adopted in the City of Modesto operating budget and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

*Parks, Recreation & Neighborhoods; Jody Christiansen, 342-4707,
mjchristiansen@modestogov.com*

ACTION: Resolution 2014-364 (Lopez/Gunderson; 7/0) amending the position allocation for Fiscal Year 2014-2015 as adopted in the City of Modesto operating budget and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

Removed from Consent

14. Consider amending the Fiscal Year 2014-2015 Non-Capital Parks Fund (Non-Grant) budget to recognize all Modesto Grand Prix sponsorship and event revenue. (Funding Source: Modesto Grand Prix Event Revenue)

- Resolution amending the Fiscal Year 2014-2015 Multi-Year budget for Project account 100822 to recognize \$224,000 in Modesto Grand Prix sponsorship revenue and an additional \$28,510 in event revenue from the Modesto Grand Prix Stanislaus Community Foundation account and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

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

ACTION: Resolution 2014-365 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2014-2015 Multi-Year budget for Project account 100822 to recognize \$224,000 in Modesto Grand Prix sponsorship revenue and an additional \$28,510 in event revenue from the Modesto Grand Prix Stanislaus Community Foundation account and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

Consent

15. Consider: (i) accepting the 2015 Selective Traffic Enforcement Program (STEP) Grant in the amount of approximately \$277,261 from the Office of Traffic Safety (OTS), and (ii) amending the FY 2014/15 Operating and Multi-Year Budget, estimating revenue in

the amount of \$277,261 for the STEP Grant. (Funding Source: 1341 Grants - Operations Grants Reimbursed)

- **RECOMMENDED COUNCIL ACTION:**
Staff Recommendations:
Resolution accepting the 2015 Selective Traffic Enforcement Program Grant in the amount of approximately \$277,261 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 2014-2015 Operating and Multi-Year Budget to appropriate revenue and expenses in the amount of \$277,261 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 2014-366 (Lopez/Gunderson; 7/0) accepting the 2015 Selective Traffic Enforcement Program Grant in the amount of approximately \$277,261 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 2014-367 (Lopez/Gunderson; 7/0) amending the FY 2014-2015 Operating and Multi-Year Budget to appropriate revenue and expenses in the amount of \$277,261 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Other Special Traffic Enforcement Operations.

Consent

16. Consider accepting \$353,174 in Federal Transit Administration (FTA) Job Access Reverse Commute (JARC) grant funds, and increasing the Fixed Route MAX Operations fund by that amount to partially offset transit operating expenses. (Funding Source: Revenue - Transit Funds)
- Resolution approving the amendment to FY13/14 operating budget for Fixed Route MAX Operations fund (4540) in the amount of \$353,174 for payment of Stanislaus Council of Government's (StanCOG) invoice number 1314-05 for the costs of operating Route 43 in Southwest Modesto.
Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2014-368 (Lopez/Gunderson; 7/0) approving the amendment to FY13/14 operating budget for Fixed Route MAX Operations fund (4540) in the amount of \$353,174 for payment of Stanislaus Council of Government's (StanCOG) invoice number 1314-05 for the costs of operating Route 43 in Southwest Modesto.

Consent

17. Consider approving the Outside Service Agreement for sewer connection for the property located at 1320 Marlow Street. (Funding Source: General Fund, Sewer Fund)
- Resolution approving an Outside Service Agreement between the City of Modesto

and Dennis Allison, a married man as his sole and separate property, for sewer service for the property located at 1320 Marlow Street in the Robertson Road Neighborhood, Modesto, (APN: 037-021-045); and authorizing the City Manager, or his designee, to execute the agreement.

Public Works; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-369 (Lopez/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and Dennis Allison, a married man as his sole and separate property, for sewer service for the property located at 1320 Marlow Street in the Robertson Road Neighborhood, Modesto, (APN: 037-021-045); and authorizing the City Manager, or his designee, to execute the agreement.

Removed from Consent

18. Consider approving a Will Serve Letter and Outside Service Agreements for water service for six properties located at 4950, 4958, 4959, 4955 and 4954 Park View Court (APN: 136-028-096, 098, 095, 093, 094 and 097), Salida, CA. (Funding Source: General Fund, Water Fund)

- Resolution approving a Will Serve Letter for the properties located at 4950, 4958, 4951, 4959, 4955 and 4954 Park View Court In Salida (APN: 136-028-096, 098, 095, 093, 094 and 097) 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 Sara Lynne Pole, an unmarried woman, as to an undivided ½ interest, Reyes F. Rangel III and Argelia Rangel, trustees of the R&A Rangel Revocable Trust, as to an undivided ½ interest, for water service for the property located at 4950 Park View Court in Salida, (APN: 136-028-096), and authorizing the City Manager, or his designee, to execute the agreement.
- Resolution approving an Outside Service Agreement between the City of Modesto and Sara Lynne Pole, an unmarried woman, as to an undivided ½ interest, Reyes F. Rangel III and Argelia Rangel, trustees of the R&A Rangel Revocable Trust, as to an undivided ½ interest, for water service for the property located at 4951 Park View Court in Salida, (APN: 136-028-095), and authorizing the City Manager, or his designee, to execute the agreement.
- Resolution approving an Outside Service Agreement between the City of Modesto and Sara Lynne Pole, an unmarried woman, as to an undivided ½ interest and Reyes F. Rangel III and Argelia Rangel, trustees of the R&A Rangel Revocable Trust, as to an undivided ½ interest, for water service for the property located at 4954 Park View Court in Salida, (APN: 136-028-097), and authorizing the City Manager, or his designee, to execute the agreement.
- Resolution approving an Outside Service Agreement between the City of Modesto and Sara Lynne Pole, an unmarried woman, as to an undivided ½ interest and Reyes F. Rangel III and Argelia Rangel, trustees of the R&A Rangel Revocable Trust, as to an undivided ½ interest, for water service for the property located at 4955 Park View Court in Salida, (APN: 136-028-094), and authorizing the City Manager, or his designee, to execute the agreement.

- Resolution approving an Outside Service Agreement between the City of Modesto and Sara Lynne Pole, an unmarried woman, as to an undivided ½ interest and Reyes F. Rangel III and Argelia Rangel, trustees of the R&A Rangel Revocable Trust, as to an undivided ½ interest, for water service for the property located at 4958 Park View Court in Salida, (APN: 136-028-098), and authorizing the City Manager, or his designee, to execute the agreement.
- Resolution approving an Outside Service Agreement between the City of Modesto and Sara Lynne Pole, an unmarried woman, as to an undivided ½ interest and Reyes F. Rangel III and Argelia Rangel, trustees of the R&A Rangel Revocable Trust, as to an undivided ½ interest, for water service for the property located at 4959 Park View Court in Salida, (APN: 136-028-093), and authorizing the City Manager, or his designee, to execute the agreement.

Public Works; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-370 (Cogdill/Gunderson; 7/0) approving a Will Serve Letter for the properties located at 4950, 4958, 4951, 4959, 4955 and 4954 Park View Court In Salida (APN: 136-028-096, 098, 095, 093, 094 and 097) 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 2014-371 (Cogdill/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and Sara Lynne Pole, an unmarried woman, as to an undivided ½ interest, Reyes F. Rangel III and Argelia Rangel, trustees of the R&A Rangel Revocable Trust, as to an undivided ½ interest, for water service for the property located at 4950 Park View Court in Salida, (APN: 136-028-096), and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-372 (Cogdill/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and Sara Lynne Pole, an unmarried woman, as to an undivided ½ interest, Reyes F. Rangel III and Argelia Rangel, trustees of the R&A Rangel Revocable Trust, as to an undivided ½ interest, for water service for the property located at 4951 Park View Court in Salida, (APN: 136-028-095), and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-373 (Cogdill/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and Sara Lynne Pole, an unmarried woman, as to an undivided ½ interest and Reyes F. Rangel III and Argelia Rangel, trustees of the R&A Rangel Revocable Trust, as to an undivided ½ interest, for water service for the property located at 4954 Park View Court in Salida, (APN: 136-028-097), and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-374 (Cogdill/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and Sara Lynne Pole, an unmarried woman, as to an undivided ½ interest and Reyes F. Rangel III and Argelia Rangel, trustees of the R&A Rangel Revocable Trust, as to an undivided ½ interest, for water service for the property located at 4955 Park View Court in Salida, (APN: 136-028-094), and authorizing the City Manager, or

his designee, to execute the agreement.

ACTION: Resolution 2014-375 (Cogdill/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and Sara Lynne Pole, an unmarried woman, as to an undivided ½ interest and Reyes F. Rangel III and Argelia Rangel, trustees of the R&A Rangel Revocable Trust, as to an undivided ½ interest, for water service for the property located at 4958 Park View Court in Salida, (APN: 136-028-098), and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-376 (Cogdill/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and Sara Lynne Pole, an unmarried woman, as to an undivided ½ interest and Reyes F. Rangel III and Argelia Rangel, trustees of the R&A Rangel Revocable Trust, as to an undivided ½ interest, for water service for the property located at 4959 Park View Court in Salida, (APN: 136-028-093), and authorizing the City Manager, or his designee, to execute the agreement.

Consent

19. Consider approving an Agreement between the City of Modesto and Stanislaus County for engineering design support during construction and construction inspection services to be provided by the City related to construction of Phase 1 of the Airport Sewer Project, in an amount not-to-exceed \$22,000. (Funding Source: Not Applicable)
- Resolution approving an Agreement between the City of Modesto and Stanislaus County for engineering design support during construction and construction inspection services to be provided by the City related to construction of Phase 1 of the Airport Sewer Project, in an amount not-to-exceed \$22,000, and authorizing the City Manager, or his designee, to execute the Agreement.
Utilities; Jesse Franco, 571-5801, jfranco@modestogov.com

ACTION: Resolution 2014-377 (Lopez/Gunderson; 7/0) approving an Agreement between the City of Modesto and Stanislaus County for engineering design support during construction and construction inspection services to be provided by the City related to construction of Phase 1 of the Airport Sewer Project, in an amount not-to-exceed \$22,000, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

20. Consider approving a one-time, non-precedent setting debt forgiveness to the Riverdale Park Tract Community Services District in the amount of \$63,039.66. (Funding Source: Water Fund)
- Resolution approving a one-time, non-precedent setting debt forgiveness to the Riverdale Park Tract Community Services District in the amount of \$63,039.66.
Utilities and Finance; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2014-378 (Lopez/Gunderson; 7/0) approving a one-time, non-precedent setting debt forgiveness to the Riverdale Park Tract Community Services District in the amount of \$63,039.66.

Consent

21. Consider authorizing the Director of Utilities, or his designee, to initiate the Request for Qualifications (RFQ)/Request for Proposals (RFP) process to identify the most qualified firm to complete a Sewer Rate and Fee Study. (Funding Source: Wastewater Fund)

- Resolution authorizing the Director of Utilities, or his designee, to initiate the Request for Qualifications (RFQ)/Request for Proposals (RFP) process to identify the most qualified firm to complete a Sewer Rate and Fee Study.

Utilities; William Wong, 578-5801, wwong@modestogov.com

ACTION: Resolution 2014-379 (Lopez/Gunderson; 7/0) authorizing the Director of Utilities, or his designee, to initiate the Request for Qualifications (RFQ)/Request for Proposals (RFP) process to identify the most qualified firm to complete a Sewer Rate and Fee Study.

Consent

22. Consider: (i) approving the Wastewater Capacity Charges and Water Connection Fees annual inflationary adjustment of 4.9% for Fiscal Year 2014-15; and (ii) changing the administrative title of Public Works Director as referenced in Resolution No. 2009-299 to City officer(s) or designee(s) in charge of utilities. (Funding Source: Wastewater and Water Funds)

- Resolution approving the Wastewater Capacity Charges and Water Connection Fees annual inflationary adjustment of 4.9% for Fiscal Year 2014-15, and authorizing the Finance Director, or designee, with concurrence of the City officer(s) or designee(s) in charge of utilities, to implement those changes.
- Resolution changing the administrative title of Public Works Director as referenced in Resolution No. 2009-299 to: The City officer(s) or designee(s) in charge of utilities.

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

ACTION: Resolution 2014-380 (Lopez/Gunderson; 7/0) approving the Wastewater Capacity Charges and Water Connection Fees annual inflationary adjustment of 4.9% for Fiscal Year 2014-15, and authorizing the Finance Director, or designee, with concurrence of the City officer(s) or designee(s) in charge of utilities, to implement those changes.

ACTION: Resolution 2014-381 (Lopez/Gunderson; 7/0) changing the administrative title of Public Works Director as referenced in Resolution No. 2009-299 to: The City officer(s) or designee(s) in charge of utilities.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the beginning of Fall and preventing seniors from falling; she also announced the Heart and Stroke Walk on Saturday, September 27, 2014.

Councilmember Madrigal thanked Councilmembers Kenoyer and Gunderson for assisting with the "9 to 99 Project" Clean-Up Project; the next clean-up day is Saturday, October 11, 2014;

he also announced that today is National Voter Registration Day.

Councilmember Gunderson also spoke regarding the "9 to 99" Clean-Up Project.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

23. Consider approving the plans and specifications for the Strengthen and Replace La Loma Water Mains project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, of Stockton, California in the amount of \$1,947,007.50. (Total estimated cost for the construction portion of this project is \$2,390,444) (Funding Source: Water Fund-CIP)
- Resolution approving the plans and specifications for the Strengthen and Replace La Loma Water Mains project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, of Stockton, California in the amount of \$1,947,007.50, and authorizing the City Manager, or his designee, to execute the contract.

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

ACTION: Resolution 2014-382 (Kenoyer/Cogdill; 7/0) approving the plans and specifications for the Strengthen and Replace La Loma Water Mains project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, of Stockton, California in the amount of \$1,947,007.50, and authorizing the City Manager, or his designee, to execute the contract.

HEARINGS

Published in the Modesto Bee on September 3, 2014

24. Hearing to consider approving an application to rezone 2.0 acres located at 1532 Standiford Avenue from Planned Development Zone, P-D(316) to Planned Development Zone, P-D(597) to allow for the development of a 20,288 square-foot medical/professional office complex. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance amending Section 7-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(316), to Planned Development Zone, P-D (597), property located on the south side of Standiford Avenue, east of Carver Road west of Longbridge Drive. (Standiford Properties, LLC)
 - Resolution approving a Development Plan for Planned Development Zone, P-D(597) (Standiford Properties, LLC)
 - Resolution 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): Amending Section 7-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(597), to Planned Development Zone, P-D(597), property located on the south side of Standiford Avenue, east of Carver

Road west of Longbridge Drive. (Standiford Properties, LLC)
Community & Economic Development; Rita Doscher, 577-5279,
rdoscher@modestogov.com

ACTION: Motion (Lopez/Cogdill; 7/0) introducing and waiving the first reading of **Ordinance No. 3608-C.S.** amending Section 7-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(316), to Planned Development Zone, P-D (597), property located on the south side of Standiford Avenue, east of Carver Road west of Longbridge Drive. (Standiford Properties, LLC).

ACTION: Resolution 2014-383 (Lopez/Cogdill; 7/0) approving a Development Plan for Planned Development Zone, P-D(597) (Standiford Properties, LLC)

ACTION: Resolution 2014-384 (Lopez/Cogdill; 7/0) 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): Amending Section 7-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(597), to Planned Development Zone, P-D(597), property located on the south side of Standiford Avenue, east of Carver Road west of Longbridge Drive. (Standiford Properties, LLC)

Published in the Modesto Bee on August 23, 2014

25. Hearing to consider approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2013-2014 to the U.S. Department of Housing and Urban Development (HUD), and authorizing the City Manager, or his designee, to execute all related documents. (Funding Source: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grants (ESG) Grants.)

- Resolution approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report for Program Year 2013-2014 to the U.S. Department of Housing and Urban Development, and authorizing the City Manager, or his designee, to execute all related documents.

Parks, Recreation & Neighborhoods; Jody Christiansen, 342-4707,
mjchristiansen@modestogov.com

ACTION: Resolution 2014-385 (Kenoyer/Lopez; 7/0) approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report for Program Year 2013-2014 to the U.S. Department of Housing and Urban Development, and authorizing the City Manager, or his designee, to execute all related documents.

NEW BUSINESS

26. Consider: (i) authorizing the City Manager or designee to enter into agreements with the City's Labor Associations and Unrepresented employees to implement a three-tier rate and contribution structure for health insurance; and to adjust the methodology for determining the premium for active and pre-65 retirees; and (ii) authorizing the City to offer an alternative medical contribution program to current retirees for their remaining

sick leave conversion; and authorizing the City Manager, or his designee, to sign implementation documents. (Funding Source: Not Applicable)

- Resolution authorizing the City Manager or designee to enter into agreements with the City's Labor Organizations; MCMA, MCEA, MPMA, MPOA, and MPNSA, to implement a three-tier rate and contribution structure for health insurance.
- Resolution implementing a three-tier rate and contribution structure for health insurance for Unrepresented Management and Confidential Employees, including Charter Officers and Executives; and rescinding Resolution No. 2014-313.
- Resolution authorizing the City to offer an alternative medical contribution program to current retirees for their remaining sick leave conversion; and authorizing the City Manager, or his designee, to sign implementation documents.
Administrative Services; Joseph Lopez, 571-5126, joelopez@modestogov.com

ACTION: Resolution 2014-386 (Gunderson/Cogdill; 4/3; Kenoyer, Lopez, Madrigal no) authorizing the City Manager or designee to enter into agreements with the City's Labor Organizations; MCMA, MCEA, MPMA, MPOA, and MPNSA, to implement a three-tier rate and contribution structure for health insurance **(in a form approved by the City Attorney and consistent with direction provided by the Mayor and City Council).**

ACTION: Resolution 2014-387 (Gunderson/Cogdill; 4/3; Kenoyer, Lopez, Madrigal no) implementing a three-tier rate and contribution structure for health insurance for Unrepresented Management and Confidential Employees, including Charter Officers and Executives; and rescinding Resolution No. 2014-313 **(in a form approved by the City Attorney and consistent with direction provided by the Mayor and City Council).**

ACTION: Resolution 2014-388 (Gunderson/Cogdill; 4/3; Kenoyer, Lopez, Madrigal no) authorizing the City to offer an alternative medical contribution program to current retirees for their remaining sick leave conversion; and authorizing the City Manager, or his designee, to sign implementation documents **(in a form approved by the City Attorney and consistent with direction provided by the Mayor and City Council).**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:07 p.m.

CLOSED SESSION

Closed Session Matter Heard Prior to Meeting

PUBLIC EMPLOYEE EMPLOYMENT:

(Pursuant to Section 54957 of the Government Code) – City Manager

Title: Discussion regarding City Manager recruitment

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2001
1010 10th Street
Modesto, California
Thursday, September 25, 2014, at 3:00 p.m.

Roll Call - Present: Councilmembers Kenoyer and Gunderson
Absent: Madrigal

PUBLIC COMMENTS

None.

CONSENT ITEMS – None

UNFINISHED BUSINESS

1. Consider further discussion and provide direction regarding the Committee's five Goals: (i) updating City Council Policy 1.008 to allow the Appointments Committee to discuss the creation of Citizen Advisory Groups and forward their recommendations to the Mayor and Council; (ii) reviewing list of Boards and Commissions and attendance at the meetings; (iii) evaluating Boards and Commissions to keep or dissolve, including discussion of funding of Youth Commission; (iv) outreach for applicants to Boards and Commissions (including recruitment and updated web page); (v) reviewing applications and recommending appointments. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Motion (Gunderson/Kenoyer; majority; Madrigal absent) approving recommended changes to City Council Policy 1.008, and forwarding to Council for approval.

ACTION: Staff must provide a report on attendance and status of all active Citizen Advisory Groups at the next Appointments Committee Meeting.

NEW BUSINESS - None

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:05 p.m.

MINUTES

City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday October 6, 2014, at 5:00 p.m.

Roll Call Present: Councilmembers Cogdill, Kenoyer, and Zoslocki

Absent: None

Also Present: None

PUBLIC COMMENTS

None.

CONSENT

1. Consider accepting a quarterly status report of the development projects processed by the Community and Economic Development Department during the second quarter of the 2014 calendar year. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5418, hbsinclair@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) accepting a quarterly status report of the development projects processed by the Community and Economic Development Department during the second quarter of the 2014 calendar year.

NEW BUSINESS

2. Consider approving an agreement with CelPlan Technologies, Reston, VA to carry out the City of Modesto Wi-Fi Project and forwarding to Council for award of proposal and contract. (Funding Source: Information Technology & Equipment Replacement)
Administrative Services; Joe Lopez, 571-5126, joelopez@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) continuing item to a future Economic Development Committee meeting and directing staff to return with methods of generating a funding subsidy and revenue stream.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 5:51 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 07, 2014, 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: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements: Item 4 - Amended Minutes

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 2014 as Fire Prevention Month.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring October 2014 as Fire Prevention Month.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider appointing Michael Johnson to fill a vacant position on the Airport Advisory Committee for the Modesto City-County Airport. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Michael Johnson to fill a vacant position on the Airport Advisory Committee for the Modesto City-County Airport.

Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Resolution 2014-389 (Lopez/Kenoyer; 7/0) approving the appointment of Michael Johnson to fill a vacant position on the Airport Advisory Committee for the Modesto City-County Airport.

3. Consider appointing Rosa Escutia-Braaton to the City of Modesto Planning Commission and Bob Selover to the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)

- Resolution appointing Rosa Escutia-Braaton to the City of Modesto Planning Commission.
- Resolution appointing Bob Selover to the City of Modesto Board of Zoning Adjustment.

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

ACTION: Resolution 2014-390 (Kenoyer/Lopez; 7/0) appointing Rosa Escutia-Braaton to the City of Modesto Planning Commission.

ACTION: Resolution 2014-391 (Kenoyer/Lopez; 7/0) appointing Bob Selover to the City of Modesto Board of Zoning Adjustment.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding his September 9, 2014 Public Records Act request regarding SuperKart Race.
- Vernon Price spoke requesting a Matter Too Late for the Agenda; he also spoke regarding homeless in Modesto.
- Guadalupe de los Santos spoke regarding harassment by neighbor and requested help; he was referred to Modesto Police Department.
- Ray Pefferini spoke regarding trees in Modesto.
- Debra Harper spoke regarding universal declaration of human rights.
- Scott Calkins spoke regarding sewer extension project in Stanislaus County on Elm Avenue; he was referred to Utilities Director Larry Parlin.
- Dorothy David spoke regarding College Avenue "diet plan" and bicycle lanes.
- Louisa Bryant spoke regarding overwatering at Stoney Brook Apartments.
- Dave Geer spoke regarding Common Core Forum on Wednesday, November 5, 2014 at Modesto Centre Plaza and downtown wi-fi.

- Gaetana Drake spoke regarding personal information requested by employers.
- Loretta Carhart spoke regarding City buses and Routes 22 and 27 in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4-13: Lopez/Gunderson;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 Amended Minutes from the September 23, 2014 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the September 23, 2014 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) approving the Amended Minutes from the September 23, 2014 City Council meeting.

Consent

5. Consider approving final adoption **Ordinance No. 3608-C.S.** amending Section 7-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(316), to Planned Development Zone, P-D (597), property located on the south side of Standiford Avenue, east of Carver Road west of Longbridge Drive. (Standiford Properties, LLC). (Funding Source: Not Applicable)
 - Motion approving final adoption **Ordinance No. 3608-C.S.** amending Section 7-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(316), to Planned Development Zone, P-D (597), property located on the south side of Standiford Avenue, east of Carver Road west of Longbridge Drive. (Standiford Properties, LLC).
City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) approving final adoption **Ordinance No. 3608-C.S.** amending Section 7-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(316), to Planned Development Zone, P-D (597), property located on the south side of Standiford Avenue, east of Carver Road west of Longbridge Drive. (Standiford Properties, LLC).

Consent

6. Consider approving an amendment to the Administrative Services Agreement with International City Management Association Retirement Corporation (ICMA-RC) for administrative services and investments of City employees' 401(a), 457 deferred compensation plans and RHS plans; and extending the contracts for an additional two year period; and authorizing the City Manager, or his designee, to execute the

agreement. (Funding Source: Not Applicable)

- Resolution approving an amendment to the Administrative Services Agreement with International City Management Association Retirement Corporation (ICMA-RC) for administrative services and investments of City employees' 401(a) and 457 deferred compensation plans, and renewing the Administrative Services Agreement for RHS plans; and extending the agreements for an additional two year period; and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2014-392 (Lopez/Gunderson; 7/0) approving an amendment to the Administrative Services Agreement with International City Management Association Retirement Corporation (ICMA-RC) for administrative services and investments of City employees' 401(a) and 457 deferred compensation plans, and renewing the Administrative Services Agreement for RHS plans; and extending the agreements for an additional two year period; and authorizing the City Manager, or his designee, to execute the agreement.

Consent

7. Consider accepting the Monthly Budget Adjustments Report for August 2014 and amending the Fiscal Year 2013-14 Annual Operating and Capital Improvement Budgets. (Funding Source: Various)
 - Resolution amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.

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

ACTION: Resolution 2014-393 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.

Consent

8. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 900 Country Club Drive in Del Rio. (Funding Source: General Fund and Water Fund)
 - Resolution approving a Will Serve Letter for the property located at 900 Country Club Drive in Del Rio (APN: 004-007-043) 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 John Z. Ismail and Diana Ismail, Trustees of the JD Ismail Trust for water service for the property located at 900 County Club Drive in Del Rio (APN: 004-007-043), and authorizing the City Manager, or his designee, to execute the Agreement.

Public Works; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-394 (Lopez/Gunderson; 7/0) approving a Will Serve Letter for the property located at 900 Country Club Drive in Del Rio (APN: 004-007-043) 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 2014-395 (Lopez/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and John Z. Ismail and Diana Ismail, Trustees of the JD Ismail Trust for water service for the property located at 900 County Club Drive in Del Rio (APN: 004-007-043), and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 1406 Avenida Del Rio in Del Rio. (Funding Source: General Fund, Water Fund)

- Resolution approving a Will Serve Letter for the property located at 1406 Avenida Del Rio in Del Rio (APN: 004-088-016) 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 David Rancano and Jaquelin Avila Rancano who are married to each other for water service for the property located at 1406 Avenida Del Rio in Del Rio (APN: 004-088-016), and authorizing the City Manager, or his designee, to execute the Agreement.

Public Works; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-396 (Lopez/Gunderson; 7/0) approving a Will Serve Letter for the property located at 1406 Avenida Del Rio in Del Rio (APN: 004-088-016) 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 2014-397 (Lopez/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and David Rancano and Jaquelin Avila Rancano who are married to each other for water service for the property located at 1406 Avenida Del Rio in Del Rio (APN: 004-088-016), and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider approving Macerich/Vintage Fair Mall's request to reduce the \$930,600 Faithful Performance Bond for their project, to a \$77,707 Bond covering only improvements associated with the unrecorded easements. (Funding Source: Not Applicable)

- Resolution approving Macerich / Vintage Fair Mall's request to reduce the \$930,600 Faithful Performance Bond for their project, to a \$77,707 Bond covering only improvements associated with the unrecorded easements, and authorizing the City Clerk, or her designee, to release and execute the Bonds as requested.

Public Works; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-398 (Lopez/Gunderson; 7/0) approving Macerich / Vintage Fair Mall's request to reduce the \$930,600 Faithful Performance Bond for their project, to a

\$77,707 Bond covering only improvements associated with the unrecorded easements, and authorizing the City Clerk, or her designee, to release and execute the Bonds as requested.

Consent

11. Consider rejecting the bid for the Collector and Arterial Rehabilitation Project, and authorizing City staff to re-advertise the project at a future date. (Funding Source: 100819-CON-Construction)

- Resolution rejecting all bids for the Collector and Arterial Rehabilitation Project and authorizing City staff to re-advertise the project.

Public Works; Phillip Soares, 577-5258, psoares@modestogov.com

ACTION: Resolution 2014-399 (Lopez/Gunderson; 7/0) rejecting all bids for the Collector and Arterial Rehabilitation Project and authorizing City staff to re-advertise the project.

Consent

12. Consider authorizing the Director of Utilities to issue change orders on the Emerald Lift Station Rehabilitation project in the total amount of \$269,000 (10.0% of the original contract price). (Funding Source: Wastewater Fund)

- Resolution authorizing the Director of Utilities to issue change orders on the Emerald Lift Station project in the total amount of \$269,000 (10.0% of the original contract price).

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

ACTION: Resolution 2014-400 (Lopez/Gunderson; 7/0) authorizing the Director of Utilities to issue change orders on the Emerald Lift Station project in the total amount of \$269,000 (10.0% of the original contract price).

Consent

13. Consider: (i) approving an agreement with West Yost Associates for engineering services to prepare a Report of Waste Discharge, an Anti-degradation Analysis, and a Title 22 Report for the Wastewater Services Division for an amount not to exceed \$177,400; and (ii) amending Fiscal Year 2014-15 Wastewater Plant Operations operating budget by appropriating \$177,400 from Wastewater Fund Reserves. (Funding Source: Wastewater Fund)

- Resolution approving an agreement with West Yost Associates for Engineering Services for the preparation of a Report of Waste Discharge, an Anti-degradation Analysis, and a Title 22 Report for the Wastewater Services Division for an amount not to exceed \$177,400, and authorizing the Interim City Manager, or his designee, to execute the agreement.
- Resolution amending the Fiscal Year 2014-15 Wastewater Plant Operations operating budget by appropriating \$177,400 from Wastewater Fund Reserves to Account 4210-44312-53300 to fund an agreement with West Yost Associates for Waste Discharge Requirement Permits.

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

ACTION: Resolution 2014-401 (Lopez/Gunderson; 7/0) approving an agreement with West

Yost Associates for Engineering Services for the preparation of a Report of Waste Discharge, an Anti-degradation Analysis, and a Title 22 Report for the Wastewater Services Division for an amount not to exceed \$177,400, and authorizing the Interim City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-402 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2014-15 Wastewater Plant Operations operating budget by appropriating \$177,400 from Wastewater Fund Reserves to Account 4210-44312-53300 to fund an agreement with West Yost Associates for Waste Discharge Requirement Permits.

COUNCIL COMMENTS & REPORTS

Councilmember Gunderson spoke regarding the lunar eclipse at 4:00 am; he also spoke regarding streamlining the process for encroachment permits for murals in downtown; he requested staff to assist with streamlining the process.

Councilmember Madrigal also requested staff return to Economic Development Committee regarding streamlining the process for encroachment permits for murals in downtown; on October 8, 2014 at 4:00 pm ribbon cutting for Red Wine Banquet Hall, a new business in Modesto.

Mayor Marsh congratulated Councilmember Madrigal on the birth of his son.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:25 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)

1. Property: Acquisition of 2.33 acres of land for a Temporary Construction Easement, located at 4524 Tully Rd, Modesto.

APN: 046-001-012

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

Under Negotiation: Price and terms of Temporary Construction Easement acquisition

2. Property: Acquisition of 0.1418 acres of land for a Temporary Construction Easement, located at 4754 Tully Rd, Modesto

APN: 046-001-012

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

Under Negotiation: Price and terms of Temporary Construction Easement acquisition

**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, Interim City Manager

Employee Organization: Unrepresented Management and Confidential Employees

PUBLIC EMPLOYEE EMPLOYMENT:

(Pursuant to Section 54957 of the Government Code) – City Manager

Title: Discussion regarding City Manager recruitment

MINUTES

City of Modesto
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP**

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

Monday October 13, 2014, at 5:00 p.m.

Roll Call – Present: Councilmembers Gunderson, Kenoyer and Zoslocki (alternate)

Absent: Lopez

Also Present: Councilmember Madrigal

PUBLIC COMMENTS

None.

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

UNFINISHED BUSINESS

1. Consider approving an Administrative Directive for the use of City Facilities for Neighborhood Watch Groups and forwarding to Council for Approval. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Ashley Weaver, 577-5428, aweaver@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) approving a Policy for the use of City Facilities for Neighborhood Watch Groups that includes after hours use of all facilities, coordinated funding with the Police Chief on a case by case basis as funds are available and forwarding to Council for Approval.

NEW BUSINESS

2. Consider a verbal report regarding Modesto Fire Department Operations performance measures. (Funding Source: Not Applicable)
Fire; Sean Slamon, 572-9590, slamon@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) accepting verbal report regarding Modesto Fire Department Operations performance measures.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:35 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 14, 2014, 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

City Clerk's Announcements: : Item Nos. 9 & 10 - Removed from Consent

Declaration of Conflicts of Interest: Cogdill - Item No. 17

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring October 2014 as National Head Start Month.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring October 2014 as National Head Start Month.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider accepting the resignation of Gilbert Gonzalez from the City of Modesto Equal Opportunity/Disability Commission and Human Relations Commission.
(Funding Source: Not Applicable)
 - Resolution accepting the resignation of Gilbert Gonzalez from the City of Modesto Equal Opportunity/Disability Commission and Human Relations Commission.
Administrative Services; Joe Lopez, 571-5126, jlopez@modestogov.com

ACTION: Resolution 2014-403 (Lopez/Madrigal; 7/0) accepting the resignation of Gilbert Gonzalez from the City of Modesto Equal Opportunity/Disability Commission and Human Relations Commission.

3. Consider approving the following appointments: (i) Leng Power and Anne Bailey to the Culture Commission as registered County voters residing outside Modesto and Rosa Escutia-Braaton, David Burkett, Bob Barzan, and Sarah Stevenson to the Culture Commission as representatives of residents of Modesto; and (ii) Matthew Scott Lippert to the Landmark Preservation Commission. (Funding Source: Not Applicable)
- Resolution appointing Leng Power and Anne Bailey to fill the vacancies of the Culture Commission as registered County voters residing outside Modesto and appointing Rosa Escutia-Braaton, David Burkett, Bob Barzan, and Sarah Stevenson to fill the remaining vacancies of the Culture Commission.
 - Resolution appointing Matthew Scott Lippert to fill the vacancy of the Landmark Preservation Commission.

Parks, Recreation, & Neighborhoods; Joanne Azevedo, 577-5346, jazevedo@modestogov.com

ACTION: Resolution 2014-404 (Lopez/Kenoyer; 7/0) appointing Leng Power and Anne Bailey to fill the vacancies of the Culture Commission as registered County voters residing outside Modesto and appointing Rosa Escutia-Braaton, David Burkett, Bob Barzan, and Sarah Stevenson to fill the remaining vacancies of the Culture Commission.

ACTION: Resolution 2014-405 (Lopez/Kenoyer; 7/0) appointing Matthew Scott Lippert to fill the vacancy of the Landmark Preservation Commission.

PUBLIC COMMENT PERIOD

- Vernon Price spoke regarding homeless in Modesto and tickets for camping in public parks.
- Ray Pefferini spoke regarding trees in Modesto.
- Louisa Bryant spoke regarding complaints to the Utilities Department regarding excessive watering.
- Gaetana Drake spoke regarding employment background checks and social media.
- Loretta Carhart spoke regarding trees and buses in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 4-8; 11-15 (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 7, 2014 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the October 7, 2014 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modetogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) approving the minutes from the October 7, 2014 City Council meeting.

Consent

5. Consider approving the 2015 City Council Meeting Calendar. (Funding Source: Not Applicable)
 - Resolution approving the 2015 City Council Meeting Calendar.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2014-406 (Lopez/Madrigal; 7/0) approving the 2015 City Council Meeting Calendar.

Consent

6. Consider authorizing one additional year extension for the contract for external financial statement audit services to Brown Armstrong Accountancy Corporation, Bakersfield, CA, to complete the auditing services for Fiscal Year 2013-14 financials. (The contract shall be for one additional year, for an estimated annual cost of \$134,950.) (Funding Source: General Fund)
 - Resolution authorizing one additional year extension for the contract for external financial statement audit services to Brown Armstrong Accountancy Corporation, Bakersfield, CA, to complete the auditing services for Fiscal Year 2013-14 financials, and authorizing the Interim City Manager or his designee, to execute the amendment agreement.
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Resolution 2014-407 (Lopez/Madrigal; 7/0) authorizing one additional year extension for the contract for external financial statement audit services to Brown Armstrong Accountancy Corporation, Bakersfield, CA, to complete the auditing services for Fiscal Year 2013-14 financials, and authorizing the Interim City Manager or his designee, to execute the amendment agreement.

Consent

7. 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 2014-408 (Lopez/Madrigal; 7/0) to adopt the revised Debt Management Policy.

Consent

8. 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 2014-409 (Lopez/Madrigal; 7/0) adopting the revised Annual Investment Policy.

Removed from Consent

9. Consider: (i) approving a Community-Based Development Organization (CBDO) grant funding agreement in the amount of \$200,000 with Stanislaus Multi-Cultural Community Health Coalition – West Modesto/King Kennedy Neighborhood Collaborative (the Collaborative) to carry out a Microenterprise Incubator based out of the King-Kennedy Memorial Center; and authorizing the Interim City Manager, or his designee, to sign all related documents; and (ii) amending the Fiscal Year 2014-2015 Annual Operating and Capital Improvement Budgets to reflect approved allocation funded in the 2014-2015 Annual Action Plan and noted in Appendix C of the funding agreement with Collaborative to carry out a Microenterprise Incubator; and authorizing the Finance Director, or their designee, to take the necessary steps to implement the provision of this resolution. (Funding Source: Community Development Block Grant (CDBG) Program))
- Resolution approving a Community-Based Development Organization (CBDO) grant funding agreement in the amount of \$200,000 with Stanislaus Multi-Cultural Community Health Coalition – West Modesto/King Kennedy Neighborhood Collaborative (the Collaborative) to carry out a Microenterprise Incubator based out of the King-Kennedy Memorial Center; and authorizing the Interim City Manager, or his designee, to sign all related documents.
 - Resolution amending the Fiscal Year 2014-2015 Annual Operating and Capital Improvement Budgets to reflect approved allocation funded in the 2014-2015 Annual Action Plan and noted in Appendix C of the funding agreement with Stanislaus Multi-Cultural Community Health Coalition – West Modesto/King Kennedy Neighborhood Collaborative to carry out a Microenterprise Incubator; and authorizing the Finance Director, or their designee, to take the necessary steps to implement the provision of this resolution.
Parks, Recreation & Neighborhoods; Hugo H. Ramirez, 577-5368, hramirez@modestogov.com

ACTION: Resolution 2014-410 (Gunderson/Lopez; 7/0) approving a Community-Based Development Organization (CBDO) grant funding agreement in the amount of \$200,000 with Stanislaus Multi-Cultural Community Health Coalition – West Modesto/King Kennedy Neighborhood Collaborative (the Collaborative) to carry out a Microenterprise Incubator based

out of the King-Kennedy Memorial Center; and authorizing the Interim City Manager, or his designee, to sign all related documents.

ACTION: Resolution 2014-411 (Gunderson/Lopez; 7/0) amending the Fiscal Year 2014-2015 Annual Operating and Capital Improvement Budgets to reflect approved allocation funded in the 2014-2015 Annual Action Plan and noted in Appendix C of the funding agreement with Stanislaus Multi-Cultural Community Health Coalition – West Modesto/King Kennedy Neighborhood Collaborative to carry out a Microenterprise Incubator; and authorizing the Finance Director, or their designee, to take the necessary steps to implement the provision of this resolution.

Removed from Consent

10. Consider: (i) approving Fresno Community Development Financial Institution (Fresno CDFI) to administer Community Development Block Grant (CDBG) Small Business Loan Program; and authorizing the Interim City Manager, or his designee, to sign all related documents, and (ii) amending the Fiscal Year 2014-2015 Annual Operating and Capital Improvement Budgets to reflect approved allocation funded in the 2014-2015 Annual Action Plan and noted in the Funding Agreement with Community Development Financial Institution (CDFI) for \$250,000, and authorizing the Finance Director, or their designee, to take the necessary steps to implement the provision of this resolution. (Funding Source: CDBG Program)

- Resolution approving Fresno Community Development Financial Institution (Fresno CDFI) to administer Community Development Block Grant (CDBG) Small Business Loan Program; and authorizing the Interim City Manager, or his designee, to sign all related documents.
- Resolution amending the Fiscal Year 2014-2015 Annual Operating and Capital Improvement Budgets to reflect approved allocation funded in the 2014-2015 Annual Action Plan and noted in the Funding Agreement with Community Development Financial Institution (CDFI) for \$250,000, and authorizing the Finance Director, or their designee, to take the necessary steps to implement the provision of this resolution.

*Parks, Recreation & Neighborhoods; Hugo Ramirez, 577-5368,
HRamirez@modestogov.com*

ACTION: Resolution 2014-412 (Lopez/Gunderson; 7/0) approving Fresno Community Development Financial Institution (Fresno CDFI) to administer Community Development Block Grant (CDBG) Small Business Loan Program; and authorizing the Interim City Manager, or his designee, to sign all related documents.

ACTION: Resolution 2014-413 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2014-2015 Annual Operating and Capital Improvement Budgets to reflect approved allocation funded in the 2014-2015 Annual Action Plan and noted in the Funding Agreement with Community Development Financial Institution (CDFI) for \$250,000, and authorizing the Finance Director, or their designee, to take the necessary steps to implement the provision of this resolution.

Consent

11. Consider: (i) accepting an Agreement with the County of Stanislaus Behavioral Health and Recovery Services (BHRS) in the amount of \$20,000 and (ii) amending the Multi-Year Budget to recognize the revenue and offsetting expenses; and (iii) authorizing staff to accept annual Party Patrol Agreements with the County of Stanislaus Behavioral Health and Recovery Services (BHRS) for overtime and reimbursement as they become available in the future, amending the annual budget to recognize the revenue and offsetting expenses, and authorizing the City Manager, or his designee, to execute all necessary documents. (Funding Source: 1341 Grants - Operations Grants Reimbursed)
- Resolution accepting an Agreement with the County of Stanislaus Behavioral Health and Recovery Services (BHRS) in the amount of \$20,000 to provide Party Patrol Police Officers to conduct juvenile alcohol education, prevention and intervention programs for the City of Modesto and Stanislaus County, and authorizing the City Manager, or his designee, to execute all necessary documents.
 - Resolution amending the multi-year budget estimating revenue of \$20,000 for overtime and reimbursement for the Party Patrol Agreement with the County of Stanislaus Behavioral Health and Recovery Services (BHRS).
 - Resolution authorizing staff to accept annual Party Patrol Agreements with the County of Stanislaus Behavioral Health and Recovery Services (BHRS) for overtime and reimbursement as they become available in the future, amending the annual budget to recognize the revenue and offsetting expenses, and authorizing the City Manager, or his designee, to execute all necessary documents.

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

ACTION: Resolution 2014-414 (Lopez/Madrigal; 7/0) accepting an Agreement with the County of Stanislaus Behavioral Health and Recovery Services (BHRS) in the amount of \$20,000 to provide Party Patrol Police Officers to conduct juvenile alcohol education, prevention and intervention programs for the City of Modesto and Stanislaus County, and authorizing the City Manager, or his designee, to execute all necessary documents.

ACTION: Resolution 2014-415 (Lopez/Madrigal; 7/0) amending the multi-year budget estimating revenue of \$20,000 for overtime and reimbursement for the Party Patrol Agreement with the County of Stanislaus Behavioral Health and Recovery Services (BHRS).

ACTION: Resolution 2014-416 (Lopez/Madrigal; 7/0) authorizing staff to accept annual Party Patrol Agreements with the County of Stanislaus Behavioral Health and Recovery Services (BHRS) for overtime and reimbursement as they become available in the future, amending the annual budget to recognize the revenue and offsetting expenses, and authorizing the City Manager, or his designee, to execute all necessary documents.

Consent

12. Consider: (i) amending the FY 2014-2015 position allocation to re-establish 6 Maintenance Worker I/II positions in the Forestry Division, establish 2 Maintenance Worker I/II positions in the Compost Division, and establish 2 Maintenance Worker I positions in the Solid Waste Division; and (ii) Reallocating funds currently budgeted

for 20 temporary labor positions, administrative costs, and professional services in Fund 4892, Cost Centers 56040/Forestry, and 56020/Green Waste, Fund 4890-56030/Compost, and Fund 4891-56010/Solid Waste to fund the Maintenance Worker positions. (Funding Source: Forestry/Green Waste, Compost, Solid Waste Funds)

- Resolution amending the Position Allocation for Fiscal Year 14/15 as adopted in the Operating Budget to establish Maintenance Worker Positions in the Forestry, Compost, and Solid Waste Enterprise Funds, and Reallocating Funds currently Budgeted to fund the positions.

Public Works; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2014-417 (Lopez/Madrigal; 7/0) amending the Position Allocation for Fiscal Year 14/15 as adopted in the Operating Budget to establish Maintenance Worker Positions in the Forestry, Compost, and Solid Waste Enterprise Funds, and Reallocating Funds currently Budgeted to fund the positions.

Consent

13. Consider supporting the redesignation of the Stanislaus County Recycling Market Development Zone (RMDZ) and Rescinding Resolution No. 2004-464. (Funding Source: Not Applicable)
 - Resolution in support of the renewal of the Stanislaus County Recycling market Development Zone and Rescinding Resolution No. 2004-464.

Public Works; Vicki Rice, 577-5494, Vrice@modestogov.com

ACTION: Resolution 2014-418 (Lopez/Madrigal; 7/0) in support of the renewal of the Stanislaus County Recycling market Development Zone and Rescinding Resolution No. 2004-464.

Consent

14. Consider authorizing the increase of funds allocated for Annual Agreement #19078 issued to Amerine Systems, Oakdale, Ca, and Annual Agreement #19079 issued to Don Pedro Pumps, Hughson, Ca for pump station rejuvenation services for the total amount of \$560,000. (Funding Source: Water Fund)
 - Resolution authorizing the increase of funds allocated for Annual Agreement #19078 issued to Amerine Systems, Oakdale, Ca, and Annual Agreement #19079 issued to Don Pedro Pumps, Hughson, Ca for pump station rejuvenation services for the total amount of \$560,000, and authorizing the Purchasing Manager, or his designee, to issues change orders to the agreements.

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

ACTION: Resolution 2014-419 (Lopez/Madrigal; 7/0) authorizing the increase of funds allocated for Annual Agreement #19078 issued to Amerine Systems, Oakdale, Ca, and Annual Agreement #19079 issued to Don Pedro Pumps, Hughson, Ca for pump station rejuvenation services for the total amount of \$560,000, and authorizing the Purchasing Manager, or his designee, to issues change orders to the agreements.

Consent

15. Consider approving a Lease Agreement with Accurate Collision Services, Inc., a California corporation, for a portion of a City-owned property located at 402 Ninth Street, APN:106-045-003. (Funding Source: Revenue to General Fund)
 - Resolution approving a Lease Agreement with Accurate Collision Services, Inc., a California corporation, for a 0.30-acre portion of City-owned property located at 402 Ninth Street, APN:106-045-003, and authorizing the City Manager, or his designee, to execute the Lease Agreement, Memorandum of Lease, and all related documents.

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

ACTION: Resolution 2014-420 (Lopez/Madrigal; 7/0) approving a Lease Agreement with Accurate Collision Services, Inc., a California corporation, for a 0.30-acre portion of City-owned property located at 402 Ninth Street, APN:106-045-003, and authorizing the City Manager, or his designee, to execute the Lease Agreement, Memorandum of Lease, and all related documents.

Councilmember Cogdill left meeting at 6:30 p.m.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked the City of Modesto staff; she recognized Margaret James, Jeff Barnes, Jack Hunt, Bert Lippert, Julie Corgiat, Hugo Ramirez, and Steve Fischio.

Councilmember Gunderson thanked everyone for their help with the Tuolumne River Clean-Up last Saturday.

Councilmember Madrigal announced approval of a policy regarding free use of city facilities by neighborhood watch groups.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

Councilmember Cogdill absent

16. Consider approving the plans and specifications for the Strengthen & Replace Water System - South Modesto Phase 2 project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, of Stockton, California in the amount of \$1,825,105. (Total estimated cost for the construction portion of this project is \$2,216,113) (Funding Source: Water Fund - CIP)
 - Resolution approving the plans and specifications for the Strengthen & Replace Water System - South Modesto Phase 2 project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, of Stockton, California in the amount of \$1,825,105, and authorizing the City Manager, or his designee, to execute the contract.

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

ACTION: Resolution 2014-421 (Lopez/Gunderson; 6/0; Cogdill absent) approving the plans and specifications for the Strengthen & Replace Water System - South Modesto Phase 2 project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, of Stockton, California in the amount of \$1,825,105, and authorizing the City Manager, or his designee, to execute the contract.

HEARINGS

Councilmember Cogdill absent

Published in the Modesto Bee on October 4, 2014

17. Hearing to consider a General Plan Amendment to re-designate approximately 4.7 acres located on the north side of Scenic Drive and east of Coffee Road from Redevelopment Planning District (RPD), Mixed-Use (MU), and Residential (R) to Commercial (C) and to rezone the project site from Medium Density Residential (R-2), Neighborhood Commercial (C-1), and Planned Development Zone P-D (300) to General Commercial (C-2) Zone (Funding Source: Not Applicable)
- Resolution approving an amendment to the Modesto Urban Area General Plan, to re-designate from Redevelopment Planning District (RPD), Mixed-Use (MU), and Residential (R) to Commercial (C) for approximately 4.7 acres located on the north side of Scenic Drive and east of Coffee Road (Solar Cool Properties III, L. P.).
 - Motion introducing and waving the first reading of an Ordinance amending Section 27-3-9 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R-2), Neighborhood Commercial (C-1), and Planned Development Zone P-D (300) to General Commercial (C-2) Zone for approximately 4.7 acres located on the north side of Scenic Drive and east of Coffee Road (Solar Cool Properties III, L. P.).
 - Resolution adopting a Negative Declaration for a General Plan Amendment to re-designate from Redevelopment Planning District (RPD), Mixed-Use (MU), and Residential (R) to Commercial (C) and to rezone from Medium Density Residential (R-2), Neighborhood Commercial (C-1), and Planned Development Zone P-D (300) to General Commercial (C-2) Zone for approximately 4.7 acres located on the north side of Scenic Drive and east of Coffee Road (Solar Cool Properties III, L. P.).

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

ACTION: Resolution 2014-422 (Lopez/Madrival; 6/0; Cogdill absent) approving an amendment to the Modesto Urban Area General Plan, to re-designate from Redevelopment Planning District (RPD), Mixed-Use (MU), and Residential (R) to Commercial (C) for approximately 4.7 acres located on the north side of Scenic Drive and east of Coffee Road (Solar Cool Properties III, L. P.).

ACTION: Motion (Lopez/Madrival; 6/0; Cogdill absent) introducing and waving the first reading of **Ordinance No. 3609-C.S.** amending Section 27-3-9 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R-2), Neighborhood Commercial (C-1), and Planned Development Zone P-D (300) to General Commercial (C-2) Zone for approximately 4.7 acres located on the north side of Scenic Drive and east of Coffee Road (Solar Cool Properties III, L. P.).

ACTION: Resolution 2014-423 (Lopez/Madrigal; 6/0; Cogdill absent) adopting a Negative Declaration for a General Plan Amendment to re-designate from Redevelopment Planning District (RPD), Mixed-Use (MU), and Residential (R) to Commercial (C) and to rezone from Medium Density Residential (R-2), Neighborhood Commercial (C-1), and Planned Development Zone P-D (300) to General Commercial (C-2) Zone for approximately 4.7 acres located on the north side of Scenic Drive and east of Coffee Road (Solar Cool Properties III, L. P.).

Councilmember Cogdill absent

Published in the Modesto Bee on October 4, 2014

18. Hearing to consider approving the installation of a 160' Public Safety Communication Tower at Modesto Fire Station 6 located at 2700 Standiford. (Funding Source: Not Applicable)

- Resolution approving the installation of a 160' Public Safety Communication Tower at Modesto Fire Station 6 located at 2700 Standiford.

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

ACTION: Resolution 2014-424 (Kenoyer/Zoslocki; 6/0; Cogdill absent) approving the installation of a 160' Public Safety Communication Tower at Modesto Fire Station 6 located at 2700 Standiford.

NEW BUSINESS

19. Consider authorizing: (i) the issuance of City of Modesto Community Facilities District No. 2003-1 (Fairview Village) 2014 Special Tax Refunding bonds, in an aggregate principal amount not to exceed \$5,000,000, (ii) the execution and delivery of an Indenture and an Escrow Agreement; and (iii) the execution of necessary documents and certificates and related actions. (Funding Source: CFD No. 2003-1 (Fairview Village) Special Tax Bonds)

- Resolution authorizing: (i) the issuance of City of Modesto Community Facilities District No. 2003-1 (Fairview Village) 2014 Special Tax Refunding bonds, in an aggregate principal amount not to exceed \$5,000,000, (ii) the execution and delivery of an Indenture and an Escrow Agreement ; and (iii) the execution of necessary documents and certificates and related actions. (Funding Source: CFD No. 2003-1 (Fairview Village) Special Tax Bonds).

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

ACTION: Resolution 2014-425 (Lopez/Kenoyer; 6/0; Cogdill absent) authorizing: (i) the issuance of City of Modesto Community Facilities District No. 2003-1 (Fairview Village) 2014 Special Tax Refunding bonds, in an aggregate principal amount not to exceed \$5,000,000, (ii) the execution and delivery of an Indenture and an Escrow Agreement ; and (iii) the execution of necessary documents and certificates and related actions. (Funding Source: CFD No. 2003-1 (Fairview Village) Special Tax Bonds).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:57 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, Interim City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2001
1010 10th Street
Modesto, California
Thursday, October 23, 2014, at 3:00 p.m.

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

PUBLIC COMMENTS

None.

CONSENT ITEMS – None

UNFINISHED BUSINESS

1. Consider further discussion and provide direction regarding: (i) evaluating Boards and Commissions to keep or dissolve, including discussion of funding of Youth Commission; (ii) outreach for applicants to Boards and Commissions (including recruitment and updated web page); (iii) reviewing applications and recommending appointments. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Motion (Gunderson/Kenoyer; unan;) directing staff to return to the next Appointment Committee meeting with the following action items: (i) Deputy City Manager to provide report on the Youth Committee; and (ii) scheduling of commission and committee presentations at Council Meetings.

ACTION: Staff directed to update recruiting brochure to include directions on applying in person before reprinting when current supply is exhausted.

NEW BUSINESS

2. Consider further discussion and review report on the list of Boards and Commissions and attendance at the meetings. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Motion (Gunderson/Kenoyer; unan;) accepting report on the list of Boards and Commissions and attendance at the meetings.

ACTION: Staff directed to i) continue to update and maintain website, ii) add information for councilmembers' end of term dates and iii) add a line to include which City department oversees each committee.

3. Consider discussing upcoming Appointments Committee meeting dates for November and December. (Funding Source: Not Applicable)
City Clerk's Office; Cathi Erbe, 577-5396, cerbe@modestogov.com

ACTION: Motion (Kenoyer/Gunderson; unan;) approving the November meeting to be held on November 20th at 3:00 PM and the December 25th meeting to be cancelled.

4. Consider recommending the appointment of Laurie Salvie to fill a current "Sirs Golf Club" vacancy on the City of Modesto Golf Course Advisory Committee 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;) recommending the appointment of Laurie Salvie to fill a current "Sirs Golf Club" vacancy on the City of Modesto Golf Course Advisory Committee and forwarding to Council for approval.

Removed from Agenda

5. Consider recommending the appointment of George Maudlin to fill a "Member at Large" vacancy on the City of Modesto Golf Course Advisory Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Removed from Agenda

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:20 p.m.

MINUTES

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

Monday October 27, 2014, at 5:00 p.m.

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

Absent: Councilmember Cogdill

Council has not delegated directive or final approval authority to the Committees. Committee actions are recommendations to the full City Council, not final decisions on an issue.

PUBLIC COMMENTS

None.

CONSENT ITEMS

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

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

UNFINISHED BUSINESS

2. Consider accepting the updated House Sewer Line Repair Cost-Share Program which includes new loan fees, loan terms, and City staff procedures and forwarding to Council for approval. (Funding Source: Wastewater Fund)
Utilities; Robert Englent, 577-6200, renglent@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; unan.) accepting the updated House Sewer Line Repair Cost-Share Program which includes new loan fees, loan terms, and City staff procedures and forwarding to Council for approval.

NEW BUSINESS

3. Consider accepting an informational report updating the status of the Water Fund.
(Funding Source: Not Applicable)
Utilities; Will Wong, 571-5801, wwong@modestgov.com

ACTION: Motion (Madrigal/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 5:32 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 28, 2014, 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 United Church of Christ

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Cogdill - Item 3; Lopez Item 16

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters and negotiations with City Manager contract.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Acknowledgement of Project Breathe and Monte Vista Small Animal Hospital for their generous donations of pet oxygen masks to the Modesto Fire Department. (Funding Source: Not Applicable)
Fire; Sean Slamon, 572-9590, slamon@modestogov.com

ACTION: Fire Chief Slamon thanked Project Breathe and Monte Vista Small Animal Hospital for their generous donations of pet oxygen masks to the Modesto Fire Department.

PUBLIC COMMENT PERIOD

- Vernon Price spoke regarding the California Homeless Bill of Rights.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2; 4-9: (Lopez/Gunderson;unan.)

ACTION CONSENT ITEM 3: (Lopez/Gunderson; unan.; Councilmember Cogdill absent due to conflict of interest

CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the October 14, 2014 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the October 14, 2014 City Council meeting. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Gunderson; 7/0) approving the minutes from the October 14, 2014 City Council meeting.

Consent; *Councilmember Cogdill absent due to conflict of interest*

3. Consider final adoption of **Ordinance No. 3609-C.S.** amending Section 27-3-9 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R-2), Neighborhood Commercial (C-1), and Planned Development Zone P-D (300) to General Commercial (C-2) Zone for approximately 4.7 acres located on the north side of Scenic Drive and east of Coffee Road (Solar Cool Properties III, L. P.). (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3609-C.S.** amending Section 27-3-9 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R-2), Neighborhood Commercial (C-1), and Planned Development Zone P-D (300) to General Commercial (C-2) Zone for approximately 4.7 acres located on the north side of Scenic Drive and east of Coffee Road (Solar Cool Properties III, L. P.).
Community & Economic Development; Paul Liu, 577-5282, pliu@modestogov.com

ACTION: Motion (Lopez/Gunderson; 6/0; Cogdill absent due to conflict of interest) approving final adoption of **Ordinance No. 3609-C.S.** amending Section 27-3-9 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R-2), Neighborhood Commercial (C-1), and Planned Development Zone P-D (300) to General Commercial (C-2) Zone for approximately 4.7 acres located on the north side of Scenic Drive and east of Coffee Road (Solar Cool Properties III, L. P.).

Consent

4. Consider authorizing the City Manager or his designee to execute a contract with Jerry Haag, Urban Planner, for up to \$141,163, to provide technical studies associated with the Modesto Urban Area General Plan Amendment (GPA) Master EIR update in Fiscal Year 2014-15. (Funding Source: Modesto Urban Area General Plan Project No. 100838)
 - Resolution authorizing the Interim City Manager, or his designee, to execute a contract with Jerry Haag, Urban Planner, for up to \$141,163 to provide technical studies associated with the Modesto Urban Area General Plan Amendment Master EIR update in fiscal year 2014-2015.

Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com

ACTION: Resolution 2014-426 (Lopez/Gunderson; 7/0) authorizing the Interim City Manager, or his designee, to execute a contract with Jerry Haag, Urban Planner, for up to \$141,163 to provide technical studies associated with the Modesto Urban Area General Plan Amendment Master EIR update in fiscal year 2014-2015.

Consent

5. Consider authorizing the award of bid for the purchase of a dump truck with 14 yard capacity for the Utilities Department, Water Division through the Fleet Services Division, to Interstate Truck Center LLC, Stockton, CA for a total estimated cost of \$130,585. (Funding Source: Water Services Fund)
 - Resolution authorizing the award of bid for the purchase of a dump truck with 14 yard capacity for the Utilities Department, Water 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 cost of \$130,585.

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

ACTION: Resolution 2014-427 (Lopez/Gunderson; 7/0) authorizing the award of bid for the purchase of a dump truck with 14 yard capacity for the Utilities Department, Water 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 cost of \$130,585.

Consent

6. 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 Fund)
 - 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 Entertainment Special Event Permit and all related documents.

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

ACTION: Resolution 2014-428 (Lopez/Gunderson; 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 Entertainment Special Event Permit and all related documents.

Consent

7. Consider amending the FY 2014-15 Capital Improvement Budget in the amount of \$175,000 to increase revenue and expense budgets for the "Airfield Studies" Project (No. 100431) which will recognize the total Grant Funding that has been awarded for this project. (Funding Source: Federal Aviation Administration (FAA) Grant Funds, Passenger Facility Charges (PFC) Matching Funds)

- Resolution amending the FY 2014-15 Capital Improvement Budget in the amount of \$175,000 to increase revenue and expense budgets for the “Airfield Studies” Project (No. 100431) which will recognize the total Grant Funding that has been awarded for this project.

Public Works; Steve Fischio, 577-5318, sfischio@modestogov.com

ACTION: Resolution 2014-429 (Lopez/Gunderson; 7/0) amending the FY 2014-15 Capital Improvement Budget in the amount of \$175,000 to increase revenue and expense budgets for the “Airfield Studies” Project (No. 100431) which will recognize the total Grant Funding that has been awarded for this project.

Consent

8. Consider approving: (i) a Water Well / Right of Way Lease Agreements with Beard Land Improvement Company for the water well site on Spenker Avenue for City Well 225 (Beard Well 25 Budget Pack); (ii) a Water Well / Right of Way Lease Agreement with Beard Land Improvement Company for the water well site on Farrar Avenue for City Well 279 (Beard Well 79 Farrar Pump Lot); (iii) a Water Well / Right of Way Lease Agreement with Modesto and Empire Traction Company (M&ET) for the water well site on Yosemite Boulevard for City Wells 291 and 292 (M&ET Well 91 and 92 – Mariposa E &W Pump Lot); and (iv) a Water Well / Right of Way Lease Agreement with Modesto and Empire Traction Company for the water well site on S. McClure Road for City Well 308 (M&ET Well 1 S. McClure Pump Lot). These lease agreements are for a term of ten years with a monthly lease of \$2,500 for each site, and an annual cost of \$30,000 per site. (Funding Source: Water Fund)
- Resolution approving a Water Well / Right of Way Lease Agreement with Beard Land Improvement Company for the water well site on Spenker Avenue for City Well 225 (Beard Well 25 Budget Pack) for a ten-year term for a total annual cost of \$30,000, and authorizing the Interim City Manager, or his designee, to execute the Lease Agreement.
 - Resolution approving a Water Well / Right of Way Lease Agreement with Beard Land Improvement Company for the water well site on Farrar Avenue for City Well 279 (Beard Well 79 Farrar Pump Lot) for a ten-year term for a total annual cost of \$30,000, and authorizing the Interim City Manager, or his designee, to execute the Lease Agreement.
 - Resolution approving a Water Well / Right of Way Lease Agreement with Modesto and Empire Traction Company (M&ET) for the water well site on Yosemite Boulevard for City Wells 291 and 292 (M&ET Well 91 and 92 – Mariposa E &W Pump Lot) for a ten-year term for a total annual cost of \$30,000, and authorizing the Interim City Manager, or his designee, to execute the Lease Agreement.
 - Resolution approving a Water Well / Right of Way Lease Agreement with Agreement with Modesto and Empire Traction Company for the water well site on S. McClure Road for City Well 308 (M&ET Well 1 S. McClure Pump Lot) for a ten-year term for a total annual cost of \$30,000, and authorizing the Interim City Manager, or his designee, to execute the Lease Agreement.

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

ACTION: Resolution 2014-430 (Lopez/Gunderson; 7/0) approving a Water Well / Right of

Way Lease Agreement with Beard Land Improvement Company for the water well site on Spenker Avenue for City Well 225 (Beard Well 25 Budget Pack) for a ten-year term for a total annual cost of \$30,000, and authorizing the Interim City Manager, or his designee, to execute the Lease Agreement.

ACTION: Resolution 2014-431 (Lopez/Gunderson; 7/0) approving a Water Well / Right of Way Lease Agreement with Beard Land Improvement Company for the water well site on Farrar Avenue for City Well 279 (Beard Well 79 Farrar Pump Lot) for a ten-year term for a total annual cost of \$30,000, and authorizing the Interim City Manager, or his designee, to execute the Lease Agreement.

ACTION: Resolution 2014-432 (Lopez/Gunderson; 7/0) approving a Water Well / Right of Way Lease Agreement with Modesto and Empire Traction Company (M&ET) for the water well site on Yosemite Boulevard for City Wells 291 and 292 (M&ET Well 91 and 92 – Mariposa E &W Pump Lot) for a ten-year term for a total annual cost of \$30,000, and authorizing the Interim City Manager, or his designee, to execute the Lease Agreement.

ACTION: Resolution 2014-433 (Lopez/Gunderson; 7/0) approving a Water Well / Right of Way Lease Agreement with Agreement with Modesto and Empire Traction Company for the water well site on S. McClure Road for City Well 308 (M&ET Well 1 S. McClure Pump Lot) for a ten-year term for a total annual cost of \$30,000, and authorizing the Interim City Manager, or his designee, to execute the Lease Agreement.

Consent

9. Consider accepting the work by DSS Company dba Knife River Construction of Stockton, California, for the Oakdale Road Rehabilitation Project as complete and authorizing payment of amounts totaling \$1,506,884. (The total project cost is \$1,974,107, which included construction contingency, engineering design, city construction forces, and construction administration) (Funding Source: Federal, Local Transportation, and Storm Drain Funds)
 - Resolution accepting the work by Knife River Construction for the Oakdale Road 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 \$1,506,884.

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

ACTION: Resolution 2014-434 (Lopez/Gunderson; 7/0) accepting the work by Knife River Construction for the Oakdale Road 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 \$1,506,884.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal spoke regarding last week Appointments Committee meeting; he

also spoke regarding UC Davis facilities use for ebola outbreak and requested City Manager for information on a local facility.

Councilmember Kenoyer acknowledged staff Jeff Barnes, Dave Savidge, Ronnie Flood, Bert Lippert and Vickey Dion.

Councilmember Gunderson spoke regarding carbon credits.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson thanked Council, staff and the community for his appointment; he also spoke regarding the City's TWIG (This Week In Government) Report and energy efficiency with replacement of street lights.

UNFINISHED BUSINESS

10. Consider: (i) approving the plans and specifications for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves project, accepting the bid, and approving a contract with Hobbs Construction, Inc., of Fresno, California in the amount of \$2,280,000; and (ii) approving an Agreement with HDR Engineering, Inc. for Design Support During Construction in an amount not to exceed \$76,086. (Total estimated cost for the construction portion of this project is \$2,763,524) (Funding Source: Water Fund-CIP)
 - Resolution approving the plans and specifications for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves project, accepting the bid, and approving a contract with Hobbs Construction, Inc., of Fresno, California in the amount of \$2,280,000, and authorizing the City Manager, or his designee, to execute the contract.
 - Resolution approving an agreement with HDR Engineering, Inc. for Design Support During Construction for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves project in an amount not to exceed \$69,169 for the identified scope of services, plus \$6,917 for additional services (if needed), for a maximum total amount of \$76,086, and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2014-435 (Lopez/Madrigan; 7/0) approving the plans and specifications for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves project, accepting the bid, and approving a contract with Hobbs Construction, Inc., of Fresno, California in the amount of \$2,280,000, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2014-436 (Lopez/Madrigan; 7/0) approving an agreement with HDR Engineering, Inc. for Design Support During Construction for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves project in an amount not to exceed \$69,169 for the identified scope of services, plus \$6,917 for additional services (if needed), for a

maximum total amount of \$76,086, and authorizing the City Manager, or his designee, to execute the agreement.

NEW BUSINESS

11. Consider accepting the Annual Investment Report for Fiscal Year 2013-14. (Funding Source: Not Applicable)
- Motion accepting the Annual Investment Report for the 2013-14 fiscal year.
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Gunderson/Madrigal; 7/0) accepting the Annual Investment Report for the 2013-14 fiscal year.

12. Consider approving a Use Policy for the use of City Facilities for Neighborhood Watch Groups. (Funding Source: Not Applicable)
- Resolution approving a Usage Policy for the use of City Facilities for Neighborhood Watch Groups.
Parks, Recreation & Neighborhoods; Andy Johnson, 577-5344, ajohnson@modestogov.com

ACTION: Resolution 2014-437 (Kenoyer/Gunderson; 7/0) approving a Usage Policy for the use of City Facilities for Neighborhood Watch Groups.

13. Consider approving an Agreement between the City of Modesto and South Modesto Business United regarding the installation and operation of an informational electronic message board sign to be located on Turlock Irrigation District property at the southwest corner of Crows Landing Road and W. Hatch Road. (Funding Source: Not Applicable)
- Resolution approving an Agreement between the City of Modesto and South Modesto Business United for a 50-square foot electronic message board sign to be located on Turlock Irrigation District property at the southwest corner of Crows Landing Road and Hatch Road and, authorizing the City Manager, or his designee, to execute the Agreement.
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Resolution 2014-438 (Madrigal/Gunderson; 7/0) approving an Agreement between the City of Modesto and South Modesto Business United for a 50-square foot electronic message board sign to be located on Turlock Irrigation District property at the southwest corner of Crows Landing Road and Hatch Road and, authorizing the City Manager, or his designee, to execute the Agreement.

14. Consider approving a License Agreement between the City of Modesto and South Modesto Business United for the installation and maintenance of banners on the street lights located along Crows Landing Road, Modesto, California. (Funding Source: Not Applicable)

- Resolution approving a License Agreement between the City of Modesto and South Modesto Business United for the installation and maintenance of banners on the steel standard street lights located along Crows Landing Road and, authorizing the City Manager, or his designee, to execute the License Agreement.

Public Works; Jeff Barnes, 577-5214, Jbarnes@modestogov.com

ACTION: Resolution 2014-439 (Madrigal/Gunderson; 7/0) approving a License Agreement between the City of Modesto and South Modesto Business United for the installation and maintenance of banners on the steel standard street lights located along Crows Landing Road and, authorizing the City Manager, or his designee, to execute the License Agreement.

15. Consider directing staff to prepare the 2015 Urban Growth Review document. (Funding Source: General Fund)
- Motion accepting staff's report and directing staff to prepare the 2015 UGR document.

Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Motion (Gunderson/Cogdill; 7/0) accepting staff's report and directing staff to prepare the 2015 UGR document.

Councilmember Lopez left meeting at 7:26 pm

Councilmember Lopez absent

16. Consider authorizing the award of proposal and contract for the furnishing of fuel card-lock services for the Department of Public Works, Fleet Services Division to Boyett Petroleum, 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 \$2,358,980, and over five (5) years of \$11,794,900. (Funding Source: Fleet Management Fund)

- Resolution authorizing the award of proposal and contract for the furnishing of fuel card-lock services for the Department of Public Works, Fleet Services Division to Boyett Petroleum, 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 Interim City Manager, or his designee, to execute the contract for an estimated annual cost of \$2,358,980, and over five (5) years of \$11,794,900.

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

ACTION: Resolution 2014-440 (Kenoyer/Madrigal; 6/0; Lopez absent) authorizing the award of proposal and contract for the furnishing of fuel card-lock services for the Department of Public Works, Fleet Services Division to Boyett Petroleum, 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 Interim City Manager, or his designee, to execute the contract for an estimated annual cost of \$2,358,980, and over five (5) years of \$11,794,900.

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

PUBLIC EMPLOYEE APPOINTMENT: (Pursuant to Section 54957 of the Government Code)

Title: City Manager

CONFERENCE WITH LABOR NEGOTIATORS: (Pursuant to Section 54957.6 of the Government Code)

Negotiator: Adam U. Lindgren, City Attorney

Unrepresented Employee: City Manager

MINUTES

City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday November 3, 2014, at 5:00 p.m.

Roll Call Present: Councilmembers Cogdill, Kenoyer, and Zoslocki

Absent: None

Also Present: Councilmembers Gunderson, Madrigal

PUBLIC COMMENTS

None.

CONSENT ITEMS - None

NEW BUSINESS

1. Consider: (i) amending Section 11-1.05 of Chapter 1 of Title 5 of the Modesto Municipal Code relating to Water Main Connection Charges; (ii) amending City Council Policy 5.001 regarding Extension of Water Service into Unincorporated Areas; (iii) amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection; (iv) amending City Council Policy 5.002 regarding City of Modesto Sanitary Sewage Policy Regarding Extension of Service into Unincorporated Areas; and (v) forwarding to Council (with Draft Ordinance revisions) for approval. (Funding Source: Not Applicable)
Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) approving: (i) amending Section 11-1.05 of Chapter 1 of Title 5 of the Modesto Municipal Code relating to Water Main Connection Charges; (ii) amending City Council Policy 5.001 regarding Extension of Water Service into Unincorporated Areas; (iii) amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection; (iv) amending City Council Policy 5.002 regarding City of Modesto Sanitary Sewage Policy Regarding Extension of Service into Unincorporated Areas; and (v) forwarding to Council (with Draft Ordinance revisions) for approval. **All to include wording that any extensions into pre-entitled areas would have to go to Council if we cannot serve the area without the addition of facilities and improvements.**

2. Consider approving an exemption of fees for encroachment permits associated with murals on building walls in the downtown area and forwarding to Council for approval. (Funding Source: General Fund)
Community & Economic Development; Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) approving an exemption of fees for encroachment permits **and a one-step process** associated with murals on building walls in the downtown area and forwarding to Council for approval, and directing staff to (i) work with the Downtown Partnership for guidelines or an update to the downtown form based code to include mural content and (ii) explore possibility of including guidelines for city-wide murals in the sign code.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 5:37 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday November 04, 2014, 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

City Clerk's Announcements: Item 17 - removed from Consent; Item 18 - continued to
November 25, 2014 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 by StanCOG regarding the annual Unmet Transit Needs process. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation given by Regina Valentine, StanCOG, regarding the annual Unmet Transit Needs process.

2. Presentation of the City of Modesto and Stanislaus County Second Chance Week Donation Recipients. (Funding Source: Not Applicable)
Public Works; Vicki Rice, 577-5495, vrice@modestogov.com

ACTION: Vicki Rice gave a Presentation of the City of Modesto and Stanislaus County Second Chance Week Donation Recipients.

PUBLIC COMMENT PERIOD

- Vernon Price spoke regarding the Homeless Bill of Rights March event on November 19, 2014 at 6:30 p.m.

- Ray Pefferini spoke regarding trees in Modesto.
- Loretta Carhart spoke regarding time offices are open/closed in building and signs on outside doors with incorrect information; she also spoke regarding curbs on streets.
- Jair Juarez, Modesto Fire Department, spoke regarding the fire on October 7, 2014 in Yosemite and the death of a CalFire pilot; he also spoke regarding Fill the Boot event last Saturday for Muscular Dystrophy Association.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 3-16: (Lopez/Madrigan;unan.)

CONSENT ITEMS

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

Consent

3. Consider approving the Minutes from the October 28, 2014 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the October 28, 2014 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the minutes from the October 28, 2014 Council meeting.

Consent

4. Consider approving a resolution encouraging the 113th Congress to enact Comprehensive Immigration Reform. (Funding Source: Not Applicable)
 - Resolution encouraging the 113th Congress to enact comprehensive immigration reform.
City Manager; Dee Williams-Ridley (at the request of Mayor Marsh), 577-5223, dwilliamsridley@modestogov.com

ACTION: Resolution 2014-441 (Lopez/Madrigan; 7/0) encouraging the 113th Congress to enact comprehensive immigration reform.

Consent

5. Consider authorizing the Interim City Manager, or his designee, to sign a Professional Services Agreement with AECOM Technical Services, Inc., for up to \$310,864 for the development of Construction and Environmental Documentation for the Tuolumne River Regional Park Gateway Parcel - Phase 2 project. (Funding Source: California State Parks Proposition 84 Grant Funds)
 - Resolution authorizing the Interim City Manager, or his designee, to sign a Professional Services Agreement with AECOM Technical Services, Inc., for up to \$310,864 for the development of Construction and Environmental Documentation

for the Tuolumne River Regional Park (TRRP) Gateway Parcel -Phase 2 project.
Community & Economic Development; Loren Holt, 571-5573, lholt@modestgov.com

ACTION: Resolution 2014-442 (Lopez/Madrigal; 7/0) authorizing the Interim City Manager, or his designee, to sign a Professional Services Agreement with AECOM Technical Services, Inc., for up to \$310,864 for the development of Construction and Environmental Documentation for the Tuolumne River Regional Park (TRRP) Gateway Parcel -Phase 2 project.

Consent

6. Consider approving (i) a Second Amendment to HOME Loan documents and Assignment and Assumption Agreement, (ii) NSP2 First Amendment to loan documents and Assignment and Assumption Agreement, (iii) CDBG Loan documents for construction of off-site improvements; (iv) Disposition Development Agreement (DDA) Estoppel, Assignment and Assumption Agreement, Grant Deed, Affordable Housing Covenant and Notice of Affordability Restrictions, and authorizing the Interim City Manager, or his designee, to execute all related documents necessary to carry out the obligations of the City, and the City as the Housing Successor Agency to the Redevelopment Agency of the City of Modesto, (v) amendment to the Fiscal Year 2014-2015 annual operating and multi-year project budget for the Community Development Block Grant and “Tower Park Senior Housing” project (100753). (The Housing Successor Agency). (Funding Source: HOME, NSP2, CDBG and RDA Housing Set-Aside)
 - Resolution approving a Second Amendment to HOME Loan documents and Assignment and Assumption Agreement, for the project known as “Tower Park Senior Housing”, and authorizing the Interim City Manager, or his designee, to execute all related documents.
 - Resolution approving NSP2 First Amendment to loan documents and Assignment and Assumption Agreement for the project known as “Tower Park Senior Housing, and authorizing the Interim City Manager, or his designee, to execute all related documents.
 - Resolution approving CDBG Loan documents for construction of off-site improvements for the project known as “Tower Park Senior Housing, and authorizing the Interim City Manager, or his designee, to execute all related documents.
 - Resolution approving Disposition Development Agreement (DDA) Estoppel, Assignment and Assumption Agreement, Grant Deed, Affordable Housing Covenant and Notice of Affordability Restrictions for the project known as “Tower Park Senior Housing, and authorizing the Interim City Manager, or his designee, to execute all related documents necessary to carry out the obligations of the City as the Housing Successor Housing Agency.
 - Resolution amending the Fiscal Year 2014-2015 Annual Operating and Multi-year Projects Budgets to reflect approved allocations approved in the First Amendment of the 2013-2014 Annual Action Plan and funded in the Integrated Disbursement & Information System (IDIS), and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this Resolution.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310,
caverell@modestogov.com*

ACTION: Resolution 2014-443 (Lopez/Madrigan; 7/0) approving a Second Amendment to HOME Loan documents and Assignment and Assumption Agreement, for the project known as “Tower Park Senior Housing”, and authorizing the Interim City Manager, or his designee, to execute all related documents.

ACTION: Resolution 2014-444 (Lopez/Madrigan; 7/0) approving NSP2 First Amendment to loan documents and Assignment and Assumption Agreement for the project known as “Tower Park Senior Housing, and authorizing the Interim City Manager, or his designee, to execute all related documents.

ACTION: Resolution 2014-445 (Lopez/Madrigan; 7/0) approving CDBG Loan documents for construction of off-site improvements for the project known as “Tower Park Senior Housing, and authorizing the Interim City Manager, or his designee, to execute all related documents.

ACTION: Resolution 2014-446 (Lopez/Madrigan; 7/0) approving Disposition Development Agreement (DDA) Estoppel, Assignment and Assumption Agreement, Grant Deed, Affordable Housing Covenant and Notice of Affordability Restrictions for the project known as “Tower Park Senior Housing, and authorizing the Interim City Manager, or his designee, to execute all related documents necessary to carry out the obligations of the City as the Housing Successor Housing Agency.

ACTION: Resolution 2014-447 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2014-2015 Annual Operating and Multi-year Projects Budgets to reflect approved allocations approved in the First Amendment of the 2013-2014 Annual Action Plan and funded in the Integrated Disbursement & Information System (IDIS), and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this Resolution.

Consent

7. Consider amending the Fiscal Year 2014/2015 Multi-Year Operating Budget to recognize additional 2013/2014 State Law Enforcement Supplemental Funding revenue received in the amount of \$277,745 and to program offsetting expenses in a like amount. (Funding Source: 1340 – Grants – Operation Block Grants)
 - Resolution amending the Fiscal Year 2014/2015 Multi-Year Operating Budget to recognize additional 2013/2014 State Law Enforcement Supplemental Funding (SLESF) revenue received in the amount of \$277,745 and to program offsetting expenses in a like amount; and authorizing the Finance Director of Finance, or her designee, to implement the provisions of this resolution.

Police; Julie Hendee, 572-9518, HendeeJ@Modestopd.com

ACTION: Resolution 2014-448 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2014/2015 Multi-Year Operating Budget to recognize additional 2013/2014 State Law Enforcement Supplemental Funding (SLESF) revenue received in the amount of \$277,745 and to program offsetting expenses in a like amount; and authorizing the Finance Director of Finance, or her

designee, to implement the provisions of this resolution.

Consent

8. 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 \$151,805. (Funding Source: Operation Grants Reimbursed)
- Resolution 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 \$151,805; and authorizing the City Manager, or his designee, to execute the necessary grant documents.
 - Resolution amending the Multi-Year 2014/2015 Operating Budget, estimating revenue of \$116,640 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds.

Police; Galen Carroll, 572-9501, CarrollG@Modestopd.com

ACTION: Resolution 2014-449 (Lopez/Madrigal; 7/0) 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 \$151,805; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2014-450 (Lopez/Madrigal; 7/0) amending the Multi-Year 2014/2015 Operating Budget, estimating revenue of \$116,640 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds.

Consent

9. Consider: (i) amending the FY 2014-15 Multi-Year Operating Budget to create a new multi-year project for the P25 Interoperability Construction in Fund 1342 (Grants – Police) and to establish an expense budget for the project of \$130,000, and (ii) amending the FY 2014-15 Operating Budget to reduce the Police Department budget in the General Fund in the amount of \$130,000 (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 \$130,000 to fund the P25 Interoperability Construction multi-year project expense budget, and (iii) authorizing the issuance of a Purchase Order in an amount not to exceed \$130,000 to Tait North America, Inc. for construction related expenses associated with the installation of the P25 Linear Simulcast Digital Trunking Communication System. (Funding Source: General Fund)
- Resolution authorizing amending the FY 2014-15 Multi-Year Operating Budget to create a new multi-year project for the P25 Interoperability Construction in Fund 1342 (Grants – Police) and to establish the expense budget for the project of \$130,000; and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.
 - Resolution authorizing amending the FY 2014-15 Operating Budget to reduce the Police Department budget in the General Fund in the amount of \$130,000 (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 \$130,000 to fund the P25 Interoperability Construction multi-year project expense budget; and authorizing

the Director of Finance, or her designee, to implement the provisions of this resolution.

- Resolution authorizing the issuance of a Purchase Order in an amount not to exceed \$130,000 to Tait North America, Inc. for construction related expenses associated with the installation of the P25 Linear Simulcast Digital Trunking Communication System; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an amount not to exceed \$130,000.

Police; Julie Hendee, 572-9518, HendeeJ@Modestopd.com

ACTION: Resolution 2014-451 (Lopez/Madrigal; 7/0) authorizing amending the FY 2014-15 Multi-Year Operating Budget to create a new multi-year project for the P25 Interoperability Construction in Fund 1342 (Grants – Police) and to establish the expense budget for the project of \$130,000; and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

ACTION: Resolution 2014-452 (Lopez/Madrigal; 7/0) authorizing amending the FY 2014-15 Operating Budget to reduce the Police Department budget in the General Fund in the amount of \$130,000 (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 \$130,000 to fund the P25 Interoperability Construction multi-year project expense budget; and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

ACTION: Resolution 2014-453 (Lopez/Madrigal; 7/0) authorizing the issuance of a Purchase Order in an amount not to exceed \$130,000 to Tait North America, Inc. for construction related expenses associated with the installation of the P25 Linear Simulcast Digital Trunking Communication System; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an amount not to exceed \$130,000.

Consent

10. Consider authorizing a Change Order to Gillig LLC in the amount of \$509,726.70 for the purchase of 22 buses, and authorizing the Director of Public Works to approve up to \$44,000 in contingency expenses. (Funding Source: Transit Funds)
 - Resolution approving a change order in the amount of \$509,726.70 to a purchase order issued to Gillig LLC for twenty-two (22) low floor transit buses, authorizing the City Manager, or his designee, to execute the change order in that amount, and authorizing the Director Of Public Works to make payment to Gillig LLC for an amount up to \$44,000 to cover unanticipated bus production and delivery expenses that might arise prior to city bus acceptance.
 - Resolution amending the Fiscal Year 2014/2015 operating budget in the amount of \$509,727 to fund a change order issued to Gillig LLC for the purchase of twenty-two (22) transit buses.

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

ACTION: Resolution 2014-454 (Lopez/Madrigal; 7/0) approving a change order in the amount of \$509,726.70 to a purchase order issued to Gillig LLC for twenty-two (22) low floor transit buses, authorizing the City Manager, or his designee, to execute the change order in that amount, and authorizing the Director Of Public Works to make payment to Gillig LLC for an

amount up to \$44,000 to cover unanticipated bus production and delivery expenses that might arise prior to city bus acceptance.

ACTION: Resolution 2014-455 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2014/2015 operating budget in the amount of \$509,727 to fund a change order issued to Gillig LLC for the purchase of twenty-two (22) transit buses.

Consent

11. Consider approving the plans and specifications for the Transit Building Restroom Remodel project, accepting the bid, and approving a contract with RMC Enterprises, Inc. of Fresno, California in the amount of \$255,000. (Funding Source: Transit Funds)
- Resolution approving the plans and specifications for the Transit Building Restroom Remodel project, accepting the bid, and approving a contract with RMC Enterprises, Inc. of Fresno, California in the amount of \$255,000, and authorizing the City Manager, or his designee, to execute the contract.

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

ACTION: Resolution 2014-456 (Lopez/Madrigal; 7/0) approving the plans and specifications for the Transit Building Restroom Remodel project, accepting the bid, and approving a contract with RMC Enterprises, Inc. of Fresno, California in the amount of \$255,000, and authorizing the City Manager, or his designee, to execute the contract.

Consent

12. Consider authorizing the submission of the City's Local Transportation Fund FY 2014/15 claim for street and non-motorized purposes in the amount of \$682,927 to the Stanislaus Council of Governments. (Funding Source: Not Applicable)
- Resolution authorizing the submission of the City's Local Transportation Fund (LTF) FY2014/2015 claim in the amount of \$682,927 to the Stanislaus Council of Governments (StanCOG).

Public Works; Maria Garnica, 571-5118, mgarnica@modestogov.com

ACTION: Resolution 2014-457 (Lopez/Madrigal; 7/0) authorizing the submission of the City's Local Transportation Fund (LTF) FY2014/2015 claim in the amount of \$682,927 to the Stanislaus Council of Governments (StanCOG).

Consent

13. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 7455 River Nine Drive in Del Rio. (Funding Source: General Fund, Water Fund)
- Resolution approving a Will Serve Letter for the property located at 7455 River Nine Drive in Del Rio (APN: 004-093-013) 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 Navdeep Bali, a married man as his sole and separate property and Kanwal Singh, a married man as his sole and separate property, as joint tenants for water

service for the property located at 7455 River Nine Drive in Del Rio (APN: 004-093-013), and authorizing the City Manager, or his designee, to execute the Agreement.

Public Works; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-458 (Lopez/Madrigal; 7/0) approving a Will Serve Letter for the property located at 7455 River Nine Drive in Del Rio (APN: 004-093-013) 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 2014-459 (Lopez/Madrigal; 7/0) approving an Outside Service Agreement between the City of Modesto and Navdeep Bali, a married man as his sole and separate property and Kanwal Singh, a married man as his sole and separate property, as joint tenants for water service for the property located at 7455 River Nine Drive in Del Rio (APN: 004-093-013), and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 809 Country Club Drive in Del Rio. (Funding Source: General Fund, Water Fund)
- Resolution approving a Will Serve Letter for the property located at 809 Country Club Drive in Del Rio (APN: 004-007-015) 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 James S. West and Jessie L. West, Trustees of the James and Jessie West Revocable Trust for water service for the property located at 809 Country Club Drive in Del Rio (APN: 004-007-015), and authorizing the City Manager, or his designee, to execute the Agreement.

Public Works; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-460 (Lopez/Madrigal; 7/0) approving a Will Serve Letter for the property located at 809 Country Club Drive in Del Rio (APN: 004-007-015) 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 2014-461 (Lopez/Madrigal; 7/0) approving an Outside Service Agreement between the City of Modesto and James S. West and Jessie L. West, Trustees of the James and Jessie West Revocable Trust for water service for the property located at 809 Country Club Drive in Del Rio (APN: 004-007-015), and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 7465 River Nine Drive in Del Rio. (Funding Source: General Fund, Water Fund)

- Resolution approving a Will Serve Letter for the property located at 7465 River Nine Drive in Del Rio (APN: 004-093-018) 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 Kanwal Singh and Raminder K. Pandher, husband and wife as joint tenants for water service for the property located at 7465 River Nine Drive in Del Rio (APN: 004-093-018), and authorizing the City Manager, or his designee, to execute the Agreement.

Public Works; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-462 (Lopez/Madrigal; 7/0) approving a Will Serve Letter for the property located at 7465 River Nine Drive in Del Rio (APN: 004-093-018) 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 2014-463 (Lopez/Madrigal; 7/0) approving an Outside Service Agreement between the City of Modesto and Kanwal Singh and Raminder K. Pandher, husband and wife as joint tenants for water service for the property located at 7465 River Nine Drive in Del Rio (APN: 004-093-018), and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

16. Consider approving an agreement with Carollo Engineers, Inc. for Preliminary Design Report for Headworks and Dryden Box Improvements, in an amount not to exceed \$504,413. (Total estimated preliminary design cost is \$550,269.) (Funding Source: Wastewater Fund)

- Resolution approving an agreement with Carollo Engineers, Inc. for Preliminary Design Report for Headworks and Dryden Box Improvements, in an amount not to exceed \$458,557 for the identified scope of services, plus \$45,856 for additional services (if needed), for a maximum total amount of \$504,413, and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2014-464 (Lopez/Madrigal; 7/0) approving an agreement with Carollo Engineers, Inc. for Preliminary Design Report for Headworks and Dryden Box Improvements, in an amount not to exceed \$458,557 for the identified scope of services, plus \$45,856 for additional services (if needed), for a maximum total amount of \$504,413, and authorizing the City Manager, or his designee, to execute the agreement.

Removed from Consent

17. Consider approving the plans and specifications for the Tank 7 Recoat project, accepting the bid, and approving a contract with Utility Service Co., Inc. of Perry, Georgia in the amount of \$154,000. (Total estimated cost for the construction portion of the project is \$217,800) (Funding Source: Water Fund-CIP)

- Resolution approving the plans and specifications for the Tank 7 Recoat project,

accepting the bid, and approving a contract with Utility Service Co., Inc. of Perry, Georgia in the amount of \$154,000, and authorizing the City Manager, or his designee, to execute the contract.

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

ACTION: Resolution 2014-465 (Madrigal/Cogdill; 7/0) approving the plans and specifications for the Tank 7 Recoat project, accepting the bid, and approving a contract with Utility Service Co., Inc. of Perry, Georgia in the amount of \$154,000, and authorizing the City Manager, or his designee, to execute the contract.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked staff: Rodney Nelson, Jeff Barnes, Kelly Gallagher, Steve Fischio, Bill, Sandhu, Steve Christensen, Gloriette Generaux, Chris Kemp, Tammy Wallace and Brendan Watson.

Councilmember Gunderson spoke regarding permits for murals downtown.

Councilmember Madrigal spoke regarding Police Department Town Hall meeting yesterday.

Mayor Marsh announced another hour to vote on Election Day.

CITY MANAGER COMMENTS & REPORTS

Interim City Manager Holgersson also spoke regarding Police Town Hall meetings: November 12, 2014, November 13, 2014 and November 20, 2014.

HEARINGS

Published in the Modesto Bee on October 15, 2014 (continued to November 25, 2014 Council Meeting)

18. Hearing to consider approving an application to rezone 2.8 acres located on the southeast end of Wisdom Way east of Oakdale Road from Planned Development Zone, P-D(522) to Planned Development Zone, P-D(598) for a 16-unit multi-family residential development. (Funding Source: Not Applicable)
 - This item continued to November 25, 2014 Council meeting.
Community & Economic Development; Patrick Kelly, 571-5566, pkelly@modestogov.com

ACTION: This item continued to the November 25, 2014 Council Meeting

NEW BUSINESS

19. Consider accepting the certification of signature count on Initiative Petition – “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.” (Funding Source: Elections Fund)

- Resolution accepting the Certificate of Signatures for Petition “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”, order the City Clerk place the Petition on the next General Municipal Election date of November 3, 2015 and request for consolidation with Stanislaus County.

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

ACTION: Resolution 2014-466 (Lopez/Gunderson; 7/0) accepting the Certificate of Signatures for Petition “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”, order the City Clerk place the Petition on the next General Municipal Election date of November 3, 2015 and request for consolidation with Stanislaus County.

20. Consider introducing and waiving the first reading of an Ordinance adding Article 6 “Prevailing Wages” to Chapter 3 “City Contracts” of Title 8 “Finance”, Revenue and Taxation” of the Modesto Municipal Code to comply with California Labor Code Section 1782. (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance adding Article 6 “Prevailing Wages” to Chapter 3 “City Contracts” of Title 8 “Finance”, Revenue and Taxation” of the Modesto Municipal Code to comply with California Labor Code Section 1782.

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

ACTION: Motion (Madrigal/Gunderson; 7/0) introducing and waiving the first reading of **Ordinance No. 3610-C.S.** adding Article 6 “Prevailing Wages” to Chapter 3 “City Contracts” of Title 8 “Finance”, Revenue and Taxation” of the Modesto Municipal Code to comply with California Labor Code Section 1782.

21. Consider supporting, in concept, the formation of a Community Benefit District (CBD) for Downtown Modesto and endorsing its continued exploration. (Funding Source: Not Applicable)

- Motion supporting, in concept, the formation of a Community Benefit District (CBD) for Downtown Modesto and directing the Director of Community and Economic Development, or designee, to complete the survey accordingly.

Community & Economic Development; Josh Bridegroom, 571-5440, jbridegroom@modestogov.com

ACTION: Motion (Lopez/Zoslocki; 7/0) supporting, in concept, the formation of a Community Benefit District (CBD) for Downtown Modesto and directing the Director of Community and Economic Development, or designee, to complete the survey accordingly.

22. Consider: (i) approving the 3 components of the Hiring and Recruitment Incentive Enhancement Proposal for the Modesto Police Department; (ii) amending the Classification Plan and Class Range Table for Public Safety Non-Sworn Classes to add Police Cadet at salary range 1103 and Law Enforcement Academy Recruit at salary range 1122; (iii) amending Exhibit “A” of Resolution No. 2009-246 to revise the Class Range Table for Public Safety Non-Sworn Classes to add the salary range for Police Cadet to salary range 1103; and to add the salary range for Law Enforcement Academy Recruit to salary range 1122; and (iv) amending the Position Allocation and the FY 2014-15 Operating Budget for the Police Department to add fifteen (15) .50 FTE Police Cadet positions. (Funding Source: General Fund)
- Resolution approving the three (3) components of the Hiring and Recruitment Incentive Enhancement Proposal for the Modesto Police Department.
 - Resolution amending the Classification Plan for the City of Modesto to create the classifications of Police Cadet and Law Enforcement Academy Recruit.
 - Resolution amending Exhibit “A” of Resolution No. 2009-246 to revise the Class Range Table for Public Safety Non-Sworn Classes to add the salary range for Police Cadet to salary range 1103; and to add the salary range for Law Enforcement Academy Recruit to salary range 1122.
 - Resolution amending the position allocation and the FY 14/15 Operating Budget for the Police Department to add fifteen (15) .50 FTE Police Cadet positions.
- Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

ACTION: Resolution 2014-467 (Zoslocki/Gunderson; 7/0) approving the three (3) components of the Hiring and Recruitment Incentive Enhancement Proposal for the Modesto Police Department.

ACTION: Resolution 2014-468 (Zoslocki/Gunderson; 7/0) amending the Classification Plan for the City of Modesto to create the classifications of Police Cadet and Law Enforcement Academy Recruit.

ACTION: Resolution 2014-469 (Zoslocki/Gunderson; 7/0) amending Exhibit “A” of Resolution No. 2009-246 to revise the Class Range Table for Public Safety Non-Sworn Classes to add the salary range for Police Cadet to salary range 1103; and to add the salary range for Law Enforcement Academy Recruit to salary range 1122.

ACTION: Resolution 2014-470 (Zoslocki/Gunderson; 7/0) amending the position allocation and the FY 14/15 Operating Budget for the Police Department to add fifteen (15) .50 FTE Police Cadet positions.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:32 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, Interim City Manager

Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Two Cases (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: Carlos Castro vs. City of Modesto
Stanislaus County Superior Court
Case No: 683588

Name of case: Brian Reed vs. City of Modesto
United States District Court
Federal Case No.: 1:11-CV-01083-AWI-GSA

PUBLIC EMPLOYEE APPOINTMENT: (Pursuant to Section 54957 of the Government Code)

Title: City Manager

CONFERENCE WITH LABOR NEGOTIATORS: (Pursuant to Section 54957.6 of the Government Code)

Negotiator: Adam U. Lindgren, City Attorney
Unrepresented Employee: City Manager

MINUTES
City of Modesto
SPECIAL FINANCE COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2005

1010 10th Street

Modesto, California

Monday, November 10, 2014, at 5:00 p.m.

Roll Call - Present: Mayor Marsh, Councilmember Kenoyer (alternate for Councilmember Madrigal)
Absent: Councilmembers Madrigal and Cogdill

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. Consider a discussion and provide direction on a calendar and process leading up to the development of the FY2015-16 budget including; a City Council Financial workshop to discuss the 2013-14 Comprehensive Annual Financial Report (CAFR), Public Employee Retirement System (PERS) initiatives, the City's long Range Financial Projections; Council Strategic Plan; and establishing a Performance/ Priority Based Budgeting format. (Funding Source: Not Applicable)
City Manager; Dee Williams Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Motion (Kenoyer/Mayor Marsh; Cogdill absent) directing staff to move forward with Strategic Planning Process – Milestones Timeline.

2. Consider a discussion of initial listing of deferred maintenance and one-time projects to move forward for Council Consideration. (Funding Source: Various Funds)
Finance; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:40 p.m.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California
Monday, November 17, 2014, at 11:00 a.m.

Roll Call Present: Councilmembers Gunderson and Madrigal
Absent: Zoslocki

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider accepting an Internal Audit Status Report as of November 17, 2014 from City Auditor Moss Adams LLP. (Funding Source: Not Applicable)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Madrigal/Gunderson;unan.) accepting an Internal Audit Status Report as of November 17, 2014 from City Auditor Moss Adams LLP.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:45 a.m.

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2001
1010 10th Street
Modesto, California
Thursday, November 20, 2014, at 3:00 p.m.

Roll Call - Present: Councilmembers Madrigal, Kenoyer (arrived at 3:09 pm) and Gunderson
Absent: None
Also Present: Councilmember Zoslocki

PUBLIC COMMENTS

Councilmember Gunderson requested that all future Appointments Committee meetings begin at 3:30 p.m.

CONSENT

Consent

1. Consider requesting interviews for one (1) vacancy on the Planning Commission that will be vacant as January 1, 2015. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Motion (Gunderson/Kenoyer;unan.) directing staff to schedule interviews for Planning Commission vacancy.

UNFINISHED BUSINESS

2. Consider further discussion and provide direction regarding the history and future of the Youth Commission. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Motion (Kenoyer/Gunderson;unan.) making recommendation to Council re-establishing the Youth Commission as part of the Strategic Plan process.

3. Consider further discussion and provide direction regarding the scheduling of annual update presentations from Citizen Advisory Groups to the Council. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Motion (Kenoyer/Gunderson;unan.) approving 2015 schedule for annual Presentations to Council by Citizen Advisory Groups.

4. Consider further discussion and provide direction regarding the status of Citizen Advisory Group updates and enhancements to the City website. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: No reportable action.

NEW BUSINESS

5. Consider recommending an appointment to fill a current vacancy on the Modesto City-County Airport Advisory Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Motion (Gunderson/Kenoyer;unan.) recommending appointment of Dick Braner to fill a current vacancy on the Modesto City-County Airport Advisory Committee and schedule for December 2, 2014 City Council meeting.

6. Consider recommending the appointment of Ms. Shirley Keyser to serve on the City of Modesto Golf Course Advisory Committee on behalf of the “Dryden Park Women’s Golf Club,” 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.) recommending the appointment of Ms. Shirley Keyser to serve on the City of Modesto Golf Course Advisory Committee on behalf of the “Dryden Park Women’s Golf Club,” and schedule for December 2, 2014 City Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:34 p.m.

MINUTES

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

Monday November 24, 2014, at 5:37 p.m.

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

Absent: Councilmember Cogdill Jr.

Also Present: Zoslocki

PUBLIC COMMENTS

None.

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

CONSENT

Consent

1. Consider accepting an informational report on the City's Golf Fund for Fiscal Year 2013-14 through June 30, 2014. (Funding Source: Golf Fund)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Kenoyer/Madrigal;unan.) accepting an informational report on the City's Golf Fund for Fiscal Year 2013-14 through June 30, 2014.

The Committee also directed staff to provide a three year trend of golf course green fees and also include the first quarter fees for this year and last year.

Consent

2. Consider accepting 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 (Madrigal/Kenoyer;unan.) accepting the recommended budget adjustments to the FY2014-15 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

NEW BUSINESS

3. Consider approving: (i) a two-phase rental rate increase for the Modesto Centre Plaza with Phase I increases effective January 1, 2015 and Phase II increases effective on July 1, 2016; (ii) authorizing the Business Center Manager to approve negotiated room rental pricing; and (iii) forwarding to Council for approval. (Funding Source: Community Center Operations Fund)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Madrigal/Kenoyer;unan.) approving: (i) a two-phase rental rate increase for the Modesto Centre Plaza with Phase I increases effective January 1, 2015 and Phase II increases effective on July 1, 2016; (ii) authorizing the Business Center Manager to approve negotiated room rental pricing; and (iii) forwarding to Council for approval.

The Committee also directed staff include an occupancy schedule of how much time is available and when those times are filled.

4. Consider discussion and direction regarding a proposal to sunset a tax on areas in North McHenry Avenue that have not been annexed and forwarding to Council. (Funding Source: Not Applicable)
Finance; Gloriette Genereux, 577-5369, ggeneraux@modestogov.com

ACTION: Motion (Madrigal/Kenoyer;unan.) forwarding to Council a proposal to sunset a tax on areas in North McHenry Avenue.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:33 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday November 25, 2014, 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: Jeff Norman, Covenant Church

City Clerk’s Announcements: Items 6 and 16 - removed from Consent
Item 20 continued to December 2, 2014 Council meeting

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to Paul Rocha for his efforts in assisting a citizen attacked by vicious dogs. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Certificate of Recognition to Paul Rocha for his efforts in assisting a citizen attacked by vicious dogs.

2. Proclamation supporting Small Business Saturday on November 29, 2014. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Mayor Marsh presented a Proclamation supporting Small Business Saturday on November 29, 2014 to Cecil Russell, Chamber of Commerce.

3. Presentation on City of Modesto Forestry Revitalization Initiatives 2014-2015. (Funding Source: Not Applicable)
Public Works; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Jocelyn Reed and Mike Hoesch, Public Works Department, made a Presentation on the City of Modesto Forestry Revitalization Initiatives 2014-2015.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 4-5; 7-15; 17-18: (Lopez/Madrigal;unan.; Councilmember 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 November 4, 2014 Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the Minutes from the November 4, 2014 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigal; 6/0; Cogdill absent) approving the Minutes from the November 4, 2014 Council meeting.

Consent

5. Consider approving an Amendment to Agreement with RBF Consulting for additional scope of work not included in the original Agreement for the Roselle Avenue Widening Project between Floyd Avenue and Sylvan Avenue in an amount not to exceed \$379,536. (Funding Source: Village One #2 CFD Tax)
 - Resolution approving an amendment to agreement with RBF Consulting for additional scope of work not included in the original agreement for consultant service for the design of Roselle Avenue between Floyd Avenue and Sylvan Avenue in an amount not to exceed \$87,964 for the identified scope of services not included in the original agreement, plus \$18,073 for additional services (if needed), for a maximum total amount of \$379,536, and authorizing the District Administrator, or his designee, to execute the amendment to agreement
Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2014-471 (Lopez/Madrigal; 6/0; Cogdill absent) approving an amendment to agreement with RBF Consulting for additional scope of work not included in the original agreement for consultant service for the design of Roselle Avenue between Floyd Avenue and Sylvan Avenue in an amount not to exceed \$87,964 for the identified scope of services not included in the original agreement, plus \$18,073 for additional services (if needed), for a maximum total amount of \$379,536, and authorizing the District Administrator,

or his designee, to execute the amendment to agreement.

Removed from Consent

6. Consider: (i) amending Section 11-1.05 of Chapter 1 of Title 5 of the Modesto Municipal Code relating to Water Main Connection Charges; (ii) amending City Council Policy 5.001 regarding Extension of Water Service into Unincorporated Areas; (iii) amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection; and (iv) amending City Council Policy 5.002 regarding City of Modesto Sanitary Sewage Policy Regarding Extension of Service into Unincorporated Areas. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance amending Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Main Connection Charges.
 - Resolution amending City Council Policy 5.001 authorizing the City Manager, upon the recommendation of the Director responsible for utility system planning, to approve standard extensions of water services into unincorporated areas.
 - Motion introducing and waiving the first reading of an Ordinance amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection.
 - Resolution amending City Council Policy 5.002 authorizing the City Manager, upon the recommendation of the Director responsible for utility system planning, to approve standard extensions of sewer services into unincorporated areas.

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

ACTION: Motion (Zoslocki/Madriral; 6/0; Cogdill absent) amending conditions of approval in Section 11-1.05 of the Modesto Municipal Code and Council Policy 5.001 by excluding a portion of the Del Este Water Service Areas: (i) east of Stoddard and (ii) undeveloped portion of Salida from the standard approval process and forward to Council for approval.

ACTION: Motion (Lopez/Madriral; 6/0; Cogdill absent) introducing and waiving the first reading of **Ordinance No. 3611-C.S.** amending Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Main Connection Charges.

ACTION: Resolution 2014-472 (Lopez/Madriral; 6/0; Cogdill absent) amending City Council Policy 5.001 authorizing the City Manager, upon the recommendation of the Director responsible for utility system planning, to approve standard extensions of water services into unincorporated areas.

ACTION: Motion (Lopez/Madriral; 6/0; Cogdill absent) introducing and waiving the first reading of an **Ordinance No. 3612-C.S.** amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection.

ACTION: Resolution 2014-473 (Lopez/Madriral; 6/0; Cogdill absent) amending City Council Policy 5.002 authorizing the City Manager, upon the recommendation of the Director responsible for utility system planning, to approve standard extensions of sewer services into

unincorporated areas.

Consent

7. Consider authorizing the award of bid for the purchase of one 2-wheel drive and two 4-wheel drive Chevrolet Tahoe Fire Patrol SUV vehicles for the Modesto Fire Department through the Public Works Department, Fleet Services Division, to American Chevrolet, Modesto, CA for an estimated total cost of \$115,954. (Funding Source: MFD Facilities & Fleet Fund)
 - Resolution authorizing the award of bid for the purchase of one (1) 2-wheel drive and two (2) 4-wheel drive Chevrolet Tahoe Fire Patrol SUV's for the Modesto Fire 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 \$115,954.
Finance; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2014-474 (Lopez/Madrigal; 6/0; Cogdill absent) authorizing the award of bid for the purchase of one (1) 2-wheel drive and two (2) 4-wheel drive Chevrolet Tahoe Fire Patrol SUV's for the Modesto Fire 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 \$115,954.

Consent

8. Consider accepting the Monthly Budget Adjustments Report for September 2014 and amending the Fiscal Year 2013-14 and Fiscal Year 2014-15 Annual Operating and Capital Improvement Budgets. (Funding Source: Various)
 - Resolution amending the Fiscal Year 2013-2014 and 2014-15 Annual Operating and Capital Improvement Budgets.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2014-475 (Lopez/Madrigal; 6/0; Cogdill absent) amending the Fiscal Year 2013-2014 and 2014-15 Annual Operating and Capital Improvement Budgets.

Consent

9. Consider authorizing the award of bid for the purchase of two Vac-Con Combination Sewer Cleaner Trucks for the Utilities Department, Wastewater and Stormwater Collection Division, through the Public Works Department, Fleet Services Division, by "accessing the terms" of a competitively bid contract with the National Joint Powers Alliance to Atlantic Machinery, Silver Spring, MD, for an estimated total cost of \$845,414. (Funding Source: Fleet Replacement Fund)
 - Resolution authorizing the award of bid for the purchase of two (2) Vac-Con Combination Sewer Cleaner Trucks for the Utilities Department, Wastewater and Stormwater Collection Division, through the Public Works Department, Fleet Services Division, by "accessing the terms" of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Atlantic Machinery, Silver Spring, MD, and authorizing the Purchasing Manager, or his designee, to issue a purchase order

for an estimated total cost of \$845,414.

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

ACTION: Resolution 2014-476 (Lopez/Madrigal; 6/0; Cogdill absent) authorizing the award of bid for the purchase of two (2) Vac-Con Combination Sewer Cleaner Trucks for the Utilities Department, Wastewater and Stormwater Collection Division, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Atlantic Machinery, Silver Spring, MD, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$845,414.

Consent

10. Consider approving the First Amendment to the Standard Agreement for Consultant Services with Management Partners, for assistance in implementing the Strategic Plan Initiatives in an amount not to exceed \$45,000, and authorizing the Deputy City Manager, or her designee to execute the First Amendment to the Agreement (Funding Source: General Fund)

- Resolution approving the First Amendment to the Standard Agreement for Consultant Services with Management Partners, for assistance in implementing the Strategic Plan Initiatives in an amount not to exceed \$45,000, and authorizing the Deputy City Manager, or her designee to execute the First Amendment to the Agreement.

Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Resolution 2014-477 (Lopez/Madrigal; 6/0; Cogdill absent) approving the First Amendment to the Standard Agreement for Consultant Services with Management Partners, for assistance in implementing the Strategic Plan Initiatives in an amount not to exceed \$45,000, and authorizing the Deputy City Manager, or her designee to execute the First Amendment to the Agreement.

Consent

11. Consider: (i) accepting the Avoid the Twelve Grant from the State of California Office of Traffic Safety, in the amount not to exceed \$35,000, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and (ii) amending the Fiscal Year 2014/2015 Multi-Year Budget estimating revenue and offsetting expenses not to exceed \$35,000, for the Avoid the Twelve Grant, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution; and (iii) authorizing staff to apply for Avoid the Twelve and ABC Party Patrol grants as they become available, and accepting grant awards, up to \$50,000, amending the Multi-Year Operating Budget, and authorizing the City Manager, or designee, to execute all grant documents. (Funding Source: Grants - Operation Grants Reimbursed)

- Resolution accepting the Avoid the Twelve Grant from the State of California Office of Traffic Safety, in the amount not to exceed \$35,000, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the City Manager, or his designee, to execute the necessary program documents.

- Resolution amending the Fiscal Year 2014/2015 Multi-Year Operating Budget estimating revenue and offsetting expenses not to exceed \$35,000, for the Avoid the Twelve Grant, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.
- Resolution authorizing staff to apply for Avoid the Twelve and ABC Party Patrol grants as they become available, and accepting grant awards, up to \$50,000, amending the Multi-Year Operating Budget, and authorizing the City Manager, or designee, to execute all grant documents.

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

ACTION: Resolution 2014-478 (Lopez/Madrigal; 6/0; Cogdill absent) accepting the Avoid the Twelve Grant from the State of California Office of Traffic Safety, in the amount not to exceed \$35,000, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2014-479 (Lopez/Madrigal; 6/0; Cogdill absent) amending the Fiscal Year 2014/2015 Multi-Year Operating Budget estimating revenue and offsetting expenses not to exceed \$35,000, for the Avoid the Twelve Grant, to reduce alcohol related fatal and injury traffic collisions in Stanislaus County; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

ACTION: Resolution 2014-480 (Lopez/Madrigal; 6/0; Cogdill absent) authorizing staff to apply for Avoid the Twelve and ABC Party Patrol grants as they become available, and accepting grant awards, up to \$50,000, amending the Multi-Year Operating Budget, and authorizing the City Manager, or designee, to execute all grant documents.

Consent

12. Consider accepting the Target grants: (i) for Heroes and Helpers, in the amount of \$3,000, for “Shop with a Cop”; and (ii) for a Community Giving Grant, in the amount of \$3,000, to provide funding for “Technology for Fighting Crime”; and (iii) authorizing staff to apply for Target grants as they become available, and accepting grant awards, up to \$20,000, amending the Multi-Year Operating Budget, and authorizing the City Manager, or designee, to execute all grant documents; and (iv) amending the Fiscal Year 2014/2015 Multi-Year Operating Budget to appropriate revenues and expenditures of \$6,000 for two Target grants to provide funding for Target Heroes and Helpers “Shop with a Cop” and Target Community and Giving Grant for “Technology for Fighting Crime”; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution. (Funding Source: Operation Block Grants)
- Resolution accepting a Target grant for Heroes and Helpers, in the amount of \$3,000, for “Shop with a Cop”; and authorizing the City Manager, or his designee, to execute the necessary grant documents.
 - Resolution accepting a Target grant for a Community Giving Grant, in the amount of \$3,000, to provide funding for “Technology for Fighting Crime”; and

authorizing the City Manager, or his designee, to execute the necessary grant documents.

- Resolution authorizing staff to apply for Target grants as they become available, and accepting grant awards, up to \$20,000, amending the annual budget, and authorizing the City Manager, or designee, to execute all grant documents.
- Resolution amending the Fiscal Year 2014/2015 Multi-Year Operating Budget to appropriate revenues and expenditures of \$6,000 for two Target grants to provide funding for Target Heroes and Helpers “Shop with a Cop” and Target Community and Giving Grant for “Technology for Fighting Crime”; 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 2014-481 (Lopez/Madrigal; 6/0; Cogdill absent) accepting a Target grant for Heroes and Helpers, in the amount of \$3,000, for “Shop with a Cop”; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2014-482 (Lopez/Madrigal; 6/0; Cogdill absent) accepting a Target grant for a Community Giving Grant, in the amount of \$3,000, to provide funding for “Technology for Fighting Crime”; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2014-483 (Lopez/Madrigal; 6/0; Cogdill absent) authorizing staff to apply for Target grants as they become available, and accepting grant awards, up to \$20,000, amending the annual budget, and authorizing the City Manager, or designee, to execute all grant documents.

ACTION: Resolution 2014-484 (Lopez/Madrigal; 6/0; Cogdill absent) amending the Fiscal Year 2014/2015 Multi-Year Operating Budget to appropriate revenues and expenditures of \$6,000 for two Target grants to provide funding for Target Heroes and Helpers “Shop with a Cop” and Target Community and Giving Grant for “Technology for Fighting Crime”; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

Consent

13. Consider approving the Outside Service Agreement for sewer connection for the property located at 1404 Thomas Street. (Funding Source: General Fund, Sewer Fund)
 - Resolution approving an Outside Service Agreement between the City of Modesto and Alfonso Castaneda, a single man, for sewer service for the property located at 1404 Thomas Street in the Robertson Road Neighborhood, Modesto, (APN: 037-025-052); and authorizing the City Manager, or his designee, to execute the agreement.

Public Works; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2014-485 (Lopez/Madrigal; 6/0; Cogdill absent) approving an Outside Service Agreement between the City of Modesto and Alfonso Castaneda, a single man, for sewer service for the property located at 1404 Thomas Street in the Robertson Road

Neighborhood, Modesto, (APN: 037-025-052); and authorizing the City Manager, or his designee, to execute the agreement.

Consent

14. Consider approving a Memorandum of Understanding between the City of Modesto and Stanislaus County that provides for the City to pass through to Stanislaus County's transit program a share of the Federal Transit funds apportioned to the Modesto Urbanized Area. (Funding Source: Not Applicable)

- Resolution approving a Memorandum of Understanding (MOU) with Stanislaus County for the City of Modesto to act as the recipient of Federal Transit Administration (FTA) Section 5307 formula funds on behalf of Stanislaus County and authorizing the City Manager, or his designee, to execute the MOU.

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

ACTION: Resolution 2014-486 (Lopez/Madrigal; 6/0; Cogdill absent) approving a Memorandum of Understanding (MOU) with Stanislaus County for the City of Modesto to act as the recipient of Federal Transit Administration (FTA) Section 5307 formula funds on behalf of Stanislaus County and authorizing the City Manager, or his designee, to execute the MOU.

Consent

15. Consider: (i) amending the FY 2014-15 Airport Capital Improvement Budget in the amount of \$1,125,705 to increase revenue and expense budgets for various airport projects in Airport Improvement Project No. 38 that will recognize the total Grant Funding that has been awarded for this project; (ii) amending the FY 2014-15 Airport Capital Improvement Budget utilizing FAA Grant Funds awarded in AIP Project No. 38 and reimburse Airport Reserves \$78,500; (iii) amending the FY 2014-2015 Airport Capital Improvement Budget utilizing FAA Grant Funds awarded in AIP Project No. 38 and reimburse Airport Professional Services Account; (iv) accepting the Airport Stormwater Infrastructure Master Plan; and (v) accepting the Airport Electrical and Signage Study. (Funding Source: Federal Aviation Administration (FAA) Grant Funds, Passenger Facility Charges (PFC))

- Resolution amending Fiscal Year (FY) 2014-2015 Airport Capital Improvement Budget in the amount of \$1,125,705 for Airport Improvement Project No. 38, "Various Airport Improvement Projects," and utilize total Grant Funding that was awarded.
- Resolution amending Fiscal Year (FY) 2014-2015 Airport Capital Improvement Budget utilizing Federal Aviation Administration (FAA) Grant Funds to reimburse Airport Reserves of \$78,500.
- Resolution accepting the Airport Stormwater Infrastructure Master Plan.
- Resolution accepting the Airport Electrical and Signage Study.

Public Works; Steve Fischio, 577-5319, sfischio@modestogov.com

ACTION: Resolution 2014-487 (Lopez/Madrigal; 6/0; Cogdill absent) amending Fiscal Year (FY) 2014-2015 Airport Capital Improvement Budget in the amount of \$1,125,705 for Airport Improvement Project No. 38, "Various Airport Improvement Projects," and utilize total Grant Funding that was awarded.

ACTION: Resolution 2014-488 (Lopez/Madrigal; 6/0; Cogdill absent) amending Fiscal Year (FY) 2014-2015 Airport Capital Improvement Budget utilizing Federal Aviation Administration (FAA) Grant Funds to reimburse Airport Reserves of \$78,500.

ACTION: Resolution 2014-489 (Lopez/Madrigal; 6/0; Cogdill absent) accepting the Airport Stormwater Infrastructure Master Plan.

ACTION: Resolution 2014-490 (Lopez/Madrigal; 6/0; Cogdill absent) accepting the Airport Electrical and Signage Study.

Removed from Consent

16. Consider approving a Joint Powers Agreement between the Del Puerto Water District and the City of Modesto for the North Valley Regional Recycled Water Program. (Funding Source: Wastewater Fund)

- Resolution approving a Joint Powers Agreement between the Del Puerto Water District 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; William Wong, 521-5801, wwong@modestogov.com

ACTION: Resolution 2014-491 (Kenoyer/Madrigal; 6/0; Cogdill absent) approving a Joint Powers Agreement between the Del Puerto Water District 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.

Consent

17. Consider approving an Agreement with HDR Engineering, Inc. for the preparation of the Preliminary Design Report for Sonoma Trunk, Sonoma Lift Station, and Oakdale Sewer Main to Sonoma Trunk in an amount not to exceed \$216,233. (Funding Source: Wastewater Fund)

- Resolution approving an agreement with HDR Engineering, Inc. for the Preliminary Design Report for Sonoma Trunk, Sonoma Lift Station, and Oakdale Sewer Main to Sonoma Trunk, in an amount not to exceed \$196,575 for the identified scope of services, plus \$19,658 for additional services (if needed), for a maximum total amount of \$ 216,233, and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2014-492 (Lopez/Madrigal; 6/0; Cogdill absent) approving an agreement with HDR Engineering, Inc. for the Preliminary Design Report for Sonoma Trunk, Sonoma Lift Station, and Oakdale Sewer Main to Sonoma Trunk, in an amount not to exceed \$196,575 for the identified scope of services, plus \$19,658 for additional services (if needed), for a maximum total amount of \$ 216,233, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

18. Consider authorizing the award of a sole source procurement for nitrate analyzer equipment and services for the Utilities Department, Water Services Division with HACH Company, Loveland, CO, for a three-year agreement with an annual cost of \$150,000, and a total three-year cost of \$450,000. (Funding Source: Water Fund)
- Resolution authorizing the award of a sole source procurement of nitrate analyzer equipment and services for the Utilities Department, Water Services Division with HACH Company, Loveland, CO for a three-year agreement for an annual cost of \$150,000, and a total cost of \$450,000, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an annual cost of \$150,000.
Utilities; David Savidge, 342-2217, dsavidge@modestogov.com

ACTION: Resolution 2014-493 (Lopez/Madrigal; 6/0; Cogdill absent) authorizing the award of a sole source procurement of nitrate analyzer equipment and services for the Utilities Department, Water Services Division with HACH Company, Loveland, CO for a three-year agreement for an annual cost of \$150,000, and a total cost of \$450,000, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an annual cost of \$150,000.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer announced that on Saturday, November 15, 2014 she assisted with cleaning up the river because of illegal dumping between 7th Street and Highway 99; she attended an event regarding Focus on the Future with StanCOG; she thanked the Electrical Department responding to street light outages and also Tammy Wallace and Steve Christensen, Finance Department.

Councilmember Madrigal thanked staff for being responsive to residents of south Modesto with a covered bench at bus stop on the corner of Butte Avenue and Dallas Avenue; he announced the Christmas tree lighting on December 6, 2014 after the Christmas Parade; he also announced that the Tuolumne River Regional Park Commission gave direction for work on 6 new soccer fields in west Modesto at their meeting last week.

Councilmember Lopez spoke regarding a November 15, 2014 concert “Better Together” he attended at Church of Jesus Christ of Latter Day Saints on Dale Road.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on October 15, 2014; continued from November 4, 2014 Council meeting

19. Hearing to consider approving an application to rezone 2.8 acres located on the southeast end of Wisdom Way east of Oakdale Road from Planned Development Zone,

P-D(522) to Planned Development Zone, P-D(598) for a 16-unit multi-family residential development. (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance amending Section 14-3-9 of the Zoning Map to rezone 2.8 acres from Planned Development Zone, P-D(522), to Planned Development Zone, P-D(598); property located on the southeast end of Wisdom Way east of Oakdale Road (Wisdom Place, LLC).
- Resolution approving a Development Plan for Planned Development Zone, P-D(598) (Wisdom Place, 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 of Section 14-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(522), to Planned Development Zone P-D(598), property located on the southeast end of Wisdom Way east of Oakdale Road (Wisdom Place, LLC).

Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Motion (Lopez/Madrigan; 6/0; Cogdill absent) introducing and waiving the first reading of an **Ordinance No. 3613-C.S.** amending Section 14-3-9 of the Zoning Map to rezone 2.8 acres from Planned Development Zone, P-D(522), to Planned Development Zone, P-D(598); property located on the southeast end of Wisdom Way east of Oakdale Road (Wisdom Place, LLC).

ACTION: Resolution 2014-494 (Lopez/Madrigan; 6/0; Cogdill absent) approving a Development Plan for Planned Development Zone, P-D(598) (Wisdom Place, LLC).

ACTION: Resolution 2014-495 (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 of Section 14-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(522), to Planned Development Zone P-D(598), property located on the southeast end of Wisdom Way east of Oakdale Road (Wisdom Place, LLC).

Published in the Modesto Bee on October 25, 2014; Continued to December 2, 2014

20. Hearing to consider an amendment to the Annual Action Plan for 2014-2015, reallocating Community Development Block Grant (CDBG) Entitlement and Revolving Loan Funds. (Funding Source: CDBG)

- Item continued to December 9, 2014 Council meeting.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Continued to December 2, 2014 Council meeting.

NEW BUSINESS

21. Consider: (i) appointing James N. (“Jim”) Holgersson as City Manager; and (ii) approving a City Manager Employment Agreement between the City of Modesto and James N. (“Jim”) Holgersson for service as City Manager and setting terms of employment, salary and benefits. (Funding Source: Not Applicable)
- Resolution of the City Council of the City of Modesto appointing James (“Jim”) Holgersson as City Manager, approving a City Manager Employment Agreement between the City of Modesto and James (“Jim”) Holgersson for service as City Manager and setting terms of employment, salary and benefits.
- Administrative Services; Joe Lopez, 571-5126 , joelopez@modestogov.com*

ACTION: Resolution 2014-496 (Gunderson/Kenoyer; 6/0; Cogdill absent) of the City Council of the City of Modesto appointing James (“Jim”) Holgersson as City Manager, approving a City Manager Employment Agreement between the City of Modesto and James (“Jim”) Holgersson for service as City Manager and setting terms of employment, salary and benefits.

22. Consider approving an amendment to the City of Modesto Personnel Rules and adopting Personnel Administrative Order Number 2-14-1, a policy to follow when hiring interns. (Funding Source: Not Applicable)
- Resolution amending the City of Modesto Personnel Rules and adopting Personnel Administrative Order Number 2-14-1, a policy to follow when hiring interns.
- Administrative Services; Joe Lopez, 571-5126, joelopez@modestogov.com*

ACTION: Resolution 2014-497 (Kenoyer/Madrigal; 6/0; Cogdill absent) amending the City of Modesto Personnel Rules and adopting Personnel Administrative Order Number 2-14-1, a policy to follow when hiring interns.

23. Consider rescinding action on January 7, 2014 directing placement of a RUL ballot initiative that also includes review of the continued need for the requirement of advisory elections pursuant to the Charter required Measure A and M on the November 2015 election. (Funding Source: General Fund)
- Motion rescinding City Council action on January 7, 2014 considering placement of a RUL ballot initiative on the November 2015 election.
- Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

ACTION: Motion (Lopez/Gunderson; 6/0; Cogdill absent) rescinding City Council action on January 7, 2014 considering placement of a RUL ballot initiative on the November 2015 election.

24. Consider: (i) approving an agreement with Pierce Manufacturing Inc. for the purchase of two Pierce Velocity 1500 GPM Pumpers for the estimated cost of \$1,070,472; and (ii) approving the terms set forth by Oshkosh Capital to finance the acquisition over a three year period which allows the City to receive a credit of \$47,963. (Funding Source: Modesto Regional Fire Authority (MRFA) Reserves)

- Resolution approving an agreement with Pierce Manufacturing Inc. for the purchase of two Pierce Velocity 1500 GPM Pumpers for the estimated cost of \$1,070,472.
- Resolution approving the terms set forth by Oshkosh Capital to finance the acquisition over a three year period which allows the City to receive a credit of \$47,963.

Fire; Alan Ernst, 572-9869, aernst@modestrfa.org

ACTION: Resolution 2014-498 (Lopez/Gunderson; 6/0; Cogdill absent) approving an agreement with Pierce Manufacturing Inc. for the purchase of two Pierce Velocity 1500 GPM Pumpers for the estimated cost of \$1,070,472.

ACTION: Resolution 2014-499 (Lopez/Gunderson; 6/0; Cogdill absent) approving the terms set forth by Oshkosh Capital to finance the acquisition over a three year period which allows the City to receive a credit of \$47,963.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:45 p.m.

CLOSED SESSION

All Closed. Session Matters Heard Prior to Meeting

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

Property: Acquisition of 0.1418 acres of land for a Temporary Construction Easement, located at 4754 Tully Rd. in Modesto

APN: 046-001-012

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

Under Negotiation: Price and terms of Temporary Construction Easement acquisition

**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, Interim City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2001
Tenth Street Place, 1010 10th Street
Modesto, California

Monday December 01, 2014, at 5:06 p.m.

Roll Call - Present: Councilmembers Cogdill, Gunderson (alternate for Kenoyer), and Zoslocki

Absent: Councilmember Kenoyer

PUBLIC COMMENTS

None

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

NEW BUSINESS

1. Consider accepting a verbal update from City staff regarding the Tivoli Area. (Funding Source: Not Applicable)
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was adjourned at 5:34 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday December 02, 2014, 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

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Cogdill - Item 11

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Finance Department awarding the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Program for Fiscal Year 2012-2013 to the City of Modesto (Funding Source: Not Applicable)
Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Presentation was made by the Finance Department awarding the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Program for Fiscal Year 2012-2013 to the City of Modesto.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider appointing as members to the Golf Course Advisory Committee: (i) Laurie Salvi representing the SIRS Golf Club; and (ii) Shirley Keyser representing the Dryden Park Women's Golf Club. (Funding Source: Not Applicable)
 - Resolution appointing as member of the Golf Course Advisory Committee (i) Lauri Salvi, representing the SIRS Golf Club and (ii) Shirley Keyser representing the Dryden Park Women's Golf Club.

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

ACTION: Resolution 2014-500 (Lopez/Madriral; 7/0) appointing as member of the Golf Course Advisory Committee (i) Lauri Salvi, representing the SIRS Golf Club and (ii) Shirley Keyser representing the Dryden Park Women's Golf Club.

3. Consider approving the appointment of Richard (Dick) Braner to the Modesto City-County Airport Advisory Committee. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Richard (Dick) Braner to the Modesto City-County Airport Advisory Committee
Public Works; Steven Fischio, 577-5319, sfischio@modestogov.com

ACTION: Resolution 2014-501 (Cogdill/Kenoyer; 7/0) approving the appointment of Richard (Dick) Braner to the Modesto City-County Airport Advisory Committee

PUBLIC COMMENT PERIOD

- Daniel Brown spoke in opposition to proposed increased rental rates at Modesto Centre Plaza.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 4-7: (Gunderson/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 November 25, 2014 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the November 25, 2014 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Gunderson/Madriral; 7/0) approving the Minutes from the November 25, 2014 Council meeting.

Consent

5. Consider adopting amendments to the City of Modesto Conflict of Interest Code for City Departments, and the various City Boards, Commissions and Committees. (Funding Source: Not Applicable)
 - Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the City of Modesto and rescinding Resolution 2012-483.
 - Resolution of the Council of the City of Modesto adopting an amended Conflict of

Interest Code for the Board of Building Appeals of the City of Modesto and Rescinding Resolution 2010-488.

- Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Board of Zoning Adjustment of the City of Modesto and Rescinding Resolution 2010-489.
- Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Citizen's Housing and Community Development Committee of the City of Modesto and Rescinding Resolution 2010-490.
- Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Disabled Access Appeals Board of the City of Modesto and Rescinding Resolution 2010-491.
- Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Entertainment Commission of the City of Modesto and Rescinding Resolution 2010-492.
- Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Housing Rehabilitation and Loan Committee of the City of Modesto and Rescinding Resolution 2010-493.
- Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Landmark Preservation Commission of the City of Modesto and Rescinding Resolution 94-2010-494.
- Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Modesto Redevelopment Successor Agency Oversight Board and Rescinding Resolution 2012-484.

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

ACTION: Resolution 2014-502 (Gunderson/Madrigal; 7/0) of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the City of Modesto and rescinding Resolution 2012-483.

ACTION: Resolution 2014-503 (Gunderson/Madrigal; 7/0) of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Board of Building Appeals of the City of Modesto and Rescinding Resolution 2010-488.

ACTION: Resolution 2014-504 (Gunderson/Madrigal; 7/0) of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Board of Zoning Adjustment of the City of Modesto and Rescinding Resolution 2010-489.

ACTION: Resolution 2014-505 (Gunderson/Madrigal; 7/0) of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Citizen's Housing and Community Development Committee of the City of Modesto and Rescinding Resolution 2010-490.

ACTION: Resolution 2014-506 (Gunderson/Madrigal; 7/0) of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Disabled Access Appeals Board of the City of Modesto and Rescinding Resolution 2010-491.

ACTION: Resolution 2014-507 (Gunderson/Madriral; 7/0) of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Entertainment Commission of the City of Modesto and Rescinding Resolution 2010-492.

ACTION: Resolution 2014-508 (Gunderson/Madriral; 7/0) of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Housing Rehabilitation and Loan Committee of the City of Modesto and Rescinding Resolution 2010-493.

ACTION: Resolution 2014-509 (Gunderson/Madriral; 7/0) of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Landmark Preservation Commission of the City of Modesto and Rescinding Resolution 2010-494.

ACTION: Resolution 2014-510 (Gunderson/Madriral; 7/0) of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the Modesto Redevelopment Successor Agency Oversight Board and Rescinding Resolution 2012-484.

Consent

6. Consider accepting the Monthly Budget Adjustments Report for October 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 2014-511 (Gunderson/Madriral; 7/0) amending the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget.

Consent

7. Consider: (i) approving an agreement with Brown and Caldwell for the preparation of the Preliminary Design Report for Ceres Trunk Rehabilitation and Reliability project in an amount not to exceed \$311,919; and (ii) amending the Fiscal Year 2014-2015 CIP Budget by transferring \$125,000 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 Brown and Caldwell for the Preliminary Design Report for Ceres Trunk Rehabilitation and Reliability, in an amount not to exceed \$281,448 for the identified scope of services, plus \$30,471 for additional services (if needed), for a maximum total amount of \$311,919, 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 \$125,000 to be transferred into CIP account 100683 from Wastewater Fund Reserves in order to fully fund the agreement with Brown and Caldwell for the Preliminary Design Report for Ceres Trunk Rehabilitation and Reliability, including support by City staff.

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

ACTION: Resolution 2014-512 (Gunderson/Madriral; 7/0) approving an agreement with

Brown and Caldwell for the Preliminary Design Report for Ceres Trunk Rehabilitation and Reliability, in an amount not to exceed \$281,448 for the identified scope of services, plus \$30,471 for additional services (if needed), for a maximum total amount of \$311,919, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2014-513 (Gunderson/Madriral; 7/0) amending the Fiscal Year 2014-2015 CIP Budget in the amount of \$125,000 to be transferred into CIP account 100683 from Wastewater Fund Reserves in order to fully fund the agreement with Brown and Caldwell for the Preliminary Design Report for Ceres Trunk Rehabilitation and Reliability, including support by City staff.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked Assistant City Clerk Diane Nayares-Perez.

Councilmember Madriral attended the swearing-in ceremony of local Valley legislators and the South Modesto Business tree lighting ceremony.

Councilmember Lopez announced Breakfast with Santa, Dickens Fair, and Parade of Lights in Downtown Modesto on Saturday, December 6, 2014.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson thanked the Council for the opportunity to serve the community.

HEARINGS

Published in the Modesto Bee on November 16, 2014 and November 22, 2014

8. Hearing to consider adopting the updated House Sewer Line Repair Cost-Share Program, which includes new loan fees, loan terms, and City staff procedures. (Funding Source: Wastewater Fund)
 - Resolution adopting the updated House Sewer Line Repair Cost-Share Program, which includes new loan fees, loan terms, and City staff procedures.
Utilities; Robert Englent, 577-6222, renglent@modestogov.com

ACTION: Resolution 2014-514 (Lopez/Gunderson; 7/0) adopting the updated House Sewer Line Repair Cost-Share Program, which includes new loan fees, loan terms, and City staff procedures.

Published in the Modesto Bee on October 25, 2014; Continued from the November 25, 2014 Council meeting.

9. Hearing to consider approving an amendment to the City of Modesto's Annual Action Plan for Fiscal Year 2014-2015. (Funding Source: Community Development Block Grant Entitlement and Revolving Loan Funds)
 - Resolution approving an Amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2014-15, and authorizing the City Manager, or his designee, to execute related documents.

- Resolution amending the Fiscal Year 2014-2015 annual operating and multi-year budgets to reflect approved reallocation of carryover funds totaling \$960,000 in the 2014-2015 Annual Action Plan as noted in Exhibit A as set forth in the Integrated Disbursement and Information System (IDIS) reporting system, and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

*Parks, Recreation & Neighborhoods; Jody Christiansen, 342-4707,
mjchristiansen@modestogov.com*

ACTION: Resolution 2014-515 (Lopez/Kenoyer; 7/0) approving an Amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2014-15, and authorizing the City Manager, or his designee, to execute related documents.

ACTION: Resolution 2014-516 (Lopez/Kenoyer; 7/0) amending the Fiscal Year 2014-2015 annual operating and multi-year budgets to reflect approved reallocation of carryover funds totaling \$960,000 in the 2014-2015 Annual Action Plan as noted in Exhibit A as set forth in the Integrated Disbursement and Information System (IDIS) reporting system, and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

NEW BUSINESS

10. Consider approving: (i) a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Confidential and Management Association (MCMA) for a term of September 24, 2013 through March 7, 2016; (ii) a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Police Non-Sworn Association (MPNSA) for a term of July 1, 2014 through March 23, 2016; (iii) a number of salary and benefit changes for Unrepresented Non-Sworn Employees including Charter Officers and Department Directors and Unrepresented Sworn Fire Employees for Fiscal Year 2014-2015 through fiscal year 2015-2016 and authorizing the Director of Administrative Services and City Manager or designee to take the necessary administrative action to implement the agreements. (Funding Source: All Funds)
 - Resolution approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Confidential and Management Association (MCMA) for a term of September 24, 2013 to March 7, 2016 and authorizing the Director of Administrative Services and City Manager or designee to take the necessary administrative action to implement the agreement.
 - Resolution approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Police Non-Sworn Association (MPNSA) for a term of July 1, 2014 to March 23, 2016 and authorizing the Director of Administrative Services and City Manager or designee to take the necessary administrative action to implement the agreement.
 - Resolution approving salary and benefit changes to Unrepresented Management

and Confidential employees, including Charter officers and Executives; and authorizing the Director of Administrative Services and City Manager or designee to take the necessary administrative action to implement the changes effective December 2, 2014 and rescinding Resolution No. 2014-387.

- Resolution granting salary changes to Non-sworn Unrepresented Management and Confidential Employees, including Charter Officers and Executives, effective December 2, 2014, and rescinding Resolution No. **2013-80**.
- 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.
- Resolution approving the retitling of class range table and salary schedule for Sworn Executive Management to Sworn Police Executive Management as set forth in Exhibit "A" and Exhibit "B" attached hereto effective December 2, 2014.
- Resolution approving establishing the class range table and salary schedule for Sworn Fire Executive Management as set forth in Exhibit "C" and Exhibit "D" attached hereto effective December 2, 2014.

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

ACTION: Resolution 2014-517 (Lopez/Gunderson; 7/0) approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Confidential and Management Association (MCMA) for a term of September 24, 2013 to March 7, 2016 and authorizing the Director of Administrative Services and City Manager or designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2014-518 (Lopez/Gunderson; 7/0) approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Police Non-Sworn Association (MPNSA) for a term of July 1, 2014 to March 23, 2016 and authorizing the Director of Administrative Services and City Manager or designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2014-519 (Lopez/Gunderson; 7/0) approving salary and benefit changes to Unrepresented Management and Confidential employees, including Charter officers and Executives; and authorizing the Director of Administrative Services and City Manager or designee to take the necessary administrative action to implement the changes effective December 2, 2014 and rescinding Resolution No. 2014-387.

ACTION: Resolution 2014-520 (Lopez/Gunderson; 7/0) granting salary changes to Non-sworn Unrepresented Management and Confidential Employees, including Charter Officers and Executives, effective December 2, 2014, and rescinding Resolution No. **2013-80**.

ACTION: Resolution 2014-521 (Lopez/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 Unrepresented Sworn Fire employees.

ACTION: Resolution 2014-522 (Lopez/Gunderson; 7/0) approving the retitling of class range table and salary schedule for Sworn Executive Management to Sworn Police Executive Management as set forth in Exhibit “A” and Exhibit “B” attached hereto effective December 2, 2014.

ACTION: Resolution 2014-523 (Lopez/Gunderson; 7/0) approving establishing the class range table and salary schedule for Sworn Fire Executive Management as set forth in Exhibit “C” and Exhibit “D” attached hereto effective December 2, 2014.

Councilmember Cogdill left meeting at 6:35 p.m.

11. Consider approving a sunset on the business license tax for areas in North McHenry Avenue that have not been annexed. (Funding Source: General Fund)
 - Resolution to sunset a business license tax on areas in North McHenry Avenue that have not been annexed.

Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Resolution 2014-524 (Lopez/Madrigal; 6/0; Cogdill absent) to sunset a business license tax on areas in North McHenry Avenue that have not been annexed.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:46 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

MINUTES

City of Modesto
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP**

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

Monday December 8, 2014, at 5:03 p.m.

Roll Call – Present: Councilmembers Lopez, Gunderson & Kenoyer

Absent: None

Also Present: Councilmembers Madrigal & Zoslocki

PUBLIC COMMENTS - None

COUNCIL COMMENTS

Councilmember Madrigal thanked staff and sponsors for the successful Christmas Parade and Tree Lighting event on December 6th.

Councilmember Gunderson requested that the Safety and Communities Committee and Council initiate procedures for requesting CalTrans to replace the broken wooden sound wall along Highway 99 and Sisk Road with an appropriate sound wall.

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

NEW BUSINESS

1. Consider a verbal report regarding the Safe Schools Initiative, a collaborative project bringing key stakeholders together from schools, city, county, and community organizations to ensure our school kids are safe. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Motion (Kenoyer/Gunderson;unan.) accepting a verbal report regarding the Safe Schools Initiative, a collaborative project bringing key stakeholders together from schools, city, county, and community organizations to ensure our school kids are safe.

2. Consider (i) accepting a staff report for crosswalk improvements on Tuolumne Boulevard at Yosemite Avenue, and providing staff with direction on course of action; (ii) accepting the

report for advance school zone beacons for Modesto High School on Tuolumne Boulevard, Paradise Road, and for Central Catholic High School on Carpenter Road; (iii) accepting the report for flashing crosswalk beacons for new crossings on the Virginia Corridor Trailway at Bowen Avenue, Leveland Lane, and Rumble Road; (iv) accepting the report for flashing crosswalk beacon on Downey Avenue at I Street; and (v) forwarding to Council for approval. (Funding Source: Not Applicable)

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

ACTION: Motion (Kenoyer/Gunderson;unan.) accepting a staff report for crosswalk improvements on Tuolumne Boulevard at Yosemite Avenue, (ii) accepting the report for advance school zone beacons for Modesto High School on Tuolumne Boulevard, Paradise Road, and for Central Catholic High School on Carpenter Road; (iii) accepting the report for flashing crosswalk beacons for new crossings on the Virginia Corridor Trailway at Bowen Avenue, Leveland Lane, and Rumble Road; (iv) accepting the report for flashing crosswalk beacon on Downey Avenue at I Street; and (v) requesting that staff research sources of funding and return to the Safety and Communities Committee for discussion and prioritization of improvements .

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 December 09, 2014, 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 10 – Removed from Consent

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Mike Moradian recognizing him for his service, leadership and dedication to The La Loma Neighborhood and the City of Modesto.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Mike Moradian recognizing him for his service, leadership and dedication to The La Loma Neighborhood and the City of Modesto.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in Modesto.
- Ray Vazquez thanked the City of Modesto and Stanislaus County for their generosity to the homeless and the need for a day center for the homeless.
- Vernon Price spoke regarding homeless in Modesto and facilities for the homeless during the upcoming storm.
- Ana Marie Nava spoke regarding the need for more police patrols in her neighborhood for safety and would support a tax.

- Miguel Donoso spoke in support of more police and firemen in Modesto and would support a tax.
- Bill McClure spoke in support of Vernon Price and his assistance with the homeless in Modesto.
- Loretta Carhart spoke regarding change in bus routes in Modesto.
- Jennifer Alsup spoke regarding entertainment in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2:9; 11-20: (Lopez/Madrigan;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 December 2, 2014 Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the Minutes from the December 2, 2014 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the Minutes from the December 2, 2014 Council meeting.

Consent

3. Consider appointing a new Vice Mayor for calendar year 2015. (Funding Source: Not Applicable)
 - Resolution designating Councilmember John Gunderson to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2014-525 (Lopez/Madrigan; 7/0) designating Councilmember John Gunderson to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

Consent

4. Consider approving final adoption of **Ordinance No. 3610-C.S.** adding Article 6 “Prevailing Wages” to Chapter 3 “City Contracts” of Title 8 “Finance”, Revenue and Taxation” of the Modesto Municipal Code to comply with California Labor Code Section 1782. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3610-C.S. adding Article 6

“Prevailing Wages” to Chapter 3 “City Contracts” of Title 8 “Finance”, Revenue and Taxation” of the Modesto Municipal Code to comply with California Labor Code Section 1782.

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

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3610-C.S.** adding Article 6 “Prevailing Wages” to Chapter 3 “City Contracts” of Title 8 “Finance”, Revenue and Taxation” of the Modesto Municipal Code to comply with California Labor Code Section 1782.

Consent

5. Consider approving final adoption of **Ordinance No. 3611-C.S.** amending Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Main Connection Charges. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3611-C.S. amending Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Main Connection Charges.

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

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3611-C.S.** amending Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Main Connection Charges.

Consent

6. Consider approving final adoption of **Ordinance No. 3612-C.S.** amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3612-C.S. amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection.

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

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3612-C.S.** amending Section 5-6.309 of Chapter 6 of Title 5 of the Modesto Municipal Code relating to Rules and Regulations concerning sewer connection.

Consent

7. Consider approving final adoption of **Ordinance No. 3613-C.S.** amending Section 14-3-9 of the Zoning Map to rezone 2.8 acres from Planned Development Zone, P-D(522), to Planned Development Zone, P-D(598); property located on the southeast end of Wisdom Way east of Oakdale Road (Wisdom Place, LLC). (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3613-C.S.** amending Section 14-3-9 of the Zoning Map to rezone 2.8 acres from Planned Development Zone, P-D(522), to Planned Development Zone, P-D(598); property located on the southeast end of Wisdom Way east of Oakdale Road (Wisdom Place, LLC).

City Clerk; Stephanie Lopez, 577-5396, slopez@modesto.gov

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3613-C.S.** amending Section 14-3-9 of the Zoning Map to rezone 2.8 acres from Planned Development Zone, P-D(522), to Planned Development Zone, P-D(598); property located on the southeast end of Wisdom Way east of Oakdale Road (Wisdom Place, LLC).

Consent

8. Consider: (i) approving the organizational restructure of the City of Modesto; (ii) amending the Position Allocation and the FY 2014-15 Operating Budget for the Community & Economic Development Department to increase one .80 Infrastructure Financing Program Administrator to a 1.0 position. (Funding Source: Infrastructure Financing Program Administration)
- Motion approving the organizational restructure of the City of Modesto.
 - Resolution amending the Position Allocation and the FY 2014-15 Operating Budget for the Community & Economic Development Department to increase one .80 Infrastructure Financing Program Administrator to a 1.0 position.

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

ACTION: Motion (Lopez/Madrigan; 7/0) approving the organizational restructure of the City of Modesto.

ACTION: Resolution 2014-526 (Lopez/Madrigan; 7/0) amending the Position Allocation and the FY 2014-15 Operating Budget for the Community & Economic Development Department to increase one .80 Infrastructure Financing Program Administrator to a 1.0 position.

Consent

9. Consider amending the Position Allocation and the Fiscal Year 2014-15 Operating Budget for various departments. (Funding Source: Various Funds)
- Resolution amending the Position Allocation and the Fiscal Year 2014-15 Operating Budget for various departments.

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

ACTION: Resolution 2014-527 (Lopez/Madrigan; 7/0) amending the Position Allocation and the Fiscal Year 2014-15 Operating Budget for various departments.

Removed from Consent

10. Consider: (i) amending the Position Classification Plan for General Non-Sworn Classes to add the position of Engineering Intern at salary range 106; (ii) amending Exhibit "A" of Resolution 2012-272 to revise the Class Range Table for General Non-Sworn Classes to add the salary range for Engineering Intern to salary range 106; and (iii) amending the Position Allocation for the Utilities Department to add two (2) full time Engineering Intern positions. (Funding Source: Water Funds and Capital Improvement Support)
- Resolution amending the Position Classification Plan to add the position of Engineering Intern at salary range 106.

- Resolution amending Exhibit “A” of Resolution 2012-272 to revise the Class Range Table for General Non-Sworn Classes to add the salary range for Engineering Intern to salary range 106.
- Resolution amending the Position Allocation for the Utilities Department to add two (2) full time Engineering Intern positions.

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

ACTION: Resolution 2014-528 (Gunderson/Cogdill; 7/0) amending the Position Classification Plan to add the position of Engineering Intern at salary range 106.

ACTION: Resolution 2014-529 (Gunderson/Cogdill; 7/0) amending Exhibit “A” of Resolution 2012-272 to revise the Class Range Table for General Non-Sworn Classes to add the salary range for Engineering Intern to salary range 106.

ACTION: Resolution 2014-530 (Gunderson/Cogdill; 7/0) amending the Position Allocation for the Utilities Department to add two (2) full time Engineering Intern positions.

Consent

11. Consider approving the summary vacation of the 10 foot wide Public Utility Easement located along Briggsmore Ave. on the Briggsmore Shopping Center. (Funding Source: Not Applicable)

- Resolution approving the summary vacation of the 10 foot Public Utility Easement located on Briggsmore Shopping Center along Briggsmore Avenue, and recording it with the Stanislaus County Recorder’s Office.

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

ACTION: Resolution 2014-531 (Lopez/Madriral; 7/0) approving the summary vacation of the 10 foot Public Utility Easement located on Briggsmore Shopping Center along Briggsmore Avenue, and recording it with the Stanislaus County Recorder’s Office.

Consent

12. Consider approving: (i) the cancellation of 20 low-income homebuyer loans funded through the HOME Investment Partnerships Program (HOME) and Capital Facilities Fees (CFF) waiver for the Hope Village Subdivision; and (ii) the reconveyance of the HOME Deeds of Trust and CFF Deeds of Trust provided to 20 low-income homebuyer’s from the Hope Village Subdivision, and authorizing the City Manager, or his designee, to execute the agreements and related documents, including a subordination agreement. (Funding Source: HOME Investment Partnerships Program and Capital Facilities Fees)

- Resolution approving the cancellation of the HOME Notes and the reconveyance of the HOME Deeds of Trust related to 20 low-income homebuyer’s loans funded through the HOME Investment Partnerships Program for the Hope Village Subdivision and authorizing the City Manager, or his designee, to execute the agreements and related documents, including a subordination agreement, necessary

to effectuate the actions being considered.

- Resolution approving the cancellation of the CFF Notes and the reconveyance of the CFF Deeds of Trust for Capital Facilities Fees waivers (CFF) due from 20 low-income homebuyer's for the Hope Village Subdivision, and authorizing the City Manager, or his designee, to execute the agreements and related documents, including a subordination agreement necessary to effectuate the actions being considered.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310,
caverell@modestogov.com*

ACTION: Resolution 2014-532 (Lopez/Madrigal; 7/0) approving the cancellation of the HOME Notes and the reconveyance of the HOME Deeds of Trust related to 20 low-income homebuyer's loans funded through the HOME Investment Partnerships Program for the Hope Village Subdivision and authorizing the City Manager, or his designee, to execute the agreements and related documents, including a subordination agreement, necessary to effectuate the actions being considered.

ACTION: Resolution 2014-533 (Lopez/Madrigal; 7/0) approving the cancellation of the CFF Notes and the reconveyance of the CFF Deeds of Trust for Capital Facilities Fees waivers (CFF) due from 20 low-income homebuyer's for the Hope Village Subdivision, and authorizing the City Manager, or his designee, to execute the agreements and related documents, including a subordination agreement necessary to effectuate the actions being considered.

Consent

13. Consider approving a Subordination Agreement for the Neighborhood Stabilization Program 3 (NSP3) loan provided to Habitat for Humanity Stanislaus County for the acquisition, pre-development and construction of a 21-unit subdivision located at Signature Court in Modesto, also known as "Sportsmen Estates," and authorizing the City Manager, or his designee, to execute the subordination agreement and related documents. (Funding Source: Neighborhood Stabilization Program 3)

- Resolution approving a Subordination Agreement for the Neighborhood Stabilization Program 3 (NSP3) loan provided to Habitat for Humanity Stanislaus County for the acquisition, pre-development and construction of a 21-unit subdivision located at Signature Court in Modesto, also known as "Sportsmen Estates," and authorizing the City Manager, or his designee, to execute the subordination agreement and related documents.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310,
caverell@modestogov.com*

ACTION: Resolution 2014-534 (Lopez/Madrigal; 7/0) approving a Subordination Agreement for the Neighborhood Stabilization Program 3 (NSP3) loan provided to Habitat for Humanity Stanislaus County for the acquisition, pre-development and construction of a 21-unit subdivision located at Signature Court in Modesto, also known as "Sportsmen Estates," and authorizing the City Manager, or his designee, to execute the subordination agreement and related documents.

Consent

14. Consider approving an agreement with Environmental Science Associates for Wildlife Hazard Assessment, and authorize the City Manager, or his designee, to execute the agreement. (Funding Source: FAA Grant Funds and Passenger Facility Charges)
- Resolution approving an agreement with Environmental Science Associates (ESA) for Wildlife Hazard Assessment and Authorize the City Manager, or his designee, to execute the agreement.
- Public Works; Steven Fischio, 577-5319, sfischio@modestogov.com*

ACTION: Resolution 2014-535 (Lopez/Madrigal; 7/0) approving an agreement with Environmental Science Associates (ESA) for Wildlife Hazard Assessment and Authorize the City Manager, or his designee, to execute the agreement.

Consent

15. Consider approving an agreement with Kimley-Horn of Sacramento, California to provide Transportation Engineering Services for the CML 5059 (199) 14th and D Street Improvements Project in the amount of \$56,582.15. (Funding Source: CIP Project #100729)
- Resolution approving an agreement with Kimley-Horn of Sacramento, California to provide Transportation Engineering Services for the CML 5059 (199) 14th and D Street Improvements project in the amount of \$56,582.15, and authorizing the City Manager, or his designee, to execute the agreement.
- Public Works; Charles Covolo, 571-5537, ccovolo@modestogov.com*

ACTION: Resolution 2014-536 (Lopez/Madrigal; 7/0) approving an agreement with Kimley-Horn of Sacramento, California to provide Transportation Engineering Services for the CML 5059 (199) 14th and D Street Improvements project in the amount of \$56,582.15, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

16. Consider accepting the work by Netbuilds of Marysville, California, for the Transit Services 4th Floor Remodel Project as complete and authorizing payment of amounts totaling \$88,262. (The total project cost is \$127,169, which included construction contingency, engineering design, City construction forces, and construction administration.) (Funding Source: Transit Funds)
- Resolution accepting the work by Netbuilds for the Transit Services 4th Floor Remodel 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 \$88,262.
- Utilities; Rob Christensen, 577-5423, rchristensen@modestogov.com*

ACTION: Resolution 2014-537 (Lopez/Madrigal; 7/0) accepting the work by Netbuilds for the Transit Services 4th Floor Remodel 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 \$88,262.

Consent

17. Consider authorizing the increase of funds allocated to the Annual Agreements # 31921 issued to Garrett Thompson Construction, Inc. Modesto, CA, # 32168 issued to Patch Crew, Modesto, CA, and # 43038 issued to United Pavement Maintenance, Hughson, CA currently in place for Hot Patch Work through September 24, 2017 for a total amount of \$3,100,000. (Funding Source: Water Fund)
- Resolution authorizing the increase of funds allocated for the Annual Agreements # 31921 issued to Garrett Thompson Construction, Inc. Modesto, CA, # 32168 issued to Patch Crew, Modesto, CA, and # 43038 issued to United Pavement Maintenance, Hughson, CA currently in place for Hot Patch Work through September 24, 2017, and authorize the Purchasing Manager, or his designee, to issue change orders to the Agreements, increasing the fund allocation in the amount of \$3,100,000.

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

ACTION: Resolution 2014-538 (Lopez/Madrigal; 7/0) authorizing the increase of funds allocated for the Annual Agreements # 31921 issued to Garrett Thompson Construction, Inc. Modesto, CA, # 32168 issued to Patch Crew, Modesto, CA, and # 43038 issued to United Pavement Maintenance, Hughson, CA currently in place for Hot Patch Work through September 24, 2017, and authorize the Purchasing Manager, or his designee, to issue change orders to the Agreements, increasing the fund allocation in the amount of \$3,100,000.

Consent

18. Consider authorizing the increase of funds allocated for the Annual Agreement # 51398 with DJ Rocha Trucking, Inc. Hilmar, CA currently in place for Spoils Screening and Rock Crushing Services through November 11, 2018 for a total amount of \$700,000. (Funding Source: Water Fund)
- Resolution authorizing the increase of funds allocated for the Annual Agreement # 51398 issued to DJ Rocha Trucking, Inc., Hilmar, CA, currently in place for Spoils and Rock Crushing Services through November 11, 2018, and authorize the Purchasing Manager, or his designee, to issue a change order to the Agreement, increasing the fund allocation in the amount of \$700,000.

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

ACTION: Resolution 2014-539 (Lopez/Madrigal; 7/0) authorizing the increase of funds allocated for the Annual Agreement # 51398 issued to DJ Rocha Trucking, Inc., Hilmar, CA, currently in place for Spoils and Rock Crushing Services through November 11, 2018, and authorize the Purchasing Manager, or his designee, to issue a change order to the Agreement, increasing the fund allocation in the amount of \$700,000.

Consent

19. Consider authorizing the increase of funds allocated for the Annual Agreements # 33728 issued to Destination Anywhere Inc., Tracy, CA, # 33729 issued to GCU

Trucking, Oakdale, CA, and #34216 issued to Bob Harkrader & Sons Trucking, Ceres, CA currently in place for Material Hauling through October 22, 2017 for a total amount of \$600,000. (Funding Source: Water Fund)

- Resolution authorizing the increase of funds allocated for the Annual Agreements # 33728 issued to Destination Anywhere Inc., Tracy, CA, # 33729 issued to GCU Trucking, Oakdale, CA, and #34216 issued to Bob Harkrader & Sons Trucking, Ceres, CA currently in place for Material Hauling through October 22, 2017, and authorize the Purchasing Manager, or his designee, to issue change orders to the Agreements, increasing the fund allocation in the amount of \$600,000.

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

ACTION: Resolution 2014-540 (Lopez/Madrigal; 7/0) authorizing the increase of funds allocated for the Annual Agreements # 33728 issued to Destination Anywhere Inc., Tracy, CA, # 33729 issued to GCU Trucking, Oakdale, CA, and #34216 issued to Bob Harkrader & Sons Trucking, Ceres, CA currently in place for Material Hauling through October 22, 2017, and authorize the Purchasing Manager, or his designee, to issue change orders to the Agreements, increasing the fund allocation in the amount of \$600,000.

Consent

20. Consider (i) approving an agreement with Mazingo Construction Company for emergency repairs to the Cannery Segregation Trunk Line in the amount of \$227,500, with an administrative and contingency amount of \$100,000, for a total amount not to exceed \$327,500, and (ii) amending Fiscal Year 2014-15 Sewer Collections operating budget by \$327,500 from Wastewater Fund Reserves. (Funding Source: Wastewater Fund)

- Resolution approving an agreement with Mazingo Construction Company for emergency repairs to the Cannery Segregation Trunk Line in the amount of \$227,500, with administrative cost and contingency amount of \$100,000, for a total amount not to exceed \$327,500.
- Resolution amending Fiscal Year 2014-15 Sewer Collections operating budget by appropriating \$327,500 from Wastewater Fund Reserves to fully fund the agreement with Mazingo Construction Co for emergency repairs to the Cannery Segregation Trunk Line.

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

ACTION: Resolution 2014-541 (Lopez/Madrigal; 7/0) approving an agreement with Mazingo Construction Company for emergency repairs to the Cannery Segregation Trunk Line in the amount of \$227,500, with administrative cost and contingency amount of \$100,000, for a total amount not to exceed \$327,500.

ACTION: Resolution 2014-542 (Lopez/Madrigal; 7/0) amending Fiscal Year 2014-15 Sewer Collections operating budget by appropriating \$327,500 from Wastewater Fund Reserves to fully fund the agreement with Mazingo Construction Co for emergency repairs to the Cannery Segregation Trunk Line.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding the passing of Jack Adrian, Mo-Cal; he also announced that the "Mayor's Challenge Ring the Bell for Salvation Army" at WalMart on McHenry Avenue on Saturday.

Councilmember Madrigal thanked City staff and Chris Murphy for their hard work at the Christmas Tree lighting last Saturday; he also invited everyone to the Christmas Posada on December 10, 2014 at 1700 Crows Landing Road.

Councilmember Kenoyer thanked the City Electrical Department and repair of roads after water line replacement.

Councilmember Gunderson spoke regarding the sound wall on Sisk Road which fell over and encouraged citizens to contact CalTrans for repair.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson spoke regarding preparation for the upcoming storm; Councilmember Gunderson requested the emergency information be posted on the City's website.

HEARINGS

Published in the Modesto Bee on November 29, 2014

21. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2013-14 and making findings related to each of the fee categories. (Funding Source: Capital Facilities Fees)

- Resolution accepting the Capital Facilities Fees Annual Report for Fiscal Year 2013-14, and making findings related to each of the fee categories.

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

ACTION: Resolution 2014-543 (Madrigal/Gunderson; 7/0) accepting the Capital Facilities Fees Annual Report for Fiscal Year 2013-14, and making findings related to each of the fee categories.

Published in the Modesto Bee on November 29, 2014

22. Hearing to consider accepting the Fiscal Year 2013-14 Annual Report of Securities Held for Future Improvements and making findings related to each security on file. (Funding Source: Developer Deposits)

- Resolution accepting the Fiscal Year 2013-14 Annual Report of Securities 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 2014-544 (Kenoyer/Lopez; 7/0) accepting the Fiscal Year 2013-14 Annual Report of Securities Held for Future Improvements, and making findings related to each security on file.

Published in the Modesto Bee on November 29, 2014; Vida de la Valle on December 2, 2014

23. Hearing to consider approving the submittal of grant applications to the Federal Transit Administration (FTA) for: (i) Modesto's Section 5307 formula allocation of transit funds in the amount of \$9,935,790; (ii) Modesto's Section 5339 formula allocation of transit funds in the amount of \$1,092,489. (Funding Source: Revenue from FTA)
- Resolution approving submittal of a Grant Application to the Federal Transit Administration (FTA) requesting \$9,935,790 in FTA Section 5307 Funds.
 - Resolution approving submittal of a Grant Application to the Federal Transit Administration (FTA) requesting \$1,092,489 in FTA Section 5339 Funds.
- Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

ACTION: Resolution 2014-545 (Madrigal/Gunderson; 7/0) approving submittal of a Grant Application to the Federal Transit Administration (FTA) requesting \$9,935,790 in FTA Section 5307 Funds.

ACTION: Resolution 2014-546 (Madrigal/Gunderson; 7/0) approving submittal of a Grant Application to the Federal Transit Administration (FTA) requesting \$1,092,489 in FTA Section 5339 Funds.

NEW BUSINESS

24. Consider approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Employees Association (MCEA) for a term of July 1, 2014 through March 7, 2016 and authorizing the Director of Administrative Services and City Manager or designee to take the necessary administrative action to implement the agreement. This item is subject to successful ratification of the proposed MOU by MCEA on December 8, 2014 (Funding Source: All Funds)
- Resolution approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association (MCEA) for a term of July 1, 2014 to March 7, 2016 and authorizing the Director of Administrative Services and City Manager or designee to take the necessary administrative action to implement the agreement.
- Administrative Services; Joseph Lopez, 571-5126, joelopez@modestogov.com*

ACTION: Resolution 2014-547 (Lopez/Madrigal; 7/0) approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association (MCEA) for a term of July 1, 2014 to March 7, 2016 and authorizing the Director of Administrative Services and City Manager or designee to take the necessary administrative action to implement the agreement.

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)**

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

ADJOURNMENT

This meeting was adjourned at 6:45 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) –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