

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-455**

**RESOLUTION APPROVING THE APPOINTMENT OF NAND KISHORE TO
THE BOARD OF BUILDING APPEALS WITH A TERM EXPIRATION OF
JANUARY 1, 2025**

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Board of Building Appeals of the City of Modesto is established to hear and determine appeals from any person aggrieved by any order of the Chief Building Official, provide reasonable interpretations of the building codes, render decisions affirming, modifying, or reversing any order of the Chief Building Official, make recommendations to the City Council for new legislation consistent with the intent of any of the adopted building codes. The Board of Building Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction, and

WHEREAS, the Appointments Committee met on October 8, 2020, and recommended the appointment of Nand Kishore as board member to the Board of Building Appeals.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the appointment of Nand Kishore as board member to the Board of Building Appeals to a four-year term, with a term expiration of January 1, 2025.

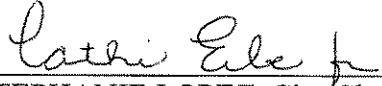
BE IT FURTHER RESOLVED, that City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Board of Building Appeals, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-456**

**RESOLUTION APPROVING THE APPOINTMENT OF ALEJANDRO LANZAS
TO THE DISABLED ACCESS APPEALS BOARD WITH A TERM EXPIRATION
OF JANUARY 1, 2025**

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Disabled Access Appeals Board of the City of Modesto is established to hear and determine appeals from any person aggrieved by any order of the Chief Building Official issued pursuant to the Disabled Access Laws, hear and determine appeals from any person aggrieved by an interpretation by the Chief Building Official of any of the Disabled Access Laws, and to make recommendation to the City Council for new legislation consistent with the intent of the Disabled Access Laws, and

WHEREAS, the Appointments Committee met on October 8, 2020, and recommended the appointment of Alejandro Lanzas as board member to the Disabled Access Appeals Board.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the appointment of Alejandro Lanzas as board member to the Disabled Access Appeals Board to a four-year term, with a term expiration of January 1, 2025.

BE IT FURTHER RESOLVED, that City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Disabled Access Appeals Board, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-457**

**RESOLUTION APPROVING THE SALE OF THE CITY'S INTEREST IN
PROPERTY LOCATED AT 2846 FINCH RD. MODESTO, CALIFORNIA TO
THE COUNTY OF STANISLAUS FOR \$375,000, AND CORRESPONDING
PURCHASE AND SALE AGREEMENT, AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE
AGREEMENT AND ANY RELATED ESCROW DOCUMENTS**

WHEREAS, the City owns a reversionary interest in an undivided ½ interest in that certain real property located at 2846 Finch Road in Modesto, California (the "Property"); and

WHEREAS, the Property is comprised of approximately 4.5 acres of land, including an approximately 10,700 square foot single-story rectangular cinder block structure, as well as one approximately 1,950 square foot storage structure; and

WHEREAS, the Property is currently owned in fee simple title by Stanislaus County ("County"), subject to the City's interest; and

WHEREAS, the County desires to purchase the City's interest in the Property; and,

WHEREAS, based on an appraisal from Giomi, Inc. dated March 27, 2019, the City and County have determined that the fair market value of the Property is \$750,000; and

WHEREAS, the County has offered to purchase the City's interest in the Property for \$375,000, less \$28,828 for the City's share of reasonable site-related clean-up costs and the costs of sale; and

WHEREAS, in the event that the Stanislaus County sells the Property to a third party within the next ten years for an amount greater than \$750,000, the City would be entitled to 50% of any proceeds of sale greater than \$750,000; and

WHEREAS, the County intends to use the Property as an animal shelter, and will meet and confer with the City prior to any potential change in use by the County occurring in the next 7 years; and

WHEREAS, the sale of the Property is exempt from the Surplus Lands Act pursuant to Government Code section 54221(f)(1)(D); and

WHEREAS, the City Council desires to sell the City's interest in the Property to Stanislaus County for \$375,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of the City's interest in that certain real property located at 2846 Finch Road in Modesto, California to Stanislaus County for \$375,000 and corresponding Purchase and Sale Agreement.

BE IT FURTHER RESOLVED that the City Manager or his designee, are hereby authorized to execute the purchase and sale agreement and any related escrow documents, 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 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-458**

RESOLUTION APPROVING AN \$85,107 HOMEOWNER REHABILITATION LOAN AND A \$10,000 HOMEOWNER REHABILITATION GRANT, FOR EMILY DUNN FOR THE PROPERTY LOCATED AT 1541 W ORANGEBURG AVENUE, MODESTO, CA 95350 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS

WHEREAS, on July 2, 2020 HRLC approved a \$76,330.00 Homeowner Rehabilitation Loan and a \$10,000.00 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, Modesto, CA 95350, and

WHEREAS, additional health and safety repairs were identified at the August 28, 2020 mandatory bid tour, and

WHEREAS, on September 3, 2020 HRLC approved an additional \$15,232.00 Homeowner Rehabilitation Loan for a total of \$91,562.00, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, the project was advertised for bids on August 18, 2020 and

WHEREAS, bids were publicly opened on September 15, 2020 and Zacks Handyman & Construction of Denair, California was the apparent low bidder, bid tabulation attached, and

WHEREAS, the bid analysis is as follows: number of bids received 3, number of bids within 15% of the Housing Rehabilitation Specialist's estimate 1, number of bids above the Housing Rehabilitation Specialist's estimate 1, number of bids not meeting cost reasonableness guidelines 1, and

WHEREAS, Zacks Handyman & Construction's bid is 6.56% lower than the Housing Rehabilitation Specialist's estimate and the other bids range from 24% lower to 17% higher than the Housing Rehabilitation Specialist's estimate, and

WHEREAS, section 6 Homeowner Rehabilitation Program Policies & Procedures approved by City of Modesto Council by Resolution 2019-513 on November 26, 2019 section 14.0 cost reasonableness and scope of work subsection 14.5 states "bids received must be within 15% of the Housing Rehabilitation Specialist's cost estimate", and

WHEREAS, the project was awarded to Zack's Handyman and Construction for \$95,107 inclusive of a 12% contingency, and

WHEREAS, the Homeowner Rehabilitation Program was created to assist with low-income homeowners in the needed rehabilitation and health and safety concerns of their property, and

WHEREAS, to ensure quality work, city staff assists with procurement of the contractor and oversight of the project, and

WHEREAS, City staff oversees the project to verify timelines and workmanship standards are adhered to, and

WHEREAS, the City only provides funding and project oversight; the homeowner goes into direct agreement with the contractor.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a \$85,107.00 Homeowner Rehabilitation Loan and a \$10,000.00 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, Modesto, CA 95350.

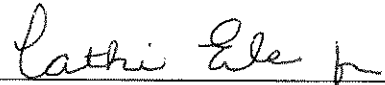
BE IT FURTHER RESOLVED that authorizing the City Manager or his designee to execute the agreements in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-459**

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF TWO (2) FORKLIFTS TO EAST BAY CLARKLIFT INC., DBA CROMER EQUIPMENT, FRESNO, CA. FOR A TOTAL AMOUNT NOT TO EXCEED \$61,481 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Finance Department Stores Division restored Central Stores in April 2020 at the new Water Corporation Yard; and

WHEREAS, Stores Division requires a forklift as a new addition which will be used by both Stores and the Water Department to maintain operations; and

WHEREAS, the Utilities Department, Wastewater Division require a replacement for their current forklift to maintain operations; and

WHEREAS, this vehicle is used to load and unload materials and deliveries and move large items to and from storage areas safely; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, MMC 8-3.202(d) permits the Purchasing Manager to utilize the “piggyback” from a competitive bid process with the State of California when the best cost savings interest of the City would be served; and

WHEREAS, on April 12, 2019 the State of California issued Invitation for Bid #12432 on the State DGS website for a Statewide Contract for forklifts and Pallet Trucks/Jacks for a two (2) year agreement with three (3) one-year extension options: and

WHEREAS, on April 26, 2019 bids were formally opened, five bids were received and based on lowest responsive and responsible bidder an agreement for forklifts was awarded to three (3) bidders, Cromer Equipment, RKU Distributing Inc. and Southern CA Material Handling; and

WHEREAS, City staff recommends that award of two (2) forklifts to Cromer Equipment, Fresno CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of two (2) forklifts to Cromer Equipment, Fresno, CA for a total amount not to exceed \$61,481.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-460**

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF ONE ONE-TON TRUCK TO SONORA FORD, SONORA CA., FOR A TOTAL AMOUNT NOT TO EXCEED \$65,269 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the utilities Department, Jennings Plant Maintenance Division require a replacement of a one-ton truck to maintain operations; and

WHEREAS, this vehicle is used to transport supplies into the field for projects; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on February 19, 2020 the Purchasing Division issued RFB 1920-60 for a One-Ton Truck with specific configurations on the City's website under commodity code 07048 for Truck (One-Ton and less Capacity); and

WHEREAS, sixteen companies chose to download the RFB document, one chose to respond, the responding vendor was not a local bidder; and

WHEREAS, March 17, 2020 one bid was formally opened in the City Clerk's office Sonora Ford, Sonora, CA, was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the overall lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203, City staff recommends the award of bid for one one-ton truck to Sonora Ford, Sonora, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of one one-ton truck to Sonora Ford, Sonora, CA for a total amount not to exceed \$65,269.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee is hereby authorized to execute the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-461**

RESOLUTION REJECTING ALL BIDS RECEIVED FOR REQUEST FOR BID (RFB) NO. 1819-60 FOR 33,000 GVWR TRUCK WITH CHLORINE TANK, RFB 1920-09RB FOR FOUR (4) EXTENDED CAB ONE-TON TRUCKS AND A SOURCEWELL QUOTE FOR A ONE-TON CREW CAB FLATBED TRUCK AND AUTHORIZING STAFF TO REISSUE THE RFB'S AT A FUTURE DATE WHEN APPROVED BY THE CITY MANAGER

WHEREAS, the Utilities Division, Water Wells and Treatment Division require a 33,000-pound GVWR Truck with Chlorine tank; and

WHEREAS, on June 17, 2019 the Purchasing Division issued Request for Bid (RFB) No. 1819-60 for a 33,000-pound GVWR Truck with Chlorine Tank; and

WHEREAS, on July 9, 2019 bids were formally opened in the City Clerk's office; and

WHEREAS, On November 26, 2019 City Council approved RESO 2019-517 for a total amount not to exceed \$177,352; and

WHEREAS, when the purchase order was completed and forwarded to the vendor, the Purchasing Division was notified that due to the period of time, four months, to obtain approval pricing was no longer valid due to the fact that the item that was quoted in the bid was a 2019-model and was no longer in production and they would not accept the purchase order; and

WHEREAS, the Public Works Department, Fleet Services Division require four extended cab one-ton trucks for various departments; and

WHEREAS, on September 9, 2019 the Purchasing Division issued RFB 1920-09RB for Four (4) Extended Cab One-Ton Trucks; and

WHEREAS, on October 15, 2019 one bid was formally opened in the City Clerk's office, however, due to the number of exceptions proposed by the vendor the division decided to re-evaluate the specifications listed for the vehicles; and

WHEREAS, the Public Works Department, Streets Maintenance Division require a replacement for a One-Ton Crew Cab Flatbed Truck due to an auto accident that has totaled the current unit and cannot safely be repaired; and

WHEREAS, on February 25, 2020 the City Council approved Resolution 2020-097 for a One-Ton Crew Cab Flatbed for a total amount not to exceed \$56,782; and

WHEREAS, when the purchase order was completed and forwarded to the vendor, the Purchasing Division was notified that the revised quote from National Auto Fleet Group was expired, however there was no "cutoff date" listed on the quote; and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a) Formal Bid Procedures, the Council shall have the authority to accept or reject any or all bids. The rejection of all bids for RFB 1819-60 for 33,000 GVWR Truck with Chlorine Tank, RFB 1920-09RB for Four (4) Extended Cab One-Ton Trucks and a Sourcewell Quote for One-Ton Crew Cab Flatbed Truck conforms to the Modesto Municipal Code 8-3.204, subsection (e).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bids received for RFB 1819-60 for 33,000 GVWR Truck with Chlorine Tank, RFB 1920-09RB for Four (4) Extended Cab One-ton Trucks and a Sourcewell Quote for One-Ton Crew Cab Flatbed Trucks.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorizing staff to reissue the RFB's at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-462**

RESOLUTION APPROVING THE AWARD OF REQUEST FOR BID AND AN AGREEMENT FOR BULK OILS AND LUBRICANTS TO HUNT & SONS INC. OF MODESTO, CALIFORNIA, FOR THE TOTAL AMOUNT NOT TO EXCEED \$486,602 OVER A FIVE-YEAR PERIOD, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Public Works Department, Fleet Services Division, maintain storage tanks for bulk oils, and

WHEREAS, bulk oils and lubricants used at these facilities are purchased on an as-needed basis throughout the year from annual purchase agreements, and

WHEREAS, on July 13, 2020, the Request for Bid was issued by the City to select, through a competitive bid process, a contractor to provide bulk oils and lubricants for the City of Modesto, and

WHEREAS, on August 11, 2020, the City of Modesto received bids from Hunt & Sons Inc., Cummins, SC Fuels and Van De Pol, and

WHEREAS, the estimated cost was based on total annual usage of bulk oils and lubricants, and

WHEREAS, after review of the bids, the lowest bid received was \$486,602 from Hunt and Sons, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow the formal bid procedures. An award of Request for Bids for Bulk Oils & Lubricants and agreement for Bulk Oils & Lubricants for Citywide use to Hunt & Sons Inc. of Modesto, California conforms to the Modesto Municipal Code because the City

complied with the formal bid procedures and Hunt & Sons Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves approving the award of Request for Bid and an Agreement for bulk oils and lubricants to Hunt & Sons Inc. of Modesto, California, for the total amount not to exceed \$486,602 over a five-year period.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, 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 4th day of November, 2020, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez for
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-463**

**RESOLUTION APPROVING A HEMP OPERATING AGREEMENT BETWEEN
THE CITY OF MODESTO AND CANOPY GROWTH USA, LLC AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE
THE AGREEMENT**

WHEREAS, Hemp is a legal agricultural commodity under the federal 2018 Farm Bill and the California Food and Agricultural Code, and is a crop increasingly grown in California's Central Valley, and

WHEREAS, Modesto is ideally located for hemp processing and manufacturing, and

WHEREAS, Canopy Growth USA, LLC ("Canopy") seeks to develop a state-of-the-art hemp manufacturing campus in Modesto (the "Project") and to hire employees locally to manufacture hemp products and distribute such products regionally or even nationally from the facility, and

WHEREAS, the City desires to regulate all hemp operations in the City of Modesto in a manner that preserves public health and safety, protects the environment, drives diverse economic opportunities, while complying with all City, state, and federal laws and regulations, and

WHEREAS, the Parties have contemplated and negotiated a hemp operating agreement to allow hemp operations at the premises prior to the City adopting an ordinance to more broadly approve hemp processing operations within the City, and

WHEREAS, the City Council Ad Hoc Cannabis Committee has recommended to the City Council approval of entering into a Hemp Operating Agreement with Canopy Growth USA, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the Project for an industrial hemp manufacturing campus in the City of Modesto is exempt from further analysis under the California Environmental Quality Act (CEQA) under the in-fill streamlining process under CEQA Regulation 15183.3, the existing facilities exemption under Regulation 15301 and the exemption for new construction or conversion of small structures under Regulation 15303. Furthermore, the Project is exempt from CEQA under the general rule in CEQA Guidelines section 15061(b)(3), that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The Project is modifying an existing structure, and is accordingly exempt from further analysis under CEQA.

BE IT FURTHER RESOLVED by the Council that it hereby approves the Hemp Operating Agreement attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the Hemp Operating Agreement 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 4th day of November, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Stephanie Lopez for*
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-464**

**RESOLUTION APPROVING A NEW ANNUAL SIDEWALK VENDOR PERMIT
FEE OF \$150 FOR THE SIDEWALK VENDOR PERMIT PROGRAM**

WHEREAS, on September 17, 2018, Governor Jerry Brown signed Senate Bill (SB) 946, Sidewalk Vendors (SB 946), into law, and

WHEREAS, SB 946 permits the City of Modesto to establish a sidewalk vendor permit to protect the health, safety, and welfare of the public, and

WHEREAS, the City has established a sidewalk vendor program, whereby all sidewalk vendors in the City are required to obtain a Sidewalk Vending Permit from the City (Permit) as well as followed regulations contained in Title 4 (“Public Welfare, Safety and Health”), Chapter 1 (“Regulation of Amusements and Amusement Devices”) Chapter 12 (“Sidewalk Food Vendors”) of the Modesto Municipal Code, and

WHEREAS, the Finance Department conducted an analysis of the staff costs required to administer the Sidewalk Vending Program and determined the fee of One Hundred Fifty Dollars (\$150) to be the reasonable Sidewalk Vending Program permit fee to capture cost recovery, and

WHEREAS, the Finance Department also reviewed other comparable cities and the proposed Sidewalk Vending Program annual fee is comparable with other jurisdictions’ annual sidewalk vending fee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a new annual Sidewalk Vendor Permit fee of One Hundred Fifty Dollars (\$150) for the Sidewalk Vendor Permit Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 2020, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney