

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-400**

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE
RELINQUISHMENT OF THOSE PORTIONS OF STATE RIGHT-OF-WAY
ALONG HIGHWAY 99 BETWEEN POST MILE 21.0 AND POST MILE 22.1
FROM THE STATE OF CALIFORNIA TO THE CITY OF MODESTO**

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, State Route 99/Pelandale Avenue Intersection Reconstruction Project funds were programmed in accordance with California Department of Transportation's (Caltrans) Project Development Procedures Manual, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant and submitted to Caltrans for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on July 10, 2012, by Resolution No. 2012-277, Council approved an Agreement between the City of Modesto and Caltrans for maintenance of improvements within State Highway Right of Way on Route 99 (Pelandale Avenue) within the City of Modesto for the State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on February 25, 2014, by Resolution No. 2014-71, Council approved the contract with Teichert/MCM, a Joint Venture, Fowler, California in an amount of \$30,999,969, and authorized the City Manager, or his designee, to execute the contract, and

WHEREAS, on April 25, 2017, by Resolution number 2017-154, Council accepted the State Route 99/Pelandale Avenue Interchange Reconstruction Project improvements as complete, and

WHEREAS, a Record of Survey must be submitted to the State for final closeout of the project to be completed, and

WHEREAS, for the Record of Survey to be submitted, Council must first approve the relinquishment of land to both County and State, and

WHEREAS, on January 23, 2018, by Resolution number 2018-42, Council approved the transfer of real property, APNs 135-029-038 and 135-029-039 to Stanislaus County and State of California, and APNs 135-029-040 and 135-029-041 to the State of California for the SR-99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, now that Caltrans received both City and County approval of relinquishment, approval is then needed by the California Transportation Commission (CTC) for the State's property to be relinquished to the City and County, and

WHEREAS, Caltrans is requesting an approved resolution from the City authorizing the acceptance of State right of way for CTC to approve the relinquishment of State property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the acceptance of the relinquishment of those portions of State right-of-way along Highway 99 between post mile 21.0 and post mile 22.1 from the State of California to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-401**

RESOLUTION APPROVING ONE-TIME SOFTWARE IMPLEMENTATION COSTS ASSOCIATED WITH THE COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEMS FROM LUCITY, INC., OVERLAND PARK, KS, FOR \$70,500, AND ESRI GIS FROM ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., REDLANDS, CA, FOR \$2,000

WHEREAS, on January 12, 2016, by Resolution No. 2016-08, Council approved an agreement with Lucity Inc., Overland Park, KS (Lucity), for the purchase and implementation of a Computerized Maintenance Management System (CMMS) for the Wastewater Collections Division of the Utilities Department to improve critical business processes using the most effective and efficient system to support utility operations, and

WHEREAS, the Public Works Department will also be implementing this software within some of its divisions, and

WHEREAS, implementation includes the use of Lucity Mobile which provides crews within the Traffic Electrical, Streets, and Community Forestry Divisions the ability to receive, create, and complete work orders in real time at the work location, and

WHEREAS, Lucity CMMS is fully integrated with the City's Geographic Information System (GIS), which enables crews to display work orders on a GIS map of the city and thus greatly increases work efficiencies, and

WHEREAS, the Community Forestry Division will utilize Lucity as an asset management resource to develop and maintain a comprehensive database of the City's public tree inventory and urban forestry system, and

WHEREAS, the Traffic Operations and Traffic Electrical Divisions will utilize Lucity to help implement a paperless method in tracking tasks and quantities, as well as track existing and new infrastructure that can integrate with GIS, and

WHEREAS, the Streets Division will utilize Lucity to improve the tracking of citizen concerns reported by phone or on the City's GoModesto app on streets and sidewalk deficiencies, as well as data that will be collected to monitor costs associated with all repairs done by the crews within the City's right-of-way related to streets, curb, gutters, and sidewalks.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-time software implementation cost associated with the Computerized Maintenance Management Systems from Lucity, Inc., Overland Park, KS, for \$70,500, and ESRI GIS from Environmental Systems Research Institute, Inc., Redlands, CA, for \$2,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to sign all documents related to this implementation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-402**

**RESOLUTION APPROVING A COMMERCIAL CANNABIS MICROBUSINESS
TYPE 12 BUSINESS PERMIT FOR BIG DIPPER BRANDS LLC, LOCATED AT
901 E. WHITMORE AVENUE, WITH APPROPRIATE CONDITIONS**

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City's regulatory framework for commercial cannabis uses, and

WHEREAS, the Ordinance establishes certain standards and criteria that apply to all potential commercial cannabis businesses, and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis business permits, and

WHEREAS, under Section 10-3.704(f), commercial cannabis business permits must be awarded by the City Council and such decisions are final and not subject to appeal, and

WHEREAS, the City Council held a properly noticed public hearing to consider the Big Dipper Brands LLC commercial cannabis microbusiness Type 12 business permit application on September 10, 2019, and

WHEREAS, the City Council desires to issue commercial cannabis business permits to qualified operators at permitted locations that comply with state and local laws and regulations, enhance the diversity of the City's economy, mitigate negative impacts, provide a variety of locations and types of cannabis businesses to the community, and best promote the public health, safety, and general welfare of Modesto residents and businesses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed project application for a Commercial Cannabis Microbusiness Type 12 Business Permit is exempt from further analysis under the California Environmental Quality Act under the existing facilities exemption in Regulation 15301 and that the proposed cannabis cultivation business is permitted under the current zoning code.

BE IT FURTHER RESOLVED by the City Council that it hereby finds and determines that the proposed project application for a Commercial Cannabis Microbusiness Type 12 Business Permit meets the security requirements, and development and operational standards set forth in Modesto Municipal Code Sections 10-3.706 and 10-3.707.

BE IT FURTHER RESOLVED by the City Council that a Commercial Cannabis Microbusiness Type 12 Business Permit is issued to Big Dipper Brands LLC, located at 901 E. Whitmore Avenue.

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of approval, including but not limited to the following:

1. City staff, with assistance from HdL Companies staff, will be authorized to access the business site / location during construction of tenant improvements in order to document various components of business operations, security systems, and/or any other points of concern.
2. Big Dipper Brands LLC staff is required to submit a completed City of Modesto Wastewater Discharge Permit Application form within 30 days of beginning operations. City staff will conduct ongoing inspections as needed to verify wastewater discharge from the business.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-403**

**RESOLUTION APPROVING A COMMERCIAL CANNABIS CULTIVATION
NURSERY TYPE 4 BUSINESS PERMIT FOR LEGACY NURSERY LLC,
LOCATED AT 901 E. WHITMORE AVENUE, WITH APPROPRIATE
CONDITIONS**

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City's regulatory framework for commercial cannabis uses, and

WHEREAS, the Ordinance establishes certain standards and criteria that apply to all potential commercial cannabis businesses, and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis business permits, and

WHEREAS, under Section 10-3.704(f), commercial cannabis business permits must be awarded by the City Council and such decisions are final and not subject to appeal, and

WHEREAS, the City Council held a properly noticed public hearing to consider the Legacy Nursery LLC commercial cannabis cultivation nursery Type 4 business permit application on September 10, 2019, and

WHEREAS, the City Council desires to issue commercial cannabis business permits to qualified operators at permitted locations that comply with state and local laws and regulations, enhance the diversity of the City's economy, mitigate negative impacts, provide a variety of locations and types of cannabis businesses to the community, and

best promote the public health, safety, and general welfare of Modesto residents and businesses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed project application for a Commercial Cannabis Cultivation Nursery Type 4 Business Permit is exempt from further analysis under the California Environmental Quality Act under the existing facilities exemption in Regulation 15301 and that the proposed cannabis cultivation business is permitted under the current zoning code.

BE IT FURTHER RESOLVED by the City Council that it hereby finds and determines that the proposed project application for a Commercial Cannabis Microbusiness Type 12 Business Permit meets the security requirements, and development and operational standards set forth in Modesto Municipal Code Sections 10-3.706 and 10-3.707.

BE IT FURTHER RESOLVED by the City Council that a Commercial Cannabis Cultivation Nursery Type 4 Business Permit is issued to Legacy Nursery LLC, located at 901 E. Whitmore Avenue.

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of approval, including but not limited to the following:

1. City staff, with assistance from HdL Companies staff, will be authorized to access the business site / location during construction of tenant improvements in order to document various components of business operations, security systems, and/or any other points of concern.
2. Legacy Nursery LLC staff is required to submit a completed City of Modesto Wastewater Discharge Permit Application form within 30 days of beginning

operations. City staff will conduct ongoing inspections as needed to verify wastewater discharge from the business.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-404**

**RESOLUTION APPROVING AMENDMENT NO. 1 TO CITY OF MODESTO
PROGRAM YEAR 2019-2020 ANNUAL ACTION PLAN, AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE
AMENDMENT**

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto is required to develop a Substantial Amendment to the Annual Action Plan when it makes changes to its planned or actual activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, HUD requires the City of Modesto develop, in consultation with its citizens and community-based service providers, a funding strategy that furthers its housing and community development goals as described in the City's Five-Year Consolidated Plan for FY 2015-2020, and

WHEREAS, citizen participation is a key component of the Substantial Amendment to the Annual Action Plan process, and

WHEREAS, HUD regulations require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input on the goals and priorities and the specific type of activities to be funded in the City's Substantial Amendment to the Program Year 2019-2020 Annual Action Plan, and

WHEREAS, staff held three community meetings to assess local needs and priorities related to community services, economic development, community facilities and infrastructure, housing and fair housing, and

WHEREAS, the information obtained from the community meetings was used to prepare the Substantial Amendment to the Program Year 2019-2020 Annual Action Plan, and

WHEREAS, the 30-day public review period to review and comment on the draft documents opened on August 10, 2019 and will close the 30-day public comment period with a public hearing at the City Council meeting on September 10, 2019, and

WHEREAS, any comments received during the public review period or during the September 10, 2019, City Council meeting will be incorporated into the Substantial Amendment to the Program Year 2019-2020 Annual Action Plan that is submitted to HUD, and

WHEREAS, there is no impact to the General Fund and the Annual Action Plan Amendment No. 1 would reallocate existing funds and programming carryover funds identified with Program Year 2018 closeout to new projects in order to meet HUD's timeliness deadline on April 30, 2020, and

WHEREAS, on August 29, 2019, the City's Citizens Housing and Community Development Committee recommended forwarding the Substantial Amendment Program Year 2019-2020 Annual Action Plan to the City Council for consideration and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 1 to City of Modesto Program Year 2019-2020 Annual Action Plan, and

BE IT FURTHER RESOLVED by the Council of the City of Modesto authorizes the City Manager or his designee, to execute the Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-405**

**RESOLUTION AMENDING THE FISCAL YEAR 2019-20 OPERATING,
CAPITAL AND MULTI-YEAR PROJECT BUDGETS TO RE-ALLOCATE
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS PROPOSED IN
THE PROGRAM YEAR 2019-2020 ANNUAL ACTION PLAN AMENDMENT
NO. 1 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO
TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF
THIS RESOLUTION**

WHEREAS, the City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units, and

WHEREAS, on May 14, 2019, by Resolution 2019-240, City Council approved the Program Year 2019 Annual Action Plan, and

WHEREAS, certain budgetary transactions are necessary to reallocate funds during the course of the Consolidated Plan cycle when there is a change in allocation priorities, or method of distribution, carrying out new activities with CPD funds, change in purpose, scope, location or beneficiaries of an activity, and

WHEREAS, the Fiscal year 2019-20 capital and operating budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein to reflect an approved reallocation of funds as set forth in the Integrated Disbursement and Information System (IDIS) reporting system, and

WHEREAS, the Fiscal year 2019-20 Multi-Year budget to be amended as shown in **Exhibit B**, which is incorporated by reference herein to reflect an approved reallocation of funds as set forth in the Integrated Disbursement and Information System (IDIS) reporting system.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of

Modesto that it hereby approves the amendment of the Fiscal year 2019-20 Budget as shown in **Exhibit A and Exhibit B attached** hereto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provision of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

EXHIBIT A

<i>Amendment I Program Year 2019 Annual Action Plan</i>						
Project / Account	Task	IDIS Activity	Adjustment	Funding Source	PY	Description
100980	EDA Eng/Design/Admin	1232	\$ (350,000.00)	CDBG EN	17/18	Access Center
100866	CON Construction	1253	\$ 475,000.00	CDBG PI	17/18/19	Senior Playground
100866	EDA Eng/Design/Admin	1253	\$ 25,000.00	CDBG PI	19	Senior Playground
1130-14015-53300-01357		1257	\$ 50,000.00	CDBG EN	19	Media Park
			\$ 200,000.00			
100866	Capital Grants - HUD CIP Projects 5170	1253	\$ (500,000.00)	CDBG PI Transfer	19	Senior Playground

EXHIBIT B

<i>Amendment I Program Year 2019 Annual Action Plan</i>						
Project / Account	Task	IDIS Activity	Adjustment	Funding Source	PY	Description
101XXX	Acquisition	1356	\$ 2,500,000.00	CDBG PI	NSP 2	K House
101XXX	Professional Services	1356	\$ 100,000.00	CDBG PI	NSP 2	K House
1130-14010-53300-01330	Professional Services	1356	\$ 100,000.00	CDBG PI	NSP 2	K House
1130-14010-54500-01330	Services City Forces - Interfund	1356	\$ 150,000.00	CDBG PI	NSP 2	K House
			\$ 2,850,000.00			

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-406**

**RESOLUTION AWARDING \$2,500,000 OF COMMUNITY DEVELOPMENT
BLOCK GRANT FUNDS (CDBG) TO THE HOUSING AUTHORITY OF THE
COUNTY OF STANISLAUS (HACS), FOR THE ACQUISITION AND
REHABILITATION OF 722 KANSAS AVENUE, AND AUTHORIZING THE
CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS.**

WHEREAS, the City of Modesto receives Community Development Block Grant (CDBG), HOME Investment Partnerships Program and Emergency Solutions Grant funds from the U.S. Department of Housing and Urban Development each year, and

WHEREAS, these funds are allocated through an Annual Action Plan which is reviewed by the Citizens' Housing and Community Development Committee and approved by the City Council, and

WHEREAS, on May 14, 2019, by Resolution No. 2019-240, Council approved the City of Modesto Program Year 2019-20 Annual Action Plan, and

WHEREAS, on August 29, 2019 the Citizen's Housing and Community Development Committee reviewed, approved and forwarded the project proposal and funding recommendation to the City Council for review and approval, and

WHEREAS, the Kansas House project is a collaborative project in partnership with Stanislaus County and the Stanislaus County Regional Housing Authority, and

WHEREAS, funding will assist with the acquisition and rehabilitation of a local motel at 722 Kansas to provide 103 permanent supportive housing units to assist approximately 200 homeless individuals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the awarding \$2,500,000 in Community Development Block

Grant funds to the Housing Authority of the County of Stanislaus (HACS), for the acquisition and or rehabilitation of 722 Kansas Avenue.

BE IT FURTHER RESOLVED; authorize the City Manager or his designee, to execute the agreements in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney