

2013 LEGISLATIVE HISTORY

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 08, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Shiefelbein, College Avenue Church

City Clerk's Announcements: Item 34 - Removed from Agenda per request of Applicant

Declaration of Conflicts of Interest: Items 4, 14-27

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Morada Parlor No. 199 of the Native Daughters of the Golden West in honor of their 100th anniversary. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to the Morada Parlor No. 199 of the Native Daughters of the Golden West in honor of their 100th anniversary.

2. 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 Batteries Plus Bulbs, Gurnick Academy of Medical Arts, and Pacific Mediation Medical

Group, LLC.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider approving the reappointment of Steve Carter to the City of Modesto Planning Commission and Henri (Hank) Pollard and Jaylen French to the Board of Zoning Adjustment. (Funding Source: Not Applicable)

- Resolution reappointing Steve Carter to the City of Modesto Planning Commission recommended.
- Resolution reappointing Hank Pollard to the City of Modesto Board of Zoning Adjustment recommended.
- Resolution reappointing Jaylen French to the City of Modesto Board of Zoning Adjustment recommended.

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

ACTION: Resolution 2013-01 (Cogdill/Lopez; 7/0) reappointing Steve Carter to the City of Modesto Planning Commission.

ACTION: Resolution 2013-02 (Cogdill/Lopez; 7/0) reappointing Hank Pollard to the City of Modesto Board of Zoning Adjustment.

ACTION: Resolution 2013-03 (Cogdill/Lopez; 7/0) reappointing Jaylen French to the City of Modesto Board of Zoning Adjustment.

Councilmember Muratore absent due to conflict of interest

4. Consider approving the appointment of Frank Ploof to fill a vacancy on the City of Modesto Citizens' Housing & Community Development Committee. (Funding Source: Not Applicable)

- Resolution approving the appointment of Frank Ploof to fill a vacancy on the City of Modesto Citizens' Housing & Community Development Committee (CH&CDC) recommended.

*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863 ,
motten@modestogov.com*

ACTION: Motion (Cogdill/Geer) approving the appointment of Frank Ploof to fill a vacancy on the City of Modesto Citizens' Housing & Community Development Committee (CH&CDC). – **MOTION WITHDRAWN**

ACTION: Motion (Cogdill/Gunderson; majority; Lopez no; Muratore absent due to conflict of interest) removing matter from Agenda and continued to future meeting.

PUBLIC COMMENT PERIOD

- Senator Jeff Denham spoke regarding the new 10th District, issues coming up in Washington, D.C. and working together.
- Harry Lee Pyatt spoke regarding NSP2 Program regarding condominiums on Granger Avenue.
- Chris Murphy spoke regarding Modesto's history, historical structures, and the tearing down of the Cote d'Oro Building.
- Frank Cousineau, MYSA, spoke regarding partnerships with the City of Modesto.
- Adrian Herrell spoke regarding Sister Cities International.
- Joel Campos spoke regarding trend of tearing down historical buildings in Modesto and the Cote d'Oro Building.
- Jennifer Machado spoke regarding the recent death on Scenic Avenue and problems with traffic on Scenic Avenue.
- Emerson Drake spoke regarding Salida Ad Hoc Committee, ad hoc committee meetings in general and public participation.
- A citizen spoke regarding shopping centers in Modesto and Ceres.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5-30
ACTION CONSENT ITEMS 5-13, 28,29: (Lopez/Burnside; unan.)
ACTION CONSENT ITEMS 14-27: (Lopez/Geer; unan.; Muratore 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 December 11, 2012 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the December 11, 2012 City Council meeting recommended.

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

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes from the December 11, 2012 City Council meeting.

Consent

6. Consider approving the request by the County of Stanislaus to expand the geographic boundaries of the Stanislaus Enterprise Zone (EZ) by 263.42 acres within its jurisdiction and authorize the Stanislaus Economic Development and Workforce Alliance, as the Stanislaus Enterprise Zone Administrator, to submit the written request and the required documentation to the California Department of Housing & Community Development (HCD). (Funding Source: Not Applicable)
- Resolution approving a request by the County of Stanislaus to expand the geographic boundaries of the Stanislaus County Enterprise Zone by 263.42 acres within its jurisdiction and authorize the Stanislaus Economic Development and Workforce Alliance, as the Stanislaus Enterprise Zone Administrator, to submit the written request and required documentation to the California Department of Housing & Community Development recommended.
Community & Economic Development; Margaret James, 571-5840, mbjames@modestogov.com

ACTION: Resolution 2013-04 (Lopez/Burnside; 7/0) approving a request by the County of Stanislaus to expand the geographic boundaries of the Stanislaus County Enterprise Zone by 263.42 acres within its jurisdiction and authorize the Stanislaus Economic Development and Workforce Alliance, as the Stanislaus Enterprise Zone Administrator, to submit the written request and required documentation to the California Department of Housing & Community Development.

Consent

7. Consider approving a Water Will Serve Letter and an Outside Service Agreement for water connection (Will Serve Letter was granted on October 3, 2012) as introduced in Section 11-1.05 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to water main connection charges, and City Council Policy 5.001 regarding extension of water service into unincorporated areas. (Funding Source: General Fund and Water Fund)
- Resolution approving a Will Serve Letter for the property located at 101 E Street in Waterford, (APN: 134-007-078) to connect to the City of Modesto's existing water system, and authorizing the City Manager, to sign the Will Serve Letter recommended.
 - Resolution approving an Outside Service Agreement between the City of Modesto and the City of Waterford for water service for the property located at 101 E Street in Waterford, (APN: 134-007-078) and authorizing the City Manager, or his designee to execute the agreement recommended.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2013-05 (Lopez/Burnside; 7/0) approving a Will Serve Letter for the property located at 101 E Street in Waterford, (APN: 134-007-078) to connect to the City of Modesto's existing water system, and authorizing the City Manager, to sign the Will Serve Letter.

ACTION: Resolution 2013-06 (Lopez/Burnside; 7/0) approving an Outside Service

Agreement between the City of Modesto and the City of Waterford for water service for the property located at 101 E Street in Waterford, (APN: 134-007-078) and authorizing the City Manager, or his designee to execute the agreement.

Consent

8. Consider authorizing the award of bid for the printing and delivery of the utility bill insert for the Utility Planning and Projects Department, to Mailing U.S./NotePads, Inc., Anaheim, 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 \$24,353, and over five (5) years of \$121,765. (Funding Source: Water, Wastewater, Storm Drain and Garbage Fees)

- Resolution authorizing the award of bid for the printing and delivery of the utility bill insert for the Utility Planning and Projects Department, to Mailing U.S./NotePads, Inc., Anaheim, 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 \$24,353, and over five (5) years of \$121,765 recommended.

Finance and Utility Planning and Projects; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2013-07 (Lopez/Burnside; 7/0) authorizing the award of bid for the printing and delivery of the utility bill insert for the Utility Planning and Projects Department, to Mailing U.S./NotePads, Inc., Anaheim, 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 \$24,353, and over five (5) years of \$121,765.

Consent

9. Consider accepting the Monthly Investment Report for September 2012 (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for September 2012 recommended.

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

ACTION: Motion (Lopez/Burnside; 7/0) accepting the Monthly Investment Report for September 2012.

Consent

10. Consider approving the Employment Development Department (EDD) application for elective coverage of disability insurance for employees represented by the Modesto City Employees' Association (MCEA); and authorize the City Manager, or designee, to take the necessary administrative action to implement the agreement. (Funding Source: General Fund and Other Funds)

- Resolution approving the Employment Development Department (EDD)

application for elective coverage of disability insurance for employees represented by the Modesto City Employees' Association (MCEA); and authorize the City Manager, or designee, to take the necessary administrative action to implement the agreement recommended.

Human Resources; Joseph Lopez, 571-5126, jlopez@modestogov.com

ACTION: Resolution 2013-08 (Lopez/Burnside; 7/0) approving the Employment Development Department (EDD) application for elective coverage of disability insurance for employees represented by the Modesto City Employees' Association (MCEA); and authorize the City Manager, or designee, to take the necessary administrative action to implement the agreement.

Consent

11. Consider authorizing the Purchasing Manager to issue purchase agreements for maintenance contracts/support agreements throughout Fiscal Year 2012-13 for the "sole source" procurement of various hardware and software maintenance support agreements from hardware and software manufacturers for the Information Technology Department for an estimated annual cost not to exceed \$889,599. (Funding Source: Information Technology 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 2012-2013 From hardware and software manufacturers for the Information Technology Department, for an estimated annual cost not to exceed \$889,599 recommended.

Information Technology; Bryan Sastokas, 577-5229, bsastokas@modestogov.com

ACTION: Resolution 2013-09 (Lopez/Burnside; 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 2012-2013 From hardware and software manufacturers for the Information Technology Department, for an estimated annual cost not to exceed \$889,599.

Consent

12. Consider approving an Agreement for the purchase of retired City of Modesto Police canine, Cane, by its handler, Officer William Jones. (Funding Source: General Fund Revenue)

- Resolution approving an Agreement between the City of Modesto and Officer William Jones for the purchase of retired City of Modesto Police canine, Cain, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Police; Rick Armendariz, 572-9612, armendarizr@modestopd.com

ACTION: Resolution 2013-10 (Lopez/Burnside; 7/0) approving an Agreement between the City of Modesto and Officer William Jones for the purchase of retired City of Modesto Police canine, Cain, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

13. Consider: (i) accepting the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant, from the State of California, Board of State and Community Corrections (BSCC), for \$84,716 for Project Wake Up, and (ii) amending the Multi-Year 2012/13 Budget, estimating revenue of \$84,716 from the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant for Project Wake Up. (Funding Source: State Misc. Grants)
- Resolution accepting the California Gang Reduction, Intervention and Prevention (CalGRIP) Program grant, from the State of California, Board of State and Community Corrections, in the amount of \$84,716, for Project Wake Up; and authorizing the City Manager, or his authorized designee, to execute the necessary grant documents recommended.
 - Resolution amending the Fiscal Year 2012/2013 Multi-Year Budgets to reflect revenue and expenses, in the amount of \$84,716, from the California Gang Reduction, Intervention and Prevention (CalGRIP) Program grant for Project Wake Up recommended.

Police; Scott Heller, 342-9129, hellers@modestopd.com

ACTION: Resolution 2013-11 (Lopez/Burnside; 7/0) accepting the California Gang Reduction, Intervention and Prevention (CalGRIP) Program grant, from the State of California, Board of State and Community Corrections, in the amount of \$84,716, for Project Wake Up; and authorizing the City Manager, or his authorized designee, to execute the necessary grant documents.

ACTION: Resolution 2013-12 (Lopez/Burnside; 7/0) amending the Fiscal Year 2012/2013 Multi-Year Budgets to reflect revenue and expenses, in the amount of \$84,716, from the California Gang Reduction, Intervention and Prevention (CalGRIP) Program grant for Project Wake Up.

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

14. Consider approving a loan of NSP2 funds in the amount of \$138,694 to purchase and rehabilitate real property located at 501 Fortuna Avenue. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus). (Funding Source: NSP2 Grant)
- Resolution approving the release of funds in the amount of \$138,694 to purchase and rehabilitate real property which is located at 501 Fortuna Avenue to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

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

ACTION: Resolution 2013-13 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$138,694 to purchase and rehabilitate real property which is located at 501 Fortuna Avenue to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his

designee, to sign loan documents and all related closing documents.

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

15. Consider approving a loan of NSP2 funds in the amount of \$185,000 to purchase and rehabilitate real property located at 1329 Del Vale Avenue. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus). (Funding Source: NSP2 Grant)

- Resolution approving the release of funds in the amount of \$185,000 to purchase and rehabilitate real property which is located at 1329 Del Vale Avenue to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

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

ACTION: Resolution 2013-14 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$185,000 to purchase and rehabilitate real property which is located at 1329 Del Vale Avenue to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

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

16. Consider approving a loan of NSP2 funds in the amount of \$132,487 to purchase and rehabilitate real property located at 2513 Galway Drive. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus). (Funding Source: NSP2 Grant)

- Resolution approving the release of funds in the amount of \$132,487 to purchase and rehabilitate real property which is located at 2513 Galway Drive to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

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

ACTION: Resolution 2013-15 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$132,487 to purchase and rehabilitate real property which is located at 2513 Galway Drive to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

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

17. Consider approving a loan of NSP2 funds in the amount of \$160,523 to purchase and rehabilitate real property located at 2701 Jennifer Drive. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus). (Funding Source:

NSP2 Grant)

- Resolution approving the release of funds in the amount of \$160,523 to purchase and rehabilitate real property which is located at 2701 Jennifer Drive to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

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

ACTION: Resolution 2013-16 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$160,523 to purchase and rehabilitate real property which is located at 2701 Jennifer Drive to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

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

18. Consider approving a loan of NSP2 funds in the amount of \$183,778 to purchase and rehabilitate real property located at 3825 Louisburg Avenue. (This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus). (Funding Source: NSP2 Grant)

- Resolution approving the release of funds in the amount of \$183,778 to purchase and rehabilitate real property which is located at 3825 Louisburg Avenue to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

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

ACTION: Resolution 2013-17 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$183,778 to purchase and rehabilitate real property which is located at 3825 Louisburg Avenue to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

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

19. Consider approving a loan of NSP2 funds in the amount of \$163,281 to purchase and rehabilitate real property located at 2020 Carver Road. This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS). (Funding Source: NSP 2 Grant)

- Resolution approving the release of funds in the amount of \$163,281 to purchase and rehabilitate real property which is located at 2020 Carver Road to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

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

ACTION: Resolution 2013-18 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$163,281 to purchase and rehabilitate real property which is located at 2020 Carver Road to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

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

20. Consider approving a loan of NSP2 funds in the amount of \$157,370 to purchase and rehabilitate real property located at 3800 Carver Road. This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS). (Funding Source: NSP 2 Grant)

- Resolution approving the release of funds in the amount of \$157,370 to purchase and rehabilitate real property which is located at 3800 Carver Road to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

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

ACTION: Resolution 2013-19 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$157,370 to purchase and rehabilitate real property which is located at 3800 Carver Road to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

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

21. Consider approving a loan of NSP2 funds in the amount of \$189,086 to purchase and rehabilitate real property located at 816 Chalone Drive. This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS). (Funding Source: NSP 2 Grant)

- Resolution approving the release of funds in the amount of \$ \$189,086 to purchase and rehabilitate real property located at 816 Chalone Drive to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

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

ACTION: Resolution 2013-20 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$ \$189,086 to purchase and rehabilitate real property located at 816 Chalone Drive to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

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

22. Consider approving a loan of NSP2 funds in the amount of \$169,464 to purchase and rehabilitate real property located at 2006 Coddling Drive. This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS). (Funding Source: NSP 2 Grant)
- Resolution approving the release of funds in the amount of \$169,464 to purchase and rehabilitate real property located at 2006 Coddling Drive to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.
- Parks, Recreation & Neighborhoods; Scott Humphries , 571-5506, shumphries@modestogov.com*

ACTION: Resolution 2013-21 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$169,464 to purchase and rehabilitate real property located at 2006 Coddling Drive to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

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

23. Consider approving a loan of NSP2 funds in the amount of \$150,603 to purchase and rehabilitate real property located at 1925 Hunt Avenue. This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS). (Funding Source: NSP 2 Grant)
- Resolution approving the release of funds in the amount of \$150,603 to purchase and rehabilitate real property located at 1925 Hunt Avenue to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.
- Parks, Recreation & Neighborhoods; Scott Humphries , 571-5506, shumphries@modestogov.com*

ACTION: Resolution 2013-22 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$150,603 to purchase and rehabilitate real property located at 1925 Hunt Avenue to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

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

24. Consider approving a loan of NSP2 funds in the amount of \$163,038 to purchase and rehabilitate real property located at 3309 Ocotillo Way. This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS). (Funding Source: NSP 2 Grant)
- Resolution approving the release of funds in the amount of \$163,038 to purchase and rehabilitate real property located at 3309 Ocotillo Way to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents

recommended.

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

ACTION: Resolution 2013-23 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$163,038 to purchase and rehabilitate real property located at 3309 Ocotillo Way to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

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

25. Consider approving a loan of NSP2 funds in the amount of \$125,998 to purchase and rehabilitate real property located at 243 Phoenix. This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS). (Funding Source: NSP 2 Grant)

- Resolution approving the release of funds in the amount of \$125,998 to purchase and rehabilitate real property located at 243 Phoenix to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

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

ACTION: Resolution 2013-24 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$125,998 to purchase and rehabilitate real property located at 243 Phoenix to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

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

26. Consider approving a loan of NSP2 funds in the amount of \$181,366 to purchase and rehabilitate real property located at 2416 Stone Crop Lane. This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS). (Funding Source: NSP 2 Grant)

- Resolution approving the release of funds in the amount of \$181,366 to purchase and rehabilitate real property located at 2416 Stone Crop Lane to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

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

ACTION: Resolution 2013-25 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$181,366 to purchase and rehabilitate real property located at 2416 Stone Crop Lane to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan

documents and all related closing.

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

27. Consider approving a loan of NSP2 funds in the amount of \$158,198 to purchase and rehabilitate real property located at 304 Yuba Ridge Lane. This NSP2 activity will be carried out by the Housing Authority of the County of Stanislaus (HACS). (Funding Source: NSP 2 Grant)

- Resolution approving the release of funds in the amount of \$158,198 to purchase and rehabilitate real property located at 304 Yuba Ridge Lane to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents recommended.

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

ACTION: Resolution 2013-26 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the release of funds in the amount of \$158,198 to purchase and rehabilitate real property located at 304 Yuba Ridge Lane to be carried out by the Housing Authority of the County of Stanislaus (HACS) and authorize the City Manager, or his designee, to sign loan documents and all related closing documents.

Consent

28. Consider approving an incentive-based agreement extending the services of Sixel Consulting Group, Inc. to provide air service development efforts to secure additional airline service for the Modesto City-County Airport. (Funding Source: Airport Fund and Potential New Revenues)

- Resolution approving an incentive-based agreement extending the services of Sixel Consulting Group, Inc. (SCG) to provide air service development efforts to secure additional airline service for the Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2013-27 (Lopez/Burnside; 7/0) approving an incentive-based agreement extending the services of Sixel Consulting Group, Inc. (SCG) to provide air service development efforts to secure additional airline service for the Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

29. Consider: (i) approving the plans and specifications for the 2012 Sanitary Sewer Collection System Replacement project, accepting the bid, and approving a contract with Rolfe Construction of Atwater, California in the amount of \$691,290; and (ii) amending the Fiscal Year 2012-2013 Capital Improvement Program budget by transferring \$69,884 to fund construction, contingency, and construction administration. (Total estimated cost for the construction portion of the project is \$843,290) (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the 2012 Sanitary Sewer

Collection System Replacement project, accepting the bid, and approving a contract with Rolfe Construction of Atwater, California in the amount of \$691,290, and authorizing the City Manager, or his designee, to execute the contract recommended.

- Resolution amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$69,884 to be transferred into the project from Wastewater Fund Reserves in order to fully fund construction, contingency, and construction administration for the 2012 Sanitary Sewer Collection System Replacement project recommended.

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

ACTION: Resolution 2013-28 (Lopez/Burnside; 7/0) approving the plans and specifications for the 2012 Sanitary Sewer Collection System Replacement project, accepting the bid, and approving a contract with Rolfe Construction of Atwater, California in the amount of \$691,290, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2013-29 (Lopez/Burnside; 7/0) amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$69,884 to be transferred into the project from Wastewater Fund Reserves in order to fully fund construction, contingency, and construction administration for the 2012 Sanitary Sewer Collection System Replacement project.

Consent

30. Consider accepting the work by Con J. Franke Electric, Inc., for the Emergency Generators at Tanks 7, 8 and Well 100 Project, as complete. (Total construction contract cost is \$561,136, with a total project cost of \$671,709.) (Funding Source: Water Fund-CIP)

- Resolution accepting the work by Con J. Franke Electric, Inc., for the Emergency Generators at Tanks 7, 8 and Well 100 Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$561,136 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2013-30 (Lopez/Burnside; 7/0) accepting the work by Con J. Franke Electric, Inc., for the Emergency Generators at Tanks 7, 8 and Well 100 Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$561,136.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding the Happy Birthday Jesus Service at the Modesto Gospel Mission.

Mayor Marsh wished everyone a safe and healthy New Year; he also thanked Vice Mayor Burnside for her service during 2012.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff wished everyone a Happy New Year and reported on the swearing in of the new Police Chief this afternoon.

WRITTEN COMMUNICATIONS

31. Consider written correspondence from Mr. Bryan Bolduc Trillo regarding the Modesto Police Department and the Social Security Administration Department. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: No reportable action.

UNFINISHED BUSINESS

32. Consider (i) approving the plans and specifications for the Primary Outfall Rehabilitation Project - Phase III, accepting the bid, and approving a contract with HPS Mechanical, Inc. of Bakersfield, California, in the amount of \$2,314,670; (ii) approving a Third Amendment to Agreement with Brown and Caldwell for Final Design Services for the Primary Outfall Rehabilitation Project – Phase III, in an amount not to exceed \$9,542; and (iii) approving an Agreement with Brown and Caldwell for Design Support During Construction for the Primary Outfall Rehabilitation Project - Phase III, in an amount not to exceed \$123,114. (Total estimated cost for the construction portion of the project is \$2,854,284) (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the Primary Outfall Rehabilitation Project - Phase III, accepting the bid, and approving a contract with HPS Mechanical of Bakersfield, California in the amount of \$2,314,670, and authorizing the City Manager, or his designee, to execute the contract recommended.
 - Resolution approving a Third Amendment to Agreement with Brown and Caldwell for Final Design Services for Primary Outfall Rehabilitation - Phase III project in an amount not to exceed \$9,542, and authorizing the City Manager, or his designee, to execute the Third Amendment to Agreement recommended.
 - Resolution approving an agreement with Brown and Caldwell for Design Support During Construction for Primary Outfall Rehabilitation - Phase III project in an amount not to exceed \$111,922 for the identified scope of services, plus \$11,192 for additional services (if needed), for a maximum total amount of \$123,114, and authorizing the City Manager, or his designee, to execute the agreement recommended.
- Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*

ACTION: Resolution 2013-31 (Burnside/Gunderson; 7/0) approving the plans and specifications for the Primary Outfall Rehabilitation Project - Phase III, accepting the bid, and approving a contract with HPS Mechanical of Bakersfield, California in the amount of \$2,314,670, and authorizing the City Manager, or his designee, to execute the contract. Support During Construction for Primary Outfall Rehabilitation - Phase III project in an amount not to exceed \$111,922 for the identified scope of services, plus \$11,192 for additional services (if needed), for a maximum total amount of \$123,114, and authorizing the City Manager, or his designee, to execute the agreement recommended.

ACTION: Resolution 2013-32 (Burnside/Gunderson; 7/0) approving a Third Amendment to Agreement with Brown and Caldwell for Final Design Services for Primary Outfall Rehabilitation - Phase III project in an amount not to exceed \$9,542, and authorizing the City Manager, or his designee, to execute the Third Amendment to Agreement.

ACTION: Resolution 2013-33 (Burnside/Gunderson; 7/0) approving an agreement with Brown and Caldwell for Design Support During Construction for Primary Outfall Rehabilitation - Phase III project in an amount not to exceed \$111,922 for the identified scope of services, plus \$11,192 for additional services (if needed), for a maximum total amount of \$123,114, and authorizing the City Manager, or his designee, to execute the agreement.

33. Consider authorizing the award of quotation and contract for the purchase and installation of approximately 286,714 S.F. of synthetic turf with infill to Empire & Associates, Inc., dba Sprinturf, Atlanta, GA in the amount of \$1,005,460.46. (Funding Source: Parks Capital Facility Fees, Village One Capital Facility District, California Integrated Waste Management Board)
- Resolution authorizing the award of quotation and contract for the purchase and installation of synthetic turf with infill to Empire & Associates, Inc., dba Sprinturf, Atlanta, GA, and authorizing the City Manager, or his designee, to execute a contract for an estimated total cost of \$1,005,460.46 recommended.
 - Resolution amending the FY 12-13 Operating Budget and Capital Improvement Project budget to transfer \$150,000 of California Integrated Waste Management Board grant funds into the Mary E. Grogan Community Park Synthetic Turf project recommended.

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

ACTION: Resolution 2013-34 (Cogdill/Lopez; 7/0) authorizing the award of quotation and contract for the purchase and installation of synthetic turf with infill to Empire & Associates, Inc., dba Sprinturf, Atlanta, GA, and authorizing the City Manager, or his designee, to execute a contract for an estimated total cost of \$1,005,460.46.

ACTION: Resolution 2013-35 (Cogdill/Lopez; 7/0) amending the FY 12-13 Operating Budget and Capital Improvement Project budget to transfer \$150,000 of California Integrated Waste Management Board grant funds into the Mary E. Grogan Community Park Synthetic Turf project.

HEARINGS

Published in the Modesto Bee on October 1, 2012; Removed from the Agenda at the request of the Applicant

34. Hearing to consider the application of Berberian Holdings, LP for a General Plan Amendment to redesignate approximately 18 acres from Mixed-use (MU) and Residential (R) to Commercial (C) and to rezone the same property from Planned Development Zone, P-D(211) to a new Planned Development Zone, (P-D) to allow development of a shopping center, property located at the southwest corner of Sylvan Avenue and Oakdale Road (continued from October 23, 2012, November 6, 2012, November 13, 2012 and December 4, 2012 Council meetings). (Funding Source: Not Applicable)
Community & Economic Development; David Wage, 577-5302, dwage@modestogov.com

ACTION: Removed from the Agenda.

35. Hearing to consider amending Articles 1 and 2 of Chapter 15 of Title 4 of the Modesto Municipal Code relating to Outdoor Dining and adopt interim fees for Outdoor Dining Encroachment Permits, direct staff to study and update the fees specified in the Outdoor Dining Ordinance, and return to the City Council for consideration. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Articles 1 and 2 of Chapter 15 of Title 4 of the Modesto Municipal Code relating to Outdoor Dining recommended.
 - Resolution amending Resolution Nos. 2011-104 and 2003-446, adopting interim fees for Outdoor Dining Encroachment Permits, directing staff to study and update the fees specified in the Outdoor Dining Ordinance, and return to the City Council for consideration recommended.
- Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com*

ACTION: Motion (Burnside/Geer; 7/0) introducing **Ordinance No. 3582-C.S.** amending Articles 1 and 2 of Chapter 15 of Title 4 of the Modesto Municipal Code relating to Outdoor Dining.

ACTION: Resolution 2013-36 (Burnside/Geer; 7/0) amending Resolution Nos. 2011-104 and 2003-446, adopting interim fees for Outdoor Dining Encroachment Permits, directing staff to study and update the fees specified in the Outdoor Dining Ordinance, and return to the City Council for consideration.

NEW BUSINESS

36. Consider appointing a new Vice Mayor for calendar year 2013. (Funding Source: Not Applicable)
- Resolution designating Councilmember Dave Geer to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto recommended.

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

ACTION: Resolution 2013-37 (Cogdill/Burnside; 7/0) designating Councilmember Dave Geer to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

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: Jack Taylor vs. City of Modesto, psi, adjusted by Yourk Risk Services Group;
WCAB: ADJ6505327 Claim No: CIEE-07790

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employee

MINUTES

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

Wednesday, January 9, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Lopez, Geer, Gunderson
Absent: None

PUBLIC COMMENTS

None.

CONSENT

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

Removed from Consent

1. Consider accepting a report from the Public Arts Task Force recommending Draft Ordinance language regarding public art and receiving direction from the Committee on moving forward.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (Gunderson/Geer;unan.) accepting a report from the Public Arts Task Force recommending Draft Ordinance language regarding public art.

Removed from Consent

2. Consider approving staff recommendation to implement at 30 day spacing policy at Modesto Centre Plaza regarding like events and forwarding to Council for approval.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (Geer/Gunderson;unan.) approving staff recommendation to implement at 30 day spacing policy at Modesto Centre Plaza regarding like events and forwarding to Council for approval.

WRITTEN COMMUNICATIONS

3. Consider written correspondence from Emerson Drake regarding the City of Modesto's Tin Cup Ordinance. (Funding Source: Not Applicable)

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

ACTION: **Motion (Geer/Gunderson; Lopez no)** directing staff to return to the March Safety & Communities Committee meeting with Ordinance language revisions: \$1,000 for contributions for Councilmember candidates; \$2,000 for contributions for Mayoral candidates.

NEW BUSINESS

4. Consider accepting proposed changes to Ordinance No. 3492-C.S. amending Article 4 of Chapter 1 of Title 4 of the Modesto Municipal Code relating to Entertainment: (i) including a permit exemption (n) fundraisers that are for non-profit gain and meeting the following requirements: capacity under 399, conducting entire event within the building/structured premises, and not changing the usage of the facility; (ii) allowing a current Business Entertainment Permit holder a one-time 30 day extension for an additional fee of \$525; and (iii) defining a membership composition of the Entertainment Commissioners to include: a business permit holder, a non-profit/special event holder, representatives from an economic establishment that promotes Modesto, at large citizens and a Cultural Commission member; and receiving direction from the Committee on moving forward. (Funding Source: Not Applicable)

Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com

ACTION: **MOTION (Geer/Gunderson;unan.)** accepting proposed changes to Ordinance No. 3492-C.S. amending Article 4 of Chapter 1 of Title 4 of the Modesto Municipal Code relating to Entertainment: including a permit exemption (n) fundraisers that are for non-profit gain and meeting the following requirements: capacity under 399, conducting entire event within the building/structured premises, and not changing the usage of the facility; allowing a current Business Entertainment Permit holder a one-time 30 day extension for an additional fee of \$525, and forwarding to Council for approval.

ACTION: **MOTION (Gunderson/Geer;unan.)** accepting proposed changes to Ordinance No. 3492-C.S. amending Article 4 of Chapter 1 of Title 4 of the Modesto Municipal Code relating to Entertainment: defining a membership composition of the Entertainment Commissioners to include: a business permit holder, a non-profit/special event holder, representatives from an economic establishment that promotes Modesto, at large citizens and a Cultural Commission member and forwarding to Council for approval.

ACTION: **MOTION (Gunderson/Lopez;Geer no)** accepting proposed change to Committee for terms of four years to two years and return to the March Safety & Communities Committee meeting for further discussion.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:30 p.m.

MINUTES
City of Modesto
**Special Economic Development Committee/
City Council Workshop Meeting**

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

Monday, January 14, 2013 at 5:00 p.m.

Roll Call Present: Councilmembers Burnside, Geer (alternate), and Gunderson (alternate)
Absent: Councilmembers Muratore and Cogdill

PUBLIC COMMENTS

Emerson Drake spoke regarding appointments to Boards and Commissions.

CONSENT

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

Removed from Consent

1. Consider recommending appointments to fill two (2) current vacancies on the City of Modesto Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: MOTION (Geer/Gunderson;unan.) appointing Micah Rapier to the City of Modesto Housing Rehabilitation Loan Committee and forwarding to Council for approval; staff is directed to accept applications to fill the remaining vacancy.

Removed from Consent

2. Consider accepting a status report of development projects processed by the Community and Economic Development Department for December 2012. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: MOTION (Gunderson/Geer;unan.) accepting a status report of development projects processed by the Community and Economic Development Department for December 2012.

NEW BUSINESS

3. Consider accepting the Downtown Passenger Rail Station Feasibility Study and forwarding to Council for approval. (Funding Source: Caltrans Community-Based Transportation Planning Grant with Local Transportation Fund match)

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

ACTION: **MOTION (Gunderson/Burnside; Geer no)** accepting the Downtown Passenger Rail Station Feasibility Study and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:50 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 22, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jim Applegate, Redeemer Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Muratore - Items 3 and 4

Reports from Closed Session: City Attorney Wood reported on Closed Session matters;
Closed Session to reconvene after Council meeting

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Carlos Yamzon, Executive Director for StanCOG announcing that the California Transportation Commission (CTC) October 8th, 2013 meeting is scheduled to be held in Modesto. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation was made by Carlos Yamzon, Executive Director for StanCOG announcing that the California Transportation Commission (CTC) October 8th, 2013 meeting is scheduled to be held in Modesto.

2. Presentation by the Information Technology Department acknowledging the City of Modesto as one of the top-ranked local governments in the nation, in the 10th annual Digital Cities Survey. (Funding Source: Not Applicable)
Information Technology; Bryan Sastokas, 577-5229 , bsastokas@modestogov.com

ACTION: Presentation was made by the Information Technology Department acknowledging the City of Modesto as one of the top-ranked local governments in the nation, in the 10th annual Digital Cities Survey.

MISCELLANEOUS

Legislation
Appointments
Other

Councilmember Muratore absent due to conflict of interest

3. Consider approving the appointment of Frank Ploof to fill a vacancy on the City of Modesto Citizens' Housing & Community Development Committee. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Frank Ploof to fill a vacancy on the City of Modesto Citizens' Housing & Community Development Committee (CH&CDC) recommended.
*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863 ,
motten@modestogov.com*

ACTION: Resolution 2013-38 (Burnside/Cogdill; majority; Lopez no; Muratore absent due to conflict of interest) approving the appointment of Frank Ploof to fill a vacancy on the City of Modesto Citizens' Housing & Community Development Committee (CH&CDC).

Councilmember Muratore absent due to conflict of interest

4. Consider approving the appointment of Micah Rapier to fill a vacancy on the City of Modesto Housing Rehabilitation and Loan Committee. (Funding Source: Not Applicable)
 - Resolution appointing Micah Rapier to the City of Modesto Housing Rehabilitation and Loan Committee recommended.
*Parks, Recreation, & Neighborhoods; Mary Otten, 571-5863 ,
motten@modestogov.com*

ACTION: Resolution 2013-39 (Cogdill/Burnside; 6/0; Muratore absent due to conflict of interest) appointing Micah Rapier to the City of Modesto Housing Rehabilitation and Loan Committee.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in Modesto.
- Karla von Hungen spoke regarding Clean Water Group sues Modesto article in Modesto Bee.
- Susan Evans is concerned about safety on Palm Avenue in Modesto.
- Emerson Drake spoke regarding Modesto Irrigation District, reduction of water, and Salida annexation.

- Loretta Carhart spoke regarding parking at Modesto Junior College.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 10
ACTION CONSENT ITEMS 5-10: (Lopez/Muratore;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 January 8, 2013 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the January 8, 2013 City Council meeting recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving the minutes from the January 8, 2013 City Council meeting.

Consent

6. Consider approving final adoption of **Ordinance No. 3582-C.S.** amending Articles 1 and 2 of Chapter 15 of Title 4 of the Modesto Municipal Code relating to Outdoor Dining. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3582-C.S.** amending Articles 1 and 2 of Chapter 15 of Title 4 of the Modesto Municipal Code relating to Outdoor Dining recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving final adoption of **Ordinance No. 3582-C.S.** amending Articles 1 and 2 of Chapter 15 of Title 4 of the Modesto Municipal Code relating to Outdoor Dining.

Consent

7. Consider approving a Fourth Amendment to the Agreement with Dokken Engineering for the preparation of the Plans, Specifications, and Estimates for the State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$64,000. (Funding Source: Local Capital Facilities Fees)
 - Resolution approving a Fourth Amendment to the Agreement with Dokken Engineering for the preparation of the Plans, Specifications, and Estimates for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, in an amount not to exceed \$64,000, and authorizing the City Manager, or his designee, to execute the Fourth Amendment recommended.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2013-40 (Lopez/Muratore; 7/0) approving a Fourth Amendment to the Agreement with Dokken Engineering for the preparation of the Plans, Specifications, and Estimates for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, in an amount not to exceed \$64,000, and authorizing the City Manager, or his designee, to execute the Fourth Amendment.

Consent

8. Consider authorizing the award of bid for the purchase of Cisco SmartNet Maintenance for the Information Technology Department, to Network Dynamics, Inc., Oldsmar, FL, for a three year term for an estimated total cost of \$110,070. (Funding Source:

Information Technology)

- Resolution authorizing the award of bid for the purchase of Cisco SmartNet Maintenance for the Information Technology Department, to Network Dynamics, Oldsmar, FL, for a three year term and authorizing the Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$110,070 recommended.

Finance and Information Technology; Meagan M. Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2013-41 (Lopez/Muratore; 7/0) authorizing the award of bid for the purchase of Cisco SmartNet Maintenance for the Information Technology Department, to Network Dynamics, Oldsmar, FL, for a three year term and authorizing the Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$110,070.

Consent

9. Consider extending the Modesto Area Dial-A-Ride (MADAR) operations agreement with Storer Transit Systems by one year, from June 28, 2013 to June 27, 2014.

(Funding Source: Transit Funds)

- Resolution approving Amendment No. 1 to the Agreement with Storer Transit Services to extend the Modesto Area Dial-A-Ride Agreement through June 27, 2014; and authorizing the City Manager, or his designee, to execute the Amendment recommended.

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

ACTION: Resolution 2013-42 (Lopez/Muratore; 7/0) approving Amendment No. 1 to the Agreement with Storer Transit Services to extend the Modesto Area Dial-A-Ride Agreement through June 27, 2014; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

10. Consider: (i) approving an On-Call Appraisal Services agreement with Associated Right of Way Services, Inc., in an annual amount not to exceed \$30,000, (ii) approving an On-Call Appraisal Services agreement with Burchard & Rinehart, in an amount not to exceed \$30,000, (iii) approving an On-Call Appraisal Services agreement with

Bender Rosenthal, Inc., in an annual amount not to exceed \$30,000, (iv) approving an On-Call Appraisal Services agreement with BC Valu, Inc., in an annual amount not to exceed \$30,000, and (v) approving an On-Call Appraisal Services agreement with Hulberg & Associates, Inc., in an annual amount not to exceed \$30,000. (Total maximum annual expenditure is \$150,000 for all services) (Funding Source: Various Capital Improvement Projects)

- Resolution approving an agreement with Associated Right of Way Services, Inc. for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$30,000 per year, and authorizing the City Manager or his designee, to execute the Agreement, and up to two one-year extension options recommended.
- Resolution approving an agreement with BC Valu, Inc. for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$30,000 per year, and authorizing the City Manager or his designee, to execute the Agreement, and up to two one-year extension options recommended.
- Resolution approving an agreement with Bender Rosenthal, Inc. for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$30,000 per year, and authorizing the City Manager or his designee, to execute the Agreement, and up to two one-year extension options recommended.
- Resolution approving an agreement with Burchard & Rinehart for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$30,000 per year, and authorizing the City Manager or his designee, to execute the Agreement, and up to two one-year extension options recommended.
- Resolution approving an agreement with Hulberg & Associates, Inc. for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$30,000 per year, and authorizing the City Manager or his designee, to execute the Agreement, and up to two one-year extension options recommended.

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

ACTION: Resolution 2013-43 (Lopez/Muratore; 7/0) approving an agreement with Associated Right of Way Services, Inc. for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$30,000 per year, and authorizing the City Manager or his designee, to execute the Agreement, and up to two one-year extension options.

ACTION: Resolution 2013-44 (Lopez/Muratore; 7/0) approving an agreement with BC Valu, Inc. for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$30,000 per year, and authorizing the City Manager or his designee, to execute the Agreement, and up to two one-year extension options

ACTION: Resolution 2013-45 (Lopez/Muratore; 7/0) approving an agreement with Bender Rosenthal, Inc. for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$30,000 per year, and authorizing the City Manager or his designee, to execute the Agreement, and up to two one-year extension options.

ACTION: Resolution 2013-46 (Lopez/Muratore; 7/0) approving an agreement with Burchard & Rinehart for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$30,000 per year, and authorizing the City Manager or his designee, to execute the Agreement, and up to two one-year extension options.

ACTION: Resolution 2013-47 (Lopez/Muratore; 7/0) approving an agreement with Hulberg & Associates, Inc. for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$30,000 per year, and authorizing the City Manager or his designee, to execute the Agreement, and up to two one-year extension options.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:06 p.m. and returned to Closed Session.

CLOSED SESSION

Closed Session Matters Heard Prior to and after Council 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: Rosa Letona, Natalie Letona and Rosemary Banuelos v. City of Modesto, et al.

United States District Court Case No: 1:12-CV-00782-AWI-SAB

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, January 28, 2013, at 5:00 p.m.

Roll Call - Present: Councilmembers Dave Cogdill, Jr., Stephanie Burnside and Dave Lopez
Absent: None
Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

CONSENT

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

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 -3

Consent

1. Consider approving a Custody Agreement with Bank of America for the 2005 Wastewater Revenue Refunding Bonds and forwarding to Council for approval.
(Funding Source: Wastewater Fund)
Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Motion (Lopez/Burnside;unan.) approving a Custody Agreement with Bank of America for the 2005 Wastewater Revenue Refunding Bonds and forwarding to Council for approval.

Consent

2. Consider accepting the recommended budget adjustments for January 2013 and forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Lopez/Burnside;unan.) accepting the recommended budget adjustments for January 2013 and forwarding to Council for approval.

Consent

3. Consider accepting an informational report regarding the Quarterly Water Meter Installation Program Update. (Funding Source: Not Applicable)

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

ACTION: **Motion (Lopez/Burnside;unan.)** accepting an informational report regarding the Quarterly Water Meter Installation Program Update.

UNFINISHED BUSINESS

4. Consider accepting an informational report on the City's Golf Fund for Fiscal Year 2012-13 through the month of December 2012. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Lisa Forester , 577-6444, lforester@modestogov.com

ACTION: **Motion (Burnside/Lopez;unan.)** accepting an informational report on the City's Golf Fund for Fiscal Year 2012-13 through the month of December 2012.

NEW BUSINESS

5. Consider approving a new position allocation for Centre Plaza Manager; changing full-time position allocations at the Centre Plaza and forwarding to Council for approval. (Funding Source: General Fund)
Parks, Recreation & Neighborhoods and Human Resources; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Motion (Burnside/Lopez;unan.)** approving a new position allocation for Centre Plaza Manager; changing full-time position allocations at the Centre Plaza and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:40 p.m.

MINUTES
City of Modesto
**Special Economic Development Committee/
City Council Workshop Meeting**

**Sixth Floor, Room 6015
Tenth Street Place, 1010 10th Street
Modesto, California**

Tuesday, January 29, 2013 at 4:00 p.m.

Roll Call Present: Councilmembers Burnside and Cogdill
Absent: Councilmember Muratore

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

ACTION: Motion (Cogdill/Burnside; Muratore absent) appointing Marshall Riddle to the City of Modesto Planning Commission and forwarding to Council for approval.

PUBLIC COMMENTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:40 p.m.

MINUTES

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

Monday, February 4, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Geer, Gunderson
Absent: Councilmember Lopez

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider approving a Draft Ordinance adding Article 4 to Chapter 4 of Title 5 of the Municipal Code relating to Disposition of Stray Animals and forwarding to Council for approval. (Funding Source: Not Applicable)
Police; Michael Harris, 572-9550, HarrisM@Modestopd.com

MOTION: (Gunderson/Geer; Lopez absent) approving a Draft Ordinance adding Article 4 to Chapter 4 of Title 5 of the Municipal Code relating to Disposition of Stray Animals **with the following changes: (i) 8 hours to 24 hours; (ii) if owner known, either release or return to the owner; (iii) include definition of “abandonment”** and forwarding to Council for approval. **Staff is directed to return with more information to Safety & Communities Committee at a future meeting.**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:10 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 05, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
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: Cogdill - Items 11, 12 and 15
Muratore - Items 11 and 12

Reports from Closed Session: No Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Modesto Sister Cities of elected government officials from Ukraine and overview of the Open World program. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation was made by Adrian Harrell, Modesto Sister Cities, of elected government officials from Ukraine and overview of the Open World program.

2. Presentation of Proclamation proclaiming February 2013 as Black History Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor March presented a Proclamation proclaiming February 2013 as Black History Month.

3. Presentation of Proclamation to the Central Catholic High School State Championship Football Team (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to the Central Catholic High School State

Championship Football Team.

4. Presentation by the Public Works Department on wastewater systems programs and accomplishments. (Funding Source: Not Applicable)
Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com

ACTION: Presentation was made by Gary DeJesus, Public Works Department, on wastewater systems programs and accomplishments.

PUBLIC COMMENT PERIOD

- Mack Wilson, Advocates for Justice, spoke regarding tree, park and water problems in West Modesto.
- Ray Pefferini spoke regarding trees in Modesto.
- Ron Jeske spoke regarding cats in the City of Modesto.
- Loretta Carhart spoke regarding panhandlers and trees in Modesto.
- Sebastian Jones spoke regarding the hiring of African American Police Officers.
- Ricky McGill spoke regarding an altercation at Elliott Alternative High School and having a full-time police officer at the school.
- A citizen spoke regarding garage sale signs being left up around the City of Modesto.
- Emerson Drake spoke regarding the animal Ordinance.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 13

ACTION CONSENT ITEMS 5-9; 13: (Lopez/Burnside; unan.)

ACTION CONSENT ITEMS 11-12: (Lopez/Burnside; unan.; Cogdill, Muratore 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 January 22, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the January 22, 2013 City Council meeting recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes from the January 22, 2013 City Council meeting.

Consent

6. Consider approving an Agreement to Enter and Construct Improvements with AutoZone, Inc. located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN: 005-082-037); and approving an Agreement to Enter and Construct Improvements with Patrick G. Corcoran located at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036) required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (187) - Prescott Road and Plaza Parkway project. (Funding Source: CMAQ Funds)

- Resolution approving an Agreement to Enter and Construct Improvements with AutoZone, Inc. located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN: 005-082-037), for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (187) – Prescott Road and Plaza Parkway project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents recommended.
- Resolution approving an Agreement to Enter and Construct Improvements with Patrick G. Corcoran located at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036), for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (187) – Prescott Road and Plaza Parkway project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents recommended.

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

ACTION: Resolution 2013-48 (Lopez/Burnside; 7/0) approving an Agreement to Enter and Construct Improvements with AutoZone, Inc. located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN: 005-082-037), for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (187) – Prescott Road and Plaza Parkway project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents.

ACTION: Resolution 2013-49 (Lopez/Burnside; 7/0) approving an Agreement to Enter and Construct Improvements with Patrick G. Corcoran located at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036), for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (187) – Prescott Road and Plaza Parkway project; and authorizing the City Manager, or his designee, to execute the Agreement and all related documents.

Consent

7. Consider approving an Agreement with Disability Access Consultant, Inc. (DAC) for \$55,000 to assist in updating the 1992 Self Evaluation and Transition Plan to be in compliance with the requirements of the Americans with Disabilities Act (ADA) 2010 Standards, the California Regulations/Title 24, and other applicable standards. (Funding Source: Community Development Block Grant)

- Resolution approving 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 \$55,000) and

authorizing the City Manager, or his designee, to execute the Agreement recommended.

Community & Economic Development; Paul Liu, 577-5282, pliu@modestogov.com

ACTION: Resolution 2013-50 (Lopez/Burnside; 7/0) approving 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 \$55,000) and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider accepting the Monthly Investment Report for October, 2012 (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for October, 2012 recommended.
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) accepting the Monthly Investment Report for October, 2012.

Consent

9. Consider affirming the City's co-sponsorship of "Earth Day in the Park Festival 2013" at Graceada Park, and allowing the sale of merchandise in the park during the event. (Funding Source: Solid Waste Mangement Enterprise Fund)
- Resolution affirming on an ongoing basis the Annual Earth Day in the Park Festival at Graceada Park, and allowing the sale of merchandise in the park during the designated event hours for the 24th annual Earth Day in the Park Festival, and all future Annual Earth Day in the Park Festivals co-sponsored by the City of Modesto recommended.
Parks, Recreation & Neighborhoods; Vicki Rice, 577-5495, Vrice@modestogov.com

ACTION: Resolution 2013-51 (Lopez/Burnside; 7/0) affirming on an ongoing basis the Annual Earth Day in the Park Festival at Graceada Park, and allowing the sale of merchandise in the park during the designated event hours for the 24th annual Earth Day in the Park Festival, and all future Annual Earth Day in the Park Festivals co-sponsored by the City of Modesto.

Removed from Consent; Mayor Marsh and Councilmember Muratore absent

10. Consider implementing a 30-day spacing policy for like events at Modesto Centre Plaza. (Funding Source: Not Applicable)
- Resolution implementing a 30-day spacing policy between like events held at Centre Plaza recommended.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2013-52 (Cogdill/Gunderson; 4/1; Burnside no, Muratore, Mayor Marsh absent) implementing a 30-day spacing policy between like events held at Centre Plaza; **staff to return in 6 months with update after the hiring of Modesto Centre Plaza**

Manager.

Consent – *Councilmembers Cogdill and Muratore absent due to conflict of interest*

11. Consider rescinding a Purchase Agreement and all related documents with Chanh Minh Huynh and Suong Tran, in the amount of \$1,650, for the purchase of real property interests at 1013 Empire Avenue for the Empire Avenue Improvement Project for APN: 035-048-014. (Funding Source: CDBG)

- Resolution rescinding a Purchase Agreement and all related documents with Chanh Minh Huynh and Suong Tran, for a 735 square feet portion for a Temporary Construction Easement, of a 904 square feet portion for a Temporary Construction Easement, of a parcel located at 1013 Empire Avenue (APN 035-048-014), in the amount of \$1,650, for the Empire Avenue Improvement Project, and authorizing the City Manager, or his designee, to rescind the Agreement and all related documents recommended.

Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com

ACTION: Resolution 2013-53 (Lopez/Burnside; 5/0; Cogdill, Muratore absent due to conflict of interest) rescinding a Purchase Agreement and all related documents with Chanh Minh Huynh and Suong Tran, for a 735 square feet portion for a Temporary Construction Easement, of a 904 square feet portion for a Temporary Construction Easement, of a parcel located at 1013 Empire Avenue (APN 035-048-014), in the amount of \$1,650, for the Empire Avenue Improvement Project, and authorizing the City Manager, or his designee, to rescind the Agreement and all related documents.

Consent – *Councilmembers Cogdill and Muratore absent due to conflict of interest*

12. Consider approving a right-of-way dedication by the City of Modesto on behalf of the public for streets and public use and right-of-way, for the Empire Avenue Improvement Project. (Funding Source: CDBG)

- Resolution approving a right-of-way dedication on behalf of the public by the City of Modesto, for dedication of an 882 square feet portion of city-owned parcel located at 805 Empire Avenue (APN 035-048-004) for the Empire Avenue Improvement Project, and authorizing the City Manager, or his designee, to execute the Right Of Way Dedication and all related documents required recommended.
- 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 035-048-004) to be used for Empire Avenue Improvement Project recommended.

Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com

ACTION: Resolution 2013-54 (Lopez/Burnside; 5/0; Cogdill, Muratore absent due to conflict of interest) approving a right-of-way dedication on behalf of the public by the City of Modesto, for dedication of an 882 square feet portion of city-owned parcel located at 805 Empire Avenue (APN 035-048-004) for the Empire Avenue Improvement Project, and authorizing the City Manager, or his designee, to execute the Right Of Way Dedication and all

related documents required.

ACTION: Resolution 2013-55 (Lopez/Burnside; 5/0; Cogdill, Muratore absent due to conflict of interest) 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 035-048-004) to be used for Empire Avenue Improvement Project.

Consent

13. Consider (i) approving an Amendment to the Agreement with RMC Water and Environment for additional consultant services to complete the Integrated Regional Water Management Plan (IRWMP) in an amount not to exceed \$166,653; and (ii) approving the First Amendment to the Cost Sharing Agreement between the cities of Ceres, Hughson, Modesto, and Turlock to cover the cost for additional consulting services needed to complete the IRWMP in an amount not to exceed \$169,682.

(Funding Source: Water Fund)

- Resolution approving the Amendment to the Agreement with RMC Water and Environment for additional consultant services to complete the Integrated Regional Water Management Plan in an amount not to exceed \$151,502, plus \$15,151 additional services (if needed) for a maximum total amount of \$166,653, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.
- Resolution approving the First Amendment to the Cost Sharing Agreement with the Cities of Ceres, Hughson, Modesto, and Turlock to defray expenses associated with preparation of an Integrated Regional Water Management Plan in amount not to exceed \$169,683, which includes a 2% administrative cost reimbursement, and authorizing the City Manager, or his designee, to execute the First Amendment to the Cost Sharing Agreement recommended.

Utility Planning and Projects; Jack Bond, 577-5424, Jbond@modestogov.com

ACTION: Resolution 2013-56 (Lopez/Burnside; 7/0) approving the Amendment to the Agreement with RMC Water and Environment for additional consultant services to complete the Integrated Regional Water Management Plan in an amount not to exceed \$151,502, plus \$15,151 additional services (if needed) for a maximum total amount of \$166,653, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

ACTION: Resolution 2013-57 (Lopez/Burnside; 7/0) approving the First Amendment to the Cost Sharing Agreement with the Cities of Ceres, Hughson, Modesto, and Turlock to defray expenses associated with preparation of an Integrated Regional Water Management Plan in amount not to exceed \$169,683, which includes a 2% administrative cost reimbursement, and authorizing the City Manager, or his designee, to execute the First Amendment to the Cost Sharing Agreement.

Mayor Marsh and Councilmember Muratore left meeting at 7:50 p.m.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

14. Consider written correspondence from Ms. Juanita Jackson in regards to: (i) City tree ownership; (ii) 1990 House Sewer Line Repair Cost Share Program; (iii) CPS certified contractors; and (iv) Modesto City Electrical Department (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: City Manager Nyhoff referred this matter to staff and staff will return to Council with an update.

HEARINGS

Published in the Modesto Bee on January 16, 2013 – Mayor Marsh and Councilmember Muratore absent; Councilmember Cogdill absent due to conflict of interest

15. Hearing to consider an application by Mr. Franklin Van Konynenburg to rezone a 3.69-acre semi-vacant parcel located at 3724 Dale Road, opposite of Konynenburg Lane, from Low Density Residential Zone, R-1, to Professional Office Zone, P-O. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 12-3-8 of the Zoning Map of the City of Modesto to Rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at 3724 Dale Road. (Franklin Van Konynenburg) recommended.
 - 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 12-3-8 of the Zoning Map of the City of Modesto to rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at 3724 Dale Road. (Franklin Van Konynenburg) recommended.
- Community & Economic Development; Katharine Martin, 577-5267, kamartin@modestogov.com*

ACTION: Motion (Lopez/Gunderson; 4/0; Cogdill absent due to conflict of interest; Muratore, Mayor Marsh absent) introducing **Ordinance No. 3583-C.S.** amending Section 12-3-8 of the Zoning Map of the City of Modesto to Rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at 3724 Dale Road. (Franklin Van Konynenburg).

ACTION: Resolution 2013-58 (Lopez/Gunderson; 4/0; Cogdill absent due to conflict of interest; Muratore, Mayor Marsh 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 (SCH 2007072023): Amendment of Section 12-3-8 of the Zoning Map of the City of Modesto to rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at 3724 Dale Road (Franklin Van Konyneburg).

NEW BUSINESS

16. Consider introducing an Ordinance amending Article 4 of Chapter 1 of Title 4 of the Modesto Municipal Code Ordinance No. 3492-C. S relating to Entertainment and approving updated bylaws for the Entertainment Commission related to membership composition. (Funding Source: Not Applicable)
- Motion introducing an Ordinance Amending Article 4 of Chapter 1 of Title 4 of the Modesto Municipal Code Ordinance No. 3492-C. S relating to Entertainment recommended.
 - Resolution approving Bylaws for the Entertainment Commission related to membership composition recommended.
- Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

ACTION: Motion (Burnside/Cogdill; 5/0; Muratore, Mayor Marsh absent) introducing **Ordinance No. 3584-C.S.** amending Article 4 of Chapter 1 of Title 4 of the Modesto Municipal Code Ordinance No. 3492-C. S relating to Entertainment.

ACTION: Resolution 2013-59 (Burnside/Cogdill; 5/0; Muratore, Mayor Marsh absent) approving Bylaws for the Entertainment Commission related to membership composition.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:10 p.m.

MINUTES
City of Modesto
**Special Economic Development Committee/
City Council Workshop Meeting**

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

Monday, February 11, 2013 at 5:00 p.m.

Roll Call Present: Councilmembers Burnside, Cogdill and Geer (alternate)
Absent: Councilmember Muratore

PUBLIC COMMENTS

None.

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

NEW BUSINESS

1. Consider receiving a status report of development projects processed by the Community and Economic Development Department for January 2013. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

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

2. Consider recommending the 2013 Urban Growth Review project be deferred to 2015 and forwarding to Council for approval. (Funding Source: General Fund)
Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com

ACTION: Motion (Cogdill/Geer;unan.) recommending the 2013 Urban Growth Review project be deferred to 2015 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 12, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Covenant Church

City Clerk's Announcements: Item 9 - Removed from Consent

Declaration of Conflicts of Interest: Item 6 - Muratore and Cogdill
Item 11 – Muratore

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Stanislaus Boys and Girls Club. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation was made by Dave Gianelli regarding the Stanislaus Boys and Girls Club.

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

ACTION: No reportable action.

3. Presentation of Proclamation to Joe and Michelle Williams proclaiming February 2013 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 2013 Reconciliation Month.

MISCELLANEOUS

Legislation
Appointments
Other

4. Consider appointing Marshall Riddle to the City of Modesto Planning Commission.
(Funding Source: Not Applicable)
 - Resolution appointing Marshall Riddle to the City of Modesto Planning Commission recommended.
Community & Economic Development ; Patrick Kelly, 577-5267, pkelly@modestogov.com

ACTION: Resolution 2013-60 (Lopez/Gunderson; 7/0) appointing Marshall Riddle to the City of Modesto Planning Commission.

PUBLIC COMMENT PERIOD

- Tony Madrigal announced Project Prom on April 7, 2013.
- Emerson Drake spoke regarding Modesto Irrigation District, Salida and updating Urban Growth Review Plan.
- Dave Pratt of Ceres spoke regarding stray cats.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5, 7, 8, 10: (Gunderson/Geer;unan.)

ACTION CONSENT ITEM 6: (Lopez/Burnside; unan.; Cogdill, Muratore 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 February 5, 2013 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the February 5, 2013 City Council meeting recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Gunderson/Geer; 7/0) approving the minutes from the February 5, 2013 City Council meeting.

Consent – *Councilmembers Cogdill and Muratore absent due to conflict of interest*

6. Consider approving final adoption of **Ordinance No. 3583-C.S.** amending Section 12-3-8 of the Zoning Map of the City of Modesto to Rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at 3724 Dale Road. (Funding Source: Not Applicable)

- Motion approving final adoption of **Ordinance No. 3583-C.S.** amending Section 12-3-8 of the Zoning Map of the City of Modesto to Rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at 3724 Dale Road recommended.

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

ACTION: Motion (Lopez/Burnside; 5/0; Cogdill, Muratore absent due to conflict of interest) approving final adoption of **Ordinance No. 3583-C.S.** amending Section 12-3-8 of the Zoning Map of the City of Modesto to Rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at 3724 Dale Road.

Consent

7. Consider approving final adoption of **Ordinance No. 3584-C.S.** amending Articles 1 and 2 of Chapter 15 of Title 4 of the Modesto Municipal Code relating to Entertainment. (Funding Source: Not Applicable)

- Motion approving final adoption of **Ordinance No. 3584-C.S.** amending Articles 1 and 2 of Chapter 15 of Title 4 of the Modesto Municipal Code relating to Entertainment recommended.

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

ACTION: Motion (Gunderson/Geer; 7/0) approving final adoption of **Ordinance No. 3584-C.S.** amending Articles 1 and 2 of Chapter 15 of Title 4 of the Modesto Municipal Code relating to Entertainment.

Consent

8. Consider accepting the Monthly Investment Report for November, 2012. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for November, 2012 recommended.

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

ACTION: Motion (Gunderson/Geer; 7/0) accepting the Monthly Investment Report for November, 2012.

Removed from Consent

9. Consider amending the Classification Plan to amend the classification of Police

Captain. (Funding Source: General Fund)

- Resolution amending the Position Classification Plan for the City of Modesto to amend the minimum qualifications for the classification of Police Captain recommended.

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

ACTION: Resolution 2013-61 (Burnside/Cogdill; 7/0) amending the Position Classification Plan for the City of Modesto to amend the minimum qualifications for the classification of Police Captain.

Consent

10. Consider: (i) amending the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to add Centre Plaza Manager at salary range 442; (ii) deleting the classifications of Events Supervisor at salary range 441 and Facilities Supervisor at salary range 435; and (iii) amending the position allocation in the Parks, Recreation and Neighborhoods Department to eliminate one (1) Events Supervisor, eliminate one (1) Facility Supervisor, eliminate one (1) .75 Administrative Analyst II, and add one (1) Centre Plaza Manager allocation to Cost Center 34200. (Funding Source: General Fund)

- Resolution amending Position Classification Plan for the City of Modesto to create the classification of Centre Plaza Manager and to delete the classifications of Events Supervisor and Facility Supervisor recommended.
- Resolution amending Exhibit “A” of Resolution No. 2008-683 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add the salary range for Centre Plaza Manager to salary range 442; and to delete the Events Supervisor from salary range 441 and Facility Supervisor from salary range 435 recommended.
- Resolution amending the position allocation in the Parks, Recreation and Neighborhoods Department to eliminate one (1) Events Supervisor, eliminate one (1) Facility Supervisor, eliminate one (1) .75 Administrative Analyst II, and add one (1) Centre Plaza Manager allocation to cost center 34200 recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2013-62 (Gunderson/Geer; 7/0) amending Position Classification Plan for the City of Modesto to create the classification of Centre Plaza Manager and to delete the classifications of Events Supervisor and Facility Supervisor.

ACTION: Resolution 2013-63 (Gunderson/Geer; 7/0) amending Exhibit “A” of Resolution No. 2008-683 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add the salary range for Centre Plaza Manager to salary range 442; and to delete the Events Supervisor from salary range 441 and Facility Supervisor from salary range 435.

ACTION: Resolution 2013-64 (Gunderson/Geer; 7/0) amending the position allocation in the Parks, Recreation and Neighborhoods Department to eliminate one (1) Events Supervisor,

eliminate one (1) Facility Supervisor, eliminate one (1) .75 Administrative Analyst II, and add one (1) Centre Plaza Manager allocation to cost center 34200.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding Resolution Run on January 26, 2013.

CITY MANAGER COMMENTS & REPORTS

City Manager announced the spending of the total \$25 million in NSP funds and thanks to Director Julie Hannon and Parks, Recreation & Neighborhoods staff for their hard work.

NEW BUSINESS

Councilmember Muratore absent due to conflict of interest

11. Consider accepting the Downtown Passenger Rail Station Feasibility Study. (Funding Source: Caltrans Community-Based Transportation Planning Grant with Local Transportation Fund match)

- Resolution accepting the Downtown Passenger Rail Station Feasibility Study recommended.
- Motion nominating a City Council representative for Central Valley Regional Rail Policy Advisory Committee membership recommended.

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

ACTION: Resolution 2013-65 (Cogdill/Lopez; 6/0; Muratore absent due to conflict of interest) accepting the Downtown Passenger Rail Station Feasibility Study.

ACTION: Motion (Cogdill/Lopez; 6/0; Muratore absent due to conflict of interest) nominating Mayor Marsh as the City Council representative for Central Valley Regional Rail Policy Advisory Committee membership.

12. Consider authorizing the award of bids for the furnishing of analytical laboratory testing services for the Department of Public Works, Water Division and Wastewater Division, to Alpha Analytical Laboratories, Dublin, CA, BSK Analytical Laboratories, Fresno, CA, FGL Environmental, Santa Paula, CA, Sierra Analytical, Laguna Hills, CA, and TestAmerica Laboratories, Inc., Irvine, 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 \$333,160, and over five (5) years of \$1,665,800. (Funding Source: Water Fund and Sewer Fund)

- Resolution authorizing the award of bids for the furnishing of analytical laboratory testing services for the Department of Public Works, Water Division and Wastewater Division, to Alpha Analytical Laboratories, Dublin, CA, BSK Analytical Laboratories, Fresno, CA, FGL Environmental, Santa Paula, CA, Sierra Analytical, Laguna Hills, CA, and TestAmerica Laboratories, Inc., Irvine, 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 purchase agreements for an estimated annual cost of \$333,160, and over five (5) years of \$1,665,800 recommended.

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

ACTION: Resolution 2013-66 (Lopez/Gunderson; 7/0) authorizing the award of bids for the furnishing of analytical laboratory testing services for the Department of Public Works, Water Division and Wastewater Division, to Alpha Analytical Laboratories, Dublin, CA, BSK Analytical Laboratories, Fresno, CA, FGL Environmental, Santa Paula, CA, Sierra Analytical, Laguna Hills, CA, and TestAmerica Laboratories, Inc., Irvine, 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 purchase agreements for an estimated annual cost of \$333,160, and over five (5) years of \$1,665,800.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:05 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: North Modesto Groundwater Alliance v. City of Modesto, et al.
Stanislaus County Superior Court Case No: 680381

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: 670384

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employee

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2001
Tenth Street Place, 1010 10th Street
Modesto, California
Thursday, February 14, 2013, at 10:00 a.m.

Roll Call Present: Mayor Marsh, Councilmembers Muratore and Geer
Absent: None

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider accepting an Internal Audit Status Report Update from Moss Adams LLP.
(Funding Source: Not Applicable)
City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com

ACTION: Motion (Muratore/Geer;unan.) accepting an Internal Audit Status Report Update from Moss Adams LLP.

2. Consider accepting the Auditor's Report on compliance with requirements applicable to the Federal Aviation Passenger Facility Charge (PFC) program and on internal control over compliance, prepared by external auditors Brown and Armstrong, for fiscal year ended June 30, 2012 and forwarding to Council for approval. (Funding Source: Not Applicable)
Finance; DeAnna Espinoza , 577-5387, daespinoza@modestogov.com

ACTION: Motion (Geer/Muratore;unan.) accepting the Auditor's Report on compliance with requirements applicable to the Federal Aviation Passenger Facility Charge (PFC) program and on internal control over compliance, prepared by external auditors Brown and Armstrong, for fiscal year ended June 30, 2012 and forwarding to Council for approval.

3. Consider accepting: (i) the City's Fiscal Year 2011-2012 Comprehensive Annual Financial Report (CAFR) from external auditors Brown and Armstrong; (ii) the Fiscal Year 2011-2012 audited financial statements and audit reports for nine Community Facilities Districts; and (iii) the Fiscal Year 2011-2012 audit reports for various Joint Powers Agencies and other audits as attached to this staff report and forwarding to Council for approval. (Funding Source: Not Applicable)
Finance; DeAnna Espinoza , 577-5387, despinoza@modestogov.com

ACTION: **Motion (Geer/Muratore;unan.)** accepting: (i) the City’s Fiscal Year 2011-2012 Comprehensive Annual Financial Report (CAFR) from external auditors Brown and Armstrong; (ii) the Fiscal Year 2011-2012 audited financial statements and audit reports for nine Community Facilities Districts; and (iii) the Fiscal Year 2011-2012 audit reports for various Joint Powers Agencies and other audits as attached to this staff report and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 11:10 a.m.

MINUTES
City of Modesto
Special City Council
and Planning Commission Meeting:
Study Session on Valley Vision Stanislaus
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, February 19, 2013 at 5:30 PM

Roll Call – City Council:

Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Muratore, Mayor Marsh

Absent: Councilmember Lopez

Roll Call – Planning Commission:

Present: Commissioners Ted Brandvold, Steve Carter, Patricia Gillum, Sandra Lucas, Marshall Riddle, Dennis Smith, Chris Tyler

Absent: None

PUBLIC COMMENTS

- Ruby Brawley, Korean War Veterans #316, requested the City Council waive fees for the “Stand Down” event scheduled in September at the American Legion Hall Past #74. Mayor Marsh referred Ms. Brawley to City Manager Greg Nyhoff.
- Emerson Drake spoke regarding recording and archiving of Planning Commission meetings.

NEW BUSINESS

1. Consider the City Council/Planning Commission Study Session on Valley Vision Stanislaus. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:40 p.m.

MINUTES

City of Modesto
City Council Goal Setting Workshop
King Kennedy Memorial Center
601 S. Martin Luther King Drive
Modesto, CA 95351
Friday, February 22, 2012
Time: 8:30 a.m. – 1:00 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Muratore, Mayor Marsh

Absent: Councilmember Lopez

MAYOR OPENING COMMENTS

Mayor Marsh made opening comments regarding preparing a path and future to make Modesto better.

CITY MANAGER OPENING COMMENTS

City Manager Greg Nyhoff made opening comments regarding Council's highest priorities for the next 3 years.

PUBLIC COMMENT

- Jenny Kenoyer spoke regarding revitalizing Downtown Modesto and public safety.
- Donna Minighini spoke regarding a need for stronger economic conditions, improvement the job market and Enterprise Zone 40 Benefits extended.
- Tony Madrigal spoke regarding a focus on entrepreneurship, gang prevention and public safety.
- Rickey McGill spoke regarding safety in Modesto, coming up with solutions, and alternatives to violence.

NEW BUSINESS

1. City Council Goal Setting Workshop.

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:45 p.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, February 25, 2013, at 5:00 p.m.

Roll Call - Present: Councilmembers Dave Cogdill, Jr. and Stephanie Burnside
Absent: Councilmember Dave Lopez
Also Present: Councilmember Dave Geer (alternate)

PUBLIC COMMENTS

None.

CONSENT

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

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

Consent

1. Consider accepting the recommended budget adjustments for February 2013 and forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Burnside/Geer;unan.) accepting the recommended budget adjustments for February 2013 and forwarding to Council for approval.

UNFINISHED BUSINESS

2. Consider accepting an informational report on an actuarial analysis of California Public Employees' Retirement System (CalPERS) termination and directing staff on future direction. (Funding Source: Not Applicable)
Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com

ACTION: Motion (Geer/Burnside;unan.) accepting an informational report on an actuarial analysis of California Public Employees' Retirement System (CalPERS) termination and directing staff on future direction.

3. Consider accepting the annual review of Wastewater Rates, approving staff's recommendation regarding a new five-year Rate Plan, which lowers the rate increases from the existing adopted Rate Plan, and forwarding to Council for approval. (Funding Source: Wastewater Fund)
Utility Planning and Projects; Rich Ulm, 577-5261, rulm@modestogov.com

William E. Hudelson, Chief Financial Officer, on behalf of Stanislaus Food Products, would like to go on the record to respectfully request that the Finance Committee look into whether the Summer Cannery Segregation Line users should be a separate rate class, and have a cost of service study as a separate rate class.

ACTION: **Motion (Burnside/Geer;unan.)** accepting the annual review of Wastewater Rates, **approving Scenario No. 2** regarding a new five-year Rate Plan, which lowers the rate increases from the existing adopted Rate Plan, and forwarding to Council for approval.

NEW BUSINESS

4. Consider authorizing the award of a “sole source” procurement banking services contract to Bank of America Merrill Lynch and forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Gloriette Genereux, 577-5369, ggenereux@modestogov.com

ACTION: **Motion (Burnside/Geer;unan.)** authorizing the award of a “sole source” procurement banking services contract to Bank of America Merrill Lynch and forwarding to Council for approval.

5. Consider accepting an informational report regarding the mid-year financial status of the General Fund, Golf Fund and Centre Plaza Fund, and consider recommending the proposed budget adjustments to the City Council for consideration and approval. (Funding Source: General Fund, Golf Fund and Centre Plaza Fund)
Finance; Gloriette Genereux, 577-5369, ggenereux@modestogov.com

ACTION: **Motion (Burnside/Geer;unan.)** accepting an informational report regarding the mid-year financial status of the General Fund, Golf Fund and Centre Plaza Fund, and consider recommending the proposed budget adjustments to the City Council for consideration and approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:30 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 26, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, Carpenter’s House Church

City Clerk’s Announcements: Item 8 - Removed from Consent

Declaration of Conflicts of Interest: Lopez - Items 14 and 19
Muratore – Item 18

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Modesto AJAX United Elite 02 Girls Soccer Team.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Modesto AJAX United Elite 02 Girls Soccer Team.

2. Presentation by the Parks, Recreation and Neighborhoods Department honoring the North Modesto Kiwanis Club and Sunnyside Farms as presenting sponsors of the 4th Annual Breakfast with Santa. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Presentation was made by the Parks, Recreation and Neighborhoods Department honoring the North Modesto Kiwanis Club and Sunnyside Farms as presenting sponsors of the 4th Annual Breakfast with Santa.

3. Presentation by the Parks, Recreation and Neighborhoods Department thanking ShadowChase Running Club for partnering with the City of Modesto to present the 3rd

Annual Spirit of Giving Run. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Presentation was made by the Parks, Recreation and Neighborhoods Department thanking ShadowChase Running Club for partnering with the City of Modesto to present the 3rd Annual Spirit of Giving Run.

MISCELLANEOUS

- Legislation
- Appointments
- Other

4. Consider approving the re-appointment of Brad Morad to the Downtown Improvement District Advisory Board. (Funding Source: Not Applicable)
 - Resolution approving the re-appointment of Brad Morad to the Downtown Improvement District Advisory Board.
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Resolution 2013-67 (Lopez/Burnside; 7/0) approving the re-appointment of Brad Morad to the Downtown Improvement District Advisory Board.

PUBLIC COMMENT PERIOD

- Loretta Carhart spoke regarding watering in Modesto and cars parked wrong way.
- Tony Madrigal spoke regarding Project Prom on Sunday, April 7, 2013.
- Shackelford Elementary PTA representatives spoke regarding safety at the school, would like more patrols, and struggling students.
- Jenny Kenoyer spoke regarding possible public safety tax in November and need for more police officers.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5-7; 9-13; 15-16: (Lopez/Cogdill;unan.)

ACTION CONSENT ITEM 14: (Geer/Cogdill; 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

5. Consider approving the minutes from the February 12, 2013 City Council meeting.

(Funding Source: Not Applicable)

- Motion approving the minutes from the February 12, 2013 City Council meeting recommended.

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

ACTION: Motion (Lopez/Cogdill; 7/0) approving the minutes from the February 12, 2013 City Council meeting.

Consent

6. Consider accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for October, November and December 2012. (Funding Source: Various)

- Motion accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for October, November and December, 2012 recommended.

City Manager; Tish Foley, 577-5224, tfoley@modestogov.com

ACTION: Motion (Lopez/Cogdill; 7/0) accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for October, November and December, 2012.

Consent

7. Consider approving a Contribution Agreement between the County of Stanislaus and the City of Modesto for the construction phase of the Safe Routes to School (SR2S) – Sutter Avenue improvements around James Marshall Elementary School project. (Funding Source: 90% SR2S Grant, 5% City Gas Tax, and 5% County LTF Non-motorized)

- Resolution approving a Contribution Agreement between the County of Stanislaus and the City of Modesto for the construction phase of the Safe Routes to School (SR2S) – Sutter Avenue improvements around James Marshall Elementary School project; and authorizing the City Manager, or his designee, to execute all necessary documents recommended.

Community & Economic Development; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2013-68 (Lopez/Cogdill; 7/0) approving a Contribution Agreement between the County of Stanislaus and the City of Modesto for the construction phase of the Safe Routes to School (SR2S) – Sutter Avenue improvements around James Marshall Elementary School project; and authorizing the City Manager, or his designee, to execute all necessary documents.

Removed from Consent

8. Consider approving an Outside Service Agreement between the City of Modesto and El Salto Investments for sewer service for the property located at 1728 Donald Street in the Robertson Road Neighborhood, APN: 037-024-014, and authorizing the City Manager, or his designee to execute the agreement. (Funding Source: General Fund

and Sewer Fund)

- Resolution approving an Outside Service Agreement between the City of Modesto and El Salto Investments for sewer service for the property located at 1728 Donald Street in the Robertson Road Neighborhood, APN: 037-024-014, and authorizing the City Manager, or his designee to execute the agreement recommended.

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

ACTION: Resolution 2013-69 (Cogdill/Muratore; 7/0) approving an Outside Service Agreement between the City of Modesto and El Salto Investments for sewer service for the property located at 1728 Donald Street in the Robertson Road Neighborhood, APN: 037-024-014, and authorizing the City Manager, or his designee to execute the agreement.

Consent

9. Consider approving an agreement with Environmental Science Associates for \$143,609 to prepare an Environmental Impact Report for The Marketplace Project and consider adopting a resolution amending the fiscal year 2012-2013 multi-year budget to establish a new multi-year project (1000746) and appropriating \$110,000, funded by Berberian Holdings, LP, for the preparation of an Environmental Impact Report for the Marketplace Project. (Funding Source: Developer Funded)

- Resolution approving an Agreement for Services between the City of Modesto and Environmental Science Associates for preparation of an Environmental Impact Report for the proposed Marketplace project in an amount not to exceed \$143,609 for the identified scope of services, plus \$14,360.90 for additional services (if needed), for a maximum total amount of \$157,969.90, and authorizing the City Manager to execute the agreement recommended.
- Resolution amending the fiscal year 2012-2013 multi-year budget to establish a new multi-year project (1000746) and appropriating \$110,000, funded by Berberian Holdings, LP, for the preparation of an Environmental Impact Report for the Marketplace Project recommended.

*Community & Economic Development; David Wage, 577-5302,
dwage@modestogov.com*

ACTION: Resolution 2013-70 (Lopez/Cogdill; 7/0) approving an Agreement for Services between the City of Modesto and Environmental Science Associates for preparation of an Environmental Impact Report for the proposed Marketplace project in an amount not to exceed \$143,609 for the identified scope of services, plus \$14,360.90 for additional services (if needed), for a maximum total amount of \$157,969.90, and authorizing the City Manager to execute the agreement.

ACTION: Resolution 2013-71 (Lopez/Cogdill; 7/0) amending the fiscal year 2012-2013 multi-year budget to establish a new multi-year project (1000746) and appropriating \$110,000, funded by Berberian Holdings, LP, for the preparation of an Environmental Impact Report for the Marketplace Project.

Consent

10. Consider amending: (i) the Fiscal Year 2012-2013 Annual Operating Budget; and (ii) a Position Allocation in the Human Resources Department adopted by the City Council to add back (1) .60 Administrative Office Assistant III (CONF) position which was inadvertently reduced twice as part of the FY 2012-2013 Budget. (Funding Source: Various Funds)

- Resolution amending the Fiscal Year 2012-2013 Annual Operating Budget recommended.
- Resolution amending Position Allocation in the Human Resources Department Adopted by the City Council to Add Back (1) .60 Administrative Office Assistant III (CONF) Position which was inadvertently reduced twice as part of the FY 2012-2013 Budget recommended.

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

ACTION: Resolution 2013-72 (Lopez/Cogdill; 7/0) amending the Fiscal Year 2012-2013 Annual Operating Budget.

ACTION: Resolution 2013-73 (Lopez/Cogdill; 7/0) amending Position Allocation in the Human Resources Department Adopted by the City Council to Add Back (1) .60 Administrative Office Assistant III (CONF) Position which was inadvertently reduced twice as part of the FY 2012-2013 Budget.

Consent

11. Consider approving a Custody Agreement with Bank of America for the 2005 Wastewater Revenue Refunding Bonds. (Funding Source: Wastewater Fund)
- Resolution approving a Custody Agreement with Bank of America for the 2005 Wastewater Revenue Refunding Bonds recommended.

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

ACTION: Resolution 2013-74 (Lopez/Cogdill; 7/0) approving a Custody Agreement with Bank of America for the 2005 Wastewater Revenue Refunding Bonds.

Consent

12. Consider accepting the Monthly Investment Report for December, 2012. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for December, 2012 recommended.

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

ACTION: Motion (Lopez/Cogdill; 7/0) accepting the Monthly Investment Report for December, 2012.

Consent

13. Consider: (i) authorizing the award of a sole source procurement for the purchase of updated software and servers to assist with the collection, analysis, and storage of digital evidence for the Modesto Police Department, to Pen Link, Lincoln, NE, for an estimated total cost of \$62,000; and (ii) amending the Adopted 2012/2013 Operating Budget to appropriate funding of an estimated total cost of \$62,000 for updated

software and servers to assist with the collection, analysis, and storage of digital evidence. (Funding Source: Asset Forfeiture)

- Resolution authorizing the award of a sole source procurement for the purchase of updated software and servers to assist with the collection, analysis, and storage of digital evidence for the Modesto Police Department, to Pen Link, Lincoln, NE, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$62,000 recommended.
- Resolution amending the Adopted 2012/2013 Operating Budget to appropriate funding of an estimated total cost of \$62,000 for the purchase of updated software and servers to assist with the collection, analysis, and storage of digital evidence for the Modesto Police Department recommended.

Police; Gene Balentine, 572-9505, balentineg@modestopd.com

ACTION: Resolution 2013-75 (Lopez/Cogdill; 7/0) authorizing the award of a sole source procurement for the purchase of updated software and servers to assist with the collection, analysis, and storage of digital evidence for the Modesto Police Department, to Pen Link, Lincoln, NE, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$62,000.

ACTION: Resolution 2013-76 (Lopez/Cogdill; 7/0) amending the adopted 2012/2013 Operating Budget to appropriate funding of an estimated total cost of \$62,000 for the purchase of updated software and servers to assist with the collection, analysis, and storage of digital evidence for the Modesto Police Department.

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

14. Consider accepting the Wastewater Treatment Capacity Banking Annual Report as required by the Modesto Municipal Code 5-6.910. (Funding Source: Not Applicable)
- Motion accepting the Wastewater Treatment Capacity Banking Annual Report recommended.

Public Works; Gary DeJesus, 572-6200, gdejesus@modestogov.com

ACTION: Motion (Geer/Cogdill; 6/0; Lopez absent due to conflict of interest) accepting the Wastewater Treatment Capacity Banking Annual Report.

Consent

15. Consider authorizing the submission of the City's Local Transportation Fund (LTF) FY 2012/13 claim for other purposes in the amount of \$2,956,074 to the Stanislaus Council of Governments (StanCOG). (Funding Source: StanCOG)
- Resolution authorizing the submission of the City's Local Transportation Fund (LTF) FY2012/2013 claim in the amount of \$2,956,074 to the Stanislaus Council of Governments (StanCOG) recommended.

Public Works; Mike Clipper, 571-5118, mclipper@modestogov.com

ACTION: Resolution 2013-77 (Lopez/Cogdill; 7/0) authorizing the submission of the City's Local Transportation Fund (LTF) FY2012/2013 claim in the amount of \$2,956,074 to the Stanislaus Council of Governments (StanCOG).

Consent

16. Consider directing staff to assess the condition and legal implications associated with the assumption of responsibility for the Empire Sanitary District and returning to Council with recommendation. (Funding Source: Wastewater Fund)
- Resolution directing staff to assess the condition and legal implications associated with the assumption of responsibility for the Empire Sanitary District and return with a recommendation recommended.
- Public Works; Dennis Turner, 341-2934, DTurner@modestogov.com*

ACTION: Resolution 2013-78 (Lopez/Cogdill; 7/0) directing staff to assess the condition and legal implications associated with the assumption of responsibility for the Empire Sanitary District and return with a recommendation.

COUNCIL COMMENTS & REPORTS

Councilmember Burnside thanked City staff for their assistance with Government Day for Leadership Modesto.

Councilmember Gunderson spoke regarding the new mural in downtown Modesto.

Councilmember Lopez spoke regarding possible public safety events in the parks for school children.

Mayor Marsh announced Downtown Summit at Modesto Centre Plaza tomorrow evening.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

17. Consider approving: (i) an implementation agreement between the City of Modesto and the Modesto Police Management Association (MPMA), and authorize the Director of Human Resources and City Manager to take the necessary administrative action to implement the extension agreement; (ii) granting salary changes to Unrepresented Management Sworn Police Captains, rescinding resolution 2012-369; (iii) 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); 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 Police safety members. (Funding Source: General Fund and Other Funds)
- Resolution approving a letter of agreement (LOA) between the City of Modesto and the Modesto Police Management Association (MPMA); and authorizing the Director of Human Resources and City Manager to take the necessary

- administrative action to implement the agreement recommended.
- Resolution granting salary changes to Unrepresented Management Sworn Police Captain and rescinding resolution No. 2012-369 recommended.
- 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) recommended.
- 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 recommended.

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

ACTION: Resolution 2013-79 (Lopez/Gunderson; 7/0) approving a letter of agreement (LOA) between the City of Modesto and the Modesto Police Management Association (MPMA); and authorizing the Director of Human Resources and City Manager to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2013-80 (Lopez/Gunderson; 7/0) granting salary changes to Unrepresented Management Sworn Police Captain and rescinding resolution No. 2012-369.

ACTION: Resolution 2013-81 (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).

ACTION: Resolution 2013-82 (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.

HEARINGS

Published in the Modesto Bee on February 11, 2013 – Councilmember Muratore absent due to conflict of interest

18. Consider approving Capital Facilities Fees (CFF) deferrals and exemptions for Habitat for Humanity, Stanislaus County River Vista Project (formerly Sportsmen Estates), a 21-unit single-family affordable housing development project located at Signature Court, Sunset Avenue, and Roselawn Avenue, and authorizing Habitat for Humanity, Stanislaus County to be issued building permits for approved plans with payment of all required fees, except CFF. CFF Deferral/Exemption Master Agreement with Habitat for Humanity, Stanislaus County to be approved by the City Council at a later date. (Funding Source:)
 - Resolution approving Capital Facilities Fees deferrals and exemptions for Habitat for Humanity, Stanislaus County River Vista Project (formerly Sportsmen Estates)

located at Signature Court, Sunset Avenue, and Roselawn Avenue. Capital Facilities Fees Deferral/Exemption Master Agreement with Habitat for Humanity, Stanislaus County to be approved by the City Council at a later date recommended.

- Resolution authorizing Habitat for Humanity, Stanislaus County to be issued building permits for approved building plans with payment of all required fees, except Capital Facilities Fees recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2013-83 (Cogdill/Burnside; 6/0; Muratore absent due to conflict of interest) approving **twenty-one (21)** Capital Facilities Fees exemptions for Habitat for Humanity, Stanislaus County River Vista Project (formerly Sportsmen Estates) located at Signature Court, Sunset Avenue, and Roselawn Avenue. Capital Facilities Fees Exemption Master Agreement with Habitat for Humanity, Stanislaus County to be approved by the City Council at a later date.

ACTION: Resolution 2013-84 (Cogdill/Burnside; 6/0; Muratore absent due to conflict of interest) authorizing Habitat for Humanity, Stanislaus County to be issued building permits for approved building plans with payment of all required fees, except Capital Facilities Fees.

Published in the Modesto Bee on February 15, 2013 – Councilmember Lopez absent due to conflict of interest

19. Hearing to consider the appeal of Al Brewer, Harry Solaris, Jean, and Kathy to a Board of Zoning Adjustment (BZA) decision approving a conditional use permit to allow a 19-bed Residential Care Facility located at 831 Maze Boulevard. (Funding Source: Not Applicable)

- Resolution approving/denying the appeal of Al Brewer, Harry Solaris, Jean, and Kathy to a Board of Zoning Adjustment decision approving a conditional use permit to allow a 19-bed Residential Care Facility for women at 831 Maze Boulevard recommended.

Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com

ACTION: Resolution 2013-85 (Gunderson/Muratore; 6/0; Lopez absent due to conflict of interest) denying the appeal of Al Brewer, Harry Solaris, Jean, and Kathy (**Kent Nelson**) to a Board of Zoning Adjustment decision approving a conditional use permit to allow a 19-bed Residential Care Facility for women at 831 Maze Boulevard (**include: 8 foot fence to be built on west side near spa**).

Published in the Modesto Bee on January 16, 2013

20. Hearing to consider approving a Second Amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan (AAP) for Fiscal Year 2012-13. (Funding Source: Community Development Block Grant (CDBG))

- Resolution approving a second Amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2012-13, and authorizing the City Manager, or his designee, to execute related documents recommended.

- Resolution amending the FY 2012-13 annual operating and capital improvement budgets to reflect the approved amendment to the Annual Action Plan for Fiscal Year 2012-13, and the reallocation of carryover funds as noted in Exhibit A; and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution recommended.

Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com

ACTION: Resolution 2013-86 (Cogdill/Burnside; 7/0) approving a second Amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2012-13, and authorizing the City Manager, or his designee, to execute related documents.

ACTION: Resolution 2013-87 (Cogdill/Burnside; 7/0) amending the FY 2012-13 annual operating and capital improvement budgets to reflect the approved amendment to the Annual Action Plan for Fiscal Year 2012-13, and the reallocation of carryover funds as noted in Exhibit A; and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

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 - ANTICIPATED LITIGATION

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

(Pursuant to Section 54956.8 of the Government Code)

1. Property: Acquisition of fee simple interest and easement interest of real property for Oakdale Road/Sylvan Avenue Intersection Improvements Project located at:
2101 Sylvan Avenue
Modesto, CA 95355
APN: 065-021-011 (fee acquisition) – 28,718 sq. feet
(public utility easement) – 10,336 sq. feet
Parga 3 Ltd, Owner

Negotiating Parties: Jaime Guillen, Associated Right of Way Services, Inc., for City of Modesto

Dean Arakelian/Dave Romano, Property Owners

Under Negotiation: Price and terms of purchase/sale of property.

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: 670384

MINUTES

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

Monday, March 4, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Lopez, Geer, Gunderson
Absent: None

PUBLIC COMMENTS

- Theresa Gamboa, Woodland West Neighborhood Association, would like more police patrols in her area.
- Donna Minighini, Del Rio Neighborhood, has noticed an increase in car thefts and crime in her area.
- Earl Brown, Goodwill Industries, spoke regarding collection boxes in town for clothes and household items that are not from a legitimate organization. He wants to raise awareness regarding these collection boxes in communities and Senate Bill 450.

CONSENT

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

Removed from Consent

1. Consider accepting the Highway Safety Improvement Program Cycle 5 Grant in the amount of \$553,500.00 for the installation of Emergency Vehicle Pre-emption traffic signal equipment and forwarding to Council for approval.

*Community & Economic Development; Jeffrey Barnes, 577-5468,
jbarnes@modestogov.com*

ACTION: **Motion (Geer/Gunderson;unan.)** accepting the Highway Safety Improvement Program Cycle 5 Grant in the amount of \$553,500.00 for the installation of Emergency Vehicle Pre-emption traffic signal equipment and forwarding to Council for approval.

UNFINISHED BUSINESS

2. Consider approving a Draft Ordinance amending Section 2-8.01 of Chapter 8 of Title 2 of The Modesto Municipal Code Relating to Campaign Reform and

forwarding to Council for approval. (Funding Source: Not Applicable)
City Attorney; Susana Alcala Wood, 577-5284, swood@modestogov.com

ACTION: **Motion (Geer/Gunderson; Lopez no)** approving a Draft Ordinance amending Section 2-8.01 of Chapter 8 of Title 2 of The Modesto Municipal Code Relating to Campaign Reform and forwarding to Council for approval

3. Consider a Draft Ordinance Amending Chapter 4 of Title 5 of the Modesto Municipal Code Ordinance No. 4.203 and 4.204 -C. S. relating to leash requirements at municipal Dog Parks and clarifying appeal of City Manager decisions in Vicious Dog hearings and forwarding to Council for approval. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Motion (Gunderson/Geer;unan.)** approving a Draft Ordinance amending Chapter 4 of Title 5 of the Modesto Municipal Code Ordinance No. 4.203 and 4.204 -C. S. relating to leash requirements at municipal Dog Parks and clarifying appeal of City Manager decisions in Vicious Dog hearings and forwarding to Council for approval.

NEW BUSINESS

4. Consider accepting an informational report regarding Modesto's Crime Statistics for January through December 2012 as compared to January through December 2011. (Funding Source: Not Applicable)
Police; Gene Balentine, 572-9505, balentineg@modestopd.com

ACTION: **Motion (Gunderson/Geer;unan.)** accepting an informational report regarding Modesto's Crime Statistics for January through December 2012 as compared to January through December 2011.

COMMITTEE MEMBERS COMMENTS & REPORTS

Councilmember Gunderson announced that Tim Guerino, Modesto Gospel Mission, will be giving a presentation at the March 12, 2013 Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:16 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 05, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
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: Cogdill - Item 2

Reports from Closed Session: City Attorney Wood reported on Closed Session matter

PUBLIC COMMENT PERIOD

- Tony Madrigal spoke regarding Prosperity for All Business Leadership Forum in Ceres on March 20, 2013 and Project Prom.
- Kent Nicholson spoke in appreciation of Urban Forestry Crew and Dog Park in Modesto.
- Debbie Dyk of Salida spoke regarding the well issue last month and possible annexation of Salida.
- Emerson Drake spoke regarding the well issue in Salida and Ad Hoc Committee meeting.
- Nanette Spyksma spoke regarding possible annexation of Salida.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 1, 3: (Gunderson/Lopez;unan.)

ACTION CONSENT ITEM 2: (Lopez/Geer; 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

1. Consider approving the minutes from the February 26, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the February 26, 2013 City Council meeting recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Gunderson/Lopez; 7/0) approving the minutes from the February 26, 2013 City Council meeting.

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

2. Consider approving the First Amendment to the Agreement to Construct Improvements and Grant Revocable License between the City of Modesto and Shelter Cove Community Church to grant a two-year time extension for the construction of improvements to provide access to Claratina Avenue and authorizing the City Manager, or designee, to execute the First Amendment to the Agreement. (Funding Source: Not Applicable)
 - Resolution approving the First Amendment to the Agreement to Construct Improvements and Grant Revocable License between Shelter Cove Community Church and the City of Modesto to grant a two-year time extension for the construction of the improvements to provide access to Claratina Avenue and authorizing the City Manager, or designee, to execute the First Amendment to the Agreement recommended.
Community & Economic Development; Paul Liu, 577-5282, pliu@modestogov.com

ACTION: Resolution 2013-88 (Lopez/Geer; 6/0; Cogdill absent due to conflict of interest) approving the First Amendment to the Agreement to Construct Improvements and Grant Revocable License between Shelter Cove Community Church and the City of Modesto to grant a two-year time extension for the construction of the improvements to provide access to Claratina Avenue and authorizing the City Manager, or designee, to execute the First Amendment to the Agreement.

Consent

3. Consider approving: (i) an Agreement for the purchase of retired City of Modesto Police canine, Fritz, by its handler, Officer Inacio; (ii) an Agreement for the purchase of retired City of Modesto Police canine, Bass, by its handler, Officer Miller; and (iii) an Agreement for the purchase of retired City of Modesto Police canine, Pono, by its former handler, Officer Peterson. (Funding Source: General Fund Revenue)
 - Resolution approving an Agreement between the City of Modesto and Officer Frank Inacio for the purchase of retired City of Modesto Police canine, Fritz, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an Agreement between the City of Modesto and Officer Dwight Miller for the purchase of retired City of Modesto Police canine, Bass, and

authorizing the City Manager, or his designee, to execute the Agreement recommended.

- Resolution approving an Agreement between the City of Modesto and Officer Bradley Peterson for the purchase of retired City of Modesto Police canine, Pono, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Police; Rick Armendariz, 572-9612, armendarizr@modestopd.com

ACTION: Resolution 2013-89 (Gunderson/Lopez; 7/0) approving an Agreement between the City of Modesto and Officer Frank Inacio for the purchase of retired City of Modesto Police canine, Fritz, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2013-90 (Gunderson/Lopez; 7/0) approving an Agreement between the City of Modesto and Officer Dwight Miller for the purchase of retired City of Modesto Police canine, Bass, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2013-91 (Gunderson/Lopez; 7/0) approving an Agreement between the City of Modesto and Officer Bradley Peterson for the purchase of retired City of Modesto Police canine, Pono, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

ACTION: Councilmember Burnside attended the California Transportation Commission meeting in San Francisco and funding for the Pelandale Interchange project.

ACTION: Councilmember Muratore spoke regarding memorial for Tyler Crippen held last weekend.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

4. Consider authorizing the City Manager, or his designee, to enter into an agreement with the State Water Resources Control Board to receive grant funds and to execute all grant-related documents for the Modesto Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase I Garrison Park. (Funding Source: Wastewater Fund)
 - Resolution authorizing the City Manager, or his designee, to enter into an agreement with the State Water Resources Control Board to receive grant funds and to execute all grant-related documents, for the Modesto Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase I Garrison Park

recommended.

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

ACTION: Resolution 2012-92 (Burnside/Muratore; 7/0) authorizing the City Manager, or his designee, to enter into an agreement with the State Water Resources Control Board to receive grant funds and to execute all grant-related documents, for the Modesto Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase I Garrison Park.

HEARINGS

Published in the Modesto Bee on February 20, 2013

5. Hearing to consider introducing an Ordinance adding Section 5-4.405 to Article 4 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Disposition of Stray Animals. (Funding Source: Not Applicable)
- Motion introducing an Ordinance adding Section 5-4.405 to Article 4 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Disposition of Stray Animals recommended.

Police; Michael Harris, 572-9550, harrism@modestopd.com

ACTION: Motion (Muratore/Cogdill; 7/0) introducing **Ordinance No. 3585-C.S.** adding Section 5-4.405 to Article 4 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Disposition of Stray Animals.

NEW BUSINESS

6. Consider: (i) accepting the transfer of wastewater capacity from Modesto Tallow Company to the City of Modesto in the amount of 6.71 million gallons of flow, 277,172 pounds of Biological Oxygen Demand (BOD), and 90,081 pounds of Total Suspended Solids (TSS), valued at \$999,999 in lieu of a monetary payment; and (ii) accepting the transfer of wastewater capacity ownership at two times the amount due in exchange for a five year usage term. (Funding Source: Wastewater Fund)
- Resolution (i) accepting the transfer of wastewater capacity from Modesto Tallow Company to the City of Modesto in the amount of 6.71 million gallons of flow, 277,172 pounds of Biological Oxygen Demand (BOD), and 90,081 pounds of Total Suspended Solids (TSS), valued at \$999,999 in lieu of a monetary payment and (ii) accepting the transfer of wastewater capacity ownership at two times the amount due in exchange for a five year usage term recommended.

Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com

ACTION: Resolution 2013-93 (Cogdill/Burnside; 7/0) accepting (i) the transfer of wastewater capacity from Modesto Tallow Company to the City of Modesto in the amount of 6.71 million gallons of flow, 277,172 pounds of Biological Oxygen Demand (BOD), and 90,081 pounds of Total Suspended Solids (TSS), valued at \$999,999 in lieu of a monetary payment and (ii) the transfer of wastewater capacity ownership at two times the amount due in exchange for a five year usage term.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:30 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - 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 Economic Development Committee/
City Council Workshop Meeting**

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

Monday, March 11, 2013 at 5:00 p.m.

Roll Call Present: Councilmembers Burnside, Muratore (arrived at 5:07 pm) and Geer
(alternate)
Absent: Councilmember Cogdill

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Removed from Consent

1. Consider accepting a status report of development projects processed by the Community and Economic Development Department for February 2013. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Geer/Burnside; Muratore absent) accepting a status report of development projects processed by the Community and Economic Development Department for February 2013.

NEW BUSINESS

2. Consider approving: (i) a Sewer Advisory Measure (Measure M vote) relating to the extension of sewer service to the unincorporated area referred to as the “Airport Neighborhood” be scheduled for the November 5, 2013 election; (ii) a comprehensive Sewer Advisory Measure (Measure M vote) for all unincorporated “islands” within the Modesto City limits and not currently served by a sewer district, excluding “island” areas that previously received a Measure M vote, be consolidated with the November 4, 2014

election; (iii) that the Policy to implement Measure M be updated in 2014, commensurate with consideration of a comprehensive Measure M vote for the unincorporated island areas; and forwarding to Council for approval. (Funding Source: General Fund)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: **Motion (Muratore/Geer;unan.)** approving: (i) a Sewer Advisory Measure (Measure M vote) relating to the extension of sewer service to the unincorporated area referred to as the “Airport Neighborhood” be scheduled for the November 5, 2013 election; (ii) a comprehensive Sewer Advisory Measure (Measure M vote) for all unincorporated “islands” within the Modesto City limits and not currently served by a sewer district, excluding “island” areas that previously received a Measure M vote, be consolidated with the **November 3, 2015** election; (iii) that the Policy to implement Measure M be updated in 2014, commensurate with consideration of a comprehensive Measure M vote for the unincorporated island areas; and forwarding to Council for approval.

3. Consider: (i) accepting the Sutter Avenue Primary Treatment Facilities Layout Plan; (ii) authorizing a feasibility study to further evaluate the conclusions identified in the Sutter FLP; (iii) approving a transfer of \$200,000 from Wastewater Reserves to fund the feasibility study and forwarding to Council for approval. (Funding Source: Wastewater Fund)
Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com

ACTION: **Motion (Geer/Muratore;unan.)** (i) accepting the Sutter Avenue Primary Treatment Facilities Layout Plan; (ii) authorizing a feasibility study to further evaluate the conclusions identified in the Sutter FLP; (iii) approving a transfer of \$200,000 from Wastewater Reserves to fund the feasibility study and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:55 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 12, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh

Absent: None

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk’s Announcements: Items 3 and 5 - Removed from Consent

Declaration of Conflicts of Interest: Muratore - Item 8

Reports from Closed Session: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Tim Guerino, Turlock Gospel Mission, regarding Day Center.
(Funding Source: Not Applicable)
City Council; John Gunderson, 571-5597, jgunderson@modestogov.com

ACTION: Presentation was made by Tim Guerino, Turlock Gospel Mission, regarding a possible Day Center in Modesto.

PUBLIC COMMENT PERIOD

- Vernon Price spoke regarding homeless and a possible Day Center in Modesto.
- Ray Pefferini spoke regarding trees in Modesto.
- Joan Rutschow spoke regarding State Water Resources Control Board and overregulation of farmers.
- Tony Madrigal spoke regarding Cesar Chavez event on April 6, 2013 at Maddux Youth

Center, Love Modesto event in April and Project Prom.

- Debra Harper spoke regarding homeless and transportation issues in Modesto.
- Nannette Spyksma and another woman spoke regarding possible annexation in Salida.
- Emerson Drake spoke regarding Modesto Tallow item from last week's meeting and crime in Modesto.
- Kurt Abell spoke regarding drinking fountains and benches at Dryden Park; annual golf passes.
- Jim Bonetti spoke regarding well problems in Salida, possible annexation, and drinking fountains.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2, 4, 6: (Lopez/Burnside;unan.)

ACTION ITEM: 3: (Burnside/Cogdill;unan.)

ACTION ITEM 5: (Burnside/Lopez;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 5, 2013 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the March 5, 2013 City Council meeting recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes from the March 5, 2013 City Council meeting.

Removed from Consent

3. Consider approving final adoption of Ordinance No. 3585-C.S. adding Section 5-4.405 to Article 4 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Disposition of Stray animals. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance 3585-C.S. adding Section 5-4.405 to Article 4 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Disposition of Stray animals recommended.
City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Burnside/Cogdill; 7/0) approving final adoption of **Ordinance No. 3585-**

C.S. adding Section 5-4.405 to Article 4 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Disposition of Stray animals.

Consent

4. Consider authorizing submittal of a grant application to the State of California Department of Transportation, Division of Transportation Planning (Caltrans), in the amount of \$300,000 from the Community-Based Transportation Planning (CBTP) Grant Program, and committing a local match of approximately \$30,000 to devote to grant-eligible work. (Funding Source: Caltrans Community-Based Transportation Planning Grant Program; General Fund match of approximately \$30,000)

- Resolution approving submittal of a grant application for the McHenry Avenue Corridor Study to the California Department of Transportation, in the amount of \$300,000 and authorizing the City Manager, or his designee, to execute all necessary grant documents recommended.

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

ACTION: Resolution 2013-94 (Lopez/Burnside; 7/0) approving submittal of a grant application for the McHenry Avenue Corridor Study to the California Department of Transportation, in the amount of \$300,000 and authorizing the City Manager, or his designee, to execute all necessary grant documents.

Removed from Consent

5. Consider accepting the Economic Development Committee recommendation that the 2013 Urban Growth Review be deferred to 2015. (Funding Source: Not Applicable)

- Motion accepting staff's report and deferring the 2013 UGR to 2015 recommended.

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

ACTION: Motion (Burnside/Lopez; 7/0) accepting staff's report and deferring the 2013 UGR to 2015.

Consent

6. Consider approving the Employment Development Department (EDD) application for elective coverage of disability insurance for employees represented by the Modesto Confidential and Management Association (MCMA); and authorize the City Manager, or designee, to take the necessary administrative action to implement the agreement. (Funding Source: Not Applicable)

- Resolution approving the Employment Development Department (EDD) application for elective coverage of disability insurance for employees represented by the Modesto Confidential and Management Association (MCMA); and authorize the City Manager, or designee, to take the necessary administrative action to implement the agreement recommended.

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

ACTION: Resolution 2013-95 (Lopez/Burnside; 7/0) approving the Employment Development Department (EDD) application for elective coverage of disability insurance for employees represented by the Modesto Confidential and Management Association (MCMA);

and authorize the City Manager, or designee, to take the necessary administrative action to implement the agreement.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff announced workshops regarding General Plan Amendments: March 18, 6:00 p.m. at Petersen Event Center, 720 12th St; April 15, 2013 at 6:00 p.m. at Davis High School little theater, 1200 W. Rumble Road; and June 3, 2013 at 6:00 p.m. at the King-Kennedy Memorial Center, 601 Martin Luther King Drive.

HEARINGS

Published in the Modesto Bee on February 23, 2013

7. Hearing to consider approving changes to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport, effective April 1, 2013. (Funding Source: Airport Revenue)
 - Resolution approving changes to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport, and rescinding Council Resolution No. 2009-434 recommended.

Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2013-96 (Lopez/Geer; 7/0) approving changes to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport, and rescinding Council Resolution No. 2009-434.

Published in the Modesto Bee on March 1, 2013 – Councilmember Muratore absent due to conflict of interest

8. Hearing to consider approving a Capital Facilities Fees (CFF) Exemption/Deferral between the City of Modesto and Satellite Affordable Housing Associates, for the Tower Park Senior Housing development, a 50-unit affordable rental senior housing project located at 17th and G Streets in Modesto. (Funding Source: Capital Facility Fees (CFF))
 - Resolution approving a Capital Facilities Fees (CFF) Exemption/Deferral between the City of Modesto and Satellite Affordable Housing Associates, for the Tower Park Senior Housing development located at 17th and G Streets in Modesto, and authorizing staff to finalize the provisions of the Capital Facilities Exemption Agreement recommended.

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

ACTION: Resolution 2013-97 (Burnside/Lopez; 6/0; Muratore absent due to conflict of interest) approving Capital Facilities Fees (CFF) **Exemptions (for all 50 units)** between the City of Modesto and Satellite Affordable Housing Associates, for the Tower Park Senior

Housing development located at 17th and G Streets in Modesto, and authorizing staff to finalize the provisions of the Capital Facilities Exemption Agreement.

NEW BUSINESS

9. Consider authorizing the Mayor to sign letter opposing Proposition 7 as drafted related to Prevailing Wages for projects using state funds, and requesting a clarification as to what projects the proposed bill would apply. (Funding Source: Not Applicable)
 - Motion authorizing the Mayor to sign letter opposing Proposition 7 as drafted related to Prevailing Wages for projects using state funds, and requesting a clarification as to what projects the proposed bill would apply recommended.
City Manager; Greg Nyhoff, 577-5224, gnyhoff@modestogov.com

ACTION: Motion (Gunderson/Burnside; 7/0) authorizing the Mayor to sign letter to Senator Darrell Steinberg opposing Senate Bill 7.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

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

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California
Thursday, March 14, 2013, at 10:00 a.m.

Roll Call Present: Mayor Marsh, Councilmembers Muratore (left meeting at 10:55 a.m.) and Geer
Absent: None

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider accepting Moss Adams, LLP Internal Audit Status Report as of March 7, 2013. (Funding Source: Not Applicable)
City Auditor; Tom Krippaehne, (206) 302-6409, Tom.Krippaehne@mossadams.com

ACTION: Motion (Geer/Mayor Marsh; Muratore absent) accepting Moss Adams, LLP Internal Audit Status Report as of March 7, 2013 and returning for a Council workshop the week of May 21, 2013 to follow-up on recommendations.

NEW BUSINESS

2. Consider accepting the City's Fiscal Year 2011-2012 City of Modesto and 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 (Muratore/Geer;unan.) accepting the City's Fiscal Year 2011-2012 City of Modesto and Stanislaus Drug Enforcement Agency Single Audit reports and forwarding to Council for approval.

3. Consider accepting the California Department of Finance – Office of State Audits and Evaluations audit of the City of Modesto's grants 40719-02 and R81609-0 issued by the California Natural Resources Agency and forwarding to Council for approval. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Motion (Muratore/Geer; Muratore absent) accepting the California Department of Finance – Office of State Audits and Evaluations audit of the City

of Modesto's grants 40719-02 and R81609-0 issued by the California Natural Resources Agency and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 11:25 a.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, March 25, 2013, at 5:00 p.m.

Roll Call - Present: Councilmembers Dave Cogdill, Jr. and Stephanie Burnside
Absent: Councilmember Dave Lopez
Also Present: Councilmember Dave Geer (alternate)

PUBLIC COMMENTS

Emerson Drake spoke regarding golf packages available in the Modesto area.

CONSENT

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

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 and 2

Consent

1. Consider approving the monthly budget adjustment report for March 2013 and forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: **Motion (Geer/Burnside;unan.)** approving the monthly budget adjustment report for March 2013 and forwarding to Council for approval.

Consent

2. Consider approving Transit Title VI program ensuring the equitable distribution of transit services and forwarding to Council for approval.
Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: **Motion (Geer/Burnside;unan.)** approving Transit Title VI program ensuring the equitable distribution of transit services and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:05 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 26, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jim Applegate, Redeemer Church

City Clerk’s Announcements - None

Declaration of Conflicts of Interest: Item 16 – Muratore
Item 6 – Burnside, Cogdill, Muratore

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Nuts regarding their upcoming season and Opening Day on April 4, 2013. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation was made by Mike Gorassi, Modesto Nuts, regarding their upcoming season and Opening Day on April 4, 2013.

2. Presentation of Proclamation declaring April 26, 2012 as Arbor 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 declaring April 26, 2012 as Arbor Day in the City of Modesto.

3. Presentation of Certificates of Recognition for the City of Modesto’s Industrial Pretreatment Program. (Funding Source: Not Applicable)
Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com

ACTION: Presentation of Certificates of Recognition for the City of Modesto’s Industrial Pretreatment Program: E&J Gallo Winery, Foam Fabricators, Georgia Pacific, International Paper Riverside, and Newly Weds Foods.

PUBLIC COMMENT PERIOD

- Jenny Kenoyer spoke regarding the possible closure of Miller's Place in Modesto.
- Vernon Price spoke regarding homeless in Modesto and Assembly Bill 5 Homeless Bill of Rights; property at 8th and I Streets.
- Tony Madrigal announced April 6, 2013 Cesar Chavez Family Day.
- Kurt Abell spoke regarding golf in Modesto.
- Emerson Drake spoke regarding Modesto Irrigation District, water issues and General Plan Amendment meetings.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-5, 7-15; 17-20: (Lopez/Muratore;unan.)

ACTION CONSENT ITEM 6: (Lopez/Gunderson; unan.; Burnside, Cogdill, Muratore absent due to conflict of interest)

ACTION CONSENT ITEM 16: (Lopez/Gunderson; unan.; Muratore 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

4. Consider approving the minutes from the March 12, 2013 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the March 12, 2013 City Council meeting recommended.

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

ACTION: Motion (Lopez/Muratore; 7/0) approving the minutes from the March 12, 2013 City Council meeting.

Consent

5. Consider requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto General Municipal Election to be held on November 5, 2013,

requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Election on behalf of the City of Modesto and the Modesto City Schools Board. (Funding Source: Elections Fund)

- Resolution of the City of Modesto requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto General Municipal Election to be held on November 5, 2013, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Election on behalf of the City of Modesto and the Modesto City Schools Board recommended.

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

ACTION: Resolution 2013-98 (Lopez/Muratore; 7/0) of the City of Modesto requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto General Municipal Election to be held on November 5, 2013, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Election on behalf of the City of Modesto and the Modesto City Schools Board.

Consent- *Councilmembers Burnside, Cogdill, Muratore absent due to conflict of interest*

6. Consider approving one (1) Quitclaim Deed conveying 6,455 square feet of excess land at Beech and Franklin Streets in Modesto to John Robert Christiansen; Ray Wade Christiansen, Trustee of the Ray W. Christiansen Trust established under the Christiansen 2007 Revocable Trust U/I/D June 5, 2007. (Funding Source: Not Applicable)

- Resolution approving (1) Quitclaim Deed conveying excess land to John Robert Christiansen; Ray Wade Christiansen, Trustee of the Ray W. Christiansen Trust established under the Christiansen 2007 Revocable Trust U/I/D June 5, 2007; David T. Bradford, Trustee of the David T. Bradford Exempt Trust as set forth in the Marion T. Bradford Survivor's Trust U/I/D January 2, 1990; John S. Bradford, Trustee of the John S. Bradford Irrevocable Trust as set forth in the C & M Bradford Irrevocable Trust U/I/D March 20, 1998; John S. Bradford, Trustee of the John S. Bradford Exempt Trust as set forth in Marion T. Bradford Survivor's Trust U/I/D January 2, 1990; and (2) Assignment and Assumption of Sign Location Lease to John Robert Christiansen; Ray Wade Christiansen, Trustee of the Ray W. Christiansen Trust as established under the Christiansen 2007 Revocable Trust U/I/D June 5, 2007; David T. Bradford, Trustee of the David T. Bradford Exempt Trust as set forth in the Marion T. Bradford Survivor's Trust U/I/D January 2, 1990; John S. Bradford, Trustee of the John S. Bradford Irrevocable Trust as set forth in the C & M Bradford Irrevocable Trust U/I/D March 20, 1998; and John S. Bradford, Trustee of the John S. Bradford Exempt Trust as set forth in the Marion T. Bradford Survivor's Trust U/I/D January 2, 1990; and authorizing City Manager, or his designee, to execute the documents recommended.

City Attorney; Richard Evans, 571-5159, revans@modestogov.com

ACTION: Resolution 2013-99 (Lopez/Gunderson; 5/0; Burnside, Cogdill, Muratore absent due to conflict of interest) approving (1) Quitclaim Deed conveying excess land to John Robert Christiansen; Ray Wade Christiansen, Trustee of the Ray W. Christiansen Trust established under the Christiansen 2007 Revocable Trust U/I/D June 5, 2007; David T. Bradford, Trustee of the David T. Bradford Exempt Trust as set forth in the Marion T.

Bradford Survivor’s Trust U/I/D January 2, 1990; John S. Bradford, Trustee of the John S. Bradford Irrevocable Trust as set forth in the C & M Bradford Irrevocable Trust U/I/D March 20, 1998; John S. Bradford, Trustee of the John S. Bradford Exempt Trust as set forth in Marion T. Bradford Survivor’s Trust U/I/D January 2, 1990; and (2) Assignment and Assumption of Sign Location Lease to John Robert Christiansen; Ray Wade Christiansen, Trustee of the Ray W. Christiansen Trust as established under the Christiansen 2007 Revocable Trust U/I/D June 5, 2007; David T. Bradford, Trustee of the David T. Bradford Exempt Trust as set forth in the Marion T. Bradford Survivor’s Trust U/I/D January 2, 1990; John S. Bradford, Trustee of the John S. Bradford Irrevocable Trust as set forth in the C & M Bradford Irrevocable Trust U/I/D March 20, 1998; and John S. Bradford, Trustee of the John S. Bradford Exempt Trust as set forth in the Marion T. Bradford Survivor’s Trust U/I/D January 2, 1990; and authorizing City Manager, or his designee, to execute the documents.

Consent

7. Consider approving a Will Serve Letter to connect to the City of Modesto’s existing water system, and an Outside Service Agreement between the City of Modesto and G3 Enterprises, Inc. for the property located at 500 South Santa Rosa Avenue, (APN: 035-054-004). (Funding Source: General Fund and Water Fund)
 - Resolution approving a Will Serve Letter for the property located at 500 South Santa Rosa Avenue, (APN: 035-054-004) to connect to the City of Modesto’s existing water system, and authorizing the City Manager, to sign the Will Serve Letter recommended.
 - Resolution approving an Outside Service Agreement between the City of Modesto and G3 Enterprises, Inc., a Delaware corporation for water service for the property located at 500 South Santa Rosa Avenue in Modesto, (APN: 035-054-004) and authorizing the City Manager, or his designee to execute the agreement recommended.

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

ACTION: Resolution 2013-100 (Lopez/Muratore; 7/0) approving a Will Serve Letter for the property located at 500 South Santa Rosa Avenue, (APN: 035-054-004) to connect to the City of Modesto’s existing water system, and authorizing the City Manager, to sign the Will Serve Letter.

ACTION: Resolution 2013-101 (Lopez/Muratore; 7/0) approving an Outside Service Agreement between the City of Modesto and G3 Enterprises, Inc., a Delaware corporation for water service for the property located at 500 South Santa Rosa Avenue in Modesto, (APN: 035-054-004) and authorizing the City Manager, or his designee to execute the agreement.

Consent

8. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 4567 Finney Road, Salida, CA (APN: 135-006-043). (Funding Source: General Fund and Water Fund)
 - Resolution approving a Will Serve Letter for the property located at 4567 Finney Road, (APN: 135-006-043) 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 recommended.

- Resolution approving an Outside Service Agreement between the City of Modesto and The First Baptist Church of Salida, a corporation, for water service for the property located at 4567 Finney Road in Salida, (APN: 135-06-043) and authorizing the City Manager, or his designee to execute the agreement recommended.

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

ACTION: Resolution 2013-102 (Lopez/Muratore; 7/0) approving a Will Serve Letter for the property located at 4567 Finney Road, (APN: 135-006-043) 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 2013-103 (Lopez/Muratore; 7/0) approving an Outside Service Agreement between the City of Modesto and The First Baptist Church of Salida, a corporation, for water service for the property located at 4567 Finney Road in Salida, (APN: 135-06-043) and authorizing the City Manager, or his designee to execute the agreement.

Consent

9. Consider approving the second extension of the prequalified consultant list for right of way (ROW) acquisition services for various Capital Improvement Program (CIP) projects for a period of one (1) year. (Funding Source: Various CIP)
- Resolution approving the 2nd extension of the prequalified consultant list for right of way acquisition services for various Capital Improvement Program projects for a period of one (1) year recommended.

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

ACTION: Resolution 2013-104 (Lopez/Muratore; 7/0) approving the 2nd extension of the prequalified consultant list for right of way acquisition services for various Capital Improvement Program projects for a period of one (1) year.

Consent

10. Consider approving the plans and specifications for the project titled, "Street Improvements East of El Vista Elementary School," accepting the bid, and approving a contract with Rolfe Construction in the amount of \$281,043.15. (Funding Source: Safe Route to School Grant)
- Resolution approving the plans and specifications for the Street Improvements East of El Vista Elementary School project, accepting the bid, and approving a contract with Rolfe Construction, in the amount of \$281,043.15; and authorizing the City Manager or his designee, to execute the agreement recommended.

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

ACTION: Resolution 2013-105 (Lopez/Muratore; 7/0) approving the plans and

specifications for the Street Improvements East of El Vista Elementary School project, accepting the bid, and approving a contract with Rolfe Construction, in the amount of \$281,043.15; and authorizing the City Manager or his designee, to execute the agreement.

Consent

11. Consider approving the plans and specifications for the project titled, "East Side of Sutter Avenue South of Marshall Street Improvements," accepting the bid, and approving a contract with DSS Company dba Knife River Construction in the amount of \$347,578.50. (Funding Source: Safe Route to School Grant)

- Resolution approving the plans and specifications for the East Side of Sutter Avenue South of Marshall Street Improvements project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, in the amount of \$347,578.50; and authorizing the City Manager or his designee, to execute the agreement recommended.

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

ACTION: Resolution 2013-106 (Lopez/Muratore; 7/0) approving the plans and specifications for the East Side of Sutter Avenue South of Marshall Street Improvements project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction, in the amount of \$347,578.50; and authorizing the City Manager or his designee, to execute the agreement.

Consent

12. Consider approving a Finding of Conformance for the Proposed Two (2) Safe Routes to School Projects: SR2SL 5059 (181) & SR2SL 5059 (182). (Funding Source: Safe Route to School Grant, City of Modesto Gas Tax, County LTF)

- 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 (Master EIR) (SCH#2007072023, EA/C&ED 2011-39) Proposed Two (2) Safe Routes to School Projects: SR2SL 5059 (181) & SR2SL 5059 (182) recommended.

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

ACTION: Resolution 2013-107 (Lopez/Muratore; 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 (Master EIR) (SCH#2007072023, EA/C&ED 2011-39) Proposed Two (2) Safe Routes to School Projects: SR2SL 5059 (181) & SR2SL 5059 (182).

Consent

13. Consider approving staff correspondence to Senator Tom Berryhill, Senator Anthony Cannella, Senator Cathleen Galgiani, Assembly Member Kristin Olsen, and Assembly Member Adam Gray supporting the positive benefits of the Enterprise Zone program in local communities on a statewide economic level, communicating support for Enterprise Zones and opposing any proposal that would threaten their existence. (Funding Source: Not Applicable)

- Resolution approving staff correspondence to Senator Tom Berryhill, Senator Anthony Cannella, Senator Cathleen Galgiani, Assembly Member Kristin Olsen, and Assembly Member Adam Gray supporting the positive benefits of the Enterprise Zone program in local communities on a statewide economic level, communicating support for Enterprise Zones and opposing any proposal that would threaten their existence recommended.

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

ACTION: Resolution 2013-108 (Lopez/Muratore; 7/0) approving staff correspondence to Senator Tom Berryhill, Senator Anthony Cannella, Senator Cathleen Galgiani, Assembly Member Kristin Olsen, and Assembly Member Adam Gray supporting the positive benefits of the Enterprise Zone program in local communities on a statewide economic level, communicating support for Enterprise Zones and opposing any proposal that would threaten their existence.

Consent

14. Consider authorizing the award of bid for the purchase of two (2) three-quarter ton trucks with utility bodies for the Public Works Department, Water and Wastewater Divisions, through the Fleet Services Division, to San Leandro Ford, San Leandro, CA, for an estimated total cost of \$65,982. (Funding Source: Fleet Replacement Funds)
 - Resolution authorizing the award of bid for the purchase of two (2) three-quarter ton trucks with utility bodies for the Public Works Department, Water and Wastewater Divisions, through the Fleet Services Division, to San Leandro Ford, San Leandro, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$65,982 recommended.

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

ACTION: Resolution 2013-109 (Lopez/Muratore; 7/0) authorizing the award of bid for the purchase of two (2) three-quarter ton trucks with utility bodies for the Public Works Department, Water and Wastewater Divisions, through the Fleet Services Division, to San Leandro Ford, San Leandro, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$65,982.

Consent

15. Consider introducing an Ordinance amending Chapter 4 of Title 5 of the Modesto Municipal Code Ordinance No. 4.203 and 4.204 -C. S. relating to leash requirements at municipal Dog Parks and clarifying appeal of City Manager decisions in Vicious Dog hearings. (Funding Source: Not Applicable)
 - Motion introducing an Ordinance amending Chapter 4 of Title 5 of the Modesto Municipal Code Ordinance No. 4.203 and 4.204 -C. S. relating to leash requirements at municipal Dog Parks and clarifying appeal of City Manager decisions in Vicious Dog hearings recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) introducing **Ordinance No. 3586-C.S.** amending Chapter 4 of Title 5 of the Modesto Municipal Code Ordinance No. 4.203 and 4.204 -C. S. relating to leash requirements at municipal Dog Parks and clarifying appeal of City Manager decisions in Vicious Dog hearings.

Consent- *Councilmember Muratore absent due to conflict of interest*

16. Consider approving the transfer of Neighborhood Stabilization Program 1 (NSP1) real property located at 802 Kerr Avenue from the City of Modesto to Stanislaus County Affordable Housing Corporation (STANCO). (Funding Source: NSP1)
- Resolution approving the sale of real property located at 802 Kerr Avenue from the City of Modesto's Neighborhood Stabilization Program 1 (NSP1) to Stanislaus County Affordable Housing Corporation (STANCO) to be administered as a rental property for NSP eligible tenants in the form of a Loan Agreement for an amount equal to the appraised value of the property and authorizing the City Manager, or his designee, to execute all related documents required to complete the transaction recommended.

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

ACTION: Resolution 2013-110 (Lopez/Gunderson; 6/0; Muratore absent due to conflict of interest) approving the sale of real property located at 802 Kerr Avenue from the City of Modesto's Neighborhood Stabilization Program 1 (NSP1) to Stanislaus County Affordable Housing Corporation (STANCO) to be administered as a rental property for NSP eligible tenants in the form of a Loan Agreement for an amount equal to the appraised value of the property and authorizing the City Manager, or his designee, to execute all related documents required to complete the transaction.

Consent

17. Consider approving a passenger conduct policy for the City's Modesto Area Express (MAX) transit system. (Funding Source: Not Applicable)
- Resolution approving the Passenger Conduct Policy for the City of Modesto Modesto Area Express (MAX) transit system recommended.

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

ACTION: Resolution 2013-111 (Lopez/Muratore; 7/0) approving the Passenger Conduct Policy for the City of Modesto Modesto Area Express (MAX) transit system.

Consent

18. Consider accepting the work by DSS Company, dba Knife River Construction (Knife River), for the Sylvan Avenue Reconstruction project, as complete. (Total construction contract cost is \$1,443,639, with a total project cost of \$1,730,331). (Funding Source: Federal and local transportation funds)
- Resolution accepting the work by DSS Company dba Knife River Construction for the Sylvan Avenue Reconstruction Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$1,443,639 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2013-112 (Lopez/Muratore; 7/0) accepting the work by DSS Company dba Knife River Construction for the Sylvan Avenue Reconstruction Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$1,443,639.

Consent

19. Consider accepting the work by Netbuilds, for the Water Quality Control Facility Office Remodel project, as complete. (Total construction contract cost is \$100,274, with a total project cost of \$167,875). (Funding Source: Wastewater Fund)
- Resolution accepting the work by Netbuilds for the Water Quality Control Facility Office 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, and authorizing payment of amounts totaling \$100,274 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2013-113 (Lopez/Muratore; 7/0) accepting the work by Netbuilds for the Water Quality Control Facility Office 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, and authorizing payment of amounts totaling \$100,274.

Consent

20. Consider: (i) approving the plans and specifications for the Customer Services Counter Improvements project, accepting the bid, and approving a contract with Netbuilds of Marysville, California in the amount of \$156,544; and (ii) amending the Fiscal Year 2012-2013 Capital Improvement Program budget by transferring \$50,670 (\$25,335 from Water Fund Reserves and \$25,335 from the Wastewater Fund Reserves) to fund construction, contingency, and construction administration. (Total estimated cost for the construction portion of the project is \$210,044). (Funding Source: Special Fund for Capital Outlay, Water & Wastewater Funds)
- Resolution approving the plans and specifications for the Customer Services Counter Improvements project, accepting the bid, and approving a contract with Netbuilds of Marysville, California in the amount of \$156,544, and authorizing the City Manager, or his designee, to execute the contract recommended.
 - Resolution amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$50,670 to be transferred into the project (\$25,335 from Water Fund Reserves and \$25,335 from Wastewater Fund Reserves) in order to fully fund construction, contingency, and construction administration for the Customer Services Counter Improvements project recommended.

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

ACTION: Resolution 2013-114 (Lopez/Muratore; 7/0) approving the plans and specifications for the Customer Services Counter Improvements project, accepting the bid, and

approving a contract with Netbuilds of Marysville, California in the amount of \$156,544, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2013-115 (Lopez/Muratore; 7/0) amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$50,670 to be transferred into the project (\$25,335 from Water Fund Reserves and \$25,335 from Wastewater Fund Reserves) in order to fully fund construction, contingency, and construction administration for the Customer Services Counter Improvements project.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding Partners in Paint and thanked the 182 volunteers.

Councilmember Burnside spoke regarding StanCOG appointments to Joint Powers Authority appointments of herself and Supervisor Vito Chiesa and the State Route 219/Kiernan Avenue Widening Project Groundbreaking Ceremony today.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff spoke regarding the State Route 219/Kiernan Avenue Widening Project Groundbreaking Ceremony today.

UNFINISHED BUSINESS

21. Consider approving the City of Modesto's membership, as a member agency in the North Valley Regional Recycled Water Project Collaborative Partnership, in the Western Recycled Water Coalition (WRWC) for the purpose of obtaining federal and state financial assistance for the construction of the North Valley Regional Recycled Water Program (NVERRWP) in an amount not to exceed \$20,000 annually for the City's share of membership dues. (Funding Source: Wastewater Fund)
 - Resolution approving the City of Modesto's membership, as a member agency in the North Valley Regional Recycled Water Project Collaborative Partnership, in the Western Recycled Water Coalition (WRWC) for the purpose of obtaining federal and state financial assistance for the construction of the North Valley Regional Recycled Water Program (NVERRWP) in an amount not to exceed \$20,000 annually for the City's share of membership dues, and authorize the City Manager, or his designee, to execute the Second Amended and Restated Memorandum of Agreement recommended.

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

ACTION: Resolution 2013-116 (Burnside/Gunderson; 7/0) approving the City of Modesto's membership, as a member agency in the North Valley Regional Recycled Water Project Collaborative Partnership, in the Western Recycled Water Coalition (WRWC) for the purpose of obtaining federal and state financial assistance for the construction of the North Valley Regional Recycled Water Program (NVERRWP) in an amount not to exceed \$20,000 annually for the City's share of membership dues, and authorize the City Manager, or his

designee, to execute the Second Amended and Restated Memorandum of Agreement.

22. Consider: (i) approving the plans and specifications for the Jennings Wastewater Treatment Plant Improvements project, accepting the bid, and approving a contract with Koch & Koch, Inc. of Penn Valley, California in the amount of \$889,500; and (ii) amending the Fiscal Year 2012-2013 Capital Improvement Program budget by transferring \$75,590 from Wastewater Fund Reserves into the projects to fund construction, contingency, and construction administration. (Total estimated cost for the construction portion of the project is \$1,134,163). (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the Jennings Wastewater Treatment Plant Improvements project, accepting the bid, and approving a contract with Koch & Koch, Inc. of Penn Valley, California in the amount of \$889,500, and authorizing the City Manager, or his designee, to execute the contract recommended.
 - Resolution amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$75,590 to be transferred into the projects from Wastewater Fund Reserves in order to fully fund construction, contingency, and construction administration for the Jennings Wastewater Treatment Plant Improvements project recommended.

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

ACTION: Resolution 20013-117 (Gunderson/Geer; 7/0) approving the plans and specifications for the Jennings Wastewater Treatment Plant Improvements project, accepting the bid, and approving a contract with Koch & Koch, Inc. of Penn Valley, California in the amount of \$889,500, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2013-118 (Gunderson/Geer; 7/0) amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$75,590 to be transferred into the projects from Wastewater Fund Reserves in order to fully fund construction, contingency, and construction administration for the Jennings Wastewater Treatment Plant Improvements project.

NEW BUSINESS

23. Consider awarding a contract to Gillig, LLC, Hayward, CA, for the purchase of eight (8) low floor transit buses for use in the Modesto Area Express (MAX) transit system for an estimated total cost of \$3,759,902. (Funding Source: Transit Funds)
- Resolution awarding a contract to Gillig, LLC for the purchase of eight (8) low floor transit buses for a total cost of \$3,501,334, not including sales tax, and authorizing the City Manager, or his designee, to execute a purchase agreement in that amount recommended.
 - Resolution amending the FY 12/13 Operating Budget in the amount of \$3,914,402 to fund the purchase of eight (8) low floor transit buses recommended.

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

ACTION: Resolution 2013-119 (Lopez/Geer; 7/0) awarding a contract to Gillig, LLC for the purchase of eight (8) low floor transit buses for a total cost of \$3,501,334, not including sales tax, and authorizing the City Manager, or his designee, to execute a purchase agreement in that amount.

ACTION: Resolution 2013-120 (Lopez/Geer; 7/0) amending the FY 12/13 Operating Budget in the amount of \$3,914,402 to fund the purchase of eight (8) low floor transit buses.

24. Consider requesting the State Water Resources Control Board reconsider its Draft Substitute Environmental Document, and consider pursuing a comprehensive solution that is consistent with the timing of the overall comprehensive Delta Planning Process, which takes into account the potential impact on hydroelectric energy generation. (Funding Source: Not Applicable)
- Resolution requesting the State Water Resources Control Board reconsider its Draft Substitute Environmental Document, and consider pursuing a comprehensive solution that is consistent with the timing of the overall comprehensive Delta Planning Process, which takes into account the potential impact on hydroelectric energy generation recommended.

Utility Planning and Projects; Rich Ulm, 577-5213, rulm@modestogov.com

ACTION: Resolution 2013-121 (Burnside/Lopez; 7/0) requesting the State Water Resources Control Board reconsider its Draft Substitute Environmental Document, and consider pursuing a comprehensive solution that is consistent with the timing of the overall comprehensive Delta Planning Process, which takes into account the potential impact on hydroelectric energy generation.

25. Consider directing staff to prepare an agriculture preservation policy consistent with the Stanislaus LAFCO Agricultural Preservation Policy; or to prepare a mitigation program consistent with the Tivoli Specific Plan EIR, for consideration by the City Council. (Funding Source: General Fund)
- Motion directing staff to prepare an agriculture preservation policy consistent with the Stanislaus LAFCO Agricultural Preservation Policy; or to prepare a mitigation program consistent with the Tivoli Specific Plan EIR, for consideration by the City Council recommended.

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

ACTION: Motion (Cogdill/Lopez; 6/1; Mayor Marsh no) directing staff to prepare Resolutions approving: (i) all land currently annexed within the current City limits (including Tivoli and Kiernan Business Park East) be exempt from any mitigation; and (ii) directing staff to make any future Applicants aware of Stanislaus LAFCO's Agricultural Preservation Policy, make the Applicants aware they will need some type of mitigation policy within their plan, and Applicants will return to City Council for decision whether applicant is ready to move forward to LAFCO.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:40 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: Diana Fisher v. City of Modesto, et al.
Stanislaus County Superior Court Case No: 660381

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case: Christiansen, et al v. City of Modesto
Stanislaus County Superior Court No. 653915

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION subdivision (b) 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: Black & Veatch Corporation v. Modesto Irrigation District, et al.
United States District Court Case No. 1:11-CV-00695-LJO-SKO

PUBLIC EMPLOYEE DISCIPLINE

(Pursuant to Section 54954.5(e) of the Government Code)

MINUTES

City of Modesto SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

Monday, April 8, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Lopez, Geer, Gunderson
Absent: None

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider approving the applications of: (i) Reliable Medical Transportation to operate as a non-emergency medical transport service in the City of Modesto; (ii) Vantage Transports, Inc. to operate as a non-emergency medical transport service in the City of Modesto; and (iii) Valley Medical Transportation 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; Joel Broumas, 572-9821, BroumasJ@Modestopd.com

ACTION: **Motion (Geer/Gunderson;unan.)** approving the applications of: (i) Reliable Medical Transportation to operate as a non-emergency medical transport service in the City of Modesto; (ii) Vantage Transports, Inc. to operate as a non-emergency medical transport service in the City of Modesto; and (iii) Valley Medical Transportation to operate as a non-emergency medical transport service in the City of Modesto and forwarding to Council for approval.

2. Consider accepting an informational report regarding the 2012/13 CalGRIP (California Gang Reduction, Intervention and Prevention Program) Grant and Project Ceasefire Year 1 progress report. (Funding Source: Not Applicable)

Police; Scott Heller, 342-9129, hellers@modestopd.com

ACTION: **Motion (Geer/Gunderson;unan.)** accepting an informational report regarding the 2012/13 CalGRIP (California Gang Reduction, Intervention and Prevention Program) Grant and Project Ceasefire Year 1 progress report.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:31 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 09, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Covenant Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: Special Counsel Rolly Stevens reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation announcing Earth Day in the Park to be held April 20, 2013 from 10:00 a.m. to 4:00 p.m. at Graceada Park. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Vicki Rice , 577-5495, vrice@modestogov.com

ACTION: Presentation was made by Vicki Rice regarding Earth Day in the Park to be held April 20th from 10:00 a.m. to 4:00 p.m. at Graceada Park.

2. Presentation of Proclamation declaring April 14-20, 2013 as National Library Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring April 14-20, 2013 as National Library Week.

3. Presentation regarding Code Enforcement Program and Blight Abatement. (Funding Source: Not Applicable)
Community & Economic Development; Will Crew, 577-5231, wcrew@modestogov.com

ACTION: Presentation was made by Will Crew regarding Code Enforcement Program and Blight Abatement.

PUBLIC COMMENT PERIOD

- Betty Craig concerned about City of Modesto General Plan.
- Karla von Hungen concerned about water shortage in Modesto.
- Jan Etheridge spoke regarding power of eminent domain by StanCOG.
- Jessica Arredondo spoke regarding opening a card room in Modesto.
- Debra Harper spoke regarding filing claims and lawsuits filed in Modesto.
- Vernon Price spoke regarding a Day Center in Modesto and homeless in Modesto.
- Joan Rutschow spoke regarding Water Resources Control Board.
- Emerson Drake spoke regarding the General Plan meeting on April 15, 2013 at Davis High School and Council Workshop on April 10, 2013.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED ACTION CONSENT ITEMS 4-14: (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 minutes from the March 26, 2013 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the March 26, 2013 City Council meeting recommended.

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

ACTION: Motion (Lopez/Gunderson; 7/0) approving the minutes from the March 26, 2013 City Council meeting.

Consent

5. Consider approving final adoption of **Ordinance No. 3586-C.S.** amending Chapter 4 of Title 5 of the Modesto Municipal Code Ordinance No. 4.203 and 4.204 -C. S relating to leash requirements at municipal Dog Parks and clarifying appeal of City Manager decisions in Vicious Dog hearings. (Funding Source: Not Applicable)
 - Motion approving the final adoption of Ordinance 3586-C.S. amending Chapter 4

of Title 5 of the Modesto Municipal Code Ordinance No. 4.203 and 4.204 -C. S relating to leash requirements at municipal Dog Parks and clarifying appeal of City Manager decisions in Vicious Dog hearings recommended.

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

ACTION: Motion (Lopez/Gunderson; 7/0) approving the final adoption of **Ordinance No. 3586-C.S.** amending Chapter 4 of Title 5 of the Modesto Municipal Code Ordinance No. 4.203 and 4.204 -C. S relating to leash requirements at municipal Dog Parks and clarifying appeal of City Manager decisions in Vicious Dog hearings.

Consent

6. Consider accepting the Second Quarter Update of the City of Modesto Capital Improvement Program for Fiscal Year 2012-13. (Funding Source: Not applicable)

- Motion accepting the Second Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2012-13 recommended.

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

ACTION: Motion (Lopez/Gunderson; 7/0) accepting the Second Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2012-13.

Consent

7. Consider accepting the Monthly Investment Report for January, 2013. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for January, 2013 recommended.

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

ACTION: Motion (Lopez/Gunderson; 7/0) accepting the Monthly Investment Report for January, 2013.

Consent

8. Consider authorizing the award of bid for the purchase of sixteen (16) half-ton pick-up trucks for various City Divisions through the Public Works Department, Fleet Services Division, to Albany Ford, Albany, CA, for an estimated total cost of \$380,756. (Funding Source: Fleet Replacement Funds)

- Resolution authorizing the award of bid for the purchase of sixteen (16) half-ton pick-up trucks for various City Divisions 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 \$380,756 recommended.

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

ACTION: Resolution 2013-122 (Lopez/Gunderson; 7/0) authorizing the award of bid for the purchase of sixteen (16) half-ton pick-up trucks for various City Divisions 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 \$380,756.

Consent

9. Consider: (i) approving a Memorandum of Agreement for the participation in an Electronic Traffic Citation Program in the amount of \$361,800 from the State of California Office of Traffic Safety (OTS) to automate citation processing, and (ii) amending the FY 2012/13 Operating and Multi-Year Budget, estimating annual maintenance expenses and a hosting fee to the City of Modesto Police Department in the amount of approximately \$960 for year one and \$6,060 per year starting at year two. (Funding Source: Traffic Safety Fund)
- Resolution approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for participation in an Electronic Traffic Citation Program in the amount of \$361,800 from the State of California Office of Traffic Safety (OTS) to automate citation processing; and authorizing the City Manager, or his authorized designee, to execute the Memorandum of Agreement and any necessary program documents recommended.
 - Resolution amending the Fiscal Year 2012-2013 Operating and Multi-Year Budget to appropriate expenses in the amount of approximately \$960 for Year One and \$6,060 for Year Two and after related to the State of California Office of Traffic Safety (OTS) Electronic Traffic Citation Program to automate citation processing for annual maintenance expenses and a monthly hosting fee; and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution recommended.

Police; Scott Blom, 572-9678, bloms@modestopd.com

ACTION: Resolution 2013-123 (Lopez/Gunderson; 7/0) approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for participation in an Electronic Traffic Citation Program in the amount of \$361,800 from the State of California Office of Traffic Safety (OTS) to automate citation processing; and authorizing the City Manager, or his authorized designee, to execute the Memorandum of Agreement and any necessary program documents.

ACTION: Resolution 2013-124 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2012-2013 Operating and Multi-Year Budget to appropriate expenses in the amount of approximately \$960 for Year One and \$6,060 for Year Two and after related to the State of California Office of Traffic Safety (OTS) Electronic Traffic Citation Program to automate citation processing for annual maintenance expenses and a monthly hosting fee; and authorizing the Director of Finance, or her designee, to implement the provisions of this resolution.

Consent

10. Consider accepting the California Department of Finance – Office of State Audits and Evaluations audit of the City of Modesto’s grants 40719-02 and R81609-0 issued by the California Natural Resources Agency. (Funding Source: Not Applicable)

- Motion accepting the California Department of Finance – Office of State Audits and Evaluations audit of the City of Modesto’s grants 40719-02 and R81609-0 issued by the California Natural Resources Agency recommended.

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

ACTION: Motion (Lopez/Gunderson; 7/0) accepting the California Department of Finance – Office of State Audits and Evaluations audit of the City of Modesto’s grants 40719-02 and R81609-0 issued by the California Natural Resources Agency.

Consent

11. Consider accepting the work by Granite Construction for the Northwest Terminal Apron Reconstruction Project, as complete. (Total construction contract cost is \$532,562, with a total project cost of \$788,153.) (Funding Source: Federal Grant Funds/Passenger Facility Charge Revenue)
 - Resolution accepting the work by Granite Construction for the Northwest Terminal Apron Reconstruction Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$532,562 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2013-125 (Lopez/Gunderson; 7/0) accepting the work by Granite Construction for the Northwest Terminal Apron Reconstruction Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$532,562.

Consent

12. Consider approving an Agreement with Jerry Haag, Urban Planner for Environmental Services for Wastewater Master Plan (WWMP) Update Master Environmental Impact Report (MEIR) in an amount not to exceed \$61,985. Total estimated cost for this portion of the project is \$66,985. (Funding Source: Wastewater Fund)
 - Resolution approving an agreement with Jerry Haag, Urban Planner for Environmental Services for Wastewater Master Plan Update Master Environmental Impact Report in an amount not to exceed \$56,350 for the identified scope of services, plus \$5,635 for additional services (if needed), for a maximum total amount of \$61,985, and authorizing the City Manager, or his designee, to execute the agreement recommended.

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

ACTION: Resolution 2013-126 (Lopez/Gunderson; 7/0) approving an agreement with Jerry Haag, Urban Planner for Environmental Services for Wastewater Master Plan Update Master Environmental Impact Report in an amount not to exceed \$56,350 for the identified scope of services, plus \$5,635 for additional services (if needed), for a maximum total amount of \$61,985, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

13. Consider declaring the City-owned property located at South 7th Street & Pecos Avenue (APN: 038-039-029) as surplus land, and authorizing the City's property agent to proceed with the sale of this property. (Funding Source: Not applicable)
- Resolution declaring the City-owned property located at South 7th Street & Pecos Avenue (APN: 038-039-029) as surplus property, and authorizing the City's property agent to proceed with the sale of this property; and authorizing the City Manager, or his designee, to execute all necessary sale documents recommended.
Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2013-127 (Lopez/Gunderson; 7/0) declaring the City-owned property located at South 7th Street & Pecos Avenue (APN: 038-039-029) as surplus property, and authorizing the City's property agent to proceed with the sale of this property; and authorizing the City Manager, or his designee, to execute all necessary sale documents.

Consent

14. Consider approving an Amendment to Agreement with Krazaan & Associates, Inc. for Construction Materials Testing Services on various City of Modesto Projects for Fiscal Year (FY) 2012/2013 in the amount of \$18,000, increasing the total contract to an amount not to exceed \$86,800 for FY 2012/2013. (Funding Source: Various CIP projects)
- Resolution approving an Amendment to Agreement with Krazaan & Associates, Inc. for Construction Materials Testing services for various City of Modesto Projects for Fiscal Year 2012/2013 in an amount not to exceed \$86,800, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.
Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2013-128 (Lopez/Gunderson; 7/0) approving an Amendment to Agreement with Krazaan & Associates, Inc. for Construction Materials Testing services for various City of Modesto Projects for Fiscal Year 2012/2013 in an amount not to exceed \$86,800, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced Council in the Park at Earth Day on April 20, 2013 at Graceada Park and Council in the Park at the Vintage Faire Mall in June.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff announced Council Workshop scheduled for tomorrow at 3:00 p.m. in B-300 and the April 18, 2013 Community Forum from 5:00 p.m.-7:00 p.m. in the Downtown Plaza

WRITTEN COMMUNICATIONS

15. Consider written correspondence from Councilmember John Gunderson regarding citizens requesting air service between Modesto and Los Angeles. (Funding Source: Not Applicable)
City Council; John Gunderson, 571-5597, jgunderson@modestogov.com

ACTION: No reportable action.

UNFINISHED BUSINESS

16. Consider approving Agricultural Preservation Policy Options pursuant to March 26, 2013 Council direction. (Funding Source: Not Applicable)
- Resolution approving all land area within the current city limits, including the Tivoli Specific Plan and Kiernan Business Park Specific Plan shall be exempt from any agricultural mitigation requirements recommended.
 - Resolution directing staff to make future project applicants aware of Stanislaus LAFCO's agricultural preservation policy and applicable requirements therein recommended.
- Community & Economic Development ; Patrick Kelly, 577-5268, pkelly@modestogov.com*

ACTION: Resolution 2013-129 (Lopez/Cogdill; 6/1; Mayor Marsh no) approving all land area within the current city limits, including the Tivoli Specific Plan and Kiernan Business Park Specific Plan shall be exempt from any agricultural mitigation requirements.

ACTION: Resolution 2013-130 (Lopez/Cogdill; 6/1; Mayor Marsh no) directing staff to make future project applicants aware of Stanislaus LAFCO's agricultural preservation policy and applicable requirements therein.

17. Consider accepting the report titled "Evaluation of Wastewater Rates" dated February 2013 and adopting a new five-year Wastewater Rate Plan, which lowers the rate increases from the existing adopted rate plan, beginning in Fiscal Year 2013/14. (Funding Source: Wastewater Fund)
- Motion accepting the report titled "Evaluation of Wastewater Rates" dated February 2013 recommended.
 - Resolution rescinding Resolution No. 2012-135, and establishing fees for the provision of sewer service and revising the methodology for projection of school wastewater discharge for Fiscal Years 2014 through 2018 recommended.
- Utility Planning and Projects; Rich Ulm, 577-5213, rulm@modestogov.com*

ACTION: Motion (Burnside/Cogdill; 7/0) accepting the report titled "Evaluation of Wastewater Rates" dated February 2013.

ACTION: Resolution 2013-131 (Burnside/Cogdill; 7/0) rescinding Resolution No. 2012-135, and establishing fees for the provision of sewer service and revising the methodology for

projection of school wastewater discharge for Fiscal Years 2014 through 2018.

HEARINGS

Published in the Modesto Bee on March 29, 2013

18. Hearing to consider: (i) finding that the proposed Measure M vote for the Airport Neighborhood is within the scope of the 2008 Urban Area General Plan Master EIR; (ii) directing the City Clerk to submit to the voters at the next regular general election an advisory measure relating to the extension of sewer service to the unincorporated area referred to as the “Airport Neighborhood;” (iii) directing the City Clerk to transmit a copy of the advisory measure to the City Attorney for the purpose of preparing an impartial analysis of said measure for the “Airport Neighborhood; (iv) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure for the “Airport Neighborhood”; (v) directing Staff to initiate a comprehensive sewer advisory measure (Measure M vote) for all unincorporated “islands” adjacent to the Modesto City limits and not currently served by a sewer district, excluding “island” areas that previously received a Measure M vote, be consolidated with the November 2015 election and (vi) directing Staff to update the Policy to implement Measure M in 2015, commensurate with consideration of a comprehensive Measure M vote for the unincorporated island areas. (Funding Source: General Fund)
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Advisory ballot measure to allow the annexation of the “Airport Neighborhood” to Sewer District No. 1 and extension of sewer service recommended.
 - Resolution directing the City Clerk to submit to the voters at the next regular election an advisory measure relating to the extension of sewer service to the unincorporated area referred to as the “Airport Neighborhood,” which is described as the area generally bordered by Hyde Street on the north, Conejo Avenue on the east, Oregon Drive on the south, and Santa Rosa Avenue on the west recommended.
 - Resolution directing the City Clerk to transmit a copy of the advisory measure considering the extension of sewer service to a certain unincorporated area of the Modesto Urban Area General Plan, commonly referred to as the “Airport Neighborhood” or the east portion of “Area 12” as described in the Modesto 2009 Urban Growth Review, generally bordered by Hyde Street on the north, Conejo Avenue on the east, Oregon Drive on the south, and Santa Rosa Avenue on the west, to the City Attorney for the purpose of preparing an impartial analysis of said measure recommended.
 - Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to the extension of sewer service to a certain area of the Modesto Urban Area General Plan, commonly referred to as the “Airport Neighborhood.” recommended.
 - Motion directing Staff to initiate a comprehensive sewer advisory measure (Measure M vote) for all unincorporated “islands” adjacent to the Modesto City limits and not currently served by a sewer district, excluding “island” areas that

previously received a Measure M vote, be consolidated with the November 2015 election recommended.

- Motion directing Staff to update the Policy to implement Measure M in 2015, commensurate with consideration of a comprehensive Measure M vote for the unincorporated island areas recommended.

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

ACTION: Resolution 2013-132 (Gunderson/Muratore; 7/0) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Advisory ballot measure to allow the annexation of the “Airport Neighborhood” to Sewer District No. 1 and extension of sewer service.

ACTION: Resolution 2013-133 (Gunderson/Muratore; 7/0) directing the City Clerk to submit to the voters at the next regular election an advisory measure relating to the extension of sewer service to the unincorporated area referred to as the “Airport Neighborhood,” which is described as the area generally bordered by Hyde Street on the north, Conejo Avenue on the east, Oregon Drive on the south, and Santa Rosa Avenue on the west.

ACTION: Resolution 2013-134 (Gunderson/Muratore; 7/0) directing the City Clerk to transmit a copy of the advisory measure considering the extension of sewer service to a certain unincorporated area of the Modesto Urban Area General Plan, commonly referred to as the “Airport Neighborhood” or the east portion of “Area 12” as described in the Modesto 2009 Urban Growth Review, generally bordered by Hyde Street on the north, Conejo Avenue on the east, Oregon Drive on the south, and Santa Rosa Avenue on the west, to the City Attorney for the purpose of preparing an impartial analysis of said measure.

ACTION: Resolution 2013-135 (Gunderson/Muratore; 7/0) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to the extension of sewer service to a certain area of the Modesto Urban Area General Plan, commonly referred to as the “Airport Neighborhood.”

ACTION: Motion (Geer/Muratore; 7/0) directing Staff to initiate a comprehensive sewer advisory measure (Measure M vote) for all unincorporated “islands” adjacent to the Modesto City limits and not currently served by a sewer district, excluding “island” areas that previously received a Measure M vote, be consolidated with the November 2015 election.

ACTION: Motion (Geer/Muratore; 7/0) directing Staff to update the Policy to implement Measure M in 2015, commensurate with consideration of a comprehensive Measure M vote for the unincorporated island areas.

Published in the Modesto Bee on March 29, 2013

19. Hearing to consider authorizing the selection of Siemens Industry Inc., Building Technologies Division, Hayward, CA as an Energy Services Company (ESCO) to conduct a technical energy audit of selected City facilities and authorizing the City

Manager to sign a Letter of Intent (LOI) with Siemens in the amount of \$225,000 to conduct a technical and financial audit of City facilities to identify energy savings opportunities which may lead to a long term energy savings contract. (Funding Source: Various Funds)

- Resolution authorizing the selection of Siemens Industry Inc., Building Technologies Division, Hayward, CA as an Energy Service Company (ESCO) to conduct a technical energy audit of selected City facilities to and authorize the City Manager to sign a Letter of Intent (LOI) with Siemens in the amount of \$225,000 to conduct a technical and financial audit of City facilities to identify energy savings opportunities which may lead to a long term energy savings contract recommended.

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

ACTION: Resolution 2013-136 (Burnside/Cogdill; 7/0) authorizing the selection of Siemens Industry Inc., Building Technologies Division, Hayward, CA as an Energy Service Company (ESCO) to conduct a technical energy audit of selected City facilities to and authorize the City Manager to sign a Letter of Intent (LOI) with Siemens in the amount of \$225,000 to conduct a technical and financial audit of City facilities to identify energy savings opportunities which may lead to a long term energy savings contract.

NEW BUSINESS

20. Consider accepting: (i) the City's Fiscal Year 2011-2012 Comprehensive Annual Financial Report (CAFR) from external auditors Brown and Armstrong; (ii) the Fiscal Year 2011-2012 audited financial statements and audit reports for nine Community Facilities Districts; and (iii) the Fiscal Year 2011-2012 audit reports for various Joint Powers Agencies. (Funding Source: Not Applicable)
- Resolution accepting the Fiscal Year 2011-2012 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies recommended.

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

ACTION: Resolution 2013-137 (Burnside/Geer; 7/0) accepting the Fiscal Year 2011-2012 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies.

21. Consider accepting the City's Fiscal Year 2011-2012 City of Modesto and Stanislaus Drug Enforcement Agency Single Audit reports and forwarding to Council for approval. (Funding Source: Not Applicable)
- Resolution accepting the City's Fiscal Year 2011-2012 City of Modesto and Stanislaus Drug Enforcement Agency Single Audit reports recommended.

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

ACTION: Resolution 2013-138 (Burnside/Geer; 7/0) accepting the City's Fiscal Year 2011-2012 City of Modesto and Stanislaus Drug Enforcement Agency Single Audit reports.

22. Consider accepting the Auditor’s Report on compliance with requirements applicable to the Federal Aviation Passenger Facility Charge (PFC) program and on internal control over compliance, prepared by external auditors Brown and Armstrong, for fiscal year ended June 30, 2012. (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, 2012 recommended.
Finance; DeAnna Espinoza , 577-5387, daespinoza@modestogov.com

ACTION: Resolution 2013-139 (Burnside/Geer; 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, 2012.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:02 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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employee

CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

(Pursuant to Section 54956.8 of the Government Code)

1. Property: Acquisition of permanent easement and temporary construction easement interests of real property for the Shackelford Crossing Project located at:

Crows Landing Road and Zeff Road
in the City of Modesto.

APN: 038-022-003 Permanent Easement

APN: 038-022-009 (37,333 sq.feet)

APN: 038-022-011 Temporary Construction Easement

APN: 038-022-013 (78,220 sq.feet – grass area)
(40,937 sq.feet – not grass area)

APN: 038-022-014 Temporary Construction Easement

APN: 038-022-015 (205 sq.feet)

Property Owner: Southwest Hide Co., and Modesto Holding Co.

Negotiating Parties: Jon Yuriar, Property Agent for City of Modesto

Dave Romano, Representative for Southwest Hide Co. and Modesto

Holding Co., Property Owners

Under Negotiation: Price and terms of purchase/sale of property

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case: Glen Carlson, et al., v. City of Modesto, et al.

Stanislaus County Superior Court Case No: 670775

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case: Black & Veatch Corporation v. City of Modesto.

United States District Court Fresno Case No. 1:11-CV-00695-LJO-SKO

MINUTES

City of Modesto
City Council Goal Setting Workshop
Session II
Room B-300, Basement Level
Tenth Street, Place, 1010 10th Street
Modesto, California
Wednesday, April 10, 2013
Time: 3:00 p.m. – 5:00 p.m.

Roll Call – Present: Councilmembers Burnside (arrived at 4:15 p.m.), Cogdill, Geer, Gunderson, Muratore, Mayor Marsh
Absent: Councilmember Lopez

MAYOR OPENING COMMENTS

None.

CITY MANAGER OPENING COMMENTS

City Manager Greg Nyhoff made opening comments regarding Council's priorities from the February 22, 2013 Council Workshop.

PUBLIC COMMENT

- Emerson Drake was dismayed by the public turnout at today's meeting.
- Jenny Kenoyer will have some comments at the upcoming Community Forum on April 18, 2013.

NEW BUSINESS

2. City Council Goal Setting Workshop.

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:00 p.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, April 22, 2013, at 5:00 p.m.

Roll Call - Present: Councilmembers Stephanie Burnside and Dave Cogdill, Jr.
Absent: Councilmember Joe Muratore
Also Present: Councilmember Dave Geer (alternate)

PUBLIC COMMENTS

None.

CONSENT

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

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider approving the recommended budget adjustments for April 2013 and forwarding to Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Cogdill/Geer;unan.) approving the recommended budget adjustments for April 2013 and forwarding to Council for approval.

NEW BUSINESS

2. Consider approving retaining land values for the 2011 Capital Facilities Fees Program at \$150,000 per acre and waiving the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2013-2014 and forwarding to Council for approval. (Funding Source: Capital Facilities Fees Revenue)
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Cogdill/Geer;unan.) approving retaining land values for the 2011 Capital Facilities Fees Program at \$150,000 per acre and waiving the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2013-2014 and forwarding to Council for approval.

3. Consider amending the City of Modesto’s Capital Facilities Fees Policies and Procedures, rescinding Resolution Nos. 94-562, 98-27, 99-32, 99-385, 2001-124, 2003-309, 2004-527, 2004-678, 2005-391, 2006-055, 2008-070, 2010-272, 2010-410, 2011-105, 2011-106 (Item Nos. 1, 2, 3 and 4) and amending Resolution No. 2011-106 and forwarding to Council for approval. (Funding Source: Capital Facilities Fees Revenue) *Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

ACTION: Motion (Geer/Cogdill;unan.) amending the City of Modesto’s Capital Facilities Fees Policies and Procedures, rescinding Resolution Nos. 94-562, 98-27, 99-32, 99-385, 2001-124, 2003-309, 2004-527, 2004-678, 2005-391, 2006-055, 2008-070, 2010-272, 2010-410, 2011-105, 2011-106 (Item Nos. 1, 2, 3 and 4) and amending Resolution No. 2011-106 and forwarding to Council for approval.

4. Consider approving the annual inflationary adjustment of Development User Fees as identified in the Development User Fee Schedule, per Resolution No. 2011-106 and amended by Resolution No 2011-231 and forwarding to Council for approval. (Funding Source: General Fund Revenue) *Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

ACTION: Motion (Cogdill/Geer;unan.) approving the annual inflationary adjustment of Development User Fees as identified in the Development User Fee Schedule, per Resolution No. 2011-106 and amended by Resolution No 2011-231 and forwarding to Council for approval.

5. Consider accepting an informational report regarding the authority to apply a water rate inflator index based on the Consumer Price Index (CPI). (Funding Source: Not Applicable) *Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com*

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

6. Consider recommending to the City Council an amendment to the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to: (i) re-allocate the Administrative Analyst II to MRFA Finance Manager. This position is assigned to MRFA Support Administration – Cost Center 80121 and

forwarding to Council for approval. (Funding Source: General Fund and Other Funds)
Human Resources; Joseph Lopez, 571-5126, jlopez@modestogov.com

ACTION: Motion (Cogdill/Geer;unan.) approving an amendment to the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to: (i) re-allocate the Administrative Analyst II to MRFA Finance Manager; (this position is assigned to MRFA Support Administration – Cost Center 80121) 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 April 23, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, The Carpenter’s House

City Clerk’s Announcements: Item 19 - Removed from Agenda

Declaration of Conflicts of Interest: Muratore - Items 2, 5 and 20

Reports from Closed Session: City Attorney Wood 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 and Mayor Marsh acknowledged Jaunt Adventure Gear and Central Valley Specialty Hospital.

MISCELLANEOUS

Legislation
Appointments
Other

Councilmember Muratore absent due to conflict of interest

2. Consider approving the appointment of Sandra Lucas to the Citizens Housing and Community Development Committee as the 2013 Planning Commission Representative. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Sandra Lucas as the 2013 Planning Commission representative to the Citizens Housing and Community Development

Committee recommended.

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

ACTION: Resolution 2013-140 (Burnside/Cogdill; 6/0; Muratore absent due to conflict of interest) approving the appointment of Sandra Lucas as the 2013 Planning Commission representative to the Citizens Housing and Community Development Committee.

3. Consider approving the re-appointment of Steve Carter to the CIP Taskforce, as the FY13/14 – FY14/15 Planning Commission Representative. (Funding Source: Not Applicable)
 - Resolution approving the re-appointment of Steve Carter as the FY13/14 – FY14/15 Planning Commission representative to the CIP Taskforce recommended.
*Community & Economic Development; Patrick Kelly, 577-5268,
pkelly@modestogov.com*

ACTION: Resolution 2013-141 (Lopez/Geer; 7/0) approving the re-appointment of Steve Carter as the FY13/14 – FY14/15 Planning Commission representative to the CIP Taskforce.

4. Consider approving the appointment of Dennis Smith to the Board of Zoning Adjustment as the 2013 Planning Commission representative. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Dennis Smith as the 2013 Planning Commission representative to the Board of Zoning Adjustment recommended.
*Community & Economic Development; Patrick Kelly, 577-5268,
pkelly@modestogov.com*

ACTION: Resolution 2013-142 (Lopez/Geer; 7/0) approving the appointment of Dennis Smith as the 2013 Planning Commission representative to the Board of Zoning Adjustment.

Councilmember Muratore absent due to conflict of interest

5. Consider approving the appointment of Councilmember Stephanie Burnside as an alternate appointee to the Redevelopment Successor Agency Oversight Board. (Funding Source: Not Applicable)
 - Resolution appointing Councilmember Stephanie Burnside as an alternate appointee to the Redevelopment Successor Agency Oversight Board recommended.
*Community & Economic Development; H. Brent Sinclair, 577-5228,
hbsinclair@modestogov.com*

ACTION: Resolution 2013-143 (Lopez/Cogdill; 6/0; Muratore absent due to conflict of interest) appointing Councilmember Stephanie Burnside as an alternate appointee to the Redevelopment Successor Agency Oversight Board.

PUBLIC COMMENT PERIOD

- Adrian Harrell spoke regarding Modesto Sister Cities International.

- Tony Madrigal requested Council support for Assembly Bill 1080 and Community Forum Safety in South Modesto on April 24, 2013.
- Ryan Chambers spoke regarding basketball hoops on sidewalk and dangers of playing basketball in the streets.
- Vernon Price spoke regarding the homeless in Modesto.
- Reed Smith spoke regarding Modesto Irrigation District and water supply.
- Kurt Abell spoke regarding golf in Modesto and trees at Dryden Golf Course.
- Emerson Drake spoke regarding the ag mitigation issue discussed at a previous Council meeting and City of Modesto logo.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 6-18; 21-27: (Lopez/Burnside; unan.)

ACTION CONSENT ITEM 20: (Lopez/Burnside; unan.; Muratore 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 9, 2013 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the April 9, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes from the April 9, 2013 City Council meeting.

Consent

7. Consider directing staff to prepare and file the 2013-2014 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 2013-2014 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 recommended.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2013-144 (Lopez/Burnside; 7/0) directing staff to prepare and file the 2013-2014 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1.

Consent

8. Consider directing staff to prepare and file the 2013-2014 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 2013-2014 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 recommended.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2013-145 (Lopez/Burnside; 7/0) directing staff to prepare and file the 2013-2014 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.

Consent

9. Consider directing staff to prepare and file the 2013-2014 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 2013-2014 Annual Engineer's Report for the Shackelford Landscape and Lighting District recommended.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2013-146 (Lopez/Burnside; 7/0) directing staff to prepare and file the 2013-2014 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

Consent

10. Consider accepting the Third Quarter Update of the City of Modesto Capital Improvement Program for Fiscal Year 2012-13. (Funding Source: Not applicable)
- Motion accepting the Third Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2012-13 recommended.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) accepting the Third Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2012-13.

Consent

11. Consider approving a prequalified vendor list for plan checking and surveying services to assist the City with review and approval of various development related projects. (Funding Source: General Fund)
- Resolution approving a prequalified vendor list for plan checking of improvement plans and surveying plans recommended.
Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2013-147 (Lopez/Burnside; 7/0) approving a prequalified vendor list

for plan checking of improvement plans and surveying plans.

Consent

12. Consider reimbursing Modesto Irrigation District in the amount of \$61,928.92 per the Agreement Related to the Relocation of Electric Utility Poles for additional expenses that occurred at the southeast corner of Dale Road and Snyder Avenue and the northwest corner of Oakdale Road and Sylvan Avenue required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) - Right Turn Lanes (4) Intersections project. (Funding Source: CIP Federal Funded Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Streets CFF Local Match)

- Resolution authorizing the City Manager, or his designee, to reimburse Modesto Irrigation District \$61,928.92 per the Agreement Related to the Relocation of Electric Utility Poles for additional expenses which occurred at the southeast corner of Dale Road and Snyder Ave and the northwest corner of Oakdale Road and Sylvan Avenue required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149)) - Right Turn Lanes (4) Intersections project recommended.

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

ACTION: Resolution 2013-148 (Lopez/Burnside; 7/0) authorizing the City Manager, or his designee, to reimburse Modesto Irrigation District \$61,928.92 per the Agreement Related to the Relocation of Electric Utility Poles for additional expenses which occurred at the southeast corner of Dale Road and Snyder Ave and the northwest corner of Oakdale Road and Sylvan Avenue required for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149)) - Right Turn Lanes (4) Intersections project.

Consent

13. Consider accepting the Highway Safety Improvement Program (HSIP) Cycle 5 Grant in the amount of \$553,500.00 for the installation of Emergency Vehicle Pre-emption traffic signal equipment; and authorizing the City Manager, or his designee, to execute all necessary documents. (Funding Source: HSIP Grant and General Fund-Local Match)

- Resolution accepting the Highway Safety Improvement Program Cycle 5 Grant in the amount of \$553,500.00 for the installation of Emergency Vehicle Pre-emption traffic signal equipment; and authorizing the City Manager, or his designee, to execute all necessary documents recommended.

*Community & Economic Development; Jeffrey L. Barnes, 577-5468,
jbarnes@modestogov.com*

ACTION: Resolution 2013-149 (Lopez/Burnside; 7/0) accepting the Highway Safety Improvement Program Cycle 5 Grant in the amount of \$553,500.00 for the installation of Emergency Vehicle Pre-emption traffic signal equipment; and authorizing the City Manager, or his designee, to execute all necessary documents.

Consent

14. Consider authorizing the award of proposal for the furnishing of Street Outreach Services/Ceasefire Intake Coordinator for the Modesto Police Department to Youth for Christ Central Valley, Modesto, CA, for an estimated cost of \$50,000. (Funding Source: Grants Reimbursed)

- Resolution authorizing the award of proposal for the furnishing of Street Outreach Services/Ceasefire Intake Coordinator for the Modesto Police Department to Youth for Christ Central Valley, Modesto, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated cost of \$50,000 recommended.

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

ACTION: Resolution 2013-150 (Lopez/Burnside; 7/0) authorizing the award of proposal for the furnishing of Street Outreach Services/Ceasefire Intake Coordinator for the Modesto Police Department to Youth for Christ Central Valley, Modesto, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated cost of \$50,000.

Consent

15. Consider accepting the Monthly Budget Adjustment Report for February and March 2013. (Funding Source: Various Funds)

- Resolution amending the Fiscal Year 2012-2013 Annual Operating Budget recommended.

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

ACTION: Resolution 2013-151 (Lopez/Burnside; 7/0) amending the Fiscal Year 2012-2013 Annual Operating Budget.

Consent

16. Consider: (i) accepting an informational report regarding the mid-year financial status of the General Fund, Golf Fund and Centre Plaza Fund, and (ii) amending the Fiscal Year 2012-2013 Annual Operating Budget. (Funding Source: General Fund, Golf Fund and Centre Plaza Fund)

- Resolution amending the Fiscal Year 2012-2013 Annual Operating Budget recommended.
- Resolution accepting the Informational Mid-Year Budget Report for Fiscal Year 2012-2013 for the City of Modesto General Fund, Golf Fund and Centre Plaza Fund recommended.

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

ACTION: Resolution 2013-152 (Lopez/Burnside; 7/0) amending the Fiscal Year 2012-2013 Annual Operating Budget.

ACTION: Resolution 2013-153 (Lopez/Burnside; 7/0) accepting the Informational Mid-Year Budget Report for Fiscal Year 2012-2013 for the City of Modesto General Fund, Golf Fund and Centre Plaza Fund.

Consent

17. Consider accepting a Bicycle Transportation Account (BTA) grant in the amount of \$884,936 and amending the FY2012-2013 Capital Improvement Program project Virginia Corridor Phase VI (100308) budget in order to fully fund the project. (Funding Source: BTA, CMAQ)
- Resolution accepting a Bicycle Transportation Account (BTA) grant in the amount of \$884,936, authorizing the City Manager, or his designee, to execute all documents relating to this grant and authorizing the Finance Director, or her designee, to amend the FY2012-2013 Capital Improvement Program project Virginia Corridor Phase VI (100308) budget in order to fully fund the project recommended.
- Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com*

ACTION: Resolution 2013-154 (Lopez/Burnside; 7/0) accepting a Bicycle Transportation Account (BTA) grant in the amount of \$884,936, authorizing the City Manager, or his designee, to execute all documents relating to this grant and authorizing the Finance Director, or her designee, to amend the FY2012-2013 Capital Improvement Program project Virginia Corridor Phase VI (100308) budget in order to fully fund the project.

Consent

18. Consider accepting the work by BC Construction for the Senior Center ADA Upgrades project as complete. (Total construction contract cost is \$205,363.51 with a total project cost of \$262,583.79.) (Funding Source: CDBG and CDBG-R)
- Resolution accepting the work by BC Construction for the Senior Center ADA Upgrades project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond, and authorizing final payment in accordance with the contract recommended.
- Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com*

ACTION: Resolution 2013-155 (Lopez/Burnside; 7/0) accepting the work by BC Construction for the Senior Center ADA Upgrades project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond, and authorizing final payment in accordance with the contract.

Removed from Agenda

19. Consider accepting the work by Empire & Associates, Inc. dba Sprinturf for the purchase and installation of synthetic turf at Mary E. Grogan Community Park, as complete. (Total purchase contract cost is \$1,016,260.46.) (Funding Source: Parks CFF, Village One CFD, California Integrated Waste Management Board)
- Resolution accepting the work by Empire & Associates, Inc. dba Sprinturf for the purchase and installation of synthetic turf at Mary E. Grogan Community Park as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Insurance Policy, and authorizing payments totaling \$1,016,260.46 recommended.
- Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com*

ACTION: Removed from Agenda.

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

20. Consider accepting the work by Pantano Excavating, Inc. dba Pantano for the Demolition Water Tower at 17th & G Project as complete. (Total construction contract cost is \$34,890 with a total project cost of \$54,950.57.) (Funding Source: Community Development Block Grant (CDBG))

- Resolution accepting the work by Pantano Excavating, Inc. dba Pantano Demolition for the Water Tower removal project as complete and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond recommended.

Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com

ACTION: Resolution 2013-156 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest) accepting the work by Pantano Excavating, Inc. dba Pantano Demolition for the Water Tower removal project as complete and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond.

Consent

21. Consider accepting the work by JHK Construction, Inc. of Escalon and Barham, Inc. dba BC Construction, of Ceres for the Senior Citizens Center Energy Efficiency Project – HVAC/Roof Replacement Project as complete. (Total construction contract cost is \$229,015.36, with a total project cost of \$273,658.61.) (Funding Source: Community Development Block Grant-Recovery– CDBG)

- Resolution accepting the work by JHK Construction, Inc. Escalon for the Senior Citizens Center Energy Efficiency Project – HVAC/Roof Replacement Project as complete and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond recommended.
- Resolution accepting the work by Barham, Inc. dba BC Construction, of Ceres for the Senior Citizens Center Energy Efficiency Project – HVAC/Roof Replacement Project as complete and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond recommended.

Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com

ACTION: Resolution 2013-157 (Lopez/Burnside; 7/0) accepting the work by JHK Construction, Inc. Escalon for the Senior Citizens Center Energy Efficiency Project – HVAC/Roof Replacement Project as complete and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond.

ACTION: Resolution 2013-158 (Lopez/Burnside; 7/0) accepting the work by Barham, Inc. dba BC Construction, of Ceres for the Senior Citizens Center Energy Efficiency Project – HVAC/Roof Replacement Project as complete and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond.

Consent

22. Consider approving a housing set aside loan reassignment for the property located at 1305 N. Rosemore Avenue to a new low-income family, and the new loan be recorded in first position, as was required for the current loan. (Funding Source: Redevelopment Housing Set Aside Fund now the City of Modesto as the Housing Successor Agency to the Redevelopment Agency of the City of Modesto))

- Resolution approving a loan reassignment for the property located at 1305 N. Rosemore Avenue, from Samantha Berryhill to Cecilia Gonzalez and Jerry Anderson who are qualified to participate in the program, required that the new loan is recorded in first position, as it is currently recorded and authorizing the City Manager, or his designee, to sign loan reassignment documents on behalf of the City of Modesto as the Housing Successor Agency to the Redevelopment Agency of the City of Modesto recommended.

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

ACTION: Resolution 2013-159 (Lopez/Burnside; 7/0) approving a loan reassignment for the property located at 1305 N. Rosemore Avenue, from Samantha Berryhill to Cecilia Gonzalez and Jerry Anderson who are qualified to participate in the program, required that the new loan is recorded in first position, as it is currently recorded and authorizing the City Manager, or his designee, to sign loan reassignment documents on behalf of the City of Modesto as the Housing Successor Agency to the Redevelopment Agency of the City of Modesto.

Consent

23. Consider authorizing the reduction in retention from five percent (5%) to zero percent (0%) in Capital Improvement Program project Tuolumne River Regional Park Gateway Phase 1.3 (100703). (Funding Source: Habitat Conservation Fund)

- Resolution authorizing the elimination of the five percent (5%) retention in Capital Improvement Program project Tuolumne River Regional Park Gateway Phase 1.3 (100709) recommended.

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

ACTION: Resolution 2013-160 (Lopez/Burnside; 7/0) authorizing the elimination of the five percent (5%) retention in Capital Improvement Program project Tuolumne River Regional Park Gateway Phase 1.3 (100709).

Consent

24. Consider accepting the Anti-Drug Abuse (ADA) Enforcement Team Program Grant from the Board of State and Community Corrections (BSCC) for the Stanislaus Drug Enforcement Agency (SDEA), in the amount of \$251,372, to combat major drug trafficking and manufacturing. (Funding Source: Federal Grant – SDEA ADA)

- Resolution accepting the Anti-Drug Abuse (ADA) Program Grant from the Board of State and Community Corrections (BSCC), in the amount of \$251,372, for the Stanislaus Drug Enforcement Agency (SDEA), to combat major drug trafficking

and manufacturing; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.

- Resolution amending the SDEA Fiscal Year 2012/2013 Multi-Year and Operating Budgets to appropriate revenues and expenditures of \$251,372 from the Board of State and Community Corrections (BSCC) for the Stanislaus Drug Enforcement Agency to combat major drug trafficking and manufacturing; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution recommended.

Police; Clint Raymer, 558-6300, raymerc@modestopd.com

ACTION: Resolution 2013-161 (Lopez/Burnside; 7/0) accepting the Anti-Drug Abuse (ADA) Program Grant from the Board of State and Community Corrections (BSCC), in the amount of \$251,372, for the Stanislaus Drug Enforcement Agency (SDEA), to combat major drug trafficking and manufacturing; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2013-162 (Lopez/Burnside; 7/0) amending the SDEA Fiscal Year 2012/2013 Multi-Year and Operating Budgets to appropriate revenues and expenditures of \$251,372 from the Board of State and Community Corrections (BSCC) for the Stanislaus Drug Enforcement Agency to combat major drug trafficking and manufacturing; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

Consent

25. Consider approving a Lease Agreement with Roger Alan McElroy for the Modesto Police Department Property and Evidence Building located at 1124 F Street, Modesto, California. (Funding Source: General Fund)
- Resolution approving a Lease Agreement between the City of Modesto and Roger Alan McElroy for the property located at 1124 F Street, Modesto, California, for the Police Department's Property and Evidence Building, for the amount of \$3,300 per month; and authorizing the City Manager, or his designee, to execute the Lease Agreement recommended.

Police; Rick Armendariz, 652-1820, armendarizr@modestopd.com

ACTION: Resolution 2013-163 (Lopez/Burnside; 7/0) approving a Lease Agreement between the City of Modesto and Roger Alan McElroy for the property located at 1124 F Street, Modesto, California, for the Police Department's Property and Evidence Building, for the amount of \$3,300 per month; and authorizing the City Manager, or his designee, to execute the Lease Agreement.

Consent

26. Consider approving the Transit Services Title VI Program, which ensures the equitable distribution of public transit benefits regardless of race, color or national origin in compliance with rules established by the Federal Transit Administration. (Funding Source: Transit funds)
- Resolution approving the City of Modesto Transit Services Title VI Program recommended.

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

ACTION: Resolution 2013-164 (Lopez/Burnside; 7/0) approving the City of Modesto Transit Services Title VI Program.

Consent

27. Consider accepting the work by Conco-West, Inc., for the Jennings Wastewater Treatment Plant Potable Water Supply Project, as complete. (Total construction contract cost is \$333,417, with a total project cost of \$695,415.) (Funding Source: Wastewater Fund)

- Resolution accepting the work by Conco-West, Inc. for the Jennings Wastewater Treatment Plant Potable Water Supply Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$333,417 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2013-165 (Lopez/Burnside; 7/0) accepting the work by Conco-West, Inc. for the Jennings Wastewater Treatment Plant Potable Water Supply Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$333,417.

COUNCIL COMMENTS & REPORTS

Councilmember Burnside commended staff for the Community Forum on Thursday, April 20, 2013 and Chamber of Commerce letter with City of Modesto logo.

Councilmember Geer spoke regarding the water supply.

Councilmember Muratore spoke regarding Earth Day last weekend.

Councilmember Lopez spoke regarding Love Modesto on April 27, 2013.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

28. Consider: (i) accepting the Sutter Avenue Primary Treatment Facilities Layout Plan (Sutter FLP); (ii) authorizing staff to proceed with a Wastewater Treatment Facility Relocation Study to further evaluate the conclusions identified in the Sutter FLP at an estimated cost of \$200,000, and (iii) creating a new Capital Improvement Program Project 100644- Wastewater Treatment Facility Relocation Study, and amending the

Fiscal Year 2012-2013 Capital Improvement Program budget by transferring \$200,000 from Wastewater Fund Reserves into the project. (Funding Source: Wastewater fund)

- Motion accepting the Sutter Avenue Primary Treatment Facilities Layout Plan recommended.
- Resolution authorizing staff to proceed with a Wastewater Treatment Facility Relocation Study to further evaluate the conclusions identified in the Sutter FLP at an estimated cost of \$200,000 recommended.
- Resolution creating a new Capital Improvement Program Project 100644 - Wastewater Treatment Facility Relocation Study, and amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$200,000 from Wastewater Reserves to fund the project recommended.

Public Works and Utility Planning and Projects; Gary DeJesus, 577-6200, gdejesus@modestogov.com

ACTION: Motion (Burnside/Cogdill; 7/0) accepting the Sutter Avenue Primary Treatment Facilities Layout Plan recommended. Resolution authorizing staff to proceed with a Wastewater Treatment Facility Relocation Study to further evaluate the conclusions identified in the Sutter FLP at an estimated cost of \$200,000.

ACTION: Resolution 2013-166 (Burnside/Cogdill; 7/0) authorizing staff to proceed with a Wastewater Treatment Facility Relocation Study to further evaluate the conclusions identified in the Sutter FLP at an estimated cost of \$200,000.

ACTION: Resolution 2013-167 (Burnside/Cogdill; 7/0) creating a new Capital Improvement Program Project 100644 - Wastewater Treatment Facility Relocation Study, and amending the Fiscal Year 2012-2013 Capital Improvement Program budget in the amount of \$200,000 from Wastewater Reserves to fund the project.

29. Consider directing staff to seek Planning Commission and Economic Development Committee direction, regarding a proposed Residential Urban Limit (RUL) Initiative. (Funding Source: Not Applicable)

- Motion directing staff to seek Planning Commission and Economic Development Committee direction, regarding a proposed Residential Urban Limit Line, at their May 6 and June 3 regular meetings, respectively recommended.

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

ACTION: Motion (Gunderson/Mayor Marsh; Geer, Lopez, Burnside, Cogdill - no) directing staff to seek Planning Commission and Economic Development Committee direction regarding a proposed Residential Urban Limit Line, at their May 6 and June 3 regular meetings, respectively, **and placing a Measure on the November 5, 2013 election.**
(MOTION FAILED)

ACTION: Motion (Lopez/Geer; 7/0) directing staff to seek Planning Commission and Economic Development Committee direction, regarding a proposed Residential Urban Limit Line, at their May 6 and June 3 regular meetings, respectively.

30. Consider approving City of Modesto Progress Report on Work Performed Under the Direction of the Audit Committee. (Funding Source: Not Applicable)
- Motion approving City of Modesto Progress Report on Work Performed Under the Direction of the Audit Committee recommended.
City Auditor; Tom Krippaehne, (206) 302-6409, Tom.Krippaehne@mossadams.com

ACTION: Motion (Burnside/Geer; 7/0) approving City of Modesto Progress Report on Work Performed Under the Direction of the Audit Committee.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 10:00 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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employee

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case
(Pursuant to Section 54956.9(a) of the Government Code) Name of case: Goddard v. State of California, et al. Stanislaus County Superior Court Case No: 659261

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case
(Pursuant to Section 54956.9(a) of the Government Code) Name of case: City of Modesto v. County of Stanislaus, et al Stanislaus County Superior Court Case No: 683887

MINUTES
City of Modesto
**Special Economic Development Committee/
City Council Workshop Meeting**

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

Monday, May 1, 2013 at 5:00 p.m.

Roll Call Present: Councilmembers Cogdill and Muratore
Absent: Councilmember Burnside

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Removed from Consent

1. Consider accepting a status report of development projects processed by the Community and Economic Development Department for March and April 2013.
(Funding Source: Not Applicable)
*Community & Economic Development; Brent Sinclair, 577-5228,
hbsinclair@modestogov.com*

ACTION: Motion (Muratore/Cogdill; Burnside absent) accepting a status report of development projects processed by the Community and Economic Development Department for March and April 2013.

NEW BUSINESS

2. Consider approving the reappointment of Duwayne Stenger to the Equal Opportunity/Disability Commission for a four-year term to expire January 1, 2017 and forwarding to Council for approval. (Funding Source: Not Applicable)
Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com

ACTION: **Motion (Muratore/Cogdill; Burnside absent)** approving the reappointment of Duwayne Stenger to the Equal Opportunity/Disability Commission for a four-year term to expire January 1, 2017 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:05 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 07, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jon Byron, Big Valley Grace

City Clerk’s Announcements: Item 13 - Removed from Agenda

Reports from Closed Session: City Attorney Wood reported on Closed Session matters; City Attorney Wood also reported a Matter too Late for the Agenda – Closed Session item:

Motion (Lopez/Cogdill;unan.;Burnside,Muratore absent) approving:
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Stanislaus County Commission on Aging proclaiming May as Older Americans Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to the Stanislaus County Commission on Aging proclaiming May as Older Americans Month.

2. Presentation of Proclamation to the Stanislaus County Asthma Coalition proclaiming May 2013 Asthma Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to the Stanislaus County Asthma Coalition proclaiming May 2013 Asthma Awareness Month.

3. Presentation of Proclamation to Salvation Army proclaiming May 13-19, 2013 National Salvation Army Week. (Funding Source: Not Applicable)

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

ACTION: Mayor Marsh presented a Proclamation to the Salvation Army proclaiming May 13-19, 2013 National Salvation Army Week.

MISCELLANEOUS

Legislation
Appointments
Other

Councilmember Muratore absent due to conflict of interest

4. Consider accepting the resignation of Lee Hedgepeth from the City of Modesto Citizens' Housing and Community Development Committee. (Funding Source: Not Applicable)
 - Resolution accepting with regret the resignation of Lee Hedgepeth from the City of Modesto Citizens' Housing and Community Development Committee recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2013-168 (Lopez/Burnside; 6/0; Muratore absent due to conflict of interest) accepting with regret the resignation of Lee Hedgepeth from the City of Modesto Citizens' Housing and Community Development Committee.

PUBLIC COMMENT PERIOD

- Emerson Drake spoke regarding the Town Hall Meeting last Saturday at Gregori High School in Salida, Latino Community Roundtable meeting on Thursday, and 5 Measures from 2009 election.
- Loretta Carhart spoke regarding the poor condition of sidewalks in Modesto. Mayor Marsh directed Ms. Carhart to Public Works Director Dennis Turner.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5-12: (Lopez/Cogdill; 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 23, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the April 23, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Cogdill; 7/0) approving the minutes from the April 23, 2013 City Council.

Consent

6. Consider approving retaining land values for the 2011 Capital Facilities Fees Program at \$150,000 per acre and waiving the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2013-2014. (Funding Source: Capital Facilities Fees Revenue)
 - Resolution retaining the land values for the 2011 Capital Facilities Fees Program at \$150,000 per acre, and waiving the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2013-14 recommended.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2013-169 (Lopez/Cogdill; 7/0) retaining the land values for the 2011 Capital Facilities Fees Program at \$150,000 per acre, and waiving the Capital Facilities Fees annual inflationary adjustment for Fiscal Year 2013-14.

Consent

7. 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 amended by Resolution No. 2011-231. (Funding Source: General Fund Revenue)
 - Resolution approving the annual inflationary adjustment of certain User Development Fees as identified in the Development User Fee schedule per Resolution No. 2011-106 and amended by Resolution No 2011-231 recommended.
Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2013-170 (Lopez/Cogdill; 7/0) approving the annual inflationary adjustment of certain User Development Fees as identified in the Development User Fee schedule per Resolution No. 2011-106 and amended by Resolution No 2011-231.

Consent

8. Consider approving a Water Will Serve Letter and an Outside Service Agreement for the property located at 5301 Yosemite Blvd and authorizing the City Manager or his designee to execute the Outside Service Agreement for water connection. (Funding Source: General Fund and Water Fund)
 - Resolution approving a Will Serve Letter for the property located at 5301 Yosemite Blvd. (APN: 133-014-023) 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 recommended.
 - Resolution approving an Outside Service Agreement between the City of Modesto and Guillermo G. Ochoa for water service for the property located at 5301 Yosemite Blvd, in Empire (APN: 133-014-023) and authorizing the City Manager, or his designee to execute the agreement recommended.
Community & Economic Development; Bill Sandhu, 577-5356,

bsandhu@modestogov.com

ACTION: Resolution 2013-171 (Lopez/Cogdill; 7/0) approving a Will Serve Letter for the property located at 5301 Yosemite Blvd. (APN: 133-014-023) 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 2013-172 (Lopez/Cogdill; 7/0) approving an Outside Service Agreement between the City of Modesto and Guillermo G. Ochoa for water service for the property located at 5301 Yosemite Blvd, in Empire (APN: 133-014-023) and authorizing the City Manager, or his designee to execute the agreement.

Consent

9. Consider rejecting all bids for the purchase of shelters for chlorination systems for the Public Works Department, Water Division, and authorize the Purchasing Manager to re-issue formal Request for Bids (RFB) for the purchase of shelters for chlorination systems. (Funding Source: Water Fund Capital Project)
- Resolution authorizing the rejection of all bids for the purchase of shelters for chlorination systems for the Public Works Department, Water Division and authorizing the Purchasing Manager to re-issue formal Request for Bids for the purchase of shelters for chlorination systems recommended.

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

ACTION: Resolution 2013-173 (Lopez/Cogdill; 7/0) authorizing the rejection of all bids for the purchase of shelters for chlorination systems for the Public Works Department, Water Division and authorizing the Purchasing Manager to re-issue formal Request for Bids for the purchase of shelters for chlorination systems.

Consent

10. Consider authorizing the award of bid for the purchase of a Bobcat Compact Loader for the Public Works Department, Water Division through the Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance, to Clark Equipment Company, West Fargo, ND, for an estimated total cost of \$94,445. (Funding Source: Fleet Replacement Fund)
- Resolution authorizing the award of bid for the purchase of a Bobcat Compact Loader for the Public Works Department, Water Division through the Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Clark Equipment Company, West Fargo, ND and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$94,445 recommended.

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

ACTION: Resolution 2013-174 (Lopez/Cogdill; 7/0) authorizing the award of bid for the purchase of a Bobcat Compact Loader for the Public Works Department, Water Division through the Fleet Services Division, by “accessing the terms” of a competitively bid contract

with the National Joint Powers Alliance (NJPA) to Clark Equipment Company, West Fargo, ND and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$94,445.

Consent

11. Consider authorizing the award of bid for the purchase of two (2) Altec Aerial Bucket Trucks for the Community Economic and Development Division, Traffic and Electrical Section through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance, to Altec Industries, Birmingham, AL, for an estimated total cost of \$272,780. (Funding Source: Fleet Replacement Fund)

- Resolution authorizing the award of bid for the purchase of two (2) Altec Aerial Bucket Trucks for the Community Economic and Development Division, Traffic and Electrical Section 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 Altec Industries, Birmingham, AL and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$272,780 recommended.

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

ACTION: Resolution 2013-175 (Lopez/Cogdill; 7/0) authorizing the award of bid for the purchase of two (2) Altec Aerial Bucket Trucks for the Community Economic and Development Division, Traffic and Electrical Section 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 Altec Industries, Birmingham, AL and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$272,780.

Consent

12. Consider accepting the work by Empire & Associates, Inc. dba Sprinturf for the purchase and installation of synthetic turf at Mary E. Grogan Community Park, as complete. (Total purchase contract cost is \$1,016,260.46.) (Funding Source: Parks CFF, Village One CFD, California Integrated Waste Management Board)

- Resolution accepting the work by Empire & Associates, Inc. dba Sprinturf for the purchase and installation of synthetic turf at Mary E. Grogan Community Park as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Insurance Policy, and authorizing payments totaling \$1,016,260.46 recommended.

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

ACTION: Resolution 2013-176 (Lopez/Cogdill; 7/0) accepting the work by Empire & Associates, Inc. dba Sprinturf for the purchase and installation of synthetic turf at Mary E. Grogan Community Park as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Insurance Policy, and authorizing payments totaling \$1,016,260.46.

Removed from Agenda

13. Consider approving an Airport Lease Agreement with Budget Rent A Car System, Inc. as a Car Rental Concession at the Modesto City-County Airport effective May 8, 2013. (Funding Source: Airport Revenue Account)

- Resolution approving an Airport Lease Agreement with, Budget Rent A Car System, Inc. as a Car Rental Concession at the Modesto City-County Airport effective May 8, 2013, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Public Works; Jerome Thiele, 577-5319, jthiele@modestgov.com

ACTION: Item Removed from Agenda.

COUNCIL COMMENTS & REPORTS

None

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on April 26, 2013

14. Hearing to consider amending the City of Modesto’s Capital Facilities Fees Policies and Procedures, rescinding Resolution Nos. 94-562, 98-27, 99-32, 99-385, 2001-124, 2003-309, 2004-527, 2004-678, 2005-391, 2006-055, 2008-070, 2010-272, 2010-410, 2011-105, 2011-106 (Item Nos. 1, 2, 3 and 4) and amending Resolution No. 2011-106. (Funding Source: Capital Facilities Fees Funds)

- Resolution amending the City of Modesto’s Capital Facilities Fees Policies and Procedures, rescinding Resolution Nos. 94-562, 98-27, 99-32, 99-385, 2001-124, 2003-309, 2004-527, 2004-678, 2005-391, 2006-055, 2008-070, 2010-272, 2010-410, 2011-105, 2011-106 (Item Nos. 1, 2, 3 and 4) and amending Resolution No. 2011-106. (Funding: Capital Facilities Fees Funds) recommended.

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

ACTION: Resolution 2013-177 (Cogdill/Lopez; 7/0) amending the City of Modesto’s Capital Facilities Fees Policies and Procedures, rescinding Resolution Nos. 94-562, 98-27, 99-32, 99-385, 2001-124, 2003-309, 2004-527, 2004-678, 2005-391, 2006-055, 2008-070, 2010-272, 2010-410, 2011-105, 2011-106 (Item Nos. 1, 2, 3 and 4), amending Resolution No. 2011-106, and allowing 60% level for CHDO's (Community Housing Development Organization) while still allowing case by case flexibility.

Published in the Modesto Bee on April 5, 2013-Councilmember Muratore absent due to conflict of interest

15. Hearing to consider approving the City of Modesto’s Draft Annual Action Plan for Fiscal Year 2013-14 includes recommended allocations for Public Service and

Emergency Solutions grants and authorize 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 2013-2014 U.S. Department of Housing and Urban Development Annual Action Plan for the 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 the U.S. Department of Housing and Urban Development pertaining to the Fiscal Year 2013-2014 Annual Action Plan; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the United States Department of Housing and Urban Development recommended.
- Resolution approving the allocation of funding in the amount of \$256,880 in Community Development Block Grant Public Service Grants (CDBG) and \$160,725 in Emergency Solutions Grants (ESG); 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 2013-178 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the City of Modesto Fiscal Year 2013-2014 U.S. Department of Housing and Urban Development Annual Action Plan for the 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 the U.S. Department of Housing and Urban Development pertaining to the Fiscal Year 2013-2014 Annual Action Plan; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the United States Department of Housing and Urban Development.

ACTION: Resolution 2013-179 (Lopez/Geer; 6/0; Muratore absent due to conflict of interest) approving the allocation of funding in the amount of \$256,880 in Community Development Block Grant Public Service Grants (CDBG) and \$160,725 in Emergency Solutions Grants (ESG); and authorizing the City Manager, or his designee, to execute the Agreements.

Published in the Modesto Bee on April 20, 2013

16. Hearing to consider: (i) the application of Reliable Medical Transportation to operate as a non-emergency medical transport service in the City of Modesto; (ii) the application of Vantage Transports, Inc. to operate as a non-emergency medical transport service in the City of Modesto; and (iii) the application of Valley Medical Transportation 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 Reliable Medical Transportation for non-emergency medical transport in the City of Modesto recommended.
 - Resolution authorizing the issuance of a permit to Vantage Transports, Inc. for non-emergency medical transport in the City of Modesto recommended.

- Resolution authorizing the issuance of a permit to Valley Medical Transportation for non-emergency medical transport in the City of Modesto recommended.
Police; Joel Broumas, 572-9821, BroumasJ@Modestopd.com

ACTION: Resolution 2013-180 (Gunderson/Cogdill; 7/0) authorizing the issuance of a permit to Reliable Medical Transportation for non-emergency medical transport in the City of Modesto.

ACTION: Resolution 2013-181 (Gunderson/Cogdill; 7/0) authorizing the issuance of a permit to Vantage Transports, Inc. for non-emergency medical transport in the City of Modesto.

ACTION: Resolution 2013-182 (Gunderson/Cogdill; 7/0) authorizing the issuance of a permit to Valley Medical Transportation for non-emergency medical transport in the City of Modesto.

MATTERS TOO LATE FOR THE AGENDA

Motion (Lopez/Cogdill;unan.;Burnside,Muratore absent) approving:
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

ADJOURNMENT

This meeting was adjourned at 6:34 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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employee

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: 670384

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
Chambers, Basement Level
1010 10th Street
Modesto, California
Monday, May 13, 2013 at 1:30 p.m.

Roll Call - Present: Councilmembers Stephanie Burnside and Dave Cogdill, Jr.
Absent: Councilmember Joe Muratore
Also Present: Councilmember Dave Geer (alternate)

PUBLIC COMMENTS

None.

PRESENTATIONS

1. Informational Presentation regarding Internal Charging Methods (Funding Source: Not Applicable)
Finance; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: No reportable action.

NEW BUSINESS

2. Consider amending the Classification Plan to amend the class specification for Traffic Operations Engineer and forwarding to Council for approval. (Funding Source: Not Applicable)
Human Resources; Joseph Lopez, 571-5126, jlopez@modestogov.com

ACTION: Motion (Cogdill/Geer; unan.) approving an amendment to the Classification Plan to amend the class specification for Traffic Operations Engineer and forwarding to Council for approval.

3. Consider amending the Position Allocation in the Finance Department to be included as part of the FY 13/14 budget to: (i) delete two Accounting Technician allocations in Cost Center 12110; and to (ii) add one Financial Analyst I/II allocation to Cost Center 12110, and to (iii) add one Account Clerk II allocation to Cost Center 12110 and forwarding to Council for approval. (Funding Source: General Fund)
Human Resources; Joseph Lopez, 571-5126, jlopez@modestogov.com

ACTION: Motion (Cogdill/Geer; unan.) approving an amendment to the Position Allocation in the Finance Department to be included as part of the FY 13/14 budget to: (i)

delete two Accounting Technician allocations in Cost Center 12110; and to (ii) add one Financial Analyst I/II allocation to Cost Center 12110, and to (iii) add one Account Clerk II allocation to Cost Center 12110 and forwarding to Council for approval.

4. Consider amending the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to: (i) delete the Police Facilities Coordinator position; and (ii) review of the study recommendation for the Police Community Services Officer II position and forwarding to Council for approval. (Funding Source: General Fund)
Human Resources; Joseph Lopez, 571-5126, jlopez@modestogov.com

ACTION: Motion (Cogdill/Geer; unan.) approving an amendment to the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to: (i) delete the Police Facilities Coordinator position; and (ii) review of the study recommendation for the Police Community Services Officer II position and forwarding to Council for approval.

5. Consider amending the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to: (i) delete the Police Facilities Coordinator position; and (ii) review of the study recommendation for the Police Community Services Officer II position and forwarding to Council for approval. (Funding Source: General Fund)
Human Resources; Joseph Lopez, 571-5126, jlopez@modestogov.com

ACTION: Motion (Cogdill/Geer; unan.) approving an amendment to the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to: (i) delete the Police Facilities Coordinator position; and (ii) review of the study recommendation for the Police Community Services Officer II position and forwarding to Council for approval.

6. Consider amending the Classification Plan and Class Range Tables for Represented Management and Confidential Non-Sworn Classes and Unrepresented Management and Confidential Non-Sworn Classes to: (i) amend the class specifications for Risk Manager and Risk and Loss Control Coordinator; (ii) amend the salary range for Risk Manager from salary range 2444 to salary range 2439, and to amend the salary range for Risk and Loss Control Coordinator from salary range 431 to salary range 437; (iii) amend the class range table for Represented Management and Confidential Non-Sworn to delete the Risk and Loss Control Coordinator and forwarding to Council for approval. (Funding Source: Insurance Administration Fund)
Human Resources; Joseph Lopez, 577-5126, joelopez@modestogov.com

ACTION: Motion (Cogdill/Geer; unan.) approving an amendment to the Classification Plan and Class Range Tables for Represented Management and Confidential Non-Sworn Classes and Unrepresented Management and Confidential Non-Sworn Classes to: (i) amend the class specifications for Risk Manager and Risk and Loss Control

Coordinator; (ii) amend the salary range for Risk Manager from salary range 2444 to salary range 2439, and to amend the salary range for Risk and Loss Control Coordinator from salary range 431 to salary range 437; (iii) amend the class range table for Represented Management and Confidential Non-Sworn to delete the Risk and Loss Control Coordinator and forwarding to Council for approval.

7. Consider amending the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to (i) amend the class specification for Environmental Regulatory Compliance Administrator at a salary range 440 to Environmental Regulatory Compliance Manager at salary range 442 (Cost Center 54110); (ii) amend the class specification for Environmental and Water Quality Laboratory Supervisor at salary range 436 to Laboratory Supervisor at salary range 438 (Cost Center 54117); (iv) change the salary range for Wastewater Collections Manager from salary range 441 to salary range 442 (Cost Center 54210) and forwarding to Council for approval. (Funding Source: Wastewater Fund)
Human Resources; Joseph Lopez, 571-5126, jlopez@modestogov.com

ACTION: Motion (Cogdill/Geer; unan.) approving amendment to the Classification Plan and Class Range Tables for Represented Management and Confidential Non-Sworn Classes and Unrepresented Management and Confidential Non-Sworn Classes to: (i) amend the class specifications for Risk Manager and Risk and Loss Control Coordinator; (ii) amend the salary range for Risk Manager from salary range 2444 to salary range 2439, and to amend the salary range for Risk and Loss Control Coordinator from salary range 431 to salary range 437; (iii) amend the class range table for Represented Management and Confidential Non-Sworn to delete the Risk and Loss Control Coordinator and forwarding to Council for approval.

8. Consider an amendment to the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to (i) amend and retitle the classification of Principal Systems Engineer to Principal Information Technology Administrator; (ii) amend the class specification for Information Technology Manager; (iii) reallocate the Principal Software Analyst to Information Technology Manager (Cost Center 07210), (iv) reallocate a Principal Systems Engineer at salary range 442 to Principal Information Technology Administrator at salary range 446 (Cost Center 07410), and (v) delete the classifications of Principal Software Analyst and Deputy Chief Information Officer and forwarding to Council for approval. (Funding Source: Information Technology Internal Service Fund)
Human Resources; Joseph Lopez, 571-5126, jlopez@modestogov.com

ACTION: Motion (Cogdill/Geer; unan.) approving an amendment to the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to (i) amend and retitle the classification of Principal Systems Engineer to Principal Information Technology Administrator; (ii) amend the class specification for Information Technology Manager; (iii) reallocate the Principal Software Analyst to Information Technology Manager (Cost Center 07210), (iv) reallocate a Principal Systems Engineer at salary range 442 to Principal Information Technology

Administrator at salary range 446 (Cost Center 07410), and (v) delete the classifications of Principal Software Analyst and Deputy Chief Information Officer and forwarding to Council for approval.

9. Consider amending the Position Allocation in the Utility Planning & Projects Department to be included as part of the FY 13/14 budget to: (i) delete one Senior Administrative Office Assistant (confidential) allocation in Cost Center 42300; and to (ii) add one Administrative Services Technician II (confidential) allocation to Cost Center 42300 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
Human Resources; Joseph Lopez, 571-5126, joelopez@modestogov.com

ACTION: Motion (Cogdill/Geer; unan.) approving an amendment to the Position Allocation in the Utility Planning & Projects Department to be included as part of the FY 13/14 budget to: (i) delete one Senior Administrative Office Assistant (confidential) allocation in Cost Center 42300; and to (ii) add one Administrative Services Technician II (confidential) allocation to Cost Center 42300 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 2:16 p.m.

MINUTES

City of Modesto

SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

Monday, May 13, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Geer, Gunderson
Absent: Councilmember Lopez

PUBLIC COMMENTS

Jessica Arredondo and Fernando Arredondo spoke regarding opening a card room in the City of Modesto and were directed to the Safety & Communities Committee to request an Ordinance be drafted allowing card rooms in Modesto. The Committee directed this matter to the City Attorney and Community & Economic Development Director to return with staff report and Draft Ordinance at the next Safety & Communities Committee meeting in June.

NEW BUSINESS

1. Consider approving an Injury and Illness Prevention Program as required by California Code of Regulations, Title 8, Section 2303 and forwarding to Council for approval. (Funding Source: Not Applicable)
Human Resources; Beverly Jensen, 577-5446, bjensen@modestogov.com

ACTION: **Motion (Gunderson/Geer; Lopez absent)** approving an Injury and Illness Prevention Program as required by California Code of Regulations, Title 8, Section 2303 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:45 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 14, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh

Absent: None

Pledge of Allegiance to the Flag

Invocation: Dan Navarra, Trinity United Presbyterian Church

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring May 19-25, 2013 as National Public Works Week. (Funding Source: Not Applicable)
Public Works; Dennis Turner, 341-2906, dturner@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Public Works Director Dennis Turner declaring May 19-25, 2013 as National Public Works Week.

2. Presentation of the Phase 2 BNR/Tertiary Wastewater Treatment Project Update. (Funding Source: Not Applicable)
Utility Planning & Projects; Richard Ulm, 342-4570, jpratt@modestogov.com

ACTION: Utility Planning and Projects Director Rich Ulm presented an update on the Phase 2 BNR/Tertiary Wastewater Treatment Project Update.

3. 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 and Mayor Marsh

acknowledged Stanislaus Green Team businesses: Dittos of Modesto, Schneider Electric, Cal-Green Recycling and McCoy's Industrial Tire.

PUBLIC COMMENT PERIOD

- Ryan Chambers spoke regarding Council campaign contribution limits.
- Jenny Kenoyer spoke regarding a day drop in center for the homeless and the homeless in downtown Modesto.
- Emerson Drake spoke regarding Latino Community Roundtable meeting last week.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED ACTION CONSENT ITEMS 4-11: (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 minutes from the May 7, 2013 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the May 7, 2013 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

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

Consent

5. Consider accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for January, February and March 2013. (Funding Source: Not Applicable)
 - Motion accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for January, February and March 2013.
City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for January, February and March 2013.

Consent

6. Consider approving authorized staff that approves deposits and withdrawals of money into/from the Local Agency Investment Fund. (Funding Source: Not Applicable)

- Resolution to replace authorized staff that approve deposits and withdrawals of money into/from the Local Agency Investment Fund.

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

ACTION: Resolution 2013-183 (Lopez/Gunderson; 7/0) to replace authorized staff that approve deposits and withdrawals of money into/from the Local Agency Investment Fund.

Consent

7. Consider accepting the Monthly Investment Report for February, 2013 (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for February, 2013.

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

ACTION: Motion (Lopez/Gunderson; 7/0) accepting the Monthly Investment Report for February, 2013.

Consent

8. Consider accepting the Monthly Budget Adjustment Report for May 2013. (Funding Source: Various)

- Resolution amending the Fiscal Year 2012-2013 Annual Operating Budget.

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

ACTION: Resolution 2013-184 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2012-2013 Annual Operating Budget.

Consent

9. Consider amending the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to: (i) re-allocate the Administrative Analyst II position to MRFA Finance Manager. (This position is assigned to MRFA Support Administration – Cost Center 80121) (Funding Source: General Fund)

- Resolution amending the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to re-allocate the Administrative Analyst II to MRFA Finance Manager.

Human Resources; JoAnn Weberg, 577-5490, jweberg@modestogov.com

ACTION: Resolution 2013-185 (Lopez/Gunderson; 7/0) amending the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to re-allocate the Administrative Analyst II position to MRFA Finance Manager.

Consent

10. Consider authorizing the Purchasing Manager to purchase Dell computer workstation replacements, technology hardware/software products and services through Dell Marketing L.P for Fiscal Year 2012- 2013, by accessing the terms of the Western State Contract Alliance contract number B27160 in the amount not to exceed \$621,413.26; and amending the Fiscal Year 2012-2013 Information Technology Operating budget to appropriate \$400,000 from the Information Technology Fund Reserves. (Funding

Source: Information Technology Fund)

- Resolution authorizing the Purchasing Manager to purchase Dell computer workstation replacements, technology hardware/software products and services through Dell Marketing L.P for Fiscal Year 2012- 2013, by accessing the terms of the Western State Contract Alliance (WSCA) contract number B27160 in the amount not to exceed \$621,413.26.
- Resolution amending the Fiscal Year 2012-2013 Information Technology Operating budget to appropriate \$400,000 from the Information Technology Fund Reserves.

Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com

ACTION: Resolution 2013-186 (Lopez/Gunderson; 7/0) authorizing the Purchasing Manager to purchase Dell computer workstation replacements, technology hardware/software products and services through Dell Marketing L.P for Fiscal Year 2012- 2013, by accessing the terms of the Western State Contract Alliance (WSCA) contract number B27160 in the amount not to exceed \$621,413.26.

ACTION: Resolution 2013-187 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2012-2013 Information Technology Operating budget to appropriate \$400,000 from the Information Technology Fund Reserves.

Consent

11. Consider approving the submittal of grant applications to the Federal Transit Administration for: (i) Modesto’s formula allocation of federal transit funds in the amount of \$4,302,621; and (ii) Federal Congestion Mitigation and Air Quality funds in the amount of \$1,658,833. (Funding Source: Revenue from FTA)
 - Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$4,302,621 in FTA Section 5307 funds.
 - Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$1,658,833 FTA Congestion Mitigation and Air Quality (CMAQ) funds.

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

ACTION: Resolution 2013-188 (Lopez/Gunderson; 7/0) approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$4,302,621 in FTA Section 5307 funds.

ACTION: Resolution 2013-189 (Lopez/Gunderson; 7/0) approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$1,658,833 FTA Congestion Mitigation and Air Quality (CMAQ) funds.

Councilmember Lopez left meeting at 6:05 p.m.

COUNCIL COMMENTS & REPORTS

Councilmember Burnside thanked the Public Works Department and public safety employees; she also acknowledged Gary Hinshaw, Modesto Regional Fire Authority Chief, who will be

retiring.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff announced Finance Committee budget meetings next week.

UNFINISHED BUSINESS

Councilmember Lopez absent

12. Consider approving an Agreement between the Parks, Recreation and Neighborhoods Department and the Modesto Youth Soccer Association for the operation and use of the Mary E. Grogan Community Park Soccer Complex. (Funding Source:)
 - Resolution approving an Agreement between the Parks, Recreation and Neighborhoods Department (PRND) and the Modesto Youth Soccer Association (MYSA) for the operation and use of the Mary E. Grogan Community Park Soccer Complex.
 - Resolution modifying the FY2012-2013 position allocation in PRND to add 1.0 FTE Maintenance Worker II in cost center 35160; include the addendum for the Mary E. Grogan Community Park proposed budget in the City of Modesto proposed FY2013-2014 budget.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Resolution 2013-190 (Cogdill/Geer; 6/0; Lopez absent) approving an Agreement between the Parks, Recreation and Neighborhoods Department (PRND) and the Modesto Youth Soccer Association (MYSA) for the operation and use of the Mary E. Grogan Community Park Soccer Complex.

ACTION: Resolution 2013-191 (Cogdill/Gunderson; 6/0; Lopez absent) modifying the FY2012-2013 position allocation in PRND to add 1.0 FTE Maintenance Worker II in cost center 35160; include the addendum for the Mary E. Grogan Community Park proposed budget in the City of Modesto proposed FY2013-2014 budget.

NEW BUSINESS

Councilmember Lopez absent

13. Consider approving a Resolution of Support for proposed Senate Bill 450 introduced by Senator Kathleen Galgiani (Coauthor: Assembly Member Kristin Olsen) that would authorize local governments to provide civil immunity to property owners in the removal of unattended collection boxes placed on the property without property owner consent. (Funding Source: Not Applicable)
 - Resolution of support for proposed Senate Bill 450 introduced by Senator Kathleen Galgiani (Coauthor: Assembly Member Kristin Olsen) that would authorize local governments to provide civil immunity to property owners in the removal of unattended collection boxes placed on the property without property owner consent.

*Community & Economic Development; Patrick Kelly, 577-5267,
pkelly@modestogov.com*

ACTION: Motion (Muratore/Cogdill; 6/0; Lopez absent) endorsing a convenient solution to remove **collection** boxes **deposited** on **private** property without **the property owner's** permission. (*Motion language amended by City Attorney after meeting*)

Councilmember Lopez absent

14. Consider approving the installation of Walk of Fame sidewalk markers along the designated Modesto Historic Graffiti Cruise Route. (Funding Source: Private Donations, CED Operating Budget)
- Resolution approving the installation of Historic Cruise Walk of Fame Markers along the designated Modesto Historic Graffiti Cruise Route.
- Community & Economic Development; Laurie Smith, 577-5347,
lsmith@modestogov.com*

ACTION: Resolution 2013-192 (Burnside/Muratore; 6/0; Lopez absent) approving the installation of Historic Cruise Walk of Fame Markers along the designated Modesto Historic Graffiti Cruise Route.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was adjourned at 7:00 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: 670384

MINUTES

City of Modesto

Special Finance Committee Meetings/ Special City Council Workshop Meetings

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

BUDGET WORKSHOPS

MONDAY – MAY 20, 2013 AT 9:00 AM

Roll Call Present: Councilmembers Stephanie Burnside, Dave Cogdill, Jr., and Joe Muratore

Absent: None

Also Present: Councilmembers Dave Geer, John Gunderson, Mayor Garrad Marsh

PUBLIC COMMENT PERIOD

Three minute time limit per speaker

None.

NEW BUSINESS

- Mayor Opening Comments

Mayor Garrad Marsh gave opening comments.

- Budget Overview

City Manager Greg Nyhoff gave an overview of the budget process, report and presentation.

- Accomplishments and Opportunities
- Budget Picture
- City-Wide Budget (FY 2013-14 Operating Expense by Fund Type \$344 Million)
- General Fund Overview (FY 2013-2013 Prior to Mayor's Recommendation)
- Mayor's Recommendation to Balance the Budget for FY 2013-2014
- FY 2013-2014 Budgeted General Fund Revenues
- Historic General Fund Revenues
- FY 2013-2014 Mayor's Proposed General Fund Expenditures
- Proforma
- Water and Wastewater Funds
- Service Level Deficiencies

- History of Funded Positions
- Challenges Ahead
- Worker’s Compensation Financials
- Worker’s Compensation Fund History and Projection
- Employee Benefits Fund History and Projection

Department Presentations:

1. City Clerk’s Office

City Clerk Stephanie Lopez gave report and presentation:

- Department Overview
- Organizational Chart
- Proposed FY 2013-14 General Fund
- Historic Department Expenses
- Accomplishments and Highlights
- Departmental Challenges
- Enhancement

2. City Attorney’s Office

City Attorney Susana Alcala Wood gave report and presentation:

- Direct Support of Council Priority Goals;
- Services Provided;
- Comparison with other Cities;
- Areas of Practice;
- Citywide Program Services
- Organizational Chart Comparisons
- 3% Enhancement Requested

3, 4 and 5. City Manager, City Auditor, City Council

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. Human Resources

Director Joe Lopez gave report and presentation

- Overview of Department
- Department Staffing
- Staff Reductions Over Time
- Volunteer Efforts
- Proposed FY 12-14 General Fund Expense by Division
- Historic Department Admin Expenses
- General Liability Financials
- Worker’s Compensation Financials
- Employee Benefits Financials
- Accomplishments and Highlights

- Impact of Mayor's Proposed Reductions
- Challenges

Recess at 10:40 a.m.

Reconvened at 10:52 a.m.

7. Finance

Director Gloriette Genereaux gave report and presentation:

- Overview of Finance Department
- Department Staffing
- Department Staffing Levels General Fund
- Staff Reductions
- Volunteer Efforts in Finance
- Finance Budget Summary Proposed FY2013-14 Budget by Division and by Fund

8. Community and Economic Development

Director Brent Sinclair gave report and presentation:

- Department Overview
- Staffing Reductions Over Time
- Volunteer Efforts
- General Fund Expenses & Revenues
- Proposed Operating Budget Cost Recovery
- Accomplishments
- Unmet Needs
- Departmental Challenges

Recess at 12:15 p.m.

Reconvened at 1:30 p.m.

9. Parks, Recreation and Neighborhoods

Director Julie Hannon gave report and presentation:

- Proposed General Fund Expenses FY2013-2014 by Division
- PRN Department Overview Position Summary
- Administration Programs and Services
- Administration Budget Summary
- Volunteers/Partnerships
- Programs and Services
- Planning and Development Budget Summary
- Vision
- Programs and Services
- Recreation Budget Summary
- Recreation – Activities and Services
- Historical Properties Programs and Services
- Historical Properties Budget Summary
- Historical Properties Past and Future

- Community Forestry Programs and Services
- Community Forestry Budget Summary
- Community Forestry Then and Now
- Parks Operations Programs and Services
- Parks Operations Budget Summary
- Park Operations Bringing Beauty to Parks
- Centre Plaza Programs and Services
- Centre Plaza Budget Summary
- Centre Plaza Hosting Events Large and Small
- Solid Waste Programs, Services and Budget
- Solid Waste Budget Summary
- Solid Waste Residential and Commercial Rates
- Impact of Mayor's Recommended Reductions
- Reorganization
- Departmental Challenges

10. Police Department

Chief Galen Carroll gave report and presentation:

- Department Overview
- Staffing Levels
- Volunteers and Interns
- 5 Year General Fund Expense History Including FY2013-2014 Proposed Budget
- Proposed FY2013-2014 Expense by Division
- Proposed FY2013-2014 Expense by Program
- Mayor's Proposed Budget Reductions
- Impacts of Mayor's Proposed Reductions
- 2012 in Review
- SDEA Seized
- Departmental Challenges

11. Information Technology

Director Bryan Sastokas gave report and presentation:

- Department Overview
- Staffing History
- Proposed Budget
- Expense Budget History
- Proposed Expenses by Program
- Funding Sources
- Technology Enhancements for Strategic Goals
- Departmental Challenges
- Departmental Opportunities

MATTERS TOO LATE FOR THE AGENDA

Motion (Cogdill/Muratore;unan.) adding item for tomorrow's (May 21, 2013) Special Finance Committee Meetings/Special City Council Workshop Meetings:

- **Department Presentations (continued)**
 - 12. Modesto Regional Fire Authority**

ADJOURNMENT

This meeting adjourned at 2:40 p.m.

Being the hour of 5:00 pm, the meeting was called to order by Council Member Burnside.

I. ROLL CALL

Council Member Burnside and Muratore present; Council member Cogdill absent.

Commissioners Brandvold, Carter, Lucas, Smith, and Tyler present;
Commissioners Gillum and Riddle absent.

II. CAPITAL IMPROVEMENT PROGRAM, FY 2013-2014

Motion/Action (Approved)

It was moved by Council Member Muratore, seconded by Council Member Burnside, and carried by majority (Burnside, Muratore, ayes; none, noes; Cogdill, absent; None, recused) that the Finance Committee recommends to the City Council approval of the FY 2013-14 CIP Budget.

Motion/Action (Approved)

It was moved by Commission Brandvold, seconded by Commissioner Carter, and carried by majority (Brandvold, Carter, Lucas, Smith, Tyler, ayes; none, noes; Gillum, Riddle, absent; None, recused) that the Planning Commission approve A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MODESTO FINDING THE FISCAL YEAR 2013-2014 CAPITAL IMPROVEMENT PROGRAM IN CONFORMANCE WITH THE MODESTO URBAN AREA GENERAL PLAN PURSUANT TO SECTION 65401 OF THE GOVERNMENT CODE (CITY OF MODESTO)

VII. ORAL COMMUNICATIONS

None.

VIII. MATTERS TOO LATE FOR THE AGENDA

None.

IX. ADJOURNMENT

The meeting was adjourned at 5:40 pm.

MINUTES

City of Modesto

Special Finance Committee Meetings/ Special City Council Workshop Meetings

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

BUDGET WORKSHOPS

TUESDAY – MAY 21, 2013 AT 9:00 AM

Roll Call Present: Councilmembers Stephanie Burnside, Dave Cogdill, Jr., and Joe Muratore

Absent: None

Also Present: Councilmember Dave Geer

PUBLIC COMMENT PERIOD

Three minute time limit per speaker

None.

NEW BUSINESS

Department Presentations (Continued)

12. Utilities (Public Works and Utilities, Planning & Projects)

- Water

Public Works Director Dennis Turner gave report and presentation:

- Water Fund Overview
- Water Fund Enhancements
- Water Fund Challenges and Opportunities

- Wastewater

Utility Planning & Projects Director Rich Ulm gave report and presentation:

- Wastewater Fund Overview
- Wastewater Rates
- Wastewater Challenges and Opportunities

- Storm Drain

Public Works Director Dennis Turner gave report and presentation:

- Storm Drain Fund Overview

- Program Highlights
- Storm Drain Challenges and Opportunities

- Utility Planning and Projects

Utility Planning & Projects Director Rich Ulm gave report and presentation:

- Department Overview
- Program Highlights
- Program Enhancements
- UP&P Challenges and Opportunities

13. Transportation

Public Works Director Dennis Turner gave report and presentation:

- Fleet
 - Fund Overview
 - Department Highlights
 - Challenges
 - Organizational Charts
 - Volunteer Efforts
- Transit
 - Fund Overview
 - Department Highlights
 - Departmental Challenges
 - Organizational Charts
 - Transit Expense Detail
 - Expense/Revenue Detail
- Parking
 - Fund Overview
 - Department Highlights
 - Challenges
 - Organizational Charts
 - Expense/Revenue Detail
 - Parking Fund Reserve
- Airport
 - Fund Overview
 - Department Highlights
 - Departmental Challenges
 - Organizational Chart
 - Volunteer Efforts
 - Expense/Revenue Detail

Recess at 10:35 a.m.

Reconvened at 10:48 a.m.

14. Surface Transportation Fund

Parks Recreation & Neighborhoods Director Julie Hannon gave report and presentation:

- Fund Overview
- Fund Highlights
- Organizational Charts
- Proposed Fiscal Year 2014 Expense by Program

Public Works Director Dennis Turner gave report and presentation:

- Projected Fiscal Year 2014 Revenue
- Future of the Surface Transportation Plan
- Enhancements
- Council Priorities

- Audit Report Recommendation Responses

Deputy City Manager Dee Williams-Ridley gave report and presentation:

- Background
- Brief Recap Overarching Themes
- Recommendations
- Report Corrections
- Action Items
- Action Deferred
- Already in Progress
- Not Recommended
- Next Steps

- Strategic Plan Update

Deputy City Manager Dee Williams-Ridley gave report and presentation:

- Community Forum
- Community Survey
- Will return to June 4, 2013 Council Meeting for Adoption

Recess at 12:10 p.m.

Reconvened at 1:32 p.m.

- Reports Back on Unanswered Questions

None.

MATTERS TOO LATE FOR THE AGENDA

Department Presentation (continued):

15. Modesto Regional Fire Authority

Fire Chief Gary Hinshaw and Fire Division Chief Dale Skiles gave report and presentation:

- Overview Process of the 2013/2014 Budget Process
- November 29, 2013 Service Level Workshop
- Budget Forecast
 - Identifying Current Levels of Service
 - Outline Capital Needs
 - List Increased Levels of Service
- Influencing Factors

NEW BUSINESS (continued)

- Final Deliberations
 - Recommendations for Enhancements and Reductions
 - Budget and Financial Analysis Manager Steve Christiansen presented:
 - Mayor's Accepted Reductions/Enhancements
 - City Clerk
 - Human Resources
 - Finance
 - Community and Economic Development
 - Parks, Recreation & Neighborhoods
 - Police
 - Mayor's Accepted Reductions/Enhancements (General Fund Not Accepted and Non-General Fund Not Accepted)

ACTION: Motion (Muratore/Cogdill;2/1; Burnside no) approving and forwarding to Council the proposed Fiscal Year 2013-2014 budget.

ADJOURNMENT

This meeting adjourned at 2:52 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 28, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, Carpenter's House

City Clerk's Announcements: Item 7 Removed from Consent

Declaration of Conflicts of Interest: Item 13 – Cogdill

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Chamber of Commerce and the Land Use & Transportation Committee entitled "Pathway to job Growth." (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation was made by the Modesto Chamber of Commerce and the Land Use & Transportation Committee entitled "Pathway to Job Growth." Mayor Marsh referred this item to the Planning Commission.

Recess at 7:30 p.m.

Reconvened at 7:43 p.m.

PUBLIC COMMENT PERIOD

- Ryan Schambers spoke regarding homeless in parks. Mayor Marsh referred him to Parks, Recreation & Neighborhoods Director Julie Hannon.
- Robert Stanford thanked Councilmember Gunderson for his support of the arts.

- Emerson Drake spoke regarding Planning Commission meeting last week.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-6; 8-12: (Lopez/Burnside;unan.)

ACTION CONSENT ITEM 13: (Lopez/Burnside;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 May 14, 2013 Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the May 14, 2013 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes from the May 14, 2013 Council meeting.

Consent

3. Consider approving a Public Utility Easement Agreement granted to the City of Modesto by Modesto Irrigation District to allow all public utilities to place facilities within the City's roadway at a portion crossing Lateral No. 6. (Funding Source: Not applicable)
 - Resolution approving a Public Utility Easement Agreement granted to the City of Modesto by Modesto Irrigation District to Allow all public utilities to place facilities within the City's roadway at a portion crossing Lateral No. 6, and authorizing the City Manager, or his designee to execute the agreement.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2013-193 (Lopez/Burnside; 7/0) approving a Public Utility Easement Agreement granted to the City of Modesto by Modesto Irrigation District to Allow all public utilities to place facilities within the City's roadway at a portion crossing Lateral No. 6, and authorizing the City Manager, or his designee to execute the agreement.

Consent

4. Consider approving an Agreement consenting to a common use with Modesto Irrigation District for utilization of an easement across Lateral No. 6 to construct a road crossing and utilities for the purpose of the Mana Wagner Development project at two locations; Bangs Avenue/Mana Parkway, and Bangs Avenue/American Avenue. (Funding Source: Not applicable)
 - Resolution approving an agreement consenting to common use with the Modesto

Irrigation District (MID) for utilizing an easement across Lateral No. 6 to construct a road crossing and utilities for the purpose of the Mana Wagner development 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 2013-194 (Lopez/Burnside; 7/0) approving an agreement consenting to common use with the Modesto Irrigation District (MID) for utilizing an easement across Lateral No. 6 to construct a road crossing and utilities for the purpose of the Mana Wagner development project, and authorizing the City manager or his designee to execute the agreement.

Consent

5. Consider authorizing the award of bid for the purchase of three (3) three-quarter ton pick-up trucks for various City Divisions through the Public Works Department, Fleet Services Division, to Downtown Ford, Sacramento, CA, for an estimated total cost of \$88,365. (Funding Source: Fleet Replacement Funds)
 - Resolution authorizing the award of bid for the purchase of three (3) three-quarter ton pick-up trucks for various City Divisions through the Public Works Department, Fleet Services Division, to Downtown Ford, Sacramento, CA and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$88,365.

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

ACTION: Resolution 2013-195 (Lopez/Burnside; 7/0) authorizing the award of bid for the purchase of three (3) three-quarter ton pick-up trucks for various City Divisions through the Public Works Department, Fleet Services Division, to Downtown Ford, Sacramento, CA and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$88,365.

Consent

6. Consider accepting the Monthly Investment Report for March, 2013. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for March, 2013.

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

ACTION: Motion (Lopez/Burnside; 7/0) accepting the Monthly Investment Report for March, 2013.

Removed from Consent

7. Consider accepting an informational report concerning the application of a 2.3% water rate inflator index by the Director of Finance pursuant to the authority granted by the City Council by Resolution No. 2009-299. (Funding Source: Water Fund)
 - Resolution accepting an informational report concerning the application of a 2.3% water rate inflator index by the Director of Finance pursuant to the authority granted by the City Council by Resolution No. 2009-299.

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

ACTION: Resolution 2013-196 (Lopez/Muratore; 7/0) accepting an informational report concerning the application of a 2.3% water rate inflator index by the Director of Finance pursuant to the authority granted by the City Council by Resolution No. 2009-299.

Consent

8. Consider authorizing the award of bid for the purchase of variable frequency drive units for the Department of Public Works, Water Division and Wastewater Division, to Wille Electric Supply Co., Inc., 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 \$103,614, and over five (5) years of \$518,070. (Funding Source: Water Fund and Wastewater Fund)
- Resolution authorizing the award of bid for the purchase of variable frequency drive units for the Department of Public Works, Water Division and Wastewater Division, to Wille Electric Supply Co., Inc., Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$103,614, and over five (5) years of \$518,070.

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

ACTION: Resolution 2013-197 (Lopez/Burnside; 7/0) authorizing the award of bid for the purchase of variable frequency drive units for the Department of Public Works, Water Division and Wastewater Division, to Wille Electric Supply Co., Inc., Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$103,614, and over five (5) years of \$518,070.

Consent

9. Consider approving a lease between the City of Modesto and Horizon Towers LLC for the placement of a cellular tower at the Chapman Road Storm Basin. (Funding Source: Non Applicable)
- Resolution approving a five (5) year lease agreement between the City of Modesto and Horizon Towers LLC for a Cellular Tower Site to be located on a portion of the Chapman Road Storm Basin, with five (5), five (5)-year options to extend the lease, 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 2013-198 (Lopez/Burnside; 7/0) approving a five (5) year lease agreement between the City of Modesto and Horizon Towers LLC for a Cellular Tower Site to be located on a portion of the Chapman Road Storm Basin, with five (5), five (5)-year options to extend the lease, and authorizing the city manager, or his designee, to execute the lease agreement.

Consent

10. Consider approving the termination of the 1992 Joint Exercise of Powers Agreement between the Cities of Ceres, Hughson, Modesto, Turlock, Delhi County Water District, Denair Community Services District, Hilmar County Water District, and Keyes Community Services District related to the Drinking Water Supply Project. (Funding Source: not applicable)

- Resolution approving the termination of the 1992 Joint Exercise of Powers Agreement between the Cities of Ceres, Hughson, Modesto, Turlock, Delhi County Water District, Denair Community Services District, Hilmar County Water District, and Keyes Community Services District related to the Drinking Water Supply Project.

Utility Planning and Projects; Rich Ulm, 577-5261, rulm@modestogov.com

ACTION: Resolution 2013-199 (Lopez/Burnside; 7/0) approving the termination of the 1992 Joint Exercise of Powers Agreement between the Cities of Ceres, Hughson, Modesto, Turlock, Delhi County Water District, Denair Community Services District, Hilmar County Water District, and Keyes Community Services District related to the Drinking Water Supply Project.

Consent

11. Consider accepting the work by Harris Builders, Inc., for the Tuolumne River Regional Park Gateway – Phase 1.3 Trails Project, as complete. (Total construction contract cost is \$412,650, with a total project cost of \$455,506). (Funding Source: Habitat Conservation Fund and Parks Capital Facility Fees)

- Resolution accepting the work by Harris Builders, Inc. for the Tuolumne River Regional Park Gateway – Phase 1.3 Trails Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$412,650.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2013-200 (Lopez/Burnside; 7/0) accepting the work by Harris Builders, Inc. for the Tuolumne River Regional Park Gateway – Phase 1.3 Trails Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$412,650.

Consent

12. Consider approving a one-year Agreement with Krazan & Associates Inc., to perform Construction Materials Testing Services for various Capital Improvement projects for FY 2013/2014, with two (2) one-year extension options at the sole discretion of City, in an amount not-to-exceed \$91,800 in the first year, \$91,800 in the second year, and \$92,500 in the third year. (Funding Source: Various CIP Projects)

- Resolution approving a one-year Agreement for Testing Services with Krazan & Associates Inc., to perform Construction Materials Testing Services for various

Capital Improvement projects to be constructed during the 2013/2014 fiscal year, with two (2) one-year extension options, at the sole discretion of City, in an amount not-to-exceed \$91,800 in the first year, \$91,800 in the second year and \$92,500 in the third year; and authorizing the City Manager, or his designee, to execute the Agreement.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2013-201 (Lopez/Burnside; 7/0) approving a one-year Agreement for Testing Services with Krazan & Associates Inc., to perform Construction Materials Testing Services for various Capital Improvement projects to be constructed during the 2013/2014 fiscal year, with two (2) one-year extension options, at the sole discretion of City, in an amount not-to-exceed \$91,800 in the first year, \$91,800 in the second year and \$92,500 in the third year; and authorizing the City Manager, or his designee, to execute the Agreement.

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

13. Consider accepting the work by DSS Company, dba Knife River Construction, for the Empire Avenue Street Improvements from Hillside Drive to Monterey Avenue project, as complete. (Total construction contract cost is \$366,404, with a total project cost of \$691,805) (Funding Source: Community Development Block Grant (CDBG) and Revolving Loan (RLF) funding)

- Resolution accepting the work by DSS Company dba Knife River Construction for the Empire Avenue Street Improvements from Hillside Drive to Monterey 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, and authorizing payment of amounts totaling \$366,404.

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

ACTION: Resolution 2013-202 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest) accepting the work by DSS Company dba Knife River Construction for the Empire Avenue Street Improvements from Hillside Drive to Monterey 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, and authorizing payment of amounts totaling \$366,404.

COUNCIL COMMENTS & REPORTS

None

CITY MANAGER COMMENTS & REPORTS

None

NEW BUSINESS

14. Consider amending Section 2-8.01 of Chapter 8 of Title 2 of the Modesto Municipal

Code Relating to Campaign Reform. (Funding Source: Not Applicable)

- Motion approving or denying a request to introduce an Ordinance Amending Section 2-8.01 of Chapter 8 of Title 2 of the Modesto Municipal Code Relating to Campaign Reform.

City Attorney; Susana Alcala Wood, 577-5284, swood@modestogov.com

ACTION: Motion (Gunderson/Geer; Mayor Marsh yes; Lopez, Muratore, Burnside, Cogdill no) introducing an Ordinance amending Section 2-8.01 of Chapter 8 of Title 2 of the Modesto Municipal Code Relating to Campaign Reform. **(MOTION FAILED)**

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was adjourned at 9:04 p.m.

CLOSED SESSION

All Closed Session Matters Heard prior to Meeting

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

1. Property: City owned water system components located in and near Waterford and Hickman

Negotiating Parties: Dennis Turner, Public Works Director
City of Waterford, Potential Buyer

Under Negotiation: Price and terms of sale of City water system property.

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

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

- 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: 106-42-012 Property Owner: G&K Enterprises LLC
- APN: 106-42-011 Property Owner: Mote, Curtis W.
- APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni, Myrna

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

- APN: 106-042-001 Property Owner: Modesto RDA (Successor)
- APN: 106-042-002 Property Owner: Modesto RDA (Successor)
- APN: 106-042-003 Property Owner: Modesto RDA (Successor)
- APN: 106-042-004 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: 106-42-012 Property Owner: G&K Enterprises LLC
- APN: 106-42-011 Property Owner: Mote, Curtis W.
- APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni, Myrna
- APN: 106-042-013 Property Owner: City of Modesto

Property: Sale of property at the southeast corner of 9th and I streets

APN: 105-042-013

Property Owner: City of Modesto

Negotiating parties: Brent Sinclair, Director of Community & Economic Development

Under negotiation: Purchase and sale of properties for the Superior Court Site Project

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 04, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Wood reported on the Closed Session matter

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Mayor’s Top Teens Scholarship and Farewell. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Presentation of Mayor’s Top Teens Scholarship and Farewell was made.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider approving the reappointment of Duwayne Stenger to the Equal Opportunity/Disability Commission for a four-year term to expire January 1, 2017. (Funding Source: Not Applicable)
 - Resolution approving the reappointment of Duwayne Stenger to the Equal Opportunity/Disability Commission for a four-year term to expire January 1, 2017.
Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com

ACTION: Resolution 2013-203 (Cogdill/Muratore; 7/0) approving the reappointment of Duwayne Stenger to the Equal Opportunity/Disability Commission for a four-year term to expire January 1, 2017.

PUBLIC COMMENT PERIOD

- Vernon Price spoke regarding homeless in Modesto Beard Brook Park.
- Ryan Chambers spoke regarding problems with trees in Modesto. Mayor Marsh referred him to Julie Hannon, Parks, Recreation & Neighborhoods Director.
- Tony Madrigal spoke regarding the General Plan Amendment Update meeting yesterday at the King-Kennedy Center and pedestrian safety.
- Joan Rutschow spoke regarding May 29, 2013 Modesto Bee editorial from Brad Barker regarding the Chamber of Commerce Presentation at last week's meeting.
- Carmen Sabatino spoke regarding the homeless in Modesto.
- Emerson Drake spoke regarding independent expenditures in elections.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-6: (Lopez/Gunderson;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 May 28, 2013 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the May 28, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) approving the minutes from the May 28, 2013 City Council meeting.

Consent

4. Consider approving an Injury and Illness Prevention Program as required by California Code of Regulations, Title 8, Section 2303. (Funding Source: Not Applicable)
 - Resolution approving an Injury and Illness Prevention Program (IIPP) as required by California Code of Regulations, Title 8, Section 2303.
Human Resources; Beverly Jensen, 577-5446, bjensen@modestogov.com

ACTION: Resolution 2013-204 (Lopez/Gunderson; 7/0) approving an Injury and Illness

Prevention Program (IIPP) as required by California Code of Regulations, Title 8, Section 2303.

Consent

5. 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 (SDEA); and amending the SDEA Fiscal Year 2012/13 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 2011/12 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 2013-205 (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 2013-206 (Lopez/Gunderson; 7/0) amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2011/12 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.

Consent

6. Consider accepting the Brenden Mann Foundation Grant, in the amount of \$50,000, to support the continued operations of the Downtown Bike Patrol for added security in the downtown area of Modesto. (Funding Source: 1341 Grants - Operations Grants Reimbursed)
- Resolution accepting the Brenden Mann Foundation Grant, in the amount of \$50,000, to support the continued operation of the Downtown Bike Patrol for added security in the downtown area of Modesto; and authorizing the City Manager, or his designee, to execute all necessary program documents.
 - Resolution amending the Fiscal Year 2012/2013 Multi-Year and Operating Budgets to appropriate revenues and expenditures of \$50,000 from the Brenden Mann Foundation for Downtown Bike Patrol; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

Police; Michael Harris, 572-9550, HarrisM@Modestopd.com

ACTION: Resolution 2013-207 (Lopez/Gunderson; 7/0) accepting the Brenden Mann Foundation Grant, in the amount of \$50,000, to support the continued operation of the Downtown Bike Patrol for added security in the downtown area of Modesto; and authorizing

the City Manager, or his designee, to execute all necessary program documents.

ACTION: Resolution 2013-208 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2012/2013 Multi-Year and Operating Budgets to appropriate revenues and expenditures of \$50,000 from the Brenden Mann Foundation for Downtown Bike Patrol; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

COUNCIL COMMENTS & REPORTS

Councilmember Cogdill thanked Parks, Recreation & Neighborhoods for their hard work at the Mary Grogan Park ceremonies last weekend.

Councilmember Gunderson spoke regarding Council in the Mall last weekend.

Councilmember Geer spoke regarding San Joaquin Valley Regional Air Control meeting and the replacement of electric lawnmowers; contact (209) 557-6400.

CITY MANAGER COMMENTS & REPORTS

City Manager announced Graffiti Weekend next weekend in Modesto.

NEW BUSINESS

7. Consider accepting an oral report by the Lew Edwards Group on the City of Modesto's Community Survey Results. (Funding Source: Not Applicable)
 - Motion accepting an oral report by the Lew Edwards Group on the City of Modesto's Community Survey Results.
City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com

ACTION: Motion (Burnside/Muratore; 7/0) accepting an oral report by the Lew Edwards Group on the City of Modesto's Community Survey Results.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:45 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

1. Property: APN: 038-039-029
Located at 7th St. & Pecos Avenue
Modesto CA 95351
For Sale: One Surplus Parcel of 33,548 sq. ft.
Negotiating Parties: Jon Yuriar, Property Agent for City of Modesto
Modesto Livestock, Potential Buyer
Under Negotiation: Price and terms of sale of City surplus property.

MINUTES

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

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

Wednesday June 05, 2013, at 5:00 p.m.

Roll Call: Present: Dave Cogdill, Jr., Stephanie Burnside, Dave Geer (alternate)
Absent: Joe Muratore

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. This meeting is also noticed as a City Council workshop.

PUBLIC COMMENTS

None.

MISCELLANEOUS

1. Consider appointing Susan ("Susie") Fagundes to the Downtown Improvement District Advisory Board and forwarding to Council for approval. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Burnside/Geer;unan.) appointing Susan ("Susie") Fagundes to the Downtown Improvement District Advisory Board and forwarding to Council for approval.

2. Consider approving an appointment to fill one vacancy on the Equal Opportunity/Disability Commission created by a completed term and expiration of one Commissioner and forwarding to Council for approval. (Funding Source: Not Applicable)
Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com

ACTION: Motion (Geer/Burnside;unan.) continuing matter to next Economic Development Committee meeting in August.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 5

CONSENT

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

Consent

3. Consider accepting a status report of development projects processed by the Community and Economic Development Department for May 2013. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

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

Consent

4. Consider approving the boundaries of the Targeted Employment Area for the Stanislaus County Enterprise Zone; supporting the updating of the boundaries and direct the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the application to the California State Department of Housing and Community Development; and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Laurie Smith, 577-5437, lsmith@modestogov.com

ACTION: Motion (Geer/Burnside;unan.) approving the boundaries of the Targeted Employment Area for the Stanislaus County Enterprise Zone; supporting the updating of the boundaries and direct the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the application to the California State Department of Housing and Community Development; and forwarding to Council for approval.

Consent

5. Consider approving the expansion of the Stanislaus County Enterprise Zone by approximately 134.45 acres in the unincorporated area of Stanislaus County and 190.78 acres in the City of Modesto for a total of 325.23 acres; and direct the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the written requests and required documentation to the California Department of Housing & Community Development for Enterprise Zone expansion and forwarding to Council approval. (Funding Source: General Fund)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Burnside/Geer;unan.) approving the expansion of the Stanislaus County Enterprise Zone by approximately 134.45 acres in the unincorporated area of Stanislaus County and 190.78 acres in the City of Modesto for a total of 325.23 acres; and direct the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the written requests and required documentation to the California Department of Housing & Community Development for Enterprise Zone expansion and forwarding to Council for approval.

NEW BUSINESS

6. Consider accepting a report on an economic development incentive program for downtown, providing direction to staff and forwarding to Council for approval. (Funding Source: General Fund)

*Community & Economic Development ; Josh Bridegroom, 571-5540,
jbridegroom@modestogov.com*

ACTION: (Motion Burnside/Geer;unan.) directing staff to return to the next Economic Development Committee meeting in August with further information: examples of business incentives for downtown; cost analysis; breakdown of all downtown businesses for mill tax exemption; last City program with incentives for facades

7. Consider approving a draft a letter of support to the City of Waterford for a community separator / “greenbelt” between the City of Modesto and the City of Waterford and forwarding to Council for approval. (Funding Source: General Fund)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Motion (Burnside/Geer;unan.) approving a draft a letter of support to the City of Waterford for a community separator / “greenbelt” between the City of Modesto and the City of Waterford and forwarding to Council for approval.

8. Consider approving (i) a proposed Residential Urban Limit initiative and provide a recommendation by motion, to the City Council; and (ii) Planning Commission recommendation that the City Council appoint a task force comprising interest groups to explore ways to protect agriculture and vital water recharge basins, develop plans for an economic corridor and incentivize infill development and that this task force be integral to the adoption of the General Plan Amendment. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Motion (Burnside/Geer;unan.) directing staff to hold a Special Economic Development Committee workshop for July, with notices to be sent to stakeholders involved, for the purpose of resolving Residential Urban Limit issue for purposes of integrating into the General Plan

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

Meeting adjourned at 7:30 p.m.

MINUTES

City of Modesto SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

Monday, June 10, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Lopez, Geer, Gunderson
Absent: None

PUBLIC COMMENTS

None.

1. Consider accepting a report regarding research on the regulation of gambling establishments within the City of Modesto, as well as research on the allowance of any gambling house, billiard parlor, or card room as a means of earning profit through the practice of gambling pursuant to City of Modesto Municipal Code section 4-1.702, and the State of California Moratorium effective through January, 1, 2020. (Funding Source: Not Applicable)

City Attorney; Susana Alcalá Wood, 577-5284, swood@modestogov.com

ACTION: **Motion (Gunderson/Geer;unan.)** accepting a report regarding research on the regulation of gambling establishments within the City of Modesto, as well as research on the allowance of any gambling house, billiard parlor, or card room as a means of earning profit through the practice of gambling pursuant to City of Modesto Municipal Code section 4-1.702, and the State of California Moratorium effective through January, 1, 2020.

2. Consider approving removal of the bollards at 10th and J Streets and 10th and K Streets to allow vehicular access to this section of 10th Street and forwarding to Council for approval. (Funding Source: General Fund, Surface Transportation Fund)

Community & Economic Development ; Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: **Motion (Geer/Gunderson;unan.)** approving removal of the bollards at 10th and J Streets and 10th and K Streets to allow vehicular access to this section of 10th Street and forwarding to Council for approval.

3. Consider an informational report regarding a Best Practices Study for Modesto on Stanislaus Regional 911. (Funding Source: General Fund)
Police; Rick Armendariz, 342-6142, armendarizr@modestopd.com

ACTION: Motion (Geer/Gunderson;unan.) accepting an informational report regarding a Best Practices Study for Modesto on Stanislaus Regional 911.

WRITTEN COMMUNICATIONS

4. Consider a written communication from Ryan Chambers prohibiting basketball hoops from being placed on the sidewalk or the curb. (Funding Source:)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:30 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 11, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: Item 17 - Burnside, Geer
Item 20 – Miscellaneous (Burnside, Cogdill, Geer,
Gunderson, Lopez, Muratore)

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation introducing Lincoln Ellis, Chief Professional Officer, Boys & Girls Club of Stanislaus County. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation introducing Lincoln Ellis, Chief Professional Officer, Boys & Girls Club of Stanislaus County.

2. Presentation of Proclamation to the U.S. Army in honor of their 238th year of service to the Nation. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to the U.S. Army in honor of their 238th year of service to the Nation.

3. Presentation of Proclamation to Society for Handicapped Children and Adults proclaiming June Disabilities Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Society for Handicapped Children and Adults proclaiming June Disabilities Awareness Month.

4. 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 and Mayor Marsh acknowledged Crown Designs - T's & Tops and Castle Real Estate.

PUBLIC COMMENT PERIOD

- Tony Madrigal announced the Latino Community Roundtable Backpack Drive & Free Giveaway.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5-16; 19: (Lopez/Burnside;unan.)

ACTION CONSENT ITEM 17: (Lopez/Cogdill;unan.;Burnside, Geer 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 June 4, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the June 4, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes from the June 4, 2013 City Council meeting.

Consent

6. Consider approving judicial foreclosure of delinquent special taxes in CFD Nos. 2003-1 (Fairview Village) and 2004-1 (Village One #2) pursuant to the Mello-Roos Community Facilities Act of 1982 and ordering that the Stanislaus County Tax Collector be credited with those taxes. (Funding Source: CFD No. 2003-1 (Fairview Village) and CFD No. 2004-1 (Village One #2) Special Facilities Tax Revenues)
 - Resolution of the City Council of the City of Modesto, acting as the governing body of all its Community Facilities Districts, to order judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and to order that the Stanislaus County Tax Collector be credited with those taxes.

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

ACTION: Resolution 2013-209 (Lopez/Burnside; 7/0) of the City Council of the City of Modesto, acting as the governing body of all its Community Facilities Districts, to order judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and to order that the Stanislaus County Tax Collector be credited with those taxes.

Consent

7. Consider approving the 2013-14 Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6, and setting a public hearing on August 7, 2013, 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 2013-14 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 August 7, 2013, 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/Burnside; 7/0) accepting the 2013-14 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.

ACTION: Resolution 2013-210 (Lopez/Burnside; 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 August 7, 2013, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1.

Consent

8. Consider approving the 2013-14 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 setting a public hearing on August 7, 2013, 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 2013-14 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision.
 - Resolution of Intention to Levy and Collect Assessments for Landscape

Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision, and setting a public hearing on August 7, 2013 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/Burnside; 7/0) accepting the 2013-14 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 2013-211 (Lopez/Burnside; 7/0) of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision, and setting a public hearing on August 7, 2013 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

Consent

9. Consider approving the 2013-14 Engineer's Annual Report for the Shackelford Landscape and Lighting District, and setting a public hearing on August 7, 2013, 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 2013-14 Annual Engineer's Report for the Shackelford Landscape and Lighting District.
 - Resolution of Intention to Levy and Collect Assessments for the Shackelford Landscape and Lighting District, and setting a public hearing on the proposed assessments to be held on August 7, 2013.

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

ACTION: Motion (Lopez/Burnside; 7/0) accepting the 2013-14 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

ACTION: Resolution 2013-212 (Lopez/Burnside; 7/0) of Intention to Levy and Collect Assessments for the Shackelford Landscape and Lighting District, and setting a public hearing on the proposed assessments to be held on August 7, 2013.

Consent

10. Consider: (i) approving the appointment of members to the Capital Improvement Program Task Force; and (ii) commending Ronald Jeske for his service as the Capital Improvement Program Task Force Citizen Member from December 9, 2008 through June 30, 2013. (Funding Source: Not applicable.)
- Resolution approving the Capital Improvement Program Task Force for the period July 1, 2013 through June 30, 2014.
 - Resolution commending Ronald Jeske for his service as the Capital Improvement Program Task Force Citizen Member from December 9, 2008 through June 30,

2013.

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

ACTION: Resolution 2013-213 (Lopez/Burnside; 7/0) approving the Capital Improvement Program Task Force for the period July 1, 2013 through June 30, 2014.

ACTION: Resolution 2013-214 (Lopez/Burnside; 7/0) commending Ronald Jeske for his service as the Capital Improvement Program Task Force Citizen Member from December 9, 2008 through June 30, 2013.

Consent

11. Consider approving the expansion of the Stanislaus County Enterprise Zone by approximately 134.45 acres in the unincorporated area of Stanislaus County and 190.78 acres in the City of Modesto for a total of 325.23 acres; and direct the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the written requests and required documentation to the California Department of Housing & Community Development for Enterprise Zone expansion approval. (Funding Source: General Fund)

- Resolution approving the expansion of the Stanislaus County Enterprise Zone by approximately 134.45 acres in the unincorporated area of Stanislaus County and 190.78 acres in the City of Modesto for a total of 325.23 acres; and direct the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the written requests and required documentation to the California Department of Housing & Community Development for Enterprise Zone expansion approval.

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

ACTION: Resolution 2013-215 (Lopez/Burnside; 7/0) approving the expansion of the Stanislaus County Enterprise Zone by approximately 134.45 acres in the unincorporated area of Stanislaus County and 190.78 acres in the City of Modesto for a total of 325.23 acres; and direct the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the written requests and required documentation to the California Department of Housing & Community Development for Enterprise Zone expansion approval.

Consent

12. Consider approving the boundaries of the Targeted Employment Area for the Stanislaus County Enterprise Zone; supporting the updating of the boundaries and directing the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the application to the California State Department of Housing and Community Development. (Funding Source: Not Applicable)

- Resolution approving the boundaries of the Targeted Employment Area for the Stanislaus County Enterprise Zone; supporting the updating of the boundaries and directing the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the application to the California State Department of Housing and Community Development recommended.

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

ACTION: Resolution 2013-216 (Lopez/Burnside; 7/0) approving the boundaries of the Targeted Employment Area for the Stanislaus County Enterprise Zone; supporting the updating of the boundaries and directing the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the application to the California State Department of Housing and Community.

Consent

13. Consider approving the 2013-2014 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 2013-2014 annual budget.

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

ACTION: Resolution 2013-217 (Lopez/Burnside; 7/0) establishing the calculation for the appropriation limit for the Fiscal Year 2013-2014 annual budget.

Consent

14. Consider authorizing the award of bid for the purchase of ballistic vests for the Police Department to LC Action Police Supply, San Jose, 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 \$48,733, and over five (5) years of \$243,665. (Funding Source: Police Support Services)

- Resolution authorizing the award of bid for the purchase of ballistic vests for the Police Department to LC Action Police Supply, San Jose, 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 \$48,733, and if all options are exercised, for a total cost over five (5) years of \$243,665.

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

ACTION: Resolution 2013-218 (Lopez/Burnside; 7/0) authorizing the award of bid for the purchase of ballistic vests for the Police Department to LC Action Police Supply, San Jose, 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 \$48,733, and if all options are exercised, for a total cost over five (5) years of \$243,665.

Consent

15. Consider approving amendments to: (i) the Classification Plan, (ii) Class Range Table for Represented Management and Confidential Non-Sworn Classes, (iii) Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes and (iv) Position Allocation as proposed in the Fiscal Year 13/14 Operating Budget. (Funding Source: General Fund, Insurance-Administration Fund, Information Technology Fund,

and Sewer Operations Fund)

- Resolution amending the Classification Plan as stated in Resolution No. 2008-681.
- Resolution amending Exhibit “A” of Resolution No. 2008-683 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes.
- Resolution amending Exhibit “A” of Resolution No. 2012-369 to revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to delete the classification of Deputy Chief Information Officer at salary range 2452 and to change the Risk Manager from salary range 2444 to salary range 2439.
- Resolution amending the Position Allocation for Fiscal Year 13/14 as adopted in the Operating Budget.

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

ACTION: Resolution 2013-219 (Lopez/Burnside; 7/0) amending the Classification Plan as stated in Resolution No. 2008-681.

ACTION: Resolution 2013-220 (Lopez/Burnside; 7/0) amending Exhibit “A” of Resolution No. 2008-683 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes.

ACTION: Resolution 2013-221 (Lopez/Burnside; 7/0) amending Exhibit “A” of Resolution No. 2012-369 to revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to delete the classification of Deputy Chief Information Officer at salary range 2452 and to change the Risk Manager from salary range 2444 to salary range 2439.

ACTION: Resolution 2013-222 (Lopez/Burnside; 7/0) amending the Position Allocation for Fiscal Year 13/14 as adopted in the Operating Budget.

Consent

16. Consider accepting the work by Certified Coatings Company for the Clarifier Coating Rehabilitation Project as complete. (The total contract cost is \$317,362.) (Funding Source: Wastewater Operations)

- Resolution accepting the work by Certified Coatings Company for the Clarifier Coating Rehabilitation as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond and authorizing payment of amounts totaling \$317,362.

Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com

ACTION: Resolution 2013-223 (Lopez/Burnside; 7/0) accepting the work by Certified Coatings Company for the Clarifier Coating Rehabilitation as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond and authorizing payment of amounts totaling \$317,362.

Consent – *Councilmembers Burnside and Geer absent due to conflict of interest*

17. Consider accepting the work by Socal Pacific Construction Corporation, for the Sanitary Lift Station Lining Rehabilitation Project, as complete. Total construction

contract cost is \$173,719, with a total project cost of \$228,257. (Funding Source: Wastewater Fund)

- Resolution accepting the work by Socal Pacific Construction Corporation for the Sanitary Lift Station Lining 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, and authorizing payment of amounts totaling \$173,719.

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

ACTION: Resolution 2013-224 (Lopez/Cogdill; 5/0; Burnside, Geer absent due to conflict of interest) accepting the work by Socal Pacific Construction Corporation for the Sanitary Lift Station Lining 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, and authorizing payment of amounts totaling \$173,719.

Consent

18. Consider accepting an informational report on the annual inflationary adjustment for Water Connection Fees and Wastewater Capacity Charges. (Funding Source: Not applicable)

- Motion accepting the informational report on the annual inflationary adjustment for Water Connection Fees and Wastewater Capacity Charges.

Utility Planning and Projects; Rich Ulm, 577-5213, rulm@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) accepting the informational report on the annual inflationary adjustment for Water Connection Fees and Wastewater Capacity Charges.

COUNCIL COMMENTS & REPORTS

Mayor Marsh announced Graffiti Weekend last weekend, Grand Marshal George Lucas, and thanks to Modesto Kiwanis and citizens of Modesto.

Councilmember Dave Lopez thanked everyone involved in the Graffiti Weekend in Modesto.

Councilmember Geer asked the Mayor to call for a Special Council meeting next week regarding the community survey results; after Council discussion, this item will be heard at the June 25, 2013 meeting.

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on May 31, 2013

19. 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, 2013, and rescinding Resolution 2012-267. (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, 2013, including fuel cost; and rescinding Resolution No. 2012-267.

Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2013-225 (Burnside/Lopez; 7/0) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2013, including fuel cost; and rescinding Resolution No. 2012-267.

Published in the Modesto Bee on May 26, 2013

20. Hearing to consider approving the Proposed Fiscal Year 2013-2014 Operating Budget and Capital Improvement Program for the City of Modesto. (Funding Source: Not Applicable)

- Motion introducing an Ordinance approving the FY 2013-2014 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 2013-2014 budget development process.
- Resolution amending the FY 2013-2014 Position Allocation to modify the position allocation for Parks, Recreation and Neighborhoods Department for its re-organization as part of the addendum to the FY 2013-2014 City of Modesto Operating Budget shown in Exhibit 5.

Finance; Steve Christensen, 577-5369, schristensen@modestogov.com

ACTION: Motion (Geer/Lopez; 5/2; Burnside, Cogdill no) introducing **Ordinance No. 3587-C.S.** approving the FY 2013-2014 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.

ACTION: Motion (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest) approving the FY 2013-2014 Capital Improvement Program Budget for the City of Modesto.

- Upgrade Traffic Signals 2010

ACTION: Motion (Lopez/Gunderson; 6/0; Muratore absent due to conflict of interest) approving the FY 2013-2014 Capital Improvement Program Budget for the City of Modesto.

- Agricultural Wells Community Parks
- FY 11 San Sewer Collection System Replacement
- North Meter Installation – East Modesto
- Strengthen & Replace La Loma Water Mains

ACTION: Motion (Lopez/Gunderson; 6/0; Burnside absent due to conflict of interest) approving the FY 2013-2014 Capital Improvement Program Budget for the City of Modesto.

- New Bus Maintenance Facility

- Fleet Maintenance Facility
- 9th Street Storm Drainage Facility
- State Route 132 West Express Way
- Lift Station Generators
- Corporation Yard Paving

ACTION: Motion (Lopez/Geer; 4/0; Burnside, Gunderson, Muratore absent due to conflict of interest) approving the FY 2013-2014 Capital Improvement Program Budget for the City of Modesto.

- Residential Meter Installation – North Modesto

ACTION: Motion (Lopez/Muratore; 4/0; Burnside, Cogdill, Geer absent due to conflict of interest) approving the FY 2013-2014 Capital Improvement Program Budget for the City of Modesto.

- Residential Meter Installation – Central Modesto

ACTION: Motion (Lopez/Gunderson; 5/0; Burnside, Geer absent due to conflict of interest) approving the FY 2013-2014 Capital Improvement Program Budget for the City of Modesto.

- Lift Station Coating Rehabilitation

ACTION: Motion (Lopez/Burnside; 6/0; Geer absent due to conflict of interest) approving the FY 2013-2014 Capital Improvement Program Budget for the City of Modesto.

- Emerald Sub-Trunk E-6

ACTION: Motion (Lopez/Gunderson; 5/0; Cogdill, Muratore absent due to conflict of interest) approving the FY 2013-2014 Capital Improvement Program Budget for the City of Modesto.

- F Street Trunk
- Airport Neighborhood Community Center

ACTION: Resolution 2013-226 (Lopez/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 2013-2014 budget development process.

ACTION: Resolution 2013-227 (Lopez/Gunderson; 7/0) amending the FY 2013-2014 Position Allocation to modify the position allocation for Parks, Recreation and Neighborhoods Department for its re-organization as part of the addendum to the FY 2013-2014 City of Modesto Operating Budget shown in Exhibit 5.

NEW BUSINESS

21. Consider authorizing the submission of the Transportation Development Act Transit Claim for Fiscal Year 2013-2014 to the Stanislaus Council of Governments in the

amount of \$7,286,725. (Funding Source: TDA Revenue)

- Resolution authorizing submission of the City’s Transportation Development Act Transit Claim for Fiscal Year 2013-2014 to the Stanislaus Council of Governments (StanCOG) in the amount of \$7,286,725.

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

ACTION: Resolution 2013-228 (Burnside/Muratore; 7/0) authorizing submission of the City’s Transportation Development Act Transit Claim for Fiscal Year 2013-2014 to the Stanislaus Council of Governments (StanCOG) in the amount of \$7,286,725.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was 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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employee

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 AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday, June 19, 2013, at 10:00 a.m.

Roll Call Present: Mayor Marsh, Councilmember Geer
Absent: Councilmember Muratore

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider accepting: (i) an Internal Audit Status Report Update including recommended Fiscal Year 2013-2014 Audit Plan; (ii) the Police Staffing and Scheduling Final Report from Moss Adams LLP; and (iii) forwarding to Council for approval. (Funding Source: Not Applicable)
City Auditor; Tom Krippaehne, (206) 302-6409, Tom.Krippaehne@mossadams.com

ACTION: **Motion (Geer/Mayor Marsh; Muratore absent)** accepting: (i) an Internal Audit Status Report Update including recommended Fiscal Year 2013-2014 Audit Plan; (ii) the Police Staffing and Scheduling Final Report from Moss Adams LLP; and (iii) forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:45 a.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, June 24, 2013, at 5:00 p.m.

Roll Call - Present: Councilmembers Stephanie Burnside, Dave Cogdill, Jr. and Joe Muratore
Absent: None

PUBLIC COMMENTS

None.

CONSENT

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

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider approving the recommended budget adjustments for June 2013 and forwarding to Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Cogdill/Muratore;unan.) approving the recommended budget adjustments for April 2013 and forwarding to Council for approval.

UNFINISHED BUSINESS

2. Consider approving a Memorandum of Understanding between the Parks, Recreation and Neighborhoods Department and the Public Works Department for the transfer of the 65 acre site occupied by the new Compost facility at 7007 Jennings Road, Modesto, California, from the Wastewater Fund 4210 to the Compost Fund 4890. The total estimated cost of the transfer of the site is \$1,140,000, to be repaid plus accrued interest over a 30 year period and forwarding to Council for approval. (Funding Source: Compost Fund 4890)

Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Motion (Muratore/Cogdill;unan.) approving a Memorandum of Understanding between the Parks, Recreation and Neighborhoods Department and the Public Works Department for the transfer of the 65 acre site occupied by the new Compost facility at 7007 Jennings Road, Modesto, California, from the Wastewater Fund 4210 to the Compost Fund 4890. The total estimated cost of the transfer of the site is \$1,140,000, to be repaid plus accrued interest over a 30 year period and forwarding to Council for approval.

NEW BUSINESS

3. Consider accepting an informational report: (i) to summarize the refunding opportunity of the Community Facilities District No. 2004-1 (Village One #2) Special Tax Bonds, Series 2006 (“2006 Bonds”); (ii) providing an overview of the District, financing process and estimated financing results; and (iii) forwarding the proposed bond refunding proposal to the City Council for approval. (Funding Source: CFD No. 2004-1 (Village One #2) Special Tax Bonds)
CEC and Finance Department; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Cogdill/Muratore;unan.) accepting an informational report: (i) to summarize the refunding opportunity of the Community Facilities District No. 2004-1 (Village One #2) Special Tax Bonds, Series 2006 (“2006 Bonds”); (ii) providing an overview of the District, financing process and estimated financing results; and (iii) forwarding the proposed bond refunding proposal to the City Council for approval.

4. Consider accepting an informational report to summarize the refunding opportunity of the Modesto Irrigation District Financing Authority Domestic Water Project Bonds, Series 1998D and forwarding to Council for approval. (Funding Source: MID 1998D Bonds)
Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Motion (Muratore/Cogdill;unan.) accepting an informational report to summarize the refunding opportunity of the Modesto Irrigation District Financing Authority Domestic Water Project Bonds, Series 1998D and forwarding to Council for approval.

ACTION: Motion (Cogdill/Muratore;unan.) accepting an informational report to summarize the refunding opportunity of the Modesto Irrigation District Financing Authority Domestic Water Project Bonds, Series 1998D and forwarding to Council for approval.

5. Consider approving the contract for administrative services through ICMA-RC for a three year period, to include an administrative allowance of \$135,000 annually and

forwarding to Council for approval. (Funding Source: Not Applicable)
Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com

ACTION: Motion (Cogdill/Muratore;unan.) approving the contract for administrative services through ICMA-RC for a three year period, to include an administrative allowance of \$135,000 annually and forwarding to Council for approval.

6. Consider amending the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to: (i) add the new classification of MRFA Information Technology Technician; (ii) add the MRFA Information Technology Technician to salary range 422; (iii) re-allocate the vacant Administrative Analyst II to MRFA Information Technology Technician; and (iv) forwarding to Council for approval. (This position is assigned to MRFA Support Administration – Cost Center 80122.) (Funding Source: General Fund)
Human Resources; Joseph Lopez, 571-5126, joelopez@modestogov.com

ACTION: Motion (Cogdill/Muratore;unan.) amending the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to: (i) add the new classification of MRFA Information Technology Technician; (ii) add the MRFA Information Technology Technician to salary range 422; (iii) re-allocate the vacant Administrative Analyst II to MRFA Information Technology Technician; and (iv) forwarding to Council for approval.

7. Consider accepting an informational report on additional proposed reduction options to the Fiscal year 2013-2014 Mayor’s Proposed General Fund Operating Budget. (Funding Source: General Fund)
Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Motion (Cogdill/Muratore; Burnside no) accepting an informational report on additional proposed reduction options to the Fiscal year 2013-2014 Mayor’s Proposed General Fund Operating Budget.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:25 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 25, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: Item 8 – Muratore, Cogdill

Reports from Closed Session: City Attorney Wood reported on Closed Session matters.

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider accepting the resignation of Don Borgwardt and Alexandra J. Hoffmann from the City of Modesto Housing and Rehabilitation Loan Committee. (Funding Source: Not Applicable)
 - Resolution accepting with regret the resignation of Don Borgwardt from the City of Modesto Housing Rehabilitation Loan Committee.
 - Resolution accepting with regret the resignation of Alexandra J. Hoffman from the City of Modesto Housing Rehabilitation Loan Committee.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2013-229 (Lopez/Gunderson; 7/0) accepting with regret the resignation of Don Borgwardt from the City of Modesto Housing Rehabilitation Loan Committee.

ACTION: Resolution 2013-230 (Lopez/Gunderson; 7/0) accepting with regret the resignation of Alexandra J. Hoffman from the City of Modesto Housing Rehabilitation Loan Committee.

PUBLIC COMMENT PERIOD

- Debra Harper spoke regarding transportation in the City of Modesto.
- Ray Pefferini spoke regarding trees in the City of Modesto.
- Jenny Kenoyer spoke regarding a performance at The Flower Studio and recognizing businesses in Modesto.
- Joan Rutschow spoke regarding water issues and Water Advisory Committee.
- Kurt Abell spoke regarding the City Golf Advisory Committee meeting last week and marketing of golf in the City of Modesto.
- Emerson Drake spoke regarding the Downtown Plaza area and parking garage fee after 6:00 p.m.
- Loretta Carhart spoke regarding buses in the City of Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-7, 9-11: (Lopez/Muratore;unan.)

ACTION CONSENT ITEM 8: (Lopez/Burnside; unan.; Cogdill, Muratore 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 June 11, 2013 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the June 11, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving the minutes from the June 11, 2013 City Council meeting.

Consent

3. Consider appointing a voting delegate for the 2013 League of California Cities Annual Conference to be held in Sacramento, CA on September 18-20, 2013. (Funding Source: Not Applicable)
 - Motion approving Mayor Garrad Marsh as a voting delegate for the 2013 League of California Cities Annual Conference to be held in Sacramento, CA on

September 18-20, 2013.

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

ACTION: Motion (Lopez/Muratore; 7/0) approving Mayor Garrad Marsh as a voting delegate for the 2013 League of California Cities Annual Conference to be held in Sacramento, CA on September 18-20, 2013.

Consent

4. Consider approving an agreement for the acquisition of right of way for a portion of real property at 2701 Kodiak Drive between Roselle Avenue and Oakdale Road at Lincoln Oak Drive, Assessor's Parcel Number 077-009-042; and authorizing the City Manager, or his designee, to execute all necessary documents. (Funding Source: Surface Transportation Funds)

- Resolution accepting an agreement for the acquisition of right of way for a portion of real property at 2701 Kodiak Drive between Roselle Avenue and Oakdale Road at Lincoln Oak Drive, Assessor's Parcel Number 077-009-042; and authorizing the City Manager, or his designee, to execute all necessary documents.

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

ACTION: Resolution 2013-231 (Lopez/Muratore; 7/0) accepting an agreement for the acquisition of right of way for a portion of real property at 2701 Kodiak Drive between Roselle Avenue and Oakdale Road at Lincoln Oak Drive, Assessor's Parcel Number 077-009-042; and authorizing the City Manager, or his designee, to execute all necessary documents.

Consent

5. Consider accepting the Monthly Investment Report for April, 2013. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for April, 2013.

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

ACTION: Motion (Lopez/Muratore; 7/0) accepting the Monthly Investment Report for April, 2013.

Consent

6. Consider approving an agreement between the County of Stanislaus and the City of Modesto to provide certain services, programs or assistance for the development of the Airport Neighborhood Urban Greening Master Plan. (Funding Source: Urban Greening Grant Program)

- Resolution approving an Agreement between the County of Stanislaus and the City of Modesto to provide certain services, programs or assistance for the development of the Airport Neighborhood Urban Greening Master Plan.

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

ACTION: Resolution 2013-232 (Lopez/Muratore; 7/0) approving an Agreement between the County of Stanislaus and the City of Modesto to provide certain services, programs or

assistance for the development of the Airport Neighborhood Urban Greening Master Plan.

Consent

7. Consider: (i) approving plans and specifications for the Renovation of Tennis Courts at Modesto High School project; (ii) accepting the bid; and (iii) approving an Agreement with Doug Ross, Inc. dba Central Valley Asphalt, of Lindsay, CA, in the amount of \$159,965.95. (Funding Source: Parks Fund)

- Resolution (i) approving plans and specifications for the Renovation of Tennis Courts at Modesto High School project, (ii) accepting the bid, and (iii) approving an Agreement with Doug Ross, Inc. dba Central Valley Asphalt, of Lindsay, CA, in the amount of \$159,965.95, and authorizing the City Manager, or his designee, to execute the contract.

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

ACTION: Resolution 2013-233 (Lopez/Muratore; 7/0) (i) approving plans and specifications for the Renovation of Tennis Courts at Modesto High School project, (ii) accepting the bid, and (iii) approving an Agreement with Doug Ross, Inc. dba Central Valley Asphalt, of Lindsay, CA, in the amount of \$159,965.95, and authorizing the City Manager, or his designee, to execute the contract.

Consent – *Councilmembers Cogdill and Muratore absent due to conflict of interest*

8. Consider accepting the work by Harris Builders, Inc., of Hilmar, CA for the Airport Neighborhood Community Center as complete. (Total construction contract cost is \$354,683.01 with a total project cost of \$438,000.00.) (Funding Source: CDBG, CDBG and NSP1)

- Resolution accepting the work by Harris Builders, Inc., of Hilmar, CA for the Airport Neighborhood Community Center as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond, and authorizing final payment in accordance with the contract.

Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com

ACTION: Resolution 2013-234 (Lopez/Burnside; 5/0; Cogdill, Muratore absent due to conflict of interest) accepting the work by Harris Builders, Inc., of Hilmar, CA for the Airport Neighborhood Community Center as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond, and authorizing final payment in accordance with the contract.

Consent

9. Consider approving a Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company (an entity of AT&T, Inc.), for an initial term of five (5) years with three (3) additional five-year (5) renewal terms, for installation of cellular telephone equipment at the Sutter Avenue Wastewater Treatment Facility. (Funding Source: Misc. Lease)

- Resolution approving a Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, for an initial term of five (5) years with three (3) additional five-year (5) renewal terms, for installation of cellular telephone equipment at the Sutter Avenue Wastewater Treatment Facility and authorizing the City Manager, or his designee, to execute the Lease Agreement and Memorandum of Lease.

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

ACTION: Resolution 2013-235 (Lopez/Muratore; 7/0) approving a Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, for an initial term of five (5) years with three (3) additional five-year (5) renewal terms, for installation of cellular telephone equipment at the Sutter Avenue Wastewater Treatment Facility and authorizing the City Manager, or his designee, to execute the Lease Agreement and Memorandum of Lease.

Consent

10. Consider: (i) accepting the Digester Evaluation Report dated January 2009 as Preliminary Design Report equivalent for the Sutter Treatment Plant Improvements project as complete; and (ii) authorizing an accelerated selection process for design services in lieu of the standard Request for Qualifications (RFQ)/Request for Proposals (RFP) selection process and approving an Agreement with Carollo Engineers, Inc. (Carollo) for Design Services for Sutter Treatment Plant Improvements in an amount not to exceed \$192,290. (Total estimated cost for this portion of the project is \$215,290.) (Funding Source: Wastewater Fund)

- Resolution accepting the Digester Evaluation Report dated January 2009 as Preliminary Design Report equivalent for the Sutter Treatment Plant Improvements project as complete.
- Resolution authorizing an accelerated selection process in lieu of the standard Request for Qualifications (RFQ)/Request for Proposals (RFP) selection process and approving an agreement with Carollo Engineers, Inc. (Carollo) for Design Services for Sutter Treatment Plant Improvements project in an amount not to exceed \$174,809 for the identified scope of services, plus \$17,481 for additional services (if needed), for a maximum total amount of \$192,290, 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 2013-236 (Lopez/Muratore; 7/0) accepting the Digester Evaluation Report dated January 2009 as Preliminary Design Report equivalent for the Sutter Treatment Plant Improvements project as complete.

ACTION: Resolution 2013-237 (Lopez/Muratore; 7/0) authorizing an accelerated selection process in lieu of the standard Request for Qualifications (RFQ)/Request for Proposals (RFP) selection process and approving an agreement with Carollo Engineers, Inc. (Carollo) for Design Services for Sutter Treatment Plant Improvements project in an amount not to exceed \$174,809 for the identified scope of services, plus \$17,481 for additional services (if needed),

for a maximum total amount of \$192,290, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

11. Consider authorizing the sole source procurement of peroxide regenerated iron-sulfide control testing by US Peroxide, of Atlanta, GA, for three months, for an estimated total cost of \$56,222. (Funding Source: Wastewater Fund)

- Resolution authorizing the sole source procurement of peroxide regenerated iron-sulfide control testing by US Peroxide, of Atlanta, GA, for three months, for an estimated total cost of \$56,222, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$56,222.

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

ACTION: Resolution 2013-238 (Lopez/Muratore; 7/0) authorizing the sole source procurement of peroxide regenerated iron-sulfide control testing by US Peroxide, of Atlanta, GA, for three months, for an estimated total cost of \$56,222, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$56,222.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding the opening of Jeremy Affeldt Junior Giants Field last Friday and thanked Parks, Recreation & Neighborhoods staff.

CITY MANAGER COMMENTS & REPORTS

WRITTEN COMMUNICATIONS

12. Consider a written communication from Vernon Price regarding the homeless. (Funding Source: Not Applicable)

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

ACTION: No reportable action.

UNFINISHED BUSINESS

13. Consider approving final adoption of Ordinance No. 3587-C.S. approving the FY 2013-2014 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto. (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance No. 3587-C.S. approving the FY 2013-2014 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.

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

ACTION: Motion (Muratore/Lopez;6/1; Burnside no) approving final adoption of

Ordinance No. 3587-C.S. approving the FY 2013-2014 Proposed Operating Budget for the City of Modesto.

ACTION: Motion (Muratore/Lopez;7/0) approving final adoption of **Ordinance No. 3587-C.S.** approving the FY 2013-2014 Proposed Capital Improvement Program Budget for the City of Modesto.

ACTION: Motion (Cogdill/Gunderson; 5/2; Muratore, Burnside no) accepting the Mayor's additional proposed reductions to the FY 2013-2014 General Fund Operating Budget and directing staff to prepare appropriate budget adjustment for adoption by Council on July 9, 2013.

14. Consider requesting the City Manager and City Attorney prepare and present to Council appropriate documents for consideration at the July 9, 2013 Council meeting relating to either a (i) General Purpose One (1) Cent; Or (ii) a Half (1/2) Cent Public Safety Sales Tax Ballot Measure for the November 5, 2013 Municipal Election. (Funding Source: General Fund)
 - Motion requesting the City Manager and City Attorney prepare and present to Council appropriate documents for consideration at the July 9, 2013 Council meeting relating to either (i) a General Purpose One (1) Cent; or (ii) a Half (1/2) Cent Public Safety Sales Tax Ballot Measure for the November 5, 2013 Municipal Election.

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

ACTION: Motion (Muratore/Lopez; 5/2; Burnside, Geer no) requesting the City Manager and City Attorney prepare and present to Council appropriate documents for consideration at the July 9, 2013 Council meeting relating to a **General Purpose One (1) Cent Sales Tax Ballot Measure for the November 5, 2013 Municipal Election with a 6 year sunset, elimination of half-cent of the sales tax if a future County-wide road tax measure passed, creation of a Citizens Oversight Committee, and preparing a Resolution which includes how funds will be used.**

ACTION: Motion (Burnside/Geer; 7/0) approving **Citizens Oversight Committee with 11 members: half of Committee members with one year term; half of Committee with two year term; 7 members appointed by Councilmembers.**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:25 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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employee

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 02, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk’s Announcements: Item 5 - Removed from Consent

Declaration of Conflicts of Interest: None

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

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider appointing Susan (“Susie”) Fagundes to the Downtown Improvement District Advisory Board. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Susan (“Susie”) Fagundes to the Downtown Improvement District Advisory Board for a three-year term to expire January 1, 2016.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2013-239 (Lopez/Burnside; 7/0) approving the appointment of Susan (“Susie”) Fagundes to the Downtown Improvement District Advisory Board for a three-year term to expire January 1, 2016.

PUBLIC COMMENT PERIOD

- Dave Pratt spoke regarding comments from last week's Council meeting and possible tax measure.

- Ray Newman announced the Stand Down Fundraiser.
- Emerson Drake spoke regarding Presentation by the Chamber of Commerce on farmland.
- Tony Madrigal spoke regarding Backpack Drive and Giveaway by the Latino Community Roundtable.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-4; 6-7: (Lopez/Cogdill; unan.)

ACTION CONSENT ITEM 5: (Geer/Lopez; 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 25, 2013 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the June 25, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Cogdill; 7/0) approving the minutes from the June 25, 2013 City Council meeting.

Consent

3. Consider amending the Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes to: (i) add the new classification of MRFA Information Technology Technician; (ii) add the MRFA Information Technology Technician to salary range 422; (iii) re-allocate the vacant Administrative Analyst II to MRFA Information Technology Technician. (This position is assigned to MRFA Support Administration – Cost Center 80122.) (Funding Source: General Fund)
 - Resolution amending the Classification Plan for the City of Modesto to create the classification of MRFA Information Technology Technician.
 - Resolution amending Exhibit “A” of Resolution No. 2008-683, to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add MRFA Information Technology Technician to salary range 422.
Human Resources; Joseph Lopez, 571-5126, joelopez@modestogov.com

ACTION: Resolution 2013-240 (Lopez/Cogdill; 7/0) amending the Classification Plan for the City of Modesto to create the classification of MRFA Information Technology Technician.

ACTION: Resolution 2013-241 (Lopez/Cogdill; 7/0) amending Exhibit “A” of Resolution No. 2008-683, to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add MRFA Information Technology Technician to salary range 422.

Consent

4. Consider authorizing the award of contract for the purchase and installation of a Liebert Uninterruptible Power Supply for the Modesto Police Department through the Information Technology Department, to EDP Environments, Inc., Rancho Cordova, CA, for an estimated total cost of \$110,438. (Funding Source: MPD Outside Services and IT – Equipment Replacement Funds)

- Resolution authorizing the award of contract for the purchase and installation of a Liebert Uninterruptible Power Supply for the Modesto Police Department through the Information Technology Department, to EDP Environments, Inc., Rancho Cordova, CA, and authorizing the City Manager or his designee to issue an agreement for an estimated total cost of \$110,438.

Finance and Information Technology; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2013-242 (Lopez/Cogdill; 7/0) authorizing the award of contract for the purchase and installation of a Liebert Uninterruptible Power Supply for the Modesto Police Department through the Information Technology Department, to EDP Environments, Inc., Rancho Cordova, CA, and authorizing the City Manager or his designee to issue an agreement for an estimated total cost of \$110,438.

Removed from Consent

5. Consider authorizing the award of bid for the purchase of seven (7) BMW 1200 RT-P Police Motorcycles for the Modesto Police Department through the Public Works Department, Fleet Services Division, to Cycle Specialties, Modesto, CA, for an estimated total cost of \$195,454. (Funding Source: Fleet Replacement Funds)

- Resolution authorizing the award of bid for the purchase of seven (7) BMW 1200 RT- Police Motorcycles for Modesto Police Department through the Public Works Department, Fleet Services Division, to Cycle Specialties, Inc., Modesto, CA and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$195,454.

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

ACTION: Resolution 2013-243 (Geer/Lopez; 7/0) authorizing the award of bid for the purchase of seven (7) BMW 1200 RT- Police Motorcycles for Modesto Police Department through the Public Works Department, Fleet Services Division, to Cycle Specialties, Inc., Modesto, CA and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$195,454.

Consent

6. 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 \$138,905 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 2013 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 2013-244 (Lopez/Cogdill; 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 2013 Local Solicitation authorizing a joint application with the County of Stanislaus; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement.

Consent

7. Consider: (i) approving an Agreement with West Yost Associates, Inc. for Professional Engineering Services for City's Wastewater Treatment Vulnerability Assessment in an amount not to exceed \$168,161; and (ii) amending the Fiscal Year 2013-2014 Operating Budget by transferring \$188,161 into the account from Wastewater Fund Reserves to fund the agreement, including support by City staff. (Total estimated cost for this portion of the project is \$188,161) (Funding Source: Wastewater Fund)
- Resolution approving an agreement with West Yost Associates, Inc. (West Yost) for Professional Engineering Services for City's Wastewater Treatment Vulnerability Assessment in an amount not to exceed \$152,874 for the identified scope of services, plus \$15,287 for additional services (if needed), for a maximum total amount of \$168,161, and authorizing the City Manager, or his designee, to execute the agreement.
 - Resolution amending the Fiscal Year 2013-2014 Operating Budget in the amount of \$188,161 to be transferred into the account from Wastewater Fund Reserves in order to fully fund an agreement with West Yost Associates, Inc. for Professional Engineering Services, including support by City staff for the City's Wastewater Treatment Vulnerability Assessment.

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

ACTION: Resolution 2013-245 (Lopez/Cogdill; 7/0) approving an agreement with West Yost Associates, Inc. (West Yost) for Professional Engineering Services for City's Wastewater Treatment Vulnerability Assessment in an amount not to exceed \$152,874 for the identified scope of services, plus \$15,287 for additional services (if needed), for a maximum total amount of \$168,161, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2013-246 (Lopez/Cogdill; 7/0) amending the Fiscal Year 2013-2014 Operating Budget in the amount of \$188,161 to be transferred into the account from Wastewater Fund Reserves in order to fully fund an agreement with West Yost Associates, Inc. for Professional Engineering Services, including support by City staff for the City's Wastewater Treatment Vulnerability Assessment.

COUNCIL COMMENTS & REPORTS

Mayor Marsh announced the Fourth of July Parade on Thursday.

CITY MANAGER COMMENTS & REPORTS

Deputy City Manager Dee Williams-Ridley spoke regarding problems with the HVAC system at 10th Street Place and thanked staff for their assistance.

NEW BUSINESS

8. Consider: (i) accepting an informational report on participatory budgeting, and a plan for developing spending priorities and budget reductions; and (ii) directing staff to report back with a comprehensive spending and reduction plan at the September 10, 2013 Council Meeting. (Funding Source: General Fund)
- Motion (i) accepting an informational report on participatory budgeting, and a plan for developing spending priorities and budget reductions; and (ii) directing staff to report back with a comprehensive spending and reduction plan at the September 10, 2013 Council Meeting

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

ACTION: Motion (Cogdill/Gunderson; 7/0) (i) accepting an informational report on participatory budgeting, and a plan for developing spending priorities and budget reductions; and (ii) directing staff to report back with a comprehensive spending and reduction plan at the September 10, 2013 Council Meeting

9. Consider authorizing the sole source procurement of banking services from Bank of America Merrill Lynch for an estimated annual cost of approximately \$92,000 and authorizing the City Manager to enter into a two (2) year agreement with three (3) one-year extension options. (Funding Source: Various Funds)
- Resolution authorizing the sole source procurement of banking services from Bank of America Merrill Lynch for an estimated annual cost of approximately \$92,000 and authorizing the City Manager to enter into a two (2) year agreement with three (3) one-year extension options.

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

ACTION: Resolution 2013-247 (Burnside/Gunderson; 7/0) authorizing the sole source procurement of banking services from Bank of America Merrill Lynch for an estimated annual cost of approximately \$92,000 and authorizing the City Manager to enter into a two (2) year agreement with three (3) one-year extension options.

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employee

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 09, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk’s Announcements: None

Declaration of Conflicts of Interest

Reports from Closed Session: City Attorney Wood reported on Closed Session matters;
Closed Session to reconvene after Council meeting.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring August 6, 2013, as “National Night Out” 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 Chief Carroll declaring August 6, 2013, as “National Night Out” in the City of Modesto.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding Modesto City Schools contract with Modesto Police Department.
- Adrienne Harrell, Modesto Sister Cities International, introduced 5 students in summer exchange in Kurume, Japan.
- Emerson Drake spoke regarding disclosure of paid lobbyists before meetings.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-10: (Gunderson/Geer;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 July 2, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the July 2, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Gunderson/Geer; 7/0) approving the minutes from the July 2, 2013 City Council meeting.

Consent

3. Consider rejecting the bid for the Roselle and Merle Intersection Project, and authorizing City staff to re-advertise the project at a future date. (Funding Source: Village One #2 CFD Tax)
 - Resolution rejecting all bids for the Roselle and Merle Intersection Project, and authorizing City staff to re-advertise the project.
Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2013-248 (Gunderson/Geer; 7/0) rejecting all bids for the Roselle and Merle Intersection Project, and authorizing City staff to re-advertise the project.

Consent

4. Consider appointing the Modesto Regional Fire Authority Chief or Acting Chief as a voting alternate Commissioner in place of the Fire Chief of the City of Modesto on the Modesto-Ceres Fire Protection Agency Commission. (Funding Source: Not Applicable)
 - Resolution appointing the Modesto Regional Fire Authority Chief or Acting Chief as a voting alternate Commissioner in place of the Fire Chief of the City of Modesto on the Modesto-Ceres Fire Protection Agency Commission.
Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Resolution 2013-249 (Gunderson/Geer; 7/0) appointing the Modesto Regional Fire Authority Chief or Acting Chief as a voting alternate Commissioner in place of the Fire Chief of the City of Modesto on the Modesto-Ceres Fire Protection Agency Commission.

Consent

5. Consider accepting the monthly adjustment report for June 2013 and amending the

Fiscal Year 2012-13 Annual Operating Budget. (Funding Source: Various)

- Resolution amending the Fiscal Year 2012-2013 Annual Operating Budget.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2013-250 (Gunderson/Geer; 7/0) amending the Fiscal Year 2012-2013 Annual Operating Budget.

Consent

6. Consider authorizing the award of a sole source procurement for the purchase of an Iteris Video Detection System for the Community and Economic Development Department, Electrical Division, to Iteris, Inc., Santa Ana, CA, for an estimated total cost of \$40,464, and authorizing the City Manager to accept \$26,666 as trade-in value on various camera equipment towards the purchase of said equipment. (Funding Source: Surface Transportation fund)
 - Resolution authorizing the award of a sole source procurement for the purchase of an Iteris Video Detection System for the Community and Economic Development Department, Electrical Division, to Iteris, Inc., Santa Ana, CA, for an estimated total cost of \$40,464, authorizing the City Manager, or his designee, to accept \$26,666 as trade-in value on various camera equipment towards the purchase of said equipment, and authorizing the Purchasing Manager, or his designee, to issue a purchase order.

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

ACTION: Resolution 2013-251 (Gunderson/Geer; 7/0) authorizing the award of a sole source procurement for the purchase of an Iteris Video Detection System for the Community and Economic Development Department, Electrical Division, to Iteris, Inc., Santa Ana, CA, for an estimated total cost of \$40,464, authorizing the City Manager, or his designee, to accept \$26,666 as trade-in value on various camera equipment towards the purchase of said equipment, and authorizing the Purchasing Manager, or his designee, to issue a purchase order.

Consent

7. Consider authorizing the award of a sole source procurement for the purchase of a Rayco Stump Grinder for the Parks, Recreation and Neighborhoods Department, Forestry Division through the Public Works Department, Fleet Services Division, to JCB of Sacramento, CA, for an estimated total cost of \$57,768. (Funding Source: Fleet Replacement Funds)
 - Resolution authorizing the award of a sole source procurement for the purchase of a Rayco Stump Grinder for the Parks, Recreation and Neighborhoods Department, Forestry Division through the Public Works Department, Fleet Services Division, to JCB of Sacramento, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$57,768.

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

ACTION: Resolution 2013-252 (Gunderson/Geer; 7/0) authorizing the award of a sole source procurement for the purchase of a Rayco Stump Grinder for the Parks, Recreation and Neighborhoods Department, Forestry Division through the Public Works Department, Fleet

Services Division, to JCB of Sacramento, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$57,768.

Consent

8. Consider approving an Entertainment Permit for X-Fest Modesto 2013 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 2013 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 2013-253 (Gunderson/Geer; 7/0) approving an Entertainment Permit for X-Fest Modesto 2013 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

9. Consider approving a contract with TASER International, Inc., Scottsdale, AZ for video storage system and maintenance for the Modesto Police Department's TASER Axon Flex camera system for three years, for a cost of \$197,017. (Funding Source: General Fund)
- Resolution approving a Contract with TASER International, Inc., Scottsdale, AZ for video storage system and maintenance for the Modesto Police Department's TASER Axon Flex camera system for three years, in the amount of \$197,017, and authorizing the City Manager, or his designee, to execute the Contract.

Police; Andy Schlenker, 342-6179, schlenkera@modestopd.com

ACTION: Resolution 2013-254 (Gunderson/Geer; 7/0) approving a Contract with TASER International, Inc., Scottsdale, AZ for video storage system and maintenance for the Modesto Police Department's TASER Axon Flex camera system for three years, in the amount of \$197,017, and authorizing the City Manager, or his designee, to execute the Contract.

Consent

10. Consider accepting the work by Goodland Landscape Construction, Inc., of Tracy, CA, for the Mary E. Grogan Community Park – Phase I project, as complete. Total construction contract cost is \$8,238,966, with a total project cost of \$9,464,321 (Funding Source: Village One CFD, Parks CFF and Parks Funds)
- Resolution accepting the work by Goodland Landscape Construction, Inc. for the Mary E. Grogan Community Park – Phase I Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$8,238,966.

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

ACTION: Resolution 2013-255 (Gunderson/Geer; 7/0) accepting the work by Goodland Landscape Construction, Inc. for the Mary E. Grogan Community Park – Phase I Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$8,238,966.

COUNCIL COMMENTS & REPORTS

Councilmember Gunderson spoke regarding disposition of 500 City of Modesto computers.

City Councilmember Burnside spoke regarding Modesto Regional Fire Authority EMS Consortium Partnership, retirement of Fire Chief Gary Hinshaw, and the MRFA Honor Guard attendance at the funeral of 19 firefighters in Arizona last week.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

11. Consider approving the issuance of Refunding Revenue Bonds by the Modesto Irrigation District Financing Authority related to the refinancing of the Modesto Irrigation District Domestic Water Project Refunding Revenue Bonds, Series 1998D used to construct the Domestic Water Treatment and Delivery System of the Modesto Irrigation District. (Funding Source: Water Fund)
 - Resolution approving the issuance of Refunding Revenue Bonds by the Modesto Irrigation District Financing Authority related to the refinancing of the Modesto Irrigation District Domestic Water Project Refunding Revenue Bonds, Series 1998D used to construct the Domestic Water Treatment and Delivery System of the Modesto Irrigation District.

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

ACTION: Resolution 2013-256 (Cogdill/Burnside; 7/0) approving the issuance of Refunding Revenue Bonds by the Modesto Irrigation District Financing Authority related to the refinancing of the Modesto Irrigation District Domestic Water Project Refunding Revenue Bonds, Series 1998D used to construct the Domestic Water Treatment and Delivery System of the Modesto Irrigation District.

12. Consider approving a Memorandum of Understanding between the Parks, Recreation and Neighborhoods Department and the Public Works Department for the transfer of the 65 acre site occupied by the new Compost facility at 7001 Jennings Road, Modesto, California, from the Wastewater Fund 4210 to the Compost Fund 4890. (Funding Source: Funding Source: Compost Fund 4890)
 - Resolution approving a Memorandum of Understanding between the Public Works Department and the Parks, Recreation, and Neighborhoods Department for the

transfer of a capital asset (new compost facility site, 7001 Jennings Road) from the Wastewater Treatment Enterprise Fund 4210 to the Compost Enterprise Fund 4890 Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2013-257 (Lopez/Geer; 7/0) approving a Memorandum of Understanding between the Public Works Department and the Parks, Recreation, and Neighborhoods Department for the transfer of a capital asset (new compost facility site, 7001 Jennings Road) from the Wastewater Treatment Enterprise Fund 4210 to the Compost Enterprise Fund 4890

13. Consider: (i) adopting a Finding of Conformance for the Replacement of Hahn and Emerald Lift Stations projects; and (ii) approving the plans and specifications for the Emerald Lift Station Rehabilitation, accepting the bid, and approving a contract with Aztec Consultants of San Ramon, California in the amount of \$2,690,000. (Total estimated cost for the construction portion of the project is \$3,200,591) (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): Replacement of Hahn and Emerald Lift Stations.
 - Resolution approving the plans and specifications for the Emerald Lift Station Rehabilitation, accepting the bid, and approving a contract with Aztec Consultants of San Ramon, California in the amount of \$2,690,000, 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 2013-258 (Geer/Muratore; 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): Replacement of Hahn and Emerald Lift Stations.

ACTION: Resolution 2013-259 (Geer/Muratore; 7/0) approving the plans and specifications for the Emerald Lift Station Rehabilitation, accepting the bid, and approving a contract with Aztec Consultants of San Ramon, California in the amount of \$2,690,000, and authorizing the City Manager, or his designee, to execute the contract.

HEARINGS

Published in the Modesto Bee on June 29, 2013

14. Hearing to consider approving the Woodglen Specific Plan to provide for the future development of 533 residences north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road, approving a Facilities Master Plan and Infrastructure Financing Plan providing for the design and funding of infrastructure to serve the area, rezoning the site to Prezone Specific Plan (P-SP) to establish the authority for future development of the area, authorizing the initiation of an annexation application to LAFCO, and certifying an environmental impact report related to the

above-described project. (Funding Source: Economic Development/ Strategic Planning Fund)

- Resolution making certain findings concerning mitigation measures, adopting a Mitigation Monitoring and Reporting Program, making findings concerning alternatives, adopting a statement of overriding considerations, and certifying the Final Environmental Impact Report for the Woodglen Specific Plan project (SCH No. 2007042087) (Fitzpatrick Homes)
- Resolution approving the Woodglen Specific Plan for the development of approximately 72 net acres located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road (Fitzpatrick Homes)
- Motion introducing an Ordinance amending Section 6-3-9 of the zoning map of the City of Modesto to Prezone to Specific Plan (P-SP) Zone, property located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road (Fitzpatrick Homes)
- Resolution authorizing application to the Stanislaus Local Agency Formation Commission to annex approximately 80 gross acres of property located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road, to the City of Modesto (Owner Initiated –Uninhabited) (Fitzpatrick Homes)
- Resolution approving the Woodglen Specific Plan Facilities Master Plan and Infrastructure Finance Plan for the infrastructure necessary to support the development of approximately 80 gross acres located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue, and west of Tully Road (Fitzpatrick Homes)

*Community & Economic Development; Josh Bridegroom, 571-5540,
Jbridegroom@modestogov.com*

ACTION: Resolution 2013-260 (Cogdill/Burnside; 7/0) making certain findings concerning mitigation measures, adopting a Mitigation Monitoring and Reporting Program, making findings concerning alternatives, adopting a statement of overriding considerations, and certifying the Final Environmental Impact Report for the Woodglen Specific Plan project (SCH No. 2007042087) (Fitzpatrick Homes).

ACTION: Resolution 2013-261 (Cogdill/Burnside; 7/0) approving the Woodglen Specific Plan for the development of approximately 72 net acres located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road (Fitzpatrick Homes).

ACTION: Motion (Cogdill/Burnside; 7/0) introducing **Ordinance No. 3588-C.S.** amending Section 6-3-9 of the zoning map of the City of Modesto to Prezone to Specific Plan (P-SP) Zone, property located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road (Fitzpatrick Homes).

ACTION: Resolution 2013-262 (Cogdill/Burnside; 7/0) authorizing application to the Stanislaus Local Agency Formation Commission to annex approximately 80 gross acres of property located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road, to the City of Modesto (Owner Initiated –Uninhabited) (Fitzpatrick Homes).

ACTION: Resolution 2013-263 (Cogdill/Burnside; 7/0) approving the Woodglen Specific Plan Facilities Master Plan and Infrastructure Finance Plan for the infrastructure necessary to support the development of approximately 80 gross acres located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue, and west of Tully Road (Fitzpatrick Homes)

Recess at 7:42 p.m.

Reconvened at 7:54 p.m.

Published in the Modesto Bee on June 29, 2013

15. Hearing to consider: (i) adopting a resolution calling for a measure to be placed on the November 5, 2013, election ballot for the purpose of submitting to the electors of the City of Modesto a ballot measure amending the Modesto Municipal Code relating to transactions and use tax; (ii) adopting a resolution directing the City Clerk to transmit a copy of the ballot measure entitled “City of Modesto Public Safety/Essential Services” to the City Attorney for the purpose of preparing an impartial analysis of said measure; and (iii) adopting a resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the ballot measure entitled “City of Modesto Public Safety/Essential Services.” (Funding Source: General Fund)

- Resolution calling for a measure to be placed on the November 5, 2013, election ballot for the purpose of submitting to the electors of the City of Modesto a ballot measure amending the Modesto Municipal Code relating to transactions and use tax.
- Resolution directing the City Clerk to transmit a copy of the ballot measure entitled “City of Modesto Public Safety/Essential Services” to the City Attorney for the purpose of preparing an impartial analysis of said measure.
- Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the ballot measure entitled “City of Modesto Public Safety/Essential Services.”

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

ACTION: Resolution 2013-264 (Geer/Lopez; 7/0) calling for a measure to be placed on the November 5, 2013, election ballot for the purpose of submitting to the electors of the City of Modesto a ballot measure amending the Modesto Municipal Code relating to transactions and use tax.

ACTION: Resolution 2013-265 (Geer/Lopez; 7/0) directing the City Clerk to transmit a copy of the ballot measure entitled “City of Modesto Public Safety/Essential Services” to the City Attorney for the purpose of preparing an impartial analysis of said measure.

ACTION: Resolution 2013-266 (Geer/Lopez; 7/0) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the ballot measure entitled “City of Modesto Public Safety/Essential Services.”

NEW BUSINESS

16. Consider accepting: (i) the Patrol Officer Staffing and Scheduling Final Report; and (ii) a presentation regarding the Patrol Officer Report and recommended FY 13-14 Audit Plan for contract renewal. (Funding Source: Not Applicable)
- Motion accepting: (i) the Patrol Officer Staffing and Scheduling Final Report; and (ii) a presentation regarding the Patrol Officer Report and recommended FY 13-14 Audit Plan for contract renewal.
- City Auditor; Tom Krippaehne, (206) 302-6409, Tom.Krippaehne@mossadams.com*

ACTION: Motion (Burnside/Muratore; 7/0) accepting: (i) the Patrol Officer Staffing and Scheduling Final Report; and (ii) a presentation regarding the Patrol Officer Report and recommended FY 13-14 Audit Plan for contract renewal.

17. Consider authorizing: (i) the issuance of City of Modesto Community Facilities District No. 2004-1 (Village One #2) 2013 Special Tax Refunding bonds, in an aggregate principal amount not to exceed \$34,000,000; (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) 2013 Special Tax Refunding bonds, in an aggregate principal amount of not to exceed \$34,000,000, 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 2013-267 (Cogdill/Gunderson; 7/0) authorizing the Issuance of City of Modesto Community Facilities District No. 2004-1 (Village One #2) 2013 Special Tax Refunding bonds, in an aggregate principal amount of not to exceed \$34,000,000, 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.

18. Consider: (i) declaring as surplus from July 1, 2013 through June 30, 2014 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 Division 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, and (ii) introduction of an ordinance amending Title 8, Chapter 3 of the Modesto Municipal Code (MMC) to include procedures governing the disposition of surplus personal property. (Funding

Source: Various Funds)

- Resolution declaring as surplus from July 1, 2013 through June 30, 2014 the following items: excess property accumulated by the City and surplus City vehicles and equipment and authorizing the Purchasing Division 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.
- Motion introducing ordinance amending Title 8, Chapter 3 of the Modesto Municipal Code (MMC) to include procedures governing the disposition of surplus personal property.

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

ACTION: Resolution 2013-268 (Muratore/Lopez; 7/0) declaring as surplus from July 1, 2013 through June 30, 2014 the following items: excess property accumulated by the City and surplus City vehicles and equipment and authorizing the Purchasing Division 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.

ACTION: Motion (Muratore/Lopez; 7/0) introducing **Ordinance No. 3589-C.S.** amending Title 8, Chapter 3 of the Modesto Municipal Code (MMC) to include procedures governing the disposition of surplus personal property.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was adjourned at 9:45 p.m. and returned to Closed Session.

CLOSED SESSION

Closed Session Matters Heard Prior To and After Council meeting

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case: City of Modesto v. Kimberly M. Kuppens
Stanislaus County Superior Court Case No. 663732

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: California Sportfishing Protection v. City of Modesto

USDC Case No. 1:12-CV-02027-LJO-SKO

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

1. Property: City owned water system components located in and near Waterford and Hickman

Negotiating Parties: Dennis Turner, Public Works Director
City of Waterford, Potential Buyer

Under Negotiation: Price and terms of sale of City water system property.

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

Name of case: City of Modesto v. County of Stanislaus, et al

Stanislaus County Superior Court Case No: 683887

MINUTES

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

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

Wednesday July 10, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Stephanie Burnside, Dave Cogdill, Jr. and Joe Muratore
Absent: None.

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider a proposed Residential Urban Limit (RUL) initiative and provide a recommendation by motion, to the City Council. (Funding Source: Not Applicable)
*Community & Economic Development; Patrick Kelly, 577-5267,
pkelly@modestogov.com*

ACTION: Motion (Burnside/Muratore;unan.) approving forwarding to Council for consideration the placement of a proposed Residential Urban Limit (RUL) ballot initiative that also includes the review of Measures A and M on the next Regular Election; and directing staff to include this item at the August 7, 2013 Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:30 p.m.

MINUTES

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

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

Monday, August 5, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Cogdill, Muratore, and Geer (Alternate)
Absent: Councilmember Burnside

PUBLIC COMMENTS

None.

MISCELLANEOUS

1. Consider approving an appointment to fill one vacancy on the Equal Opportunity/Disability Commission created by a completed term and expiration of one Commissioner and forwarding to Council for approval. (Funding Source: Not Applicable)
Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com

ACTION: Motion (Geer/Muratore;unan.) approving the appointment of Brenda Thames to the Equal Opportunity/Disability Commission created by a completed term and expiration of one Commissioner and forwarding to Council for approval.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 2

CONSENT

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

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

2. Consider approving the Third Amendment to Agreement with SCS Engineers, Inc. for Site Assessment and Development of Methane Gas Mitigation and Monitoring Plan for the Carpenter Road Landfill vendors and forwarding to Council for approval. (Funding Source: Carpenter Road Landfill Fund)
Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Motion (Geer/Cogdill;Muratore absent due to conflict of interest) approving the Third Amendment to Agreement with SCS Engineers, Inc. for Site Assessment and Development

of Methane Gas Mitigation and Monitoring Plan for the Carpenter Road Landfill vendors and forwarding to Council for approval.

UNFINISHED BUSINESS

3. Consider accepting a report on Quiet Zone Diagnostic Team Meetings and provide direction to staff regarding continued work on this effort. (Funding Source: Not Applicable)
Community & Economic Development; Cindy van Empel, 577-5280, cvanempel@modestogov.com

ACTION: Motion (Muratore/Geer;unan.) accepting a report on Quiet Zone Diagnostic Team Meetings, directing staff to seek grants to support offsetting grants, and forwarding to Council for approval.

NEW BUSINESS

4. Consider amending the Modesto Municipal Code to address mobile food vendors and forwarding to Council for approval. (Funding Source: General Fund)
Community & Economic Development; Paul Liu, 577-5282, pliu@modestogov.com

ACTION: Motion (Muratore/Geer;unan.) directing staff to amend the Modesto Municipal Code by preparing a Draft Ordinance to address mobile food vendors and return to the Committee with examples for review.

5. Consider accepting status reports of development projects processed by the Community and Economic Development Department for June and July 2013. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Muratore/Geer;unan.) accepting status reports of development projects processed by the Community and Economic Development Department for June and July 2013.

6. Consider accepting a report on an economic development incentive program for downtown, providing direction to staff and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Josh Bridegroom, 571-5540, Jbridegroom@modestogov.com

ACTION: Motion (Muratore/Geer;unan.) accepting a report on an economic development incentive program for downtown, providing direction to staff and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:06 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday August 07, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: Muratore – Items 6, 12, 13 and 14

Reports from Closed Session: Mayor Marsh reported Closed Session Matters -Performance Evaluations: City Manager, City Attorney, City Clerk; Closed Session to reconvene after Council meeting

PUBLIC COMMENT PERIOD

- Susan Mendieta Beasley announced the International Festival on October 5, 2013 at Modesto Junior College East Campus.
- Oralia Ornelias announced the 4th Annual Hy-Lond Health Care Hot August Nights on August 16, 2013 at 1900 Coffee Road.
- Emerson Drake spoke regarding the General Plan Amendment meeting on August 19, 2013 and commented on the Chamber of Commerce.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 1-5; 7-11; 15-20: (Lopez/Gunderson;unan.)

ACTION CONSENT ITEMS 6, 12-14: (Lopez/Gunderson; unan.; Councilmember Muratore 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

1. Consider approving the minutes from the July 9, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the July 9, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) approving the minutes from the July 9, 2013 City Council meeting.

Consent

2. Consider approving final adoption of Ordinance No. 3588-C.S. amending Section 6-3-9 of the zoning map of the City of Modesto to Prezone to Specific Plan (P-SP) Zone, property located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road (Fitzpatrick Homes). (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3588-C.S. amending Section 6-3-9 of the zoning map of the City of Modesto to Prezone to Specific Plan (P-SP) Zone, property located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road (Fitzpatrick Homes).
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) approving final adoption of **Ordinance No. 3588-C.S.** amending Section 6-3-9 of the zoning map of the City of Modesto to Prezone to Specific Plan (P-SP) Zone, property located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road (Fitzpatrick Homes).

Consent

3. Consider approving final adoption of Ordinance No. 3589-C.S. amending Title 8, Chapter 3 of the Modesto Municipal Code (MMC) to include procedures governing the disposition of surplus personal property. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3589-C.S. amending Title 8, Chapter 3 of the Modesto Municipal Code (MMC) to include procedures governing the disposition of surplus personal property.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Gunderson; 7/0) approving final adoption of **Ordinance No. 3589-C.S.** amending Title 8, Chapter 3 of the Modesto Municipal Code (MMC) to include procedures governing the disposition of surplus personal property.

Consent

4. Consider approving an amendment to the Memorandum of Understanding between the County of Stanislaus and the City of Modesto relating to capital costs and disposition of the Finch Road Animal Shelter property; and authorizing the City Manager, or his

designee, to execute the amendment. (Funding Source: General Fund)

- Resolution approving an amendment to the Memorandum of Understanding between the County of Stanislaus and the City of Modesto relating to capital costs and disposition of the Finch Road Animal Shelter property; and authorizing the City Manager, or his designee, to execute the amendment.

City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Resolution 2013-269 (Lopez/Gunderson; 7/0) approving an amendment to the Memorandum of Understanding between the County of Stanislaus and the City of Modesto relating to capital costs and disposition of the Finch Road Animal Shelter property; and authorizing the City Manager, or his designee, to execute the amendment.

Consent

5. Consider approving a water Will Serve Letter, and an Outside Service Agreement for the property located at 4207 Bangs Avenue and authorizing the City Manager or his designee to execute the Outside Service Agreement for water connection. (Funding Source: General Fund and Water Fund)

- Resolution approving a Will Serve Letter for the property located at 4207 Bangs Avenue (APN: 135-043-008) 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 4207 Bangs Avenue, LLC, a California Limited Liability Company for water service for the property located at 4207 Bangs Avenue (APN: 135-043-008) and authorizing the City Manager, or his designee to execute the agreement.

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

ACTION: Resolution 2013-270 (Lopez/Gunderson; 7/0) approving a Will Serve Letter for the property located at 4207 Bangs Avenue (APN: 135-043-008) 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 2013-271 (Lopez/Gunderson; 7/0) approving an Outside Service Agreement between the City of Modesto and 4207 Bangs Avenue, LLC, a California Limited Liability Company for water service for the property located at 4207 Bangs Avenue (APN: 135-043-008) and authorizing the City Manager, or his designee to execute the agreement.

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

6. Consider accepting the public improvements for the Hope Village Subdivision, owned by Habitat for Humanity located at the eastern end of Houser Lane; authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods. (Funding Source: Not applicable)

- Resolution accepting the public improvements for the Hope Village Subdivision located at the eastern end of Houser Lane, and Authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

Community & Economic Development; Dan England, 571-5589,

denland@modestogov.com

ACTION: Resolution 2013-272 (Lopez/Gunderson; 6/0; Muratore absent due to conflict of interest) accepting the public improvements for the Hope Village Subdivision located at the eastern end of Houser Lane, and Authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

Consent

7. Consider amending an Agreement Related to Relocation of Electric Utility Poles with Modesto Irrigation District in the amount of \$116,000.00 for the relocation of Modesto Irrigation District facilities located within the limits of the State Route 99 / Pelandale Avenue Interchange Reconstruction project (Funding Source: Local Capital Facilities Fees)

- Resolution amending an Agreement Related to Relocation of Electric Utility Poles with Modesto Irrigation District in the amount of \$116,000.00 for the relocation of Modesto Irrigation District facilities located within the limits of the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Amendment.

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

ACTION: Resolution 2013-273 (Lopez/Gunderson; 7/0) amending an Agreement Related to Relocation of Electric Utility Poles with Modesto Irrigation District in the amount of \$116,000.00 for the relocation of Modesto Irrigation District facilities located within the limits of the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

8. Consider approving a Third Amendment to the Agreement with Dokken Engineering for additional Construction Support Services not included in the original Agreement for the Carpenter Road Bridge Seismic Retrofit Project in an amount not to exceed \$20,678.23, for a maximum total Agreement amount of \$518,872.66. (Funding Source: Federal Funds and State Prop. 1B funds)

- Resolution approving a Third Amendment to Agreement with Dokken Engineering, Inc. for additional Construction Support Services for the Carpenter Road Bridge Seismic Retrofit Project in an amount not to exceed \$20,678.23, for a maximum total amount of \$518,872.66, and authorizing the City Manager, or his designee, to execute the Third Amendment to the Agreement.

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

ACTION: Resolution 2013-274 (Lopez/Gunderson; 7/0) approving a Third Amendment to Agreement with Dokken Engineering, Inc. for additional Construction Support Services for the Carpenter Road Bridge Seismic Retrofit Project in an amount not to exceed \$20,678.23, for a maximum total amount of \$518,872.66, and authorizing the City Manager, or his designee, to execute the Third Amendment to the Agreement.

Consent

9. Consider accepting the Monthly Investment Report for May 2013. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for May 2013.
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

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

Consent

10. Consider authorizing the award of bids for the furnishing of well rehabilitation services for the Department of Public Works, Water Division, to Zim Industries, Inc., Fresno, CA, as “primary” contractor and Roadrunner Drilling & Pump Co., Inc., Woodland, 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 \$103,100, and over five (5) years of \$515,500. (Funding Source: Water Fund)
- Resolution authorizing the award of bids for the furnishing of well rehabilitation services for the Department of Public Works, Water Division, to Zim Industries, Inc., Fresno, CA, as “primary” contractor and Roadrunner Drilling & Pump Co., Inc., Woodland, 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 \$103,100, and over five (5) years of \$515,500.
Finance and Public Works; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2013-275 (Lopez/Gunderson; 7/0) authorizing the award of bids for the furnishing of well rehabilitation services for the Department of Public Works, Water Division, to Zim Industries, Inc., Fresno, CA, as “primary” contractor and Roadrunner Drilling & Pump Co., Inc., Woodland, 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 \$103,100, and over five (5) years of \$515,500.

Consent

11. Consider approving an agreement with International City Management Association Retirement Corporation (ICMA-RC) for administrative services and investments of City employees’ 401(a), 457 deferred compensation plans, IRA plans, and RHS plans for a three year period; and authorizing the City Manager, or his designee, to execute the agreement. (Funding Source: Not Applicable)
- Resolution approving an agreement with International City Management Association Retirement Corporation (ICMA-RC) for administrative services and investments of City employees’ 401(a), 457 deferred compensation plans, IRA plans, and RHS plans for a three year period; and authorizing the City Manager, or his designee, to execute the agreement.
Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com

ACTION: Resolution 2013-276 (Lopez/Gunderson; 7/0) approving an agreement with International City Management Association Retirement Corporation (ICMA-RC) for administrative services and investments of City employees' 401(a), 457 deferred compensation plans, IRA plans, and RHS plans for a three year period; and authorizing the City Manager, or his designee, to execute the agreement.

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

12. Consider approving the third Amendment to an Agreement with SCS Engineers, Inc. for Site Assessment and Development of Methane Gas Mitigation and Monitoring Plan for the Carpenter Road Landfill. (Funding Source: Carpenter Road Landfill Fund)

- Resolution authorizing the City Manager to execute the Third Amendment to the Task-based agreement with SCS Engineers for the Site Assessment and development of a Methane Gas Mitigation and Monitoring Plan for the closed Carpenter Road Landfill in an amount not-to-exceed \$290,500, bringing the total not-to-exceed contract amount to \$832,000.

Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2013-277 (Lopez/Gunderson; 6/0; Muratore absent due to conflict of interest) authorizing the City Manager to execute the Third Amendment to the Task-based agreement with SCS Engineers for the Site Assessment and development of a Methane Gas Mitigation and Monitoring Plan for the closed Carpenter Road Landfill in an amount not-to-exceed \$290,500, bringing the total not-to-exceed contract amount to \$832,000.

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

13. Consider approving the Neighborhood Stabilization Program 2 (NSP2) Loan Modification Agreements for Trinity Ventures RE, II (Funding Source: NSP2)

- Resolution approving the NSP2 Loan Modification Agreements for Trinity Ventures RE, II and authorizing the City Manager, or his designee, to sign all related documents.

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

ACTION: Resolution 2013-278 (Lopez/Gunderson; 6/0; Muratore absent due to conflict of interest) approving the NSP2 Loan Modification Agreements for Trinity Ventures RE, II and authorizing the City Manager, or his designee, to sign all related documents.

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

14. Consider approving a HOME Investment Partnerships Program (HOME) Agreement between the City of Modesto and The Housing Authority of the County of Stanislaus (HACS) in the amount of \$612,960, for the construction of Downey Terrace Senior Housing, an 11-unit affordable rental senior housing project located at 412 and 416 Downey Avenue in Modesto, and amending the Fiscal Year 2013-2014 Operating and Multi-Year budgets for HOME Investment Partnerships Program. (Funding Source: HOME)

- Resolution approving a HOME Investment Partnerships (HOME) Agreement between the City of Modesto and Housing Authority of the County of Stanislaus

(HACS) in the amount of \$612,960, for the construction of Downey Terrace Senior Housing project located at 412 and 416 Downey Avenue in Modesto, and authorizing the City Manager, or his designee, to execute the agreements and related documents.

- Resolution amending the Fiscal Year 2013-2014 Operating and Multi-Year budgets for HOME Investment Partnerships Program (HOME) projects as reported in the Integrated Disbursement & Information System (IDIS) and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

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

ACTION: Resolution 2013-279 (Lopez/Gunderson; 6/0; Muratore absent due to conflict of interest) approving a HOME Investment Partnerships (HOME) Agreement between the City of Modesto and Housing Authority of the County of Stanislaus (HACS) in the amount of \$612,960, for the construction of Downey Terrace Senior Housing project located at 412 and 416 Downey Avenue in Modesto, and authorizing the City Manager, or his designee, to execute the agreements and related documents.

ACTION: Resolution 2013-280 (Lopez/Gunderson; 6/0; Muratore absent due to conflict of interest) amending the Fiscal Year 2013-2014 Operating and Multi-Year budgets for HOME Investment Partnerships Program (HOME) projects as reported in the Integrated Disbursement & Information System (IDIS) and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

Consent

15. Consider accepting a Target Grant totaling \$1,000 to provide funding for printing of multiple safety informational brochures for 2013 National Night Out. (Funding Source: General Fund Grant Revenue)
 - Resolution accepting a Target grant totaling \$1,000 to provide funding for printing of multiple safety informational brochures for 2013 National Night Out; and authorizing the City Manager, or his designee, to execute the necessary grant documents.
 - Resolution amending the Fiscal Year 2013-14 Operating Budget to appropriate revenues and expenditures of \$1,000 from a Target grant to provide funding for printing of multiple safety informational brochures for 2013 National Night Out; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

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

ACTION: Resolution 2013-281 (Lopez/Gunderson; 7/0) accepting a Target grant totaling \$1,000 to provide funding for printing of multiple safety informational brochures for 2013 National Night Out; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2013-282 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2013-14 Operating Budget to appropriate revenues and expenditures of \$1,000 from a Target grant to

provide funding for printing of multiple safety informational brochures for 2013 National Night Out; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

Consent

16. Consider approving the 2011 Guidance Manual for Development Stormwater Quality Control Measures. (Funding Source: Stormwater Fund)
- Resolution approving the 2011 Guidance Manual for Development Stormwater Quality Control Measures.
- Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

ACTION: Resolution 2013-283 (Lopez/Gunderson; 7/0) approving the 2011 Guidance Manual for Development Stormwater Quality Control Measures.

Consent

17. Consider accepting the work by Ross F. Carroll, Inc. of Oakdale, CA, for the Street Improvements Northbound (NB) McHenry Avenue to Eastbound (EB) Briggsmore Avenue project, as complete. (Total construction contract cost is \$297,475, with a total project cost of \$554,404.) (Funding Source: CIP-Federal Funded Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Streets CFF Local Match)
- Resolution accepting the work by Ross F. Carroll, Inc., for the Street Improvements NB McHenry Avenue to EB Briggsmore 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, and authorizing payment of amounts totaling \$297,475.
- Utility Planning and Projects; Rob Christensen, 577-5423, rchristensen@modestogov.com*

ACTION: Resolution 2013-284 (Lopez/Gunderson; 7/0) accepting the work by Ross F. Carroll, Inc., for the Street Improvements NB McHenry Avenue to EB Briggsmore 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, and authorizing payment of amounts totaling \$297,475.

Consent

18. Consider: (i) authorizing the Director of Utility Planning and Projects to issue change orders on the 2012 Sanitary Sewer Collection System Replacement project in the total amount of \$108,434 (15.7% of the original contract price); and (ii) amending the Fiscal Year 2013-2014 Capital Improvements Program budget by transferring \$39,434 from Wastewater Reserves to fully fund the required change orders. (Total estimated construction costs pertaining to the Rolfe Construction contract are estimated at \$799,724.) (Funding Source: Wastewater Fund)
- Resolution authorizing the Director of Utility Planning and Projects to issue change orders on the 2012 Sanitary Sewer Collection System Replacement project in the total amount of \$108,434 (15.7% of the original contract price).

- Resolution amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$39,434 to be transferred from Wastewater Reserve funds in order to fully fund required change orders for the 2012 Sanitary Sewer Collection System Replacement Project.

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

ACTION: Resolution 2013-285 (Lopez/Gunderson; 7/0) authorizing the Director of Utility Planning and Projects to issue change orders on the 2012 Sanitary Sewer Collection System Replacement project in the total amount of \$108,434 (15.7% of the original contract price).

ACTION: Resolution 2013-286 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$39,434 to be transferred from Wastewater Reserve funds in order to fully fund required change orders for the 2012 Sanitary Sewer Collection System Replacement Project.

Consent

19. Consider approving the sale of City-owned surplus real property located at South 7th Street & Pecos Avenue (APN: 038-039-029). (Funding Source: Not applicable)
- Resolution approving the sale of City-owned surplus real property located at South 7th Street & Pecos Avenue (APN: 038-039-029), and authorizing the City Manager, or his designee, to execute all necessary sale documents.

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

ACTION: Resolution 2013-287 (Lopez/Gunderson; 7/0) approving the sale of City-owned surplus real property located at South 7th Street & Pecos Avenue (APN: 038-039-029), and authorizing the City Manager, or his designee, to execute all necessary sale documents.

Consent

20. Consider: (i) accepting the work by Teichert Construction, of Stockton, CA, for the Virginia Corridor Phase V – Briggsmore Overcrossing project, as complete; and (ii) amending the Fiscal Year 2013-2014 Capital Improvements Program budget by transferring \$78,000 from Parks Recreation & Neighborhood Air Quality Capital Fee funds to fund construction administration. (Total construction contract cost is \$3,655,962, with a total project cost of \$4,928,150.) (Funding Source: Federal Grants, CFF)

- Resolution accepting the work by Teichert Construction for the Virginia Corridor Phase V – Briggsmore Overcrossing Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$3,655,962.
- Resolution amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$78,000 to be transferred from Parks Recreation & Neighborhood Air Quality Capital Fee funds in order to fully fund construction administration for the Virginia Corridor Phase V – Briggsmore Overcrossing Project.

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

ACTION: Resolution 2013-288 (Lopez/Gunderson; 7/0) accepting the work by Teichert Construction for the Virginia Corridor Phase V – Briggsmore Overcrossing Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$3,655,962.

ACTION: Resolution 2013-289 (Lopez/Gunderson; 7/0) amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$78,000 to be transferred from Parks Recreation & Neighborhood Air Quality Capital Fee funds in order to fully fund construction administration for the Virginia Corridor Phase V – Briggsmore Overcrossing Project.

COUNCIL COMMENTS & REPORTS

Councilmember Burnside thanked everyone for their support during the recent loss of her father.

Councilmember Muratore thanked Sgt. Ciccarelli, the Modesto Police Department and the citizens of Modesto for their participation at National Night Out last night.

Councilmember Geer thanked Lt. Dave Van Diemen, the Modesto Police Department, and the citizens of Modesto for their participation at National Night Out last night.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff thanked Chief Carroll, the Modesto Police Department and citizens for their participation at National Night Out last night.

UNFINISHED BUSINESS

21. Consider: (i) approving the plans and specifications for the Oakdale Road Rehabilitation Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction of Stockton, California in the amount of \$1,528,928.85; and (ii) amending the Fiscal Year 2013-2014 Capital Improvement Program budget by transferring \$168,736 to fund construction, contingency, and construction administration. (Total estimated cost for this portion of the project is \$1,804,136.05) (Funding Source: Federal, Local Transportation and Storm Drain Funds)
 - Resolution approving the plans and specifications for the Oakdale Road Rehabilitation project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction of Stockton, California in the amount of \$1,528,928.85, 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 \$168,736 to be transferred into the project from Storm Drain Fund Reserves in order to fully fund construction, contingency and construction administration for the Oakdale Road Rehabilitation project.

*Community & Economic Development; Phillip Soares, 577-5258,
psoares@modestogov.com*

ACTION: Resolution 2013-290 (Lopez/Cogdill; 7/0) approving the plans and specifications for the Oakdale Road Rehabilitation project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction of Stockton, California in the amount of \$1,528,928.85, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2013-291 (Lopez/Cogdill; 7/0) amending the Fiscal Year 2013-2014 Capital Improvement Program budget in the amount of \$168,736 to be transferred into the project from Storm Drain Fund Reserves in order to fully fund construction, contingency and construction administration for the Oakdale Road Rehabilitation project.

22. Consider a recommendation by the Economic Development Committee (EDC) for the Residential Urban Limit Proposal (RUL Proposal) to be reviewed and considered with the General Plan Amendment process currently underway, and to place a RUL ballot initiative that also includes the review of Measures A and M on the next Regular Election. (Funding Source: Not Applicable)
- Motion directing that the Residential Urban Limit Proposal be reviewed and considered with the General Plan Amendment process currently underway.
 - Motion considering the placement of a Residential Urban Limit ballot initiative that also includes the review of the continued need for the requirement of Advisory elections pursuant to the Charter required Measures A and M on the next Regular Election.

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

ACTION: Motion (Cogdill/Gunderson; majority; Burnside no) directing that the Residential Urban Limit Proposal be reviewed and considered with the General Plan Amendment process currently underway and placement of the Residential Urban Limit (RUL) ballot initiative on the next Regular Election on June 3, 2014.

ACTION: Motion (Gunderson/Muratore;unan.) directing staff to review the Charter required provisions of Measures A and M.

HEARINGS

Published in the Modesto Bee on July 28, 2013

23. Hearing to consider the Fiscal Year 2013-14 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 2013-14 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, 577-5321, trocha@modestogov.com

ACTION: Resolution 2013-292 (Lopez/Cogdill; 7/0) confirming the Fiscal Year 2013-14 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 July 28, 2013

24. Hearing to consider the Fiscal Year 2013-14 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 2013-14 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, 577-5321, trocha@modestogov.com

ACTION: Resolution 2013-293 (Cogdill/Muratore; 7/0) confirming the Fiscal Year 2013-14 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2.

Published in the Modesto Bee on July 28, 2013

25. Hearing to consider the Fiscal Year 2013-14 annual assessment for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
- Resolution confirming the Fiscal Year 2013-14 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2013-294 (Gunderson/Geer; 7/0) confirming the Fiscal Year 2013-14 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:25 p.m. and returned to Closed Session.

CLOSED SESSION

Closed Session matters heard prior to and after Council meeting

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

Title: City Manager
City Attorney
City Clerk

MINUTES

City of Modesto
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP**

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

Monday, August 12, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Lopez, Geer, Gunderson
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider accepting the Public Health Goals Report.
Public Works; Jim Burch, 342-2203, jburch@modestogov.com

ACTION: Motion (Gunderson/Geer;unan.) accepting the Public Health Goals Report.

NEW BUSINESS

2. Consider approving a list of public safety and quality of life spending options to be included in a resolution of intent in the event voters approve a one (1) cent sales tax ballot measure and forwarding to Council for approval. (Funding Source: General Fund)

Police; Galen Carroll, 572-9501, CarrollG@Modestopd.com

ACTION: Motion (Gunderson/Geer;unan.) approving a list of public safety and quality of life spending options to be included in a resolution of intent in the event voters approve a one (1) cent sales tax ballot measure (**\$1.4 million-tree trimming; \$150,000–Park Partners (improve Park Facilities); and \$432,000-Re-Green Our Parks**) and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:02 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday August 13, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jim Applegate, Redeemer

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Muratore - Item 12

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of an update of the waterline replacement project by Jim Burch, Public Works Water Division. (Funding Source: Not Applicable)
Public Works; Jim Burch, 342-2203, jburch@modestogov.com

ACTION: Jim Burch, Public Works Water Division presented an update regarding the waterline replacement project.

2. 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 Massage Envy, Stanislaus County Partners in Health, and Standiford Place Gracious Retirement Living.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding the tree program in the City of Modesto.

- Joan Rutschow spoke regarding the Chamber of Commerce Pathway to Job Growth.
- Tony Madrigal announced the 1st Annual Cactus Festival.
- Emerson Drake spoke regarding a Village 1 article from September 2002.
- Loretta Carhart spoke regarding closure of business at 4:30 pm and the Airport District.
- A citizen spoke regarding gang members in the City of Modesto and the needs of Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 3-11: (Burnside/Lopez;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 7, 2013 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the August 7, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

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

Consent

4. Consider approving Amendment Number Two to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP in an amount not to exceed \$150,000. (Funding Source: General Fund)
 - Resolution approving Amendment Number Two to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP in an amount not to exceed \$150,000.
City Auditor; Tom Krippaehne, (206) 302-6409, Tom.Krippaehne@mossadams.com

ACTION: Resolution 2013-295 (Burnside/Lopez; 7/0) approving Amendment Number Two to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP in an amount not to exceed \$150,000.

Consent

5. Consider accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for April, May and June 2013. (Funding Source: Various)

- Motion accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for April, May and June 2013.

City Manager; Tish Foley, 577-5224, tfoley@modestogov.com

ACTION: Motion (Burnside/Lopez; 7/0) accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for April, May and June 2013.

Consent

6. Consider approving a Water Will Serve Letter and Outside Service Agreement for the property located at 4530 Leckron Road, and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement for water connection. (Funding Source: General Fund and Water Fund)

- Resolution approving a Will Serve Letter for the property located at 4530 Leckron Road, Modesto (APN: 009-018-046) 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 Pacific Southwest Container Inc., for an upgrade to the water service from a 2-inch to a 4-inch service for the property located at 4530 Leckron Road in Modesto, (APN: 009-018-046) and authorizing the City Manager, or his designee to execute the agreement.

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

ACTION: Resolution 2013-296 (Burnside/Lopez; 7/0) approving a Will Serve Letter for the property located at 4530 Leckron Road, Modesto (APN: 009-018-046) 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 2013-297 (Burnside/Lopez; 7/0) approving an Outside Service Agreement between the City of Modesto and Pacific Southwest Container Inc., for an upgrade to the water service from a 2-inch to a 4-inch service for the property located at 4530 Leckron Road in Modesto, (APN: 009-018-046) and authorizing the City Manager, or his designee to execute the agreement.

Consent

7. Consider authorizing the award of bid for the furnishing of bio-solids removal and land application services for the Department of Public Works, Wastewater Division, to Synagro-WWT, Inc., Suisun City, 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 \$100,050, and over five (5) years of \$500,250. (Funding Source: Sewer Fund)

- Resolution authorizing the award of bid for the furnishing of bio-solids removal and land application services for the Department of Public Works, Wastewater Division, to Synagro-WWT, Inc., Suisun City, 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 \$100,050, and over five (5) years of \$500,250.

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

ACTION: Resolution 2013-298 (Burnside/Lopez; 7/0) authorizing the award of bid for the furnishing of bio-solids removal and land application services for the Department of Public Works, Wastewater Division, to Synagro-WWT, Inc., Suisun City, 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 \$100,050, and over five (5) years of \$500,250.

Consent

8. Consider approving submittal of a grant application to the Federal Transit Administration for Congestion Mitigation and Air Quality funds in the amount of \$1,587,719. (Funding Source: Revenue from FTA)
 - Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$1,587,719 in Congestion Mitigation and Air Quality (CMAQ) funds and rescinding Resolution No. 2013-189.

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

ACTION: Resolution 2013-299 (Burnside/Lopez; 7/0) approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$1,587,719 in Congestion Mitigation and Air Quality (CMAQ) funds and rescinding Resolution No. 2013-189.

Consent

9. Consider approving submittal of a New Alternative Fuel Vehicle grant application to the San Joaquin Valley Air Pollution Control District, Public Benefits Grant Program for grant funding in the amount of \$135,000 for the purchase of nine (9) Zero Emission Vehicles. (Funding Source: Grant Funding and Fleet Replacement Funds)
 - Resolution approving the submittal of a grant application to the San Joaquin Valley Air Pollution Control District (SJVAPCD) requesting \$135,000 in Public Benefit Grants Program, New Alternative Fuel Vehicle Purchase funds, authorizing the City Manager, or his designee, to execute all grant-related documents and enter in to an agreement to receive the grant funds (if awarded).

Public Works; Steve Fischio , 342-2222, sfischio@modestogov.com

ACTION: Resolution 2013-300 (Burnside/Lopez; 7/0) approving the submittal of a grant application to the San Joaquin Valley Air Pollution Control District (SJVAPCD) requesting \$135,000 in Public Benefit Grants Program, New Alternative Fuel Vehicle Purchase funds, authorizing the City Manager, or his designee, to execute all grant-related documents and enter in to an agreement to receive the grant funds (if awarded).

Consent

10. Consider approving a Second Amendment to Agreement with Harris & Associates, Inc. for Construction Management Services of the Carpenter Road Bridge Seismic Retrofit project in the amount of \$201,811.58, for a maximum total agreement amount of

\$1,288,217.58. (Funding Source: Federal Funds and State Prop. 1B Funds)

- Resolution approving a Second Amendment to Agreement with Harris & Associates, Inc. for Construction Management Services of the Carpenter Road Bridge Seismic Retrofit project at an additional cost of \$ 201,811.58 to the original agreement, for a maximum total agreement amount of \$1,288,217.58, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement.

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

ACTION: Resolution 2013-301 (Burnside/Lopez; 7/0) approving a Second Amendment to Agreement with Harris & Associates, Inc. for Construction Management Services of the Carpenter Road Bridge Seismic Retrofit project at an additional cost of \$ 201,811.58 to the original agreement, for a maximum total agreement amount of \$1,288,217.58, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Geer spoke regarding an autocross event at the Crows Landing Naval Air Station.

CITY MANAGER COMMENTS & REPORTS

None

WRITTEN COMMUNICATIONS

11. Consider written correspondence from Ms. Jenny Kenoyer regarding the crosswalk on I Street and Downey. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Ms. Kenoyer was referred to Safety & Communities Committee.

NEW BUSINESS

Councilmember Muratore absent due to conflict of interest

12. Consider directing staff to remove the bollards at 10th and J Streets and at 10th and K Streets and install the necessary traffic control devices to provide for vehicular access. (Funding Source: General Fund, Surface Transportation Fund)
 - Resolution authorizing the removal the bollards on 10th Street between J and K Streets and installation of the traffic controls necessary for vehicular access and report back to the City Council one year from the date of reopening regarding the effects on business sales and building vacancy rates recommended.

*Community & Economic Development; Josh Bridegroom, 571-5540,
jbridegroom@modestogov.com*

ACTION: Resolution 2013-302 (Lopez/Gunderson; 4/2; Burnside,Cogdill no; Muratore

absent due to conflict of interest) authorizing the removal the bollards on 10th Street between J and K Streets and installation of the traffic controls necessary for vehicular access and report back to the City Council one year from the date of reopening regarding the effects on business sales and building vacancy rates.

13. Consider approving a recommendation by the Economic Development Committee approving a letter of support to the City of Waterford for a community separator/“greenbelt” between the City of Modesto and the City of Waterford with final agreement following adoption of the General Plan Amendment. (Funding Source: Not Applicable)

- Motion approving a letter of support to the City of Waterford for a community separator/ “greenbelt” between the City of Modesto and the City of Waterford with final agreement following adoption of the General Plan Amendment.

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

ACTION: Motion (Cogdill/Burnside; 7/0) approving a letter of support to the City of Waterford for a community separator/ “greenbelt” between the City of Modesto and the City of Waterford with final agreement following adoption of the General Plan Amendment.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:15 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: North Modesto Groundwater Alliance v. City of Modesto/Del Rio Tank
Stanislaus County Superior Court Case No. 680381

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

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

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: 106-42-012 Property Owner: G&K Enterprises LLC
APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni, Myrna
Negotiating Parties: Paul Draper, for property owners.

Brent Sinclair, for City of Modesto

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

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

1. Property: City owned water system components located in and near Waterford and Hickman

Negotiating Parties: Rich Ulm, Acting Public Works Director
City of Waterford, Potential Buyer

Under Negotiation: Price and terms of sale of City water system property.

**CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION
Exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code.** One potential case.

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

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

Negotiator: Joseph P. Lopez, Director of Human Resources
Agency Negotiators: Allyson Hauck, Esq., Renne Sloan Holtzman Sakai, LLP
Employee Organization: Modesto Police Non Sworn Association

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

Name of case: City of Modesto v. County of Stanislaus, Lauren Klein, et al.
Stanislaus County Superior Court Case No: 683887

MINUTES
City of Modesto
SPECIAL FINANCE COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2008
1010 10th Street
Modesto, California
Thursday, August 15, 2013, at 3:00 p.m.

Roll Call - Present: Councilmembers Burnside, Cogdill, and Geer (arrived at 3:11 p.m.)
Absent: Councilmember Muratore

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider approving a list of: (i) Funding Options to strengthen City governance through establishing reserve levels and funding for participatory budgeting projects, to be included in a resolution of intent, in the event voters approve a 1 cent sales tax ballot measure; and a list of (ii) Budget Reduction Strategies for consideration in the FY14/15 General Fund Operating Budget, in the event the voters do not approve a 1 cent sales tax ballot measure and forwarding to Council for approval. (Funding Source: General Fund)
Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Motion (Cogdill/Geer; unan.) approving a list of Funding Options to strengthen City governance through establishing reserve levels (**10%**) and funding for participatory budgeting projects, to be included in a resolution of intent, in the event voters approve a 1 cent sales tax ballot measure and forwarding to Council for approval; **Budget Reduction options to be on hold until after the November 5, 2013 election.**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:00 p.m.

MINUTES

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

Second Floor, Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, August 15, 2013, at 1:00 p.m.

Roll Call Present: Councilmembers Cogdill, Burnside, and Geer (Alternate)
Absent: Councilmember Muratore

PUBLIC COMMENTS

None.

Councilmember Geer left at 1:48 p.m.

NEW BUSINESS

1. Consider approving a list of economic development/job creation and infrastructure options to be included in a funding resolution of intent in the event voters approve a one (1) cent sales tax ballot measure and forwarding to Council for approval. (Funding Source: General Fund)
*Community & Economic Development; Brent Sinclair, 577-5418,
hbsinclair@modestogov.com*

ACTION: Motion (Burnside/Cogdill; Muratore absent) approving a list of economic development/job creation and infrastructure options **(including an additional Marketing position in the amount of \$150,000)** to be included in a funding resolution of intent in the event voters approve a one (1) cent sales tax ballot measure and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 2:53 p.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Tuesday, August 27, 2013, at 5:00 p.m.

Roll Call - Present: Councilmembers Stephanie Burnside, Dave Cogdill, Jr. and Joe Muratore
Absent: None

PUBLIC COMMENTS

Mayor Marsh provided a handout to the Finance Committee for a Multi-Year Budget (for 3 years) – “ Optimistic General Fund Long Range Financial Forecast – Updated as of August 2013”; he advised the Committee the multi- year budget will be an on-going process.

Jeff Christiansen, Sierra Golf Management, spoke regarding Item No. 5 which was removed from the Agenda and options for the City of Modesto.

CONSENT

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

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

Consent

1. Consider approving the Monthly Budget Adjustment Report for August of 2013, and forwarding to Council for final approval. (Funding Source: Various)
Finance; Terri L Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Cogdill/Muratore;unan.) approving the Monthly Budget Adjustment Report for August of 2013, and forwarding to Council for final approval.

UNFINISHED BUSINESS

2. Consider approving funding options to be included in a resolution of intent, in the event voters approve a 1% sales tax ballot measure and forwarding to Council for approval. (Funding Source: General Fund)
Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: **Motion (Cogdill/Burnside; Muratore absent)** approving funding options to be included in a resolution of intent, in the event voters approve a 1% sales tax ballot measure and forwarding to Council for approval.

NEW BUSINESS

3. 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 (Muratore/Cogdill;unan.)** approving the revised Debt Management Policy and forwarding to Council for approval.

4. 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 (Cogdill/Muratore;unan.)** approving the revised Investment Policy and forwarding to Council for approval.

Removed from Agenda

5. Consider reviewing options for future management of Dryden and Creekside Golf Courses and a recommendation that the City move forward with Option 2, an amendment to the existing ValleyCrest, Inc. contract. (Funding Source: Golf Fund)
Parks, Recreation & Neighborhoods; Lisa Forester, 577-6444, lforester@modestogov.com

ACTION: This item was removed from the Agenda.

Councilmember Muratore left meeting at 6:08 p.m.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:34 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 03, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Rick Fritzemeier, Youth for Christ

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

Declaration of Conflicts of Interest: Muratore – Item 5

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

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider appointing Brenda Thames to the Equal Opportunity/Disability Commission for a four-year term to expire January 1, 2017. (Funding Source: Not Applicable)
 - Resolution appointing Brenda Thames to the Equal Opportunity/Disability Commission.
Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com

ACTION: Resolution 2013-303 (Lopez/Muratore; 7/0) appointing Brenda Thames to the Equal Opportunity/Disability Commission.

PUBLIC COMMENT PERIOD

- Ron Jeske spoke regarding the Chamber of Commerce presentations for new and incoming businesses; would like comparison of expanding businesses and the job scene in Modesto.
- Emerson Drake spoke regarding the August 15, 2013 Special Finance Committee Meeting.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-4; 6-14: (Lopez/Muratore;unan.)

ACTION CONSENT ITEM 5: (Cogdill/Lopez; majority; Gunderson no; Muratore 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 August 13, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the August 13, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving the minutes from the August 13, 2013 City Council meeting.

Consent

3. Consider accepting the Fourth Quarter Update of the City of Modesto Capital Improvement Program for Fiscal Year 2012-13. (Funding Source: Not Applicable)
 - Motion accepting the Fourth Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2012-13.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) accepting the Fourth Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2012-13.

Consent

4. Consider authorizing the sole source contract with Synergetic Consulting, Reno, Nevada, for the development of a customizable web application for the Building Safety & Neighborhood Preservation Division, and authorizing the City Manager, or his designee, to execute a contract for an estimated total cost of \$36,000. (Funding Source: General Fund)
 - Resolution authorizing the sole source contract with Synergetic Consulting, Reno, Nevada, for the development of a customizable web application for the Building Safety & Neighborhood Preservation Division, and authorizing the City Manager, or his designee, to execute a contract for an estimated total cost of \$36,000.
Community & Economic Development; Jim Mack, 577-5242, jmack@modestogov.com

ACTION: Resolution 2013-304 (Lopez/Muratore; 7/0) authorizing the sole source contract

with Synergetic Consulting, Reno, Nevada, for the development of a customizable web application for the Building Safety & Neighborhood Preservation Division, and authorizing the City Manager, or his designee, to execute a contract for an estimated total cost of \$36,000.

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

5. Consider authorizing the City Manager, or his designee, to execute a consultant agreement with Centerra Capital to work on the behalf of the City of Modesto for the acquisition of property between 9th and 10th Streets and G and H Streets for the proposed Superior Court of California, Stanislaus County Project. (Funding Source: General Fund)
- Resolution authorizing the City Manager, or his designee, to execute a consultant agreement with Centerra Capital to work on the behalf of the City of Modesto for the acquisition of property between Ninth and 10th Streets and G and H Streets for the proposed Superior Court of California, Stanislaus County Project.
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2013-305 (Cogdill/Lopez; 5/2; Gunderson no; Muratore absent due to conflict of interest) authorizing the City Manager, or his designee, to execute a consultant agreement with Centerra Capital to work on the behalf of the City of Modesto for the acquisition of property between Ninth and 10th Streets and G and H Streets for the proposed Superior Court of California, Stanislaus County Project.

Consent

6. Consider approving the Will Serve Letter and Outside Service Agreements for water and sewer connections for the property located at 720 Glenn Avenue. (Funding Source: General Fund, Sewer and Water Funds)
- Resolution approving a Will Serve Letter for the property located at 720 Glenn Avenue, APN: 056-045-015 to connect to the City of Modesto 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 Jose Jesus Tejada and Herminia V. Tejada, husband and wife as joint tenants for water service for the property located at 720 Glenn Avenue, (APN: 056-045-015) and authorizing the City Manager, or his designee, to execute the Agreement.
 - Resolution approving an Outside Service Agreement between the City of Modesto and Jose Jesus Tejada and Herminia V. Tejada, husband and wife as joint tenants for sewer service for the property located 720 Glenn Avenue in the Bret Harte District, Modesto, (APN: 056-045-015); and authorizing the City Manager, or his designee, to execute the agreement.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2013-306 (Lopez/Muratore; 7/0) approving a Will Serve Letter for the property located at 720 Glenn Avenue, APN: 056-045-015 to connect to the City of Modesto existing water system, and authorizing the City manager, or his designee to sign the Will Serve letter.

ACTION: Resolution 2013-308 (Lopez/Muratore; 7/0) approving an Outside Service Agreement between the City of Modesto and Jose Jesus Tejada and Herminia V. Tejada, husband and wife as joint tenants for sewer service for the property located 720 Glenn Avenue in the Bret Harte District, Modesto, (APN: 056-045-015); and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2013-307 (Lopez/Muratore; 7/0) approving an Outside Service Agreement between the City of Modesto and Jose Jesus Tejada and Herminia V. Tejada, husband and wife as joint tenants for water service for the property located 720 Glenn Avenue in the Bret Harte District, Modesto, (APN: 056-045-015); and authorizing the City Manager, or his designee, to execute the agreement.

Consent

7. Consider accepting the Monthly Budget Adjustment Report for August 2013 and amending Fiscal Year 2012-2013 and Fiscal Year 2013-2014 Annual Operating Budgets. (Funding Source: Various)
- Resolution amending the Fiscal Year 2012-2013 and Fiscal Year 2013-2014 Annual Operating Budgets.
- Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

ACTION: Resolution 2013-309 (Lopez/Muratore; 7/0) amending the Fiscal Year 2012-2013 and Fiscal Year 2013-2014 Annual Operating Budgets.

Consent

8. Consider rejecting the bid for the purchase of a truck with service body for the Public Works Department, Water Division through the Fleet Services Division, and authorize the Purchasing Manager to re-issue formal Request for Bids (RFB) for the purchase of a truck with service body. (Funding Source: Fleet Replacement)
- Resolution authorizing the rejection of the bid for the purchase of a truck with service body for the Public Works Department, Water Division, through the Fleet Services Division and authorize the Purchasing Manager to re-issue formal Request for Bids (RFB) for the purchase of a truck with service body.
- Finance and Public Works; Meagan Torres, 571-5839, mtorres@modestogov.com*

ACTION: Resolution 2013-310 (Lopez/Muratore; 7/0) authorizing the rejection of the bid for the purchase of a truck with service body for the Public Works Department, Water Division, through the Fleet Services Division and authorize the Purchasing Manager to re-issue formal Request for Bids (RFB) for the purchase of a truck with service body.

Consent

9. Consider authorizing the award of bid for the furnishing of CL2 Gas Chlorine in one ton cylinders for the Public Works Department, Wastewater Division, to Sierra Chemical Company, Sparks, NV, 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 \$75,005 and over five (5) years of \$375,025. (Funding Source: Wastewater Operations)

- Resolution authorizing the award of bid for the furnishing of CL2 Gas Chlorine in one ton cylinders for the Public Works Department, Wastewater Division, to Sierra Chemical Company, Sparks, NV, 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 \$75,005, and over five (5) years of \$375,025.

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

ACTION: Resolution 2013-311 (Lopez/Muratore; 7/0) authorizing the award of bid for the furnishing of CL2 Gas Chlorine in one ton cylinders for the Public Works Department, Wastewater Division, to Sierra Chemical Company, Sparks, NV, 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 \$75,005, and over five (5) years of \$375,025.

Consent

10. Consider approving a contract extension with Gilton Resource Recovery/Transfer Facility, Inc., Modesto, CA, for the furnishing of green waste receiving and transfer services for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division for an initial one year agreement with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$60,000, and over three (3) years of \$180,000. (Funding Source: Green Waste Fund)
 - Resolution authorizing a contract extension with Gilton Resource Recovery/Transfer Facility, Inc., Modesto, CA, for the furnishing of green waste receiving and transfer services for the Parks, Recreation, and Neighborhoods, Solid Waste Division for an initial one year agreement with two (2) 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 \$60,000, and over three (3) years of \$180,000.

Finance and Parks, Recreation & Neighborhoods; Meagan M. Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2013-312 (Lopez/Muratore; 7/0) authorizing a contract extension with Gilton Resource Recovery/Transfer Facility, Inc., Modesto, CA, for the furnishing of green waste receiving and transfer services for the Parks, Recreation, and Neighborhoods, Solid Waste Division for an initial one year agreement with two (2) 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 \$60,000, and over three (3) years of \$180,000.

Consent

11. Consider accepting the work by Knife River Construction, of Stockton, CA, for the Hilltop Area Strengthen and Replace Water System project as complete. (Total construction contract cost is \$1,005,397, with a total project cost of \$1,195,814) (Funding Source: Water Fund - CIP)
 - Resolution accepting the work by Knife River Construction, for the Hilltop Area

Strengthen and Replace Water System Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$1,005,397.

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

ACTION: Resolution 2013-313 (Lopez/Muratore; 7/0) accepting the work by Knife River Construction, for the Hilltop Area Strengthen and Replace Water System Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$1,005,397.

Consent

12. Consider approving the prequalified consultant list for Civil Engineering Services for various Capital Improvement Program (CIP) projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Department Director. (Funding Source: Various CIPs)

- Resolution approving the prequalified consultant list, consisting of DF Engineering, Inc., NorthStar Engineering Group, Inc., and O'Dell Engineering, for Civil Engineering Services for various Capital Improvement Program (CIP) projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Department Director.

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

ACTION: Resolution 2013-314 (Lopez/Muratore; 7/0) approving the prequalified consultant list, consisting of DF Engineering, Inc., NorthStar Engineering Group, Inc., and O'Dell Engineering, for Civil Engineering Services for various Capital Improvement Program (CIP) projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Department Director.

Consent

13. Consider approving the prequalified consultant list for as-needed Engineering Design Services for Water, Wastewater, and Storm Drain Capital Improvement Program (CIP) projects for a period of three years, with the possibility of two additional one-year extensions at the written approval of the Department Director. (Funding Source: Various Water, Wastewater, and Storm Drain CIPs)

- Resolution approving the prequalified consultant list, consisting of Brown & Caldwell, Carollo Engineering, Inc., CH2M Hill, HDR Engineering, Hydro Science, NV5, Stantec Consulting Services, Inc., and West Yost Associates, Inc. for As-needed Engineering Design Services for Water, Wastewater, and Storm Drain Capital Improvement Program (CIP) projects for a period of three years, with the possibility of two additional one-year extensions at the written approval of the Department Director.

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

ACTION: Resolution 2013-315 (Lopez/Muratore; 7/0) approving the prequalified consultant list, consisting of Brown & Caldwell, Carollo Engineering, Inc., CH2M Hill, HDR Engineering, Hydro Science, NV5, Stantec Consulting Services, Inc., and West Yost Associates, Inc. for As-needed Engineering Design Services for Water, Wastewater, and Storm Drain Capital Improvement Program (CIP) projects for a period of three years, with the possibility of two additional one-year extensions at the written approval of the Department Director.

Consent

14. Consider: (i) authorizing the sole source procurement of Trimble Survey GPS Equipment by California Survey and Drafting Supply, of Sacramento, CA, for an estimated total cost of \$54,198; (ii) amending the Fiscal Year 2013-2014 Operating Budget by creating a new sub-fund and expense budget to fund the survey equipment procurement; and (iii) amending the Fiscal Year 2013-2014 Operating Budget by creating a no-interest loan in the amount of \$54,198 from the Water Fund to the newly created sub-fund to fully fund the survey equipment procurement. (Funding Source: Water Fund Reserves, Various Capital Improvement Projects)

- Resolution authorizing the sole source procurement of Trimble Survey GPS Equipment by California Survey and Drafting Supply, of Sacramento, CA, for an estimated total cost of \$54,198, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$54,198.
- Resolution amending the Fiscal Year 2013-14 Operating Budget to create the new Capital Improvement Support - Survey GPS Replacement Fund and appropriate funds for the expense budget within the new cost center (42021) in the amount of \$54,198, for the purchase of new survey equipment.
- Resolution amending the Fiscal Year 2013-2014 Operating Budget to create a no-interest loan from the Water Fund to the new Capital Improvement Support - Survey Equipment Replacement Fund to be repaid with a sum of \$54,198 , within five years,, at an annual interest rate of 2.88%, from revenues received in the new survey equipment sub-fund.

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

ACTION: Resolution 2013-316 (Lopez/Muratore; 7/0) authorizing the sole source procurement of Trimble Survey GPS Equipment by California Survey and Drafting Supply, of Sacramento, CA, for an estimated total cost of \$54,198, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$54,198.

ACTION: Resolution 2013-317 (Lopez/Muratore; 7/0) amending the Fiscal Year 2013-14 Operating Budget to create the new Capital Improvement Support - Survey GPS Replacement Fund and appropriate funds for the expense budget within the new cost center (42021) in the amount of \$54,198, for the purchase of new survey equipment.

ACTION: Resolution 2013-318 (Lopez/Muratore; 7/0) amending the Fiscal Year 2013-2014 Operating Budget to create a no-interest loan from the Water Fund to the new Capital Improvement Support - Survey Equipment Replacement Fund to be repaid with a sum of \$54,198 , within five years,, at an annual interest rate of 2.88%, from revenues received in the

new survey equipment sub-fund.

COUNCIL COMMENTS & REPORTS

Councilmember Burnside spoke regarding San Joaquin Valley Voice trip to Washington, DC next week; she will be phoning in for next Tuesday's Council meeting.

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on August 24, 2013

15. Hearing to consider Findings and Recommendations of Fact-finding Panel and Resolution by the City of Modesto adopting imposed terms and conditions of employment for employees in the Modesto Police **and Fire** Non-Sworn Association (MPNSA) and amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employee's Retirement System (CALPERS) on behalf of employee's represented by the Modesto Police and Fire Non-Sworn Association (MPNSA) (Funding Source: General Fund)
- Resolution adopting imposed terms and conditions of employment for employees in the Modesto Police **and Fire** Non-Sworn Association (MPNSA). These terms and conditions reflect the terms of the Tentative Agreement (TA) reached at the bargaining table by the parties, but not ratified by MPNSA, as well as the terms and conditions of employment recommended by the majority of the Fact-finding panel.
 - Resolution amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employee's Retirement System (CALPERS) on behalf of employee's represented by the Modesto Police and Fire Non-Sworn Association (MPNSA).

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

ACTION: Resolution 2013-319 (Burnside/Cogdill; 6/1; Lopez no) adopting imposed terms and conditions of employment for employees in the Modesto Police **and Fire** Non-Sworn Association (MPNSA). These terms and conditions reflect the terms of the Tentative Agreement (TA) reached at the bargaining table by the parties, but not ratified by MPNSA, as well as the terms and conditions of employment recommended by the majority of the Fact-finding panel.

ACTION: Resolution 2013-320 (Burnside/Cogdill; 6/1; Lopez no) amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employee's Retirement System (CALPERS) on behalf of employee's represented by the Modesto Police and Fire Non-Sworn Association (MPNSA).

NEW BUSINESS

16. Consider approving an application by JWG McHenry, LLC for vehicular access to Claratina Avenue for a proposed auto dealership/retail development. (Funding Source: Not Applicable)

- Resolution granting access to Claratina Avenue, property located at the southwest corner of McHenry Avenue and Claratina Avenue. (JWG McHenry, 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 (SCH No. 2007072023): Claratina Avenue Automotive Dealerships (JWG McHenry, LLC)

Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com

ACTION: Resolution 2013-321 (Burnside/Lopez; 7/0) granting access to Claratina Avenue, property located at the southwest corner of McHenry Avenue and Claratina Avenue. (JWG McHenry, LLC).

ACTION: Resolution 2013-322 (Burnside/Lopez; 7/0) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Claratina Avenue Automotive Dealerships (JWG McHenry, LLC).

17. Consider accepting the Annual Investment Report for Fiscal Year 2012-13. (Funding Source: Not Applicable)

- Motion accepting the Annual Investment Report for the 2012-13 fiscal year.
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Burnside/Lopez; 7/0) accepting the Annual Investment Report for the 2012-13 fiscal year.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was adjourned at 7:03 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(s): Richard Baker v. City of Modesto.
California Workers Compensation Appeals Board
Nos. ADJ8845171, ADJ8464296, ADJ8384227, ADJ7995067,
STK114450 and STK98853

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: 670384

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

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

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: 106-42-012 Property Owner: G&K Enterprises LLC
APN: 106-42-011 Property Owner: Mote, Curtis W.
APN: 106-42-010 Property Owner: Gervasoni, Gary C. & Gervasoni, Myrna

Negotiating Parties: Paul Draper, for property owners.
Brent Sinclair, for City of Modesto

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

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employee

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

Name of case: City of Modesto v. Kimberly M. Kuppens
Stanislaus County Superior Court Case No. 663732

MINUTES

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

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

Wednesday, September 4, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Cogdill, Burnside, and Muratore
Absent: None
Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

MISCELLANEOUS

1. Consider approving appointments to fill two (2) vacancies on the City of Modesto Board of Building Appeals and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Jim Mack, 577-5242, jmack@modestogov.com

ACTION: Motion (Muratore/Burnside; unan.) approving appointments of Jon Rodriguez and Richard Dalton to fill two (2) vacancies on the City of Modesto Board of Building Appeals and forwarding to Council for approval.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 2

CONSENT

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

Consent

2. Consider approving the Protected-Permissive Traffic Signals report for 2012. (Funding Source: Gas Tax)
Community & Economic Development; Jeff Barnes, 577-5468, Jbarnes@modestogov.com

ACTION: Motion (Burnside/Muratore; unan.) approving the Protected-Permissive Traffic Signals report for 2012

NEW BUSINESS

3. Consider accepting a status report of development projects processed by the Community and Economic Development Department for August 2013. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, bsinclair@modestogov.com

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

4. Consider approving the concept of the City of Modesto hosting a “SuperKart 2014 Super Regional Qualifying Event” to be held on August 1-3 of 2014 and direct staff to return to City Council with a completed contract for consideration. (Funding Source: Sponsorships)
Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Motion (Burnside/Muratore;unan.) approving the concept of the City of Modesto hosting a “SuperKart 2014 Super Regional Qualifying Event” to be held on August 1-3 of 2014 and directing staff to return to City Council with a completed contract for consideration.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:02 p.m.

MINUTES

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

Monday September 09, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Lopez, Geer, Gunderson
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

NEW BUSINESS

1. Consider approving recommendations from the Modesto Police Department regarding the requirement of installation of Anti-theft Devices on transfer of ownership of certain vehicles; provide direction to staff regarding preparation of an ordinance enacting such a requirement for City Council consideration. (Funding Source: Not Applicable)

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

ACTION: Motion (Geer/Gunderson;unan.) approving recommendations from the Modesto Police Department regarding the requirement of installation of Anti-theft Devices on transfer of ownership of certain vehicles; provide direction to staff regarding preparation of an ordinance enacting such a requirement for City Council consideration

2. Consider accepting an informational report regarding Modesto's Crime Statistics for January through June 2013, as compared to January through June 2012. (Funding Source: Not Applicable)

Police; Joel Broumas, 572-9821, BroumasJ@Modestopd.com

ACTION: Motion (Gunderson/Geer;unan.) accepting an informational report regarding Modesto's Crime Statistics for January through June 2013, as compared to January through June 2012.

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 September 10, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers *Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
Absent: Councilmember Muratore

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements: Item 6 - continued to September 24, 2013

Declaration of Conflicts of Interest: Cogdill – Item 9

Reports from Closed Session: City Attorney Wood reported on Closed Session matter

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the City of Modesto's Annual Business Recycling Awards on Tuesday, September 17, 2013. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Vicki Rice , 577-5495, vrice@modestogov.com

ACTION: Presentation of the City of Modesto's Annual Business Recycling Awards on Tuesday, September 17, 2013 were awarded to: Boyett Petroleum, Center for Human Services, Community Business College, Habitat for Humanity, Modesto Junk Company, Community Hospice, Memorial Medical Center, DoubleTree By Hilton Modesto, and United Cerebral Palsy.

PUBLIC COMMENT PERIOD

- James Dietrich spoke regarding the article in Modesto Bee about KART racing.
- Ron Jeske spoke regarding the recent opening of the street in front of 10th Street Plaza.
- Jenny Kenoyer spoke regarding Archway Commons project.

- Carmen Sabatino spoke regarding Measures V and X campaign and insert in utility billing.
- Rickey McGill spoke regarding bringing more business downtown and parking in Modesto.
- Emerson Drake spoke regarding August 15, 2013 Finance Committee meeting and upcoming Planning Commission meeting.
- Loretta Carhart spoke regarding land near the golf course.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-5; 7: (Lopez/Gunderson;unan.;Muratore absent)

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 3, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the September 3, 2013 City Council meeting. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Gunderson; 6/0; Muratore absent) approving the minutes from the September 3, 2013 City Council meeting.

Consent

3. 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 2013-323 (Lopez/Gunderson; 6/0; Muratore absent) approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract.

Consent

4. Consider: (i) accepting the 2014 Selective Traffic Enforcement Program (STEP) Grant in the amount of approximately \$179,515 from the Office of Traffic Safety (OTS); and (ii) amending the FY 2013/14 Operating and Multi-Year Budget, estimating revenue in the amount of \$179,515 for the STEP Grant. (Funding Source: 1341 Grants - Operations Grants Reimbursed)

- Resolution accepting the 2014 Selective Traffic Enforcement Program Grant in the amount of approximately \$179,515 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 2013-2014 Operating and Multi-Year Budget to appropriate revenue and expenses in the amount of \$179,515 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Other Special Traffic Enforcement Operations.

Police; Jeramy Young, 342-6179, youngj@modestopd.com

ACTION: Resolution 2013-324 (Lopez/Gunderson; 6/0; Muratore absent) accepting the 2014 Selective Traffic Enforcement Program Grant in the amount of approximately \$179,515 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 2013-325 (Lopez/Gunderson; 6/0; Muratore absent) amending the FY 2013-2014 Operating and Multi-Year Budget to appropriate revenue and expenses in the amount of \$179,515 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Other Special Traffic Enforcement Operations.

Consent

5. Consider authorizing the award of a sole source procurement for the purchase of Kronos Telestaff scheduling software for the Modesto Police Department, to Kronos, Irvine, CA, for an estimated total cost of \$83,510.00. (Funding Source: Grants-Police)
 - Resolution authorizing the sole source procurement for the purchase of Kronos Telestaff scheduling software for the Modesto Police Department, to Kronos, Irvine, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$ \$83,510.00.

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

ACTION: Resolution 2013-326 (Lopez/Gunderson; 6/0; Muratore absent) authorizing the sole source procurement for the purchase of Kronos Telestaff scheduling software for the Modesto Police Department, to Kronos, Irvine, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$ \$83,510.00.

Continued to September 24, 2013 Council Meeting

6. Consider approving an Amendment to the current lease agreement between the City of Modesto and The Hertz Corporation for the rental car business location at the Modesto City-County Airport. (Funding Source: Not Applicable)
 - Resolution approving an Amendment to the current lease agreement between the City of Modesto and The Hertz Corporation

Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Continued to September 24, 2013 Council meeting.

Consent

7. Consider approving: (i) a Disadvantaged Business Enterprise (DBE) program for the City's Airport and the Transit system; and (ii) a goal of 1% DBE participation in federally funded transit system contracts for the period ending September 30, 2014.

(Funding Source: Not applicable)

- Resolution approving the City of Modesto Disadvantaged Business Enterprise program for FTA and FAA assisted projects.
- Resolution approving the Transit system Disadvantaged Business Enterprise goal of 1% for the period ending September 30, 2014.

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

ACTION: Resolution 2013-327 (Lopez/Gunderson; 6/0; Muratore absent) approving the City of Modesto Disadvantaged Business Enterprise program for FTA and FAA assisted projects.

ACTION: Resolution 2013-328 (Lopez/Gunderson; 6/0; Muratore absent) approving the Transit system Disadvantaged Business Enterprise goal of 1% for the period ending September 30, 2014.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding September 6, 2013 Movies at Mancini; Council in the Park on October 19, 2013 at Sherwood Park in District 5.

Mayor Marsh announced that Councilmember Burnside is in Washington, DC representing the City of Modesto.

Councilmember Gunderson spoke regarding the letter from Centerra Capital received today.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff spoke regarding the letter from Centerra Capital; Centerra will not move forward with the Consultant Agreement approved at last week's Council meeting.

UNFINISHED BUSINESS

8. Consider approving a resolution establishing funding priorities related to a 1% Transactions and Use Tax placed before the voters on the November 5, 2013 General Election Ballot. (Funding Source: General Fund)

- Resolution establishing funding priorities related for a 1% Transactions and Use Tax placed before the voters of the City on the November 5, 2013 General Election Ballot.

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

ACTION: Resolution 2013-329 (Cogdill/Lopez; 6/0; Muratore absent) establishing

funding priorities related for a 1% Transactions and Use Tax placed before the voters of the City on the November 5, 2013 General Election Ballot.

HEARINGS

Published in the Modesto Bee on August 21, 2013 – Councilmember Cogdill absent due to conflict of interest

9. Hearing to consider vacating an alley located at the northeast corner of G Street and Sierra Drive, 629 Second Street. (Funding Source: General Fund - Fire Administration (0100-18110))
- Resolution vacating an alley located at the northeast corner of G Street and Sierra Drive, 629 Second Street.
 - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Vacation of an alley located at the northeast corner of G Street and Sierra Drive, 629 Second Street (City of Modesto) *Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com*

ACTION: Resolution 2013-330 (Lopez/Gunderson; 5/0; Muratore absent; Cogdill absent due to conflict of interest) vacating an alley located at the northeast corner of G Street and Sierra Drive, 629 Second Street.

ACTION: Resolution 2013-331 (Lopez/Gunderson; 5/0; Muratore absent; Cogdill 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 No. 2007072023): Vacation of an alley located at the northeast corner of G Street and Sierra Drive, 629 Second Street (City of Modesto).

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was adjourned at 7:34 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: *Scott Ussery v. County of Stanislaus*

Stanislaus County Superior Court Case No. 662273

MINUTES
City of Modesto
SPECIAL FINANCE COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, September 23, 2013, at 5:00 p.m.

Roll Call - Present: Councilmembers Burnside, Muratore
Absent: Councilmember Cogdill

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider: (i) awarding a contract to KemperSports, Northbrook, IL for golf management services at Creekside Golf Course and Dryden Golf Course for a two year period and authorize the City Manager to execute the agreement; (ii) extending the current agreement with ValleyCrest, Inc. until October 2015 to coincide with the expiration of the new golf management contract at Creekside and Dryden Park Golf Course; and (iii) funding a .75 Administrative Analyst II position in the Golf Fund to oversee the new golf management contract as well as existing golf agreements and forwarding to Council for approval. (Funding Source: Golf Fund)
Parks, Recreation & Neighborhoods; Lisa Forester, 577-6444, lforester@modestogov.com

ACTION: Motion (Muratore/Burnside; Cogdill absent) (i) awarding a contract to KemperSports, Northbrook, IL for golf management services at Creekside Golf Course and Dryden Golf Course for a two year period and authorize the City Manager to execute the agreement; (ii) extending the current agreement with ValleyCrest, Inc. until October 2015 to coincide with the expiration of the new golf management contract at Creekside and Dryden Park Golf Course; and (iii) funding a .75 Administrative Analyst II position in the Golf Fund to oversee the new golf management contract as well as existing golf agreements and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:25 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 24, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

Absent: Councilmember Geer

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, The Carpenter's House

City Clerk's Announcements: Item 21 - Removed from the Agenda

Declaration of Conflicts of Interest: None

Reports from Closed Session: Special Advisory Counsel Stevens reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Equal Opportunity/Disability Commission and Human Relations Commission proclaiming October 2013 as Disability Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh announced a Proclamation to the Equal Opportunity/Disability Commission and Human Relations Commission proclaiming October 2013 as Disability Awareness Month.

2. Presentation of Proclamation declaring September 30 - October 4, 2013 as Cultural Diversity Awareness Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh announced a Proclamation declaring September 30 - October 4, 2013 as Cultural Diversity Awareness Week.

3. Presentation regarding MID Domestic Water Project Refunding Revenue Bonds, Series 2013G. (Funding Source: Not Applicable)
Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Peter Miller, Public Financial Management, gave a presentation regarding MID Domestic Water Project Refunding Revenue Bonds, Series 2013G.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in Modesto.
- Karla Von Hungen spoke regarding the Courthouse project negotiations.
- Vernon Price spoke regarding homeless in Modesto.
- A citizen spoke regarding jobs in Modesto.
- Emerson Drake spoke regarding developers in the City of Modesto and the Modesto Irrigation District.
- Jennifer Machado spoke regarding the camping Ordinance.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-16: (Lopez/Burnside;unan.; Geer 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 September 10, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the September 10, 2013 City Council meeting. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Burnside; 6/0; Geer absent) approving the minutes from the September 10, 2013 City Council meeting.

Consent

5. Consider approving the Outside Service Agreement for sewer connection for the property located at 1501 Inyo Avenue. (Funding Source: General Fund and Sewer Fund)
 - Resolution approving an Outside Service Agreement between the City of Modesto and Arturo Aguilar Mondragon and Maria Elena Cortes Villasenor, husband and wife as joint tenants for sewer service for the property located 1501 Inyo Avenue in the Bret Harte District, Modesto, (APN: 056-045-015); and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2013-332 (Lopez/Burnside; 6/0; Geer absent) approving an Outside Service Agreement between the City of Modesto and Arturo Aguilar Mondragon and Maria Elena Cortes Villasenor, husband and wife as joint tenants for sewer service for the property located 1501 Inyo Avenue in the Bret Harte District, Modesto, (APN: 056-045-015); and authorizing the City Manager, or his designee, to execute the agreement.

Consent

6. Consider approving the Mayor's additional proposed reductions to the FY 2013-2014 General Fund Operating Budget and amending the FY 2013-14 General Fund Operating Budget and Position Allocation, as accepted at the June 25th, 2013 Council Meeting to implement these additional reductions. (Funding Source: General Fund)
- Resolution amending the FY 2013-2014 General Fund Operating Budget to implement the Mayor's additional proposed reductions to various departments within the General Fund resulting in additional savings of \$565,673 as shown in Exhibit A.
 - Resolution amending the FY 2013-2014 Position Allocation to implement the Mayor's additional proposed reductions to modify the Position Allocation for the City Manager's Office, Human Resources, and Community and Economic Development Department to eliminate a total of 3.0 positions as identified in Exhibit A

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

ACTION: Resolution 2013-333 (Lopez/Burnside; 6/0; Geer absent) amending the FY 2013-2014 General Fund Operating Budget to implement the Mayor's additional proposed reductions to various departments within the General Fund resulting in additional savings of \$565,673 as shown in Exhibit A.

ACTION: Resolution 2013-334 (Lopez/Burnside; 6/0; Geer absent) amending the FY 2013-2014 Position Allocation to implement the Mayor's additional proposed reductions to modify the Position Allocation for the City Manager's Office, Human Resources, and Community and Economic Development Department to eliminate a total of 3.0 positions as identified in Exhibit A

Consent

7. Consider accepting the Monthly Investment Report for July 2013. (Funding Source: Various Funds)
- Motion accepting the Monthly Investment Report for July 2013.

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

ACTION: Motion (Lopez/Burnside; 6/0; Geer absent) accepting the Monthly Investment Report for July 2013.

Consent

8. Consider authorizing the award of bid for the painting of water well and tank site services for the Department of Public Works, Water Division, to D.C. Vient, Inc., 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 \$38,000, and over five (5) years of \$190,000. (Funding Source: Water Fund)
- Resolution authorizing the award of bid for the painting of water well and tank site services for the Department of Public Works, Water Division, to D.C. Vient, Inc., Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$38,000, and over five (5) years of \$190,000.

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

ACTION: Resolution 2013-335 (Lopez/Burnside; 6/0; Geer absent) authorizing the award of bid for the painting of water well and tank site services for the Department of Public Works, Water Division, to D.C. Vient, Inc., Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$38,000, and over five (5) years of \$190,000.

Consent

9. Consider authorizing the Purchasing Manager to issue purchase agreements for server equipment replacements, software, services and licensing through various hardware and software manufacturers for the Information Technology Department (ITD) throughout Fiscal Year 2013-2014 for an estimated cost not to exceed \$410,000; and amending the Fiscal Year 2013-2014 Information Technology Operating budget to appropriate \$410,000 from the Information Technology Reserves. (Funding Source: Information Technology Fund)
- Resolution authorizing the Purchasing Manager to issue purchasing agreements for server equipment replacements, software, services and licensing through various hardware and software manufacturers for the Information Technology Department (ITD) throughout Fiscal Year 2013-2014 for an estimated cost not to exceed \$410,000.00
 - Resolution amending the Fiscal Year 2013-2014 Information Technology Operating budget to appropriate \$410,000.00 from the Information Technology Fund Reserves

Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com

ACTION: Resolution 2013-336 (Lopez/Burnside; 6/0; Geer absent) authorizing the Purchasing Manager to issue purchasing agreements for server equipment replacements, software, services and licensing through various hardware and software manufacturers for the Information Technology Department (ITD) throughout Fiscal Year 2013-2014 for an estimated cost not to exceed \$410,000.00.

ACTION: Resolution 2013-337 (Lopez/Burnside; 6/0; Geer absent) amending the Fiscal Year 2013-2014 Information Technology Operating budget to appropriate \$410,000.00 from

the Information Technology Fund Reserves

Consent

10. Consider authorizing the Purchasing Manager to issue purchase agreements for maintenance contracts/support agreements throughout Fiscal Year 2013-14 for the “sole source” procurement of various hardware and software maintenance support agreements from hardware and software manufacturers for the Information Technology Department for an estimated annual cost not to exceed \$1,033,344. (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 2013-2014 From hardware and software manufacturers for the Information Technology Department, for an estimated annual cost not to exceed \$1,033,344

Information Technology; Bryan Sastokas, 577-5229, bsastokas@modestogov.com

ACTION: Resolution 2013-338 (Lopez/Burnside; 6/0; Geer absent) authorizing the Purchasing Manager to issue purchasing agreements for the sole source procurement of various hardware and software maintenance /support agreements throughout Fiscal Year 2013-2014 from hardware and software manufacturers for the Information Technology Department, for an estimated annual cost not to exceed \$1,033,344.

Consent

11. Consider: (i) accepting the Office of Traffic Safety (OTS) Sobriety Checkpoint Grant Program in the amount of \$93,788.00 for overtime to conduct sobriety checkpoints; and (ii) amending the FY 2013/14 Operating and Multi-Year Budget, estimating revenue in the amount of \$93,788.00 for Sobriety Checkpoint Grant Program. (Funding Source: Grants - Operations Grants Reimbursed)

- Resolution accepting a grant in the amount of \$93,788 from the Office of Traffic Safety Sobriety Checkpoint Grant Program, to conduct sobriety checkpoints; and authorizing the City Manager, or his designee, to execute the necessary program documents.
- Resolution amending the Multi-Year 2013/2014 Operating Budget to appropriate revenues and expenditures of \$93,788 to conduct sobriety checkpoints.

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

ACTION: Resolution 2013-339 (Lopez/Burnside; 6/0; Geer absent) accepting a grant in the amount of \$93,788 from the Office of Traffic Safety Sobriety Checkpoint Grant Program, to conduct sobriety checkpoints; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2013-340 (Lopez/Burnside; 6/0; Geer absent) amending the Multi-Year 2013/2014 Operating Budget to appropriate revenues and expenditures of \$93,788 to conduct sobriety checkpoints.

Consent

12. Consider accepting the Edward Byrne Memorial Justice Assistance Grant (JAG), for a joint award with the County of Stanislaus and the City of Modesto, in the amount of \$138,905. (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 \$138,905; and authorizing the City Manager, or his designee, to execute the necessary grant documents.
 - Resolution amending the Multi-Year 2013/2014 Operating Budget, estimating revenue of \$104,118 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds.
- Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

ACTION: Resolution 2013-341 (Lopez/Burnside; 6/0; Geer absent) 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 \$138,905; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2013-342 (Lopez/Burnside; 6/0; Geer absent) amending the Multi-Year 2013/2014 Operating Budget, estimating revenue of \$104,118 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds.

Consent

13. Consider approving two agreements with Kimley-Horn and Associates, Inc. (KHA) to provide design and planning services for: (i) Drainage Study in an amount not to exceed \$65,000 and (ii) Airfield Electrical Systems Study and Signage/Marking Plan in an amount not to exceed \$160,000. (Funding Source: Federal Grant Funds/Passenger Facility Charges)
- Resolution approving an agreement with Kimley-Horn and Associates to provide design and planning services for an Airport Drainage Study for the Modesto City-County Airport in an amount not to exceed \$65,000.00.
 - Resolution approving an agreement with Kimley-Horn and Associates to provide design and planning services for an Airfield Electrical Systems Study and Signage and Marking Plan for the Modesto City-County Airport in an amount not to exceed \$160,000.00 .

Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2013-343 (Lopez/Burnside; 6/0; Geer absent) approving an agreement with Kimley-Horn and Associates to provide design and planning services for an Airport Drainage Study for the Modesto City-County Airport in an amount not to exceed \$65,000.00.

ACTION: Resolution 2013-344 (Lopez/Burnside; 6/0; Geer absent) approving an agreement with Kimley-Horn and Associates to provide design and planning services for an Airfield Electrical Systems Study and Signage and Marking Plan for the Modesto City-County Airport in an amount not to exceed \$160,000.00.

Consent

14. Consider accepting a Federal Airport Improvement Program Grant Offer for \$120,000 from the Federal Aviation Administration (FAA) for Wildlife Hazard Assessments. (Funding Source: Federal Grant Funds/Passenger Facility Charges)
- Resolution accepting a Federal Airport Improvement Program Grant Offer for \$120,000 from the Federal Aviation Administration (FAA) for Wildlife Hazard Assessments.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: Resolution 2013-345 (Lopez/Burnside; 6/0; Geer absent) accepting a Federal Airport Improvement Program Grant Offer for \$120,000 from the Federal Aviation Administration (FAA) for Wildlife Hazard Assessments.

Consent

15. Consider approving an Amendment to the current lease agreement between the City of Modesto and The Hertz Corporation for the rental car business location at the Modesto City-County Airport. (Funding Source: Not Applicable)
- Resolution approving an Amendment to the current lease agreement between the City of Modesto and The Hertz Corporation
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: Resolution 2013-346 (Lopez/Burnside; 6/0; Geer absent) approving an Amendment to the current lease agreement between the City of Modesto and The Hertz Corporation.

Consent

16. Consider supporting the Water Infrastructure Finance and Innovation Act. (Funding Source: Not Applicable)
- Resolution supporting the Water Infrastructure Finance and Innovation Act.
- Utility Planning and Projects; Rich Ulm, 577-5261, rulm@modestogov.com*

ACTION: Resolution 2013-347 (Lopez/Burnside; 6/0; Geer absent) supporting the Water Infrastructure Finance and Innovation Act.

COUNCIL COMMENTS & REPORTS

City Councilmember Gunderson attended the League of California Cities meeting in Sacramento last week.

Mayor Marsh and Councilmember Burnside also spoke regarding attending the League of California Cities Conference in Sacramento; Councilmember Burnside attended One Voice trip in Washington, D.C.

Councilmember Lopez spoke regarding Council in the Park on October 26, 2013 at Sherwood Park.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff and Chief Carroll recognized Modesto Police Officers receiving a Medal of Valor honor from Governor Jerry Brown.

WRITTEN COMMUNICATIONS

17. Consider a letter from Persike Benefit Solutions regarding The Lew Edwards Group public opinion survey. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: City Manager Nyhoff acknowledged Mr. Persike's request.

18. Consider a letter from Mr. Jason David regarding CBD Medicinal Marijuana. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Councilmember Lopez referred Mr. David to the November Safety & Communities Committee.

HEARINGS

Published in the Modesto Bee on August 25, 2013

19. Hearing to consider the request of the Ashby Park Neighborhood Watch Committee to close Oxford Way at its intersection with Sunrise Avenue to pedestrian traffic. (Funding Source: Applicant funding for the street closure and the Surface Transportation Fund for removal of the crosswalk)
- Resolution to close Oxford Way at its intersection with Sunrise Avenue to Pedestrian Traffic.
- Community & Economic Development; Katharine Martin, 577-5465, kamartin@modestogov.com*

ACTION: Resolution 2013-348 (Muratore/Cogdill; 6/0; Geer absent) to close Oxford Way at its intersection with Sunrise Avenue to Pedestrian Traffic.

Published in the Modesto Bee on August 20, 2013

20. Hearing to consider approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2012-2013 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: CDBG, HOME, ESG)
- Resolution approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 2012-2013 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 2013-349 (Cogdill/Gunderson; 5/0; Geer, Lopez absent) approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 2012-2013 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

Removed from Agenda

21. Consider amending the Classification Plan and Class Range Table for Executive Management to: (i) add the new classification of Director of Utilities; and (ii) add the Director of Utilities to salary range 1431. (Funding Source: Enterprise Fund)
- Resolution amending the Classification Plan for the City of Modesto to create the classification of Director of Utilities.
 - Resolution amending Exhibit “C” of Resolution No. 2012-370, to revise the Class Range Table for Executive Management to add Director of Utilities to salary range 1431.

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

ACTION: Removed from the Agenda.

22. Consider approving a contract between the City of Modesto and SuperKart! USA to host the 2014 Pro Tour SummerNationals on August 1-3 of 2014. (Funding Source: Sponsorships)
- Resolution approving a contract between the City of Modesto and SuperKart! USA to host the 2014 Pro Tour SummerNationals on August 1-3 of 2014.

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

ACTION: Resolution 2013-350 (Cogdill/Lopez; 6/0; Geer absent) approving a contract between the City of Modesto and SuperKart! USA to host the 2014 Pro Tour SummerNationals on August 1-3 of 2014.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:43 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: City of Modesto v. Bank of America, et al.

Financial Industry Regulatory Authority Case No. 12-00478

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager

Employee Organization: Unrepresented Management and Confidential Employee

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

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

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: 106-42-012 Property Owner: G&K Enterprises LLC
APN: 106-42-011 Property Owner: Mote, Curtis W.
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
Under Negotiation: Price and Terms of the acquisition and property.

**PUBLIC EMPLOYEE EMPLOYMENT
(Pursuant to Sections 54954.4 and 54957 of the Government Code)**

Title: City Attorney

**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

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 01, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
Absent: Councilmember Gunderson

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements

Declaration of Conflicts of Interest: Muratore – Item 4.

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Bryan Sastokas, City of Modesto Chief Information Officer, announcing that October is National Cyber Security Awareness Month. (Funding Source: Not Applicable)
Information Technology; Bryan Sastokas, 577-5331, bsastokas@modestogov.com

ACTION: Bryan Sastokas, City of Modesto Chief Information Officer, gave a presentation regarding Cyber Security and announced that October is National Cyber Security Awareness Month.

PUBLIC COMMENT PERIOD

- Ron Jeske shared a positive story about his son-in-law, Jon Olsen.
- Joan Rutschow spoke regarding the MID candidates and read quotes from the candidates reported in the Modesto Bee.
- Emerson Drake spoke regarding the City of Modesto invocations, the Courthouse project and the LAFCO meeting that was held last week.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-3; 5-9: (Lopez/Geer 6/0; Gunderson absent)
ACTION CONSENT ITEM 4 (Lopez/Geer; majority; Gunderson absent; Muratore 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 September 24, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the September 24, 2013 City Council meeting
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Geer 6/0; Gunderson absent) approving the minutes from the September 24, 2013 City Council meeting.

Consent

3. Consider approving a Legal Services Agreement with Curtis Wright, Esq., of Silver & Wright, LLP, for the handling of Receivership Enforcement on Behalf of the City of Modesto. (Funding Source: Legal Services Account)
 - Resolution approving a Legal Services Agreement with Curtis Wright, Esq., of Silver & Wright, LLP, for the handling of Receivership matters on behalf of the City of Modesto.
City Attorney; Tara M. Davis, 577-5284, tmdavis@modestogov.com

ACTION: Resolution 2013-351 (Lopez/Geer 6/0; Gunderson absent) approving a Legal Services Agreement with Curtis Wright, Esq., of Silver & Wright, LLP, for the handling of Receivership matters on behalf of the City of Modesto.

Muratore Conflict of Interest

Consent

4. Consider approving the Will Serve Letters and Outside Service Agreements for water and sewer connection for the property located at 649 Paradise Road (APN: 030-023-012). (Funding Source: General Fund and Sewer and Water Funds)
 - Resolution approving a Will Serve Letter for the property located at 649 Paradise Road, APN: 030-023-012 to connect to the City of Modesto existing water system, and authorizing the City Manager, or his designee, to sign the Will Serve letter.
 - Resolution approving a Will Serve Letter for the property located at 649 Paradise

Road, APN: 030-023-012 to connect to the City of Modesto 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 Hong Phe, Sangley Prak, Meng Prak, Hav Neang, and Bunleang Vin for water service for the property located at 649 Paradise Road, APN: 030-023-012 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution approving an Outside Service Agreement between the City of Modesto and Hong Phe, Sangley Prak, Meng Prak, Hav Neang, and Bunleang Vin for sewer Service For the property located at 649 Paradise Road, APN: 030-023-012 and Authorizing the City Manager, or his designee, to execute the Agreement.

Community & Economic Development; Bill Sandhu, 577-5356,

bsandhu@modestogov.com

ACTION: Resolution 2013-352 (Lopez/Geer 5/0; Gunderson absent; Muratore absent due to conflict of interest) approving a Will Serve Letter for the property located at 649 Paradise Road, APN: 030-023-012 to connect to the City of Modesto existing water system, and authorizing the City Manager, or his designee, to sign the Will Serve letter.

ACTION: Resolution 2013-353 (Lopez/Geer 5/0; Gunderson absent; Muratore absent due to conflict of interest) approving a Will Serve Letter for the property located at 649 Paradise Road, APN: 030-023-012 to connect to the City of Modesto existing sewer system, and authorizing the City Manager, or his designee, to sign the Will Serve letter.

ACTION: Resolution 2013-354 (Lopez/Geer 5/0; Gunderson absent; Muratore absent due to conflict of interest) approving an Outside Service Agreement between the City of Modesto and Hong Phe, Sangley Prak, Meng Prak, Hav Neang, and Bunleang Vin for water service for the property located at 649 Paradise Road, APN: 030-023-012 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2013-355 (Lopez/Geer 5/0; Gunderson absent; Muratore absent due to conflict of interest) approving an Outside Service Agreement between the City of Modesto and Hong Phe, Sangley Prak, Meng Prak, Hav Neang, and Bunleang Vin for sewer Service For the property located at 649 Paradise Road, APN: 030-023-012 and Authorizing the City Manager, or his designee, to execute the Agreement.

Consent

5. Consider authorizing the award of bids for the furnishing of asphalt and emulsified asphalt material for the Department of Public Works, Streets Division, to George Reed, Inc., Modesto, CA, as “primary” contractor and Calaveras Materials Inc., Hughson, CA, as “secondary” contractor, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated historical annual cost of \$500,000, and over five (5) years of \$2,500,000. (Funding Source: Various)
 - Resolution authorizing the award of bids for the furnishing of asphalt and emulsified asphalt material for the Department of Public Works, Streets Division, to George Reed, Inc., Modesto, CA, as “primary” contractor and Calaveras

Materials, Inc., Hughson, CA, as “secondary” contractor, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated historical annual cost of \$500,000, and over five (5) years of \$2,500,000.

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

ACTION: Resolution 2013-356 (Lopez/Geer 6/0; Gunderson absent) authorizing the award of bids for the furnishing of asphalt and emulsified asphalt material for the Department of Public Works, Streets Division, to George Reed, Inc., Modesto, CA, as “primary” contractor and Calaveras Materials, Inc., Hughson, CA, as “secondary” contractor, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue purchase agreements for an estimated historical annual cost of \$500,000, and over five (5) years of \$2,500,000.

Consent

6. Consider approving an agreement for the purchase of retired City of Modesto Police canine, Chuck, by its handler, Officer Daniel Phillips. (Funding Source: General Fund Revenue)

- Resolution approving an Agreement between the City of Modesto and Officer Daniel Phillips for the purchase of retired City of Modesto Police canine, Chuck, and authorizing the City Manager, or his designee, to execute the Agreement.

Police; Rick Armendariz, 572-9612, armendarizr@modestopd.com

ACTION: Resolution 2013-357 (Lopez/Geer 6/0; Gunderson absent) approving an Agreement between the City of Modesto and Officer Daniel Phillips for the purchase of retired City of Modesto Police canine, Chuck, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider approving agreements with: (i) Commercial Architecture, Inc. for On-call Architectural Services, in an amount not to exceed \$45,000 per year; (ii) Miller-Pezzoni & Associates, Inc. for On-call Electrical Engineering Services in an amount not to exceed \$75,000 per year; (iii) Nexus Engineering for On-call Mechanical Engineering Services in an amount not to exceed \$45,000 per year; (iv) Lionakis for On-call Structural Engineering Services in an amount not to exceed \$45,000 per year; and (v) Kleinfelder West, Inc. for On-call Geotechnical Engineering Services in an amount not to exceed \$45,000 per year. (Funding Source: Various CIP Projects)

- Resolution approving an agreement with Commercial Architecture, Inc. (Commercial Architecture) for On-call Architectural Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

- Resolution approving an agreement with Miller-Pezzoni & Associates, Inc. (Miller-Pezzoni) for On-call Electrical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$75,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.
- Resolution approving an agreement with Nexus Engineering (Nexus) for On-call Mechanical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.
- Resolution approving an agreement with Lionakis for On-call Structural Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.
- Resolution approving an agreement with Kleinfelder West, Inc. (Kleinfelder) for On-call Geotechnical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

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

ACTION: Resolution 2013-358 (Lopez/Geer 6/0; Gunderson absent) approving an agreement with Commercial Architecture, Inc. (Commercial Architecture) for On-call Architectural Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

ACTION: Resolution 2013-359 (Lopez/Geer 6/0; Gunderson absent) approving an agreement with Miller-Pezzoni & Associates, Inc. (Miller-Pezzoni) for On-call Electrical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$75,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

ACTION: Resolution 2013-360 (Lopez/Geer 6/0; Gunderson absent) approving an agreement with Nexus Engineering (Nexus) for On-call Mechanical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

ACTION: Resolution 2013-361 (Lopez/Geer 6/0; Gunderson absent) approving an agreement with Lionakis for On-call Structural Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

ACTION: Resolution 2013-362 (Lopez/Geer 6/0; Gunderson absent) approving an agreement with Kleinfelder West, Inc. (Kleinfelder) for On-call Geotechnical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

Consent

8. Consider accepting the work by Allen A. Waggoner Construction, Inc. of Ripon, California for the Emerald & Maze Storm Drain Project as complete. (Total construction contract cost is \$188,925, with a total project cost of \$258,617.) (Funding Source: Storm Drain Fund)
- Resolution accepting the work by Allen A. Waggoner Construction, Inc., for the Emerald & Maze Storm Drain Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$188,925.
*Utility Planning and Projects; Rob Christensen, 577-5423,
rchristensen@modestogov.com*

ACTION: Resolution 2013-363 (Lopez/Geer 6/0; Gunderson absent) accepting the work by Allen A. Waggoner Construction, Inc., for the Emerald & Maze Storm Drain Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$188,925.

Consent

9. Consider accepting the work by Netbuilds of Marysville, California for the Customer Services Counter Improvements Project as complete. (Total construction contract cost is \$173,360, with a total project cost of \$261,417.) (Funding Source: Special Fund for Capital Outlay, Water & Wastewater Funds)
- Resolution accepting the work by Netbuilds, for the Customer Services Counter 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, and authorizing payment of amounts totaling \$173,360.
*Utility Planning and Projects; Rob Christensen, 577-5423,
rchristensen@modestogov.com*

ACTION: Resolution 2013-364 (Lopez/Geer 6/0; Gunderson absent) accepting the work by Netbuilds, for the Customer Services Counter 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, and authorizing payment of amounts totaling \$173,360.

COUNCIL COMMENTS & REPORTS

Councilmember Geer reported on his recent trip to Modesto's Sister City, Khmel'nitsky Ukraine. He was treated very well and was invited to a Sister City's Convention and met with delegations from Russia, Poland, Serbia, Moldova and the Ukraine. The Sister City Program is important to the City and allows Modesto to make contact with others in the business community.

Mayor Marsh thanked Councilmember Geer for representing the City in Khmel'nitsky.

CITY MANAGER COMMENTS & REPORTS

None

WRITTEN COMMUNICATIONS

10. Consider a letter dated September 23, 2013 from Persike Benefit Solutions regarding The Lew Edwards Group public opinion survey. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: No reportable action.

HEARINGS

Published in the Modesto Bee on September 21, 2013

11. Hearing to consider: (i) accepting the Fiscal Year 2012-13 Annual Report of Securities Held for Future Improvements and making findings related to each security on file; (ii) approving the creation of a new Multi-Year Fund 3510 to be used solely for projects to be funded by Securities Held for Future Improvements; and (iii) amending the Fiscal Year 2013-14 Multi-Year Budget, creating three (3) Multi-Year Projects within Fund 3510 and appropriating cash deposits currently held for the three (3) projects. (Funding Source: Developer Deposits)
 - Resolution accepting the Fiscal Year 2012-13 Annual Report of Securities Held for Future Improvements, and making findings related to each security on file.
 - Resolution approving the creation of a new Multi-Year Fund 3510 to be used solely for projects to be funded by Securities Held for Future Improvements.
 - Resolution amending the Fiscal Year 2013-14 Multi-Year Budget, creating three (3) Multi-Year Projects within Fund 3510 and appropriating cash deposits currently held for the three (3) projects.

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

ACTION: Resolution 2013-365 (Lopez/Burnside 6/0; Gunderson absent) accepting the

Fiscal Year 2012-13 Annual Report of Securities Held for Future Improvements, and making findings related to each security on file.

ACTION: Resolution 2013-366 (Lopez/Burnside 6/0; Gunderson absent) approving the creation of a new Multi-Year Fund 3510 to be used solely for projects to be funded by Securities Held for Future Improvements.

ACTION: Resolution 2013-367 (Lopez/Burnside 6/0; Gunderson absent) amending the Fiscal Year 2013-14 Multi-Year Budget, creating three (3) Multi-Year Projects within Fund 3510 and appropriating cash deposits currently held for the three (3) projects.

NEW BUSINESS

12. Consider: (i) authorizing staff to negotiate a contract with KemperSports, Northbrook, IL for Golf Management Services at Creekside Golf Course and Dryden Golf Course for a two Year Period; (ii) extending the current agreement with ValleyCrest, Inc. until October 2015 with a \$50,000 per year costs savings; (iii) funding a .75 Administrative Analyst II position in the Golf Fund to oversee the new golf management contract as well as existing golf agreements. (Funding Source: Golf Fund)
- Resolution authorizing staff to negotiate a contract with KemperSports, Northbrook, IL for golf management services at Creekside Golf Course and Dryden Golf Course for a two year period.
 - Resolution extending the current agreement with ValleyCrest, Inc. until October 2015.
 - Resolution funding a .75 Administrative Analyst II position in the Golf Fund to oversee the new golf management contract as well as existing golf agreements.
- Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417 ,
jhannon@modestogov.com*

ACTION: Resolution 2013-368 (Lopez/Burnside 6/0; Gunderson absent) authorizing staff to negotiate a contract with KemperSports, Northbrook, IL for golf management services at Creekside Golf Course and Dryden Golf Course for a two year period. .

ACTION: Resolution 2013-369 (Lopez/Burnside 6/0; Gunderson absent) extending the current agreement with ValleyCrest, Inc. until October 2015.

ACTION: Resolution 2013-370 (Lopez/Burnside 6/0; Gunderson absent) funding a .75 Administrative Analyst II position in the Golf Fund to oversee the new golf management contract as well as existing golf agreements.

MATTERS TOO LATE FOR THE AGENDA

ADJOURNMENT

ACTION: This meeting was adjourned at 7:00 p.m.

CLOSED SESSION

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: *City of Modesto v. Okada Brothers*

Stanislaus County Superior Court Case No. 675831

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case

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

Name of case: *City of Modesto v. County of Stanislaus, Lauren Klein, et al.*

Stanislaus County Superior Court Case No. 683887

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

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 08, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jim Applegate, Redeemer

City Clerk's Announcements: Item 5 removed from the Agenda

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Wood reported on Closed Session matters;
Closed Session to reconvene after Council meeting

PUBLIC COMMENT PERIOD

- Rick Dalton spoke regarding proposed employee three tier rate structure for health insurance and retirees.
- Vernon Price spoke regarding homeless in the City of Modesto.
- Jenny Kenoyer spoke regarding Measure X and Oversight Committee.
- Ed Persike spoke regarding a Public Records Act request for the public opinion survey, Measure X and property negotiations.
- Joan Rutschow, Edith James and Georgianna MacDonald spoke regarding a Public Records Act request for the public opinion survey and Measure X.
- Emerson Drake spoke regarding the League of Women Voters City Council Candidate Forum on September 30, 2013.
- Kurt Abell spoke regarding visitors to the City of Modesto from Australia.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 1-3: (Lopez/Burnside;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 October 1, 2013 City Council meeting.
(Funding Source: Not Applicable)
 - Motion approving the minutes from the October 1, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes from the October 1, 2013 City Council meeting.

Consent

2. Consider authorizing the award of bids for the purchase of janitorial paper products for the Parks, Recreation and Neighborhoods Department, Building Services Division, to Central Sanitary Supply, Modesto, CA, and Randik Paper, 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 \$39,300, and over five (5) years of \$196,500.
(Funding Source: Building Services Fund)
 - Resolution authorizing the award of bids for the purchase of janitorial paper products for the Parks, Recreation and Neighborhoods Department, Building Services Division, to Central Sanitary Supply, Modesto, CA, and Randik Paper, 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 purchase agreements for an estimated annual cost of \$39,300, and over five (5) years of \$196,500.
Finance and Parks, Recreation & Neighborhoods; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2013-371 (Lopez/Burnside; 7/0) authorizing the award of bids for the purchase of janitorial paper products for the Parks, Recreation and Neighborhoods Department, Building Services Division, to Central Sanitary Supply, Modesto, CA, and Randik Paper, 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 purchase agreements for an estimated annual cost of \$39,300, and over five (5) years of \$196,500.

Consent

3. Consider authorizing the Purchasing Manager to purchase GameTime play equipment for Sipherd Neighborhood Park by accessing the terms of the US Communities

agreement with GameTime (Funding Source: CDBG)

- 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 GameTime, Novato, CA and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost of \$52,288.92.

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

ACTION: Resolution 2013-372 (Lopez/Burnside; 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 GameTime, Novato, CA and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost of \$52,288.92.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding October 26, 2013 Council in the Park and the Pelandale Interchange Project; he thanked Councilmember Burnside.

Councilmember Burnside spoke regarding the California Transportation Commission, CalTrans Executive Directors and reception last night.

Mayor Marsh spoke regarding Modesto becoming a self-help City for the Pelandale Interchange Project and the California Transportation Commission.

Councilmember Gunderson spoke regarding his attendance at the Conference on Childhood Obesity Prevention in Baltimore, Maryland.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff spoke regarding \$6 million refinancing bonds and funding of \$43 million for the Pelandale Interchange Project.

UNFINISHED BUSINESS

4. Consider: (i) authorizing the City Manager to execute all documents related to a Management Agreement with KemperSports for the Golf Operations at Dryden and Creekside Golf Courses in the amount of \$00.00 for a period from October 14, 2013 through October 31, 2015; and (ii) approving a start-up operating budget for the period of October 14, 2013 through December 31, 2013 and amend the Fiscal Year 2013-14 operating budget in the amount not to exceed \$115,000. (Funding Source: Golf Fund)
 - Resolution authorizing the City Manager to execute all documents related to a Management Agreement with KemperSports for the Golf Operations at Dryden and Creekside Golf Courses.
 - Resolution approving a start-up budget, for the period between October 14, and

December 31, 2013, and amend the Fiscal Year 2013-14 operating budget in the amount not to exceed \$115,000.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2013-373 (Burnside/Lopez; 7/0) authorizing the City Manager to execute all documents related to a Management Agreement with KemperSports for the Golf Operations at Dryden and Creekside Golf Courses.

ACTION: Resolution 2013-374 (Burnside/Lopez; 7/0) approving a start-up budget, for the period between October 14, and December 31, 2013, and amend the Fiscal Year 2013-14 operating budget in the amount not to exceed \$115,000.

NEW BUSINESS

Removed from Agenda

5. Consider authorizing the City Manager or designee to enter into agreements with the City's Labor Organizations to implement a three tier rate structure for health insurance; and if necessary, to negotiate with employee groups regarding the implementation details of the these changes (Funding Source: General Fund)
 - 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 structure for health insurance; and, if necessary, to negotiate with employee groups regarding the implementation details of these changes.

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

ACTION: Item removed from the Agenda.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:46 p.m. and returned to Closed Session

CLOSED SESSION

Closed Session Matters Heard Prior to and after Council Meeting

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

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

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: 106-42-012 Property Owner: G&K Enterprises LLC

APN: 106-42-011 Property Owner: Mote, Curtis W.

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case: Joshua Mordoff v. Det. James Rokaitis and Modesto Police Department et al.

United States District Court Case No. 1:11-CV-1039-AWI-DLB

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case: Nina Ruiz v. Officer Douglas Ridenour, City of Modesto

Stanislaus County Superior Court Case No. 684733

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

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

Negotiator: Joe Lopez
Agency Negotiators: Allyson Hauck, Esq.
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: Allyson Hauck, Esq.
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: Allyson Hauck, Esq.
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: Allyson Hauck, Esq.
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: Allyson Hauck, Esq.
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: Allyson Hauck, Esq.
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: Allyson Hauck, Esq.
Employee Organization: Unrepresented Management and Confidential Employees

PUBLIC EMPLOYEE EMPLOYMENT
(Pursuant to Sections 54954.4 and 54957 of the Government Code)
Title: Interim City Attorney

MINUTES

City of Modesto SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

Monday October 14, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Geer and Gunderson
Absent: Councilmember Lopez

PUBLIC COMMENTS

None.

MISCELLANEOUS

1. Consider recommending appointments to fill current vacancies on the City of Modesto Entertainment Commission and forwarding to Council for approval.
(Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com

ACTION: Motion (Gunderson/Geer; Lopez absent) recommending the following appointments: (i) Chris Ricci (one business permit holder); (ii) Susanna Mendieta Beasley (one non-profit/special event holder); (iii) Bart Barringer, DID Director (one of two representatives from the Board of Directors of an economic/tourist establishment that promotes Modesto) and forward to Council for approval. The Safety & Communities Committer will interview for the following positions: (i) one remaining representative from the Board of Directors of an economic/tourist establishment that promotes Modesto and (ii) two alternates to be non-permit holders.

CONSENT ITEMS: None

NEW BUSINESS

2. Consider amending the City of Modesto Plumbing, Electrical, Mechanical and Building Codes and adopting by Reference the 2010 California Plumbing, Electrical, Mechanical and Building Codes and Repealing all Other Ordinances and Parts of the Ordinances in conflict therewith and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Jim Mack, 577-5242, jmack@modestogov.com

ACTION: Motion (Gunderson/Geer; Lopez absent) amending the City of Modesto Plumbing, Electrical, Mechanical and Building Codes and adopting by Reference the 2010 California Plumbing, Electrical, Mechanical and Building Codes and Repealing all Other Ordinances and Parts of the Ordinances in conflict therewith and forwarding to Council for approval.

3. Consider accepting a staff report for crosswalk improvements on Downey Avenue at I Street, and providing staff with direction on course of action. (Funding Source: Not Applicable)

Community & Economic Development; Jeff Barnes, 577-5468, Jbarnes@modestogov.com

ACTION: Motion (Gunderson/Geer; Lopez absent) directing staff to move forward with: (i) installation of pedestrian warning signs as shown on Exhibit C at a cost of \$425 for the interim; and (ii) the installation of a rapid flashing beacon system as shown on Exhibit D at a cost of \$40,000 (obtain funding); and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:00 p.m.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2001
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, October 15, 2013, at 10:00 a.m.

Roll Call Present: Mayor Marsh, Councilmembers Muratore and Geer
Absent: None

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider accepting an Internal Audit Status Report Update from Moss Adams LLP as of October 9, 2013. (Funding Source: Not Applicable)
City Auditor; Tom Krippaehne, (206) 302-6409, Tom.Krippaehne@mossadams.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:15 a.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 22, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein , College Avenue Church, UCC

City Clerk’s Announcements: Item 9 - Removed from Consent
Item 5 and Public Finance Authority Item B - to be heard after
Consent

Declaration of Conflicts of Interest: Cogdill - Item 4; Muratore Items 13 and 14

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

PUBLIC COMMENT PERIOD

- Ray Perfferini spoke regarding trees in Modesto.
- Vernon Price spoke regarding the homeless and mentally ill in Modesto.
- Alfredo Gonzales spoke regarding being homeless in Modesto.
- Ron Jeske spoke regarding Measure X tax on the November 5, 2013 election.
- Rickey McGill spoke regarding opening a police academy in the City of Modesto.
- Danny Gottlieb spoke regarding the May 2013 utility bill insert regarding the City's budget and public relations.
- Jenny Kenoyer spoke regarding finding the homeless a location to stay during the day.
- Loretta Carhart spoke regarding homeless and vandals in the City of Modesto.

- Jennifer Machado spoke regarding the homeless and recycling in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 1-3; 5-11 (Lopez/Burnside;unan.)

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

ACTION ITEM 9: (Gunderson/Geer;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 October 8, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the October 8, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes from the October 8, 2013 City Council meeting.

Consent

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

ACTION: Resolution 2013-375 (Lopez/Burnside; 7/0) approving the 2014 City Council Meeting Calendar.

Consent

3. Consider approving the Protected-Permissive Traffic Signals Report for 2012. (Funding Source: Surface Transportation Fund)
 - Resolution approving the Protected-Permissive Traffic Signals Report for 2012.
Community & Economic Development; Jeff Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2013-376 (Lopez/Burnside; 7/0) approving the Protected-Permissive Traffic Signals Report for 2012.

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

4. Consider reimbursing Quik Stop Inc. in the amount of \$81,223.63 for the relocation assistance and purchase of inventory, removal of fuel tanks, demolition, testing and cleanup expenses within the limits of the State Route 99/Pelandale Avenue Interchange Reconstruction project. (Funding Source: Local Capital Facilities Fees)

- Resolution approving a reimbursement to Quik Stop Inc. in the amount of \$81,223.63, for the relocation assistance and purchase of inventory, removal of fuel tanks, demolition, testing and cleanup expenses within the limits of the State Route 99/Pelandale Avenue Interchange Reconstruction project.

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

ACTION: Resolution 2013-377 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest) approving a reimbursement to Quik Stop Inc. in the amount of \$81,223.63, for the relocation assistance and purchase of inventory, removal of fuel tanks, demolition, testing and cleanup expenses within the limits of the State Route 99/Pelandale Avenue Interchange Reconstruction project.

Consent

5. Consider accepting the Monthly Investment Report for August 2013. (Funding Source: Finance)

- Motion accepting the Monthly Investment Report for August 2013.

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

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

Consent

6. Consider authorizing the award of contract for SB-90 Mandate-Reimbursement Claims Processing Services for the Finance Department, to MGT of America, Inc., Sacramento, CA, for a two (2) year initial term with three (3) one-year extension options at the sole discretion of the City for an estimated annual cost of \$12,500 and a five (5) year estimated cost of \$ 62,500. (Funding Source: General Fund Non-Departmental SB-90 Mandated Cost Recovery)

- Resolution authorizing the award of contract for SB-90 State Mandates-Reimbursement Claims Processing Services for the Finance Department, to MGT of America, Inc., Sacramento, CA, for a two (2) year initial term with three (3) one-year extension options at the sole discretion of the City for an estimated annual cost of \$12,500 and a five (5) year estimated cost of \$ 62,500 and authorizing the City Manager or his designee to execute the contract.

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

ACTION: Resolution 2013-378 (Lopez/Burnside; 7/0) authorizing the award of contract for SB-90 State Mandates-Reimbursement Claims Processing Services for the Finance Department, to MGT of America, Inc., Sacramento, CA, for a two (2) year initial term with three (3) one-year extension options at the sole discretion of the City for an estimated annual cost of \$12,500 and a five (5) year estimated cost of \$ 62,500 and authorizing the City Manager or his designee to execute the contract.

Consent

7. Consider authorizing the City Manager to negotiate and execute an agreement with

Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”), a professional law firm, to provide interim City Attorney services for the City, and appoint Adam Lindgren as interim City Attorney, effective November 9, 2013. (Funding Source: General Fund)

- Resolution authorizing the City Manager to negotiate and execute an agreement with Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”), a professional law firm, to provide interim City Attorney services for the City, and appoint Adam Lindgren as interim City Attorney.

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

ACTION: Resolution 2013-379 (Lopez/Burnside; 7/0) authorizing the City Manager to negotiate and execute an agreement with Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”), a professional law firm, to provide interim City Attorney services for the City, and appoint Adam Lindgren as interim City Attorney.

Consent

8. Consider approving the expenditure plan for the FY 2013/2014 State Supplemental Law Enforcement Services Fund (SLESF) allocation of at least \$100,000 for police overtime, training, technology, and equipment. (Funding Source: 1340 Grants - 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 2013/2014 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 2013-380 (Lopez/Burnside; 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 2013-381 (Lopez/Burnside; 7/0) amending the Fiscal Year 2013/2014 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.

Removed from Consent

9. Consider approving the sale of Wastewater Capacity from the Economic Incentive Wastewater Treatment Capacity Bank to Flowers Baking Co. of Modesto, LLC as specified in Modesto Municipal Code 5-6.909(a) at the 1999 allocation rate for the capacity banking charges. (Funding Source: Wastewater Fund)

- Resolution approving the sale of Wastewater Capacity from the Capacity Bank to

Flowers Baking Co., as specified in Modesto Municipal Code 5-6.909(a) at the 1999 allocation rate for the capacity banking charges.

Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com

ACTION: Resolution 2013-382 (Gunderson/Geer; 7/0) approving the sale of Wastewater Capacity from the Capacity Bank to Flowers Baking Co., as specified in Modesto Municipal Code 5-6.909(a) at the 1999 allocation rate for the capacity banking charges.

Consent

10. Consider accepting the work by HPS Mechanical, Inc. of Bakersfield, California, for the Primary Outfall Rehabilitation Project – Phase III as complete. (Total construction contract cost is \$2,330,664, with a total project cost of \$2,607,630.) (Funding Source: Wastewater Fund)

- Resolution accepting the work by HPS Mechanical, Inc., for the Primary Outfall Rehabilitation Project – Phase III as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$2,330,664.

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

ACTION: Resolution 2013-383 (Lopez/Burnside; 7/0) accepting the work by HPS Mechanical, Inc., for the Primary Outfall Rehabilitation Project – Phase III as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$2,330,664.

Consent

11. Consider accepting the work by Doug Ross, Inc., dba Central Valley Asphalt, of Lindsay, CA, for the renovation of Tennis Courts at Modesto High School Project as complete. (Total construction contract cost is \$162,183, with a total project cost of \$190,660.) (Funding Source: Parks Fund)

- Resolution accepting the work by Doug Ross, Inc., dba: Central Valley Asphalt, for the renovation of Tennis Courts at Modesto High 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, and authorizing payment of amounts totaling \$162,183.

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

ACTION: Resolution 2013-384 (Lopez/Burnside; 7/0) accepting the work by Doug Ross, Inc., dba: Central Valley Asphalt, for the renovation of Tennis Courts at Modesto High 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, and authorizing payment of amounts totaling \$162,183.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced Council in the Park on October 26, 2013 from 10:00 a.m. - 12:00 p.m. at Sherwood Park.

Councilmember Geer thanked Mayor Marsh and Councilmember Lopez for attending the groundbreaking ceremony at the Helen White Memorial Trial this afternoon; he also thanked Parks, Recreation & Neighborhoods Director Julie Hannon and her staff for their great work.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on October 6, 2013

12. Hearing to consider adding Chapter 13 to Title 3 of the Modesto Municipal Code relating to Anti-theft Device Installation Required Prior to the Transfer of Ownership of Certain Vehicles. (Funding Source: Not Applicable)

- Motion introducing an Ordinance adding Chapter 13 to Title 3 of the Modesto Municipal Code relating to Anti-theft Device Installation Required Prior to the Transfer of Ownership of Certain Vehicles.

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

ACTION: Motion (Lopez/Geer; 7/0) introducing Ordinance No. 3590-C.S. adding Chapter 13 to Title 3 of the Modesto Municipal Code relating to Anti-theft Device Installation Required Prior to the Transfer of Ownership of Certain Vehicles.

NEW BUSINESS

Councilmember Muratore absent due to conflict of interest

13. Consider approving the Modesto Redevelopment Successor Agency Long Range Property Management Plan. (Funding Source: Redevelopment Successor Agency Fund)

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

Community & Economic Development; Laurie Smith, 577-5341, lsmith@modestogov.com

ACTION: Resolution 2013-385 (Gunderson/Geer; 6/0; Muratore absent due to conflict of interest) approving the Long Range Property Management Plan of the Modesto Redevelopment Successor Agency pursuant to Health and Safety Code Section 34191.5.

Councilmember Muratore absent due to conflict of interest

14. Consider a presentation by the Community & Economic Development Department

regarding the 10th Street Vision for Modesto. (Funding Source: Not Applicable)

- None.

*Community & Economic Development; Brent Sinclair, 577-5228,
hbrentsinclair@modestogov.com*

ACTION: No Action Taken.

Recess at 7:11 p.m.

Reconvened at 7:16 p.m.

15. Consider authorizing a 90 day extension of the irrevocable direct pay Letter of Credit (LOC) with Bank of America supporting General Fund's Lease Revenue Refunding Bonds, Series 2008 (Bonds). (Funding Source: General Fund)

- Resolution authorizing a 90 day extension of the irrevocable direct pay Letter of Credit (LOC) with Bank of America supporting General Fund's Lease Revenue Refunding Bonds, Series 2008 (Bonds).

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

ACTION: Resolution 2013-386 (Lopez/Burnside; 7/0) authorizing a 90 day extension of the irrevocable direct pay Letter of Credit (LOC) with Bank of America supporting General Fund's Lease Revenue Refunding Bonds, Series 2008 (Bonds).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:05 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)

*City of Modesto v. County of Stanislaus, Lauren Klein, et al.
Stanislaus County Superior Court Case No. 683887*

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

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

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: 106-42-012 Property Owner: G&K Enterprises LLC

APN: 106-42-011 Property Owner: Mote, Curtis W.

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

PUBLIC EMPLOYEE EMPLOYMENT

(Pursuant to Sections 54954.4 and 54957 of the Government Code)

Title: Interim City Attorney

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

Name of case: City of Modesto v. Okada Brothers

Stanislaus County Superior Court Case No. 675831

**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

MINUTES
City of Modesto
SPECIAL FINANCE COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, October 28, 2013, at 5:00 p.m.

Roll Call - Present: Councilmembers Cogdill, Muratore
Absent: Councilmember Burnside

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

Consent

1. Consider approving the recommended budget adjustments to the FY2012-13 and FY2013-14 Operating Budget and forwarding to Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Muratore/Cogdill;unan.; Burnside absent) approving the recommended budget adjustments to the FY2012-13 and FY2013-14 Operating Budget and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:06 p.m.

MINUTES

City of Modesto

SPECIAL ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Second Floor, Room 2005

Tenth Street Place, 1010 10th Street

Modesto, California

Monday, November 4, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Cogdill, Burnside, and Muratore

Absent: None

Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

MISCELLANEOUS

1. Consider approving: (i) the reappointment of Dennis Smith to the City of Modesto Planning Commission; and (ii) prospective candidates for appointment to fill one vacancy on the Modesto Planning Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
*Community & Economic Development; Patrick Kelly, 577-5268,
pkelly@modestogov.com*

ACTION: Motion (Burnside/Muratore;unan.) approving the reappointment of Dennis Smith to the City of Modesto Planning Commission; appointing Mani Grewal to fill one vacancy on the Modesto Planning Commission; and forwarding to Council for approval.

2. Consider approving prospective candidates for appointment to fill two vacancies on the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Motion (Muratore/Burnside;unan.) approving the appointment of Jeff Morris to fill one of two vacancies on the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval.

ACTION: Motion (Muratore/Burnside;unan.) directing staff to offer the remaining vacancy first to Vladimir Rodriguez and then to Carmen Morad and forwarding to Council for approval.

3. Consider approving an appointment to fill one vacancy on the Equal Opportunity/Disability Commission created by the resignation of Commissioner Bruce Merchant and forwarding to Council for approval. (Funding Source: Not Applicable)
Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com

ACTION: Motion (Muratore/Burnside;unan.) appointing Jon Rodriguez to fill one vacancy on the Equal Opportunity/Disability Commission and forwarding to Council for approval

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:15 p.m.

MINUTES

City of Modesto
SPECIAL CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday November 06, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marty Villa, Youth for Christ

City Clerk's Announcements: City Clerk Lopez reminder - Candidate and Committee election signs need to be removed by November 15, 2013

Declaration of Conflicts of Interest: Cogdill - Items 6 and 14

Mayor Marsh introduced Interim City Attorney Adam Lindgren

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Adrian Harrell, Modesto Sister Cities International and introduction of students visiting from Modesto's Sister City Khmelnytsky, Ukraine. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation by Adrian Harrell, Modesto Sister Cities International and introduction of students visiting from Modesto's Sister City Khmelnytsky, Ukraine.

PUBLIC COMMENT PERIOD

- Joan Rutschow spoke regarding the Courthouse property negotiations.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-5; 7-11: (Lopez/Burnside;unan.)

ACTION ITEM 6: (Lopez/Burnside; 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 22, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the October 22, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes from the October 22, 2013 City Council meeting.

Consent

3. Consider approving final adoption of Ordinance No. 3590-C.S. adding Chapter 13 to Title 3 of the Modesto Municipal Code relating to Anti-theft Device Installation Required Prior to the Transfer of Ownership of Certain Vehicles. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3590-C.S. adding Chapter 13 to Title 3 of the Modesto Municipal Code relating to Anti-theft Device Installation Required Prior to the Transfer of Ownership of Certain Vehicles.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving final adoption of **Ordinance No. 3590-C.S.** adding Chapter 13 to Title 3 of the Modesto Municipal Code relating to Anti-theft Device Installation Required Prior to the Transfer of Ownership of Certain Vehicles.

Consent

4. Consider accepting the public improvements by Longs Drugs Stores California L.L.C. for the CVS/Pharmacy at McHenry Village located at 1700 McHenry. (Funding Source: Surface Transportation Fund)
 - Resolution accepting the public improvements by Longs Drug Stores California L.L.C. for the CVS/ Pharmacy at McHenry Village located at 1700 McHenry, and Authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.
Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2013-387 (Lopez/Burnside; 7/0) accepting the public improvements by Longs Drug Stores California L.L.C. for the CVS/ Pharmacy at McHenry Village located at 1700 McHenry, and Authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

Consent

5. Consider approving a pre-qualified on-call consultant list for geotechnical engineering

services for various Capital Improvement Projects. (Funding Source: Various State, Local and Federal)

- Resolution approving a prequalified on-call consultant list for geotechnical engineering services for various capital improvement projects.

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

ACTION: Resolution 2013-388 (Lopez/Burnside; 7/0) approving a prequalified on-call consultant list for geotechnical engineering services for various capital improvement projects.

Consent-*Councilmember Cogdill absent due to conflict of interest*

6. Consider approving an agreement with Dokken Engineering for design support during construction of the State Route (SR) 99/Pelandale Interchange Reconstruction Project in an amount not to exceed \$200,000. (Funding Source: SR 99 Proposition 1B Bond Savings)

- Resolution approving an Agreement with Dokken Engineering for design support during construction of the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project in the amount of \$200,000; and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: Resolution 2013-389 (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest) approving an Agreement with Dokken Engineering for design support during construction of the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project in the amount of \$200,000; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider authorizing the award of a sole source procurement for the purchase of Chesterton seals and related parts for the Public Works Department, Wastewater Division, to Pan Pacific Supply Company, Concord, CA, for a two year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$75,000, and over five (5) years of \$375,000. (Funding Source: Water and Wastewater Division Repair and Maintenance Services)

- Resolution authorizing the award of a sole source procurement for the purchase of Chesterton seals and related parts for the Public Works Department, Wastewater Division, to Pan Pacific Supply Company, Concord, CA, for a two 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 \$75,000, and over five (5) years of \$375,000.

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

ACTION: Resolution 2013-390 (Lopez/Burnside; 7/0) authorizing the award of a sole source procurement for the purchase of Chesterton seals and related parts for the Public Works Department, Wastewater Division, to Pan Pacific Supply Company, Concord, CA, for a two

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 \$75,000, and over five (5) years of \$375,000.

Consent

8. Consider accepting the title for one new Pierce Velocity fire engine from the Modesto Regional Fire Authority upon delivery, in response to the request made by the Modesto Regional Fire Authority Board of Directors. (Funding Source: Not Applicable)
- Resolution approving the transfer of title for one Pierce Velocity fire engine to the City of Modesto from the Modesto Regional Fire Authority.
Fire; Randall Bradley, 552-3600, RBradley@modestorfa.org,

ACTION: Resolution 2013-391 (Lopez/Burnside; 7/0) approving the transfer of title for one Pierce Velocity fire engine to the City of Modesto from the Modesto Regional Fire Authority.

Consent

9. Consider: (i) accepting the AB 109 funds from the State of California, Board of State and Community Corrections, for a minimum of \$541,473; (ii) amending the Multi-Year 2013/2014 Operating Budget to appropriate revenues and expenditures of at least \$541,473; (iii) authorizing the award of sole source procurement for the purchase of crime analysis and software for the Modesto Police Department, to The Omega Group, San Diego, California, for an estimated total cost of \$76,853; and (iv) authorizing the award of sole source procurement for the purchase of resource allocation software to Corona Solutions for an estimated total cost of \$22,300. (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 \$541,473 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 2013/2014 Operating Budget to appropriate revenues and expenditures of at least \$541,473 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.
 - Resolution authorizing the award of sole source procurement for the purchase of crime analysis and software for the Modesto Police Department, to The Omega Group, San Diego, California, and authorizing the City Manager, or his designee, to execute any applicable contract/agreement for an estimated total cost of \$76,853.
 - Resolution authorizing the award of sole source procurement for the purchase of resource allocation software for the Modesto Police Department, to Corona Solutions, Denver, Colorado, and authorizing the City Manager, or his designee, to execute any applicable contract/agreement for an estimated total cost of \$22,300.
Police; Galen Carroll, 572-9501, carrollg@modestopd.com

ACTION: Resolution 2013-392 (Lopez/Burnside; 7/0) accepting the AB 109 funds from the

State of California, Board of State and Community Corrections (BSCC), for a minimum of \$541,473 for police overtime, specialized training, equipment, and technology; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2013-393 (Lopez/Burnside; 7/0) amending the Multi-Year 2013/2014 Operating Budget to appropriate revenues and expenditures of at least \$541,473 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.

ACTION: Resolution 2013-394 (Lopez/Burnside; 7/0) authorizing the award of sole source procurement for the purchase of crime analysis and software for the Modesto Police Department, to The Omega Group, San Diego, California, and authorizing the City Manager, or his designee, to execute any applicable contract/agreement for an estimated total cost of \$76,853.

ACTION: Resolution 2013-395 (Lopez/Burnside; 7/0) authorizing the award of sole source procurement for the purchase of resource allocation software for the Modesto Police Department, to Corona Solutions, Denver, Colorado, and authorizing the City Manager, or his designee, to execute any applicable contract/agreement for an estimated total cost of \$22,300.

Consent

10. Consider approving an amendment to the current lease agreement between the City of Modesto and Avis Rent A Car System, LLC. (Funding Source: Funding Source: Airport Car Rental)
 - Resolution approving an Amendment to the current lease agreement between the City of Modesto and Avis Rent A Car System, LLC.
Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2013-396 (Lopez/Burnside; 7/0) approving an Amendment to the current lease agreement between the City of Modesto and Avis Rent A Car System, LLC.

Consent

11. Consider approving an Airport Lease Agreement with Budget Rent A Car Systems, Inc. as a Car Rental Concession at the Modesto City-County Airport. (Funding Source: Airport Car Rental)
 - Resolution approving an Airport Lease Agreement with Budget Rent A Car Systems, Inc. as a Car Rental Concession at the Modesto City-County Airport and authorizing the City Manager, or his designee, to execute the Agreement.
Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2013-397 (Lopez/Burnside; 7/0) approving an Airport Lease Agreement with Budget Rent A Car Systems, Inc. as a Car Rental Concession at the Modesto City-County Airport and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Dave Lopez spoke regarding Council in the Park on Saturday, October 26, 2013 in District 5 and thanked Rich Ulm, Director of Utility Planning & Projects.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

12. Consider rescinding City Council Resolution No. 2013-261 approving the Woodglen Specific Plan, and adopting a new Resolution to add a requirement that the Project preserve agricultural land as required by the Stanislaus Local Agency Formation Commission Agricultural Preservation Policy. (Funding Source: Not Applicable)
- Resolution rescinding Resolution No. 2013-261 and re-approving the Woodglen Specific Plan for the development of approximately 72 net acres located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road, with the added requirement to comply with LAFCO's Agricultural Preservation Policy (Fitzpatrick Homes)
Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com

ACTION: Resolution 2013-398 (Cogdill/Lopez; 7/0) rescinding Resolution No. 2013-261 and re-approving the Woodglen Specific Plan for the development of approximately 72 net acres located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road, with the added requirement to comply with LAFCO's Agricultural Preservation Policy (Fitzpatrick Homes)

13. Consider: (i) adopting a Finding of Conformance for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park; (ii) approving the plans and specifications for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park, accepting the bid, and approving a contract with Mountain Cascade, Inc. of Livermore, California in the amount of \$3,149,487; and (iii) approving an Agreement with RRM Design Group for Design Support During Construction for Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park in an amount not to exceed \$116,382. (Total estimated cost for the construction portion of the project is \$3,855,818) (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): Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park.
 - Resolution approving the plans and specifications for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park, accepting the bid, and approving a contract with Mountain Cascade, Inc. of Livermore, California in the amount of \$3,149,487, and authorizing the City Manager, or his designee, to

execute the contract.

- Resolution approving an agreement with RRM Design Group for Design Support During Construction for Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park in an amount not to exceed \$105,802 for the identified scope of services, plus \$10,580 for additional services (if needed), for a maximum total amount of \$116,382, and authorizing the City Manager, or his designee, to execute the agreement.

Utility Planning and Projects; Jesse Franco, 517-5175, jfranco@modestogov.com

ACTION: Resolution 2013-399 (Lopez/Gunderson; 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): Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park.

ACTION: Resolution 2013-400 (Lopez/Gunderson; 7/0) approving the plans and specifications for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park, accepting the bid, and approving a contract with Mountain Cascade, Inc. of Livermore, California in the amount of \$3,149,487, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2013-401 (Lopez/Gunderson; 7/0) approving an agreement with RRM Design Group for Design Support During Construction for Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park in an amount not to exceed \$105,802 for the identified scope of services, plus \$10,580 for additional services (if needed), for a maximum total amount of \$116,382, and authorizing the City Manager, or his designee, to execute the agreement.

NEW BUSINESS

Councilmember Cogdill absent due to conflict of interest

14. Consider: (i) accepting the financial allocation of \$43,800,000 of State Route 99 Proposition 1B Bond Savings allocated by the California Transportation Commission for the construction of State Route 99/Pelandale Avenue Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the necessary grant documents; (ii) amending the Fiscal Year 2013/2014 Capital Improvement budget to appropriate \$43,800,000 from the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, State Route 99/Pelandale Avenue Interchange Project Construction, and authorizing the Finance Director, or her designee to implement the provisions of the resolution; and (iii) amending Fiscal Year 2013/2014 Capital Improvement Budget to appropriate \$457,000 from Capital Facilities Fees Streets to CIP Project No. 100787 for construction of a Monument sign. (Funding Source: SR 99 Proposition 1B Bond Savings, Local Capital Facilities Fees Streets, Local Water Fund)
 - Resolution accepting the financial allocation of \$43,800,000 of State Route 99 Proposition 1B Bond Savings allocated by the California Transportation Commission (CTC) for the construction of State Route 99/Pelandale Avenue

Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the necessary grant documents.

- Resolution amending the Fiscal Year 2013/2014 Capital Improvement budget to appropriate \$43,800,000 from the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, State Route 99/Pelandale Avenue Interchange Project Construction, and authorizing the Finance Director, or her designee, to implement the provisions of the resolution.
- Resolution amending Fiscal Year 2013/2014 Capital Improvement Budget to appropriate \$457,000 from Capital Facilities Fees Streets to CIP Project No. 100787 for construction of a Monument sign, 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 2013-402 (Burnside/Lopez; 6/0; Cogdill absent due to conflict of interest) accepting the financial allocation of \$43,800,000 of State Route 99 Proposition 1B Bond Savings allocated by the California Transportation Commission (CTC) for the construction of State Route 99/Pelandale Avenue Interchange Reconstruction Project, and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2013-403 (Burnside/Lopez; 6/0; Cogdill absent due to conflict of interest) amending the Fiscal Year 2013/2014 Capital Improvement budget to appropriate \$43,800,000 from the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, State Route 99/Pelandale Avenue Interchange Project Construction, and authorizing the Finance Director, or her designee, to implement the provisions of the resolution.

ACTION: Resolution 2013-404 (Burnside/Lopez; 6/0; Cogdill absent due to conflict of interest) amending Fiscal Year 2013/2014 Capital Improvement Budget to appropriate \$457,000 from Capital Facilities Fees Streets to CIP Project No. 100787 for construction of a Monument sign, and authorizing the Finance Director, or her designee, to implement the provisions of the resolution.

15. Consider approving a Will Serve Letter for water connection for the property located at 4524 Tully Road, and authorizing the City Manager, or his designee to sign the Will Serve Letter. (Funding Source: General Fund, Water Fund)

- Resolution approving a Will Serve Letter for the property located at 4524 Tully Road, (APN: 046-012-005) to connect to the City of Modesto's existing water system, and authorizing the City Manager, or his designee to sign the Will Serve Letter.

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

ACTION: Resolution 2013-405 (Lopez/Cogdill; 7/0) approving a Will Serve Letter for the property located at 4524 Tully Road, (APN: 046-012-005) to connect to the City of Modesto's existing water system, and authorizing the City Manager, or his designee to sign the Will Serve Letter.

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: City of Modesto v. Bank of America, et al.
FINRA Case No. 12-00478

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday November 12, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbien, College Avenue Church, UCC

City Clerk’s Announcements: Items 7 and 14 - removed from Consent
Item 23 - continued to December 3, 2013

Declaration of Conflicts of Interest: Cogdill – Items 8, 14 and 22

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation recognizing November 16-24, 2013 as National Hunger and Homelessness Awareness Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation recognizing November 16-24, 2013 as National Hunger and Homelessness Awareness Week.

2. Presentation of Proclamation declaring November 16, 2013 as Cover Modesto Day. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring November 16, 2013 as Cover Modesto Day.

3. Presentation of Proclamation declaring November National Runaway Prevention and Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Marsh presented a Proclamation declaring November National Runaway Prevention and Awareness Month.

4. Presentation of the City of Modesto and Stanislaus County Second Chance Week Donation Recipients. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Vicki Rice, 577-5495, vrice@modestogov.com

ACTION: A Presentation was made by Vicki Rice, Parks, Recreation and Neighborhoods, regarding the City of Modesto and Stanislaus County Second Chance Week Donation Recipients.

5. Introduction of Modesto Police Department Clergy Council. (Funding Source: Not Applicable)
Police; Galen Carroll, 572-9501, gcarroll@modestogov.com

ACTION: Police Chief Galen Carroll introduced the Modesto Police Department Clergy Council.

PUBLIC COMMENT PERIOD

- Ron Jeske spoke regarding the November 5, 2013 election voter turnout, grant funding expiration for firefighters and golf courses in Modesto.
- Carmen Sabatino spoke regarding Measure X and the November 5, 2013 election.
- Loretta Carhart spoke regarding buses in the City of Modesto and the rising cost of bus fares.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 6, 9-13, 15-16: (Lopez/Geer;unan.)

ACTION CONSENT ITEM 8: (Lopez/Muratore; unan.; Cogdill absent due to conflict of interest)

ACTION ITEM 7: (Geer/Lopez;unan.)

ACTION ITEM 14: (Gunderson/Geer;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

6. Consider approving the minutes from the November 6, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the November 6, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Geer; 7/0) approving the minutes from the November 6, 2013 City Council meeting.

Removed from Consent

7. Consider appointing a new Vice Mayor for the remainder of 2013 and calendar year 2014. (Funding Source: Not Applicable)
 - Resolution designating Councilmember Dave Cogdill, Jr. to serve as Vice Mayor for the remainder of 2013 and 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 2013-406 (Geer/Lopez; 7/0) designating Councilmember Dave Cogdill, Jr. to serve as Vice Mayor for the remainder of 2013 and ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

Consent – Councilmember Cogdill absent due to conflict of interest

8. Consider: (i) amending the FY 2013/2014 Position Allocation for the Community and Economic Development Department to add one full-time Associate Civil Engineer for the construction of State Route 99/Pelandale Avenue Interchange Reconstruction Project; (ii) amending the FY 2013/2014 Community and Economic Development Department Operating Budget to appropriate \$72,758 from the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, State Route 99/Pelandale Avenue Interchange Reconstruction Project to fund one Associate Civil Engineer and create a transfer of \$72,758 from the Proposition 1B Bond Savings to the General Fund to fund the position. (Funding Source: State Route 99 1B Bond Savings - \$43,800,000)

- Resolution amending the FY 2013/2014 Position Allocation for the Community and Economic Development Department to add one full-time Associate Civil Engineer for the construction of State Route 99/Pelandale Avenue Interchange Reconstruction Project
- Resolution amending the FY 2013/2014 Community and Economic Development Department Operating Budget to appropriate \$72,758 from the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, State Route 99/Pelandale Avenue Interchange Reconstruction Project Construction, to fund one Associate Civil Engineer and create a transfer of \$72,758 from the Proposition 1B Bond Savings to the General Fund to fund the position

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

ACTION: Resolution 2013-407 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest) amending the FY 2013/2014 Position Allocation for the Community and Economic Development Department to add one full-time Associate Civil Engineer for the construction of State Route 99/Pelandale Avenue Interchange Reconstruction Project.

ACTION: Resolution 2013-408 (Lopez/Muratore; 6/0; Cogdill absent due to conflict of interest) amending the FY 2013/2014 Community and Economic Development Department Operating Budget to appropriate \$72,758 from the State Route 99 Proposition 1B Bond

Savings CIP Project No. 100786, State Route 99/Pelandale Avenue Interchange Reconstruction Project Construction, to fund one Associate Civil Engineer and create a transfer of \$72,758 from the Proposition 1B Bond Savings to the General Fund to fund the position

Consent

9. Consider accepting the First Quarter Update of the City of Modesto Capital Improvement Program for Fiscal Year 2013-14. (Funding Source: Not applicable)
- Motion accepting the First 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/Geer; 7/0) accepting the First Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2013-14.

Consent

10. Consider approving an Outside Service Agreement for sewer connection for the property located at 2013 Donald Street in the Robertson Road Area. (Funding Source: General Fund; Sewer Fund)

- Resolution approving an Outside Service Agreement between the City of Modesto and Victor M. Lopez, a single man, for sewer service for the property located at 2013 Donald Street in the Robertson Road Neighborhood, (APN: 037-021-081) and authorizing the City Manager, or his designee to execute the Agreement.

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

ACTION: Resolution 2013-409 (Lopez/Geer; 7/0) approving an Outside Service Agreement between the City of Modesto and Victor M. Lopez, a single man, for sewer service for the property located at 2013 Donald Street in the Robertson Road Neighborhood, (APN: 037-021-081) and authorizing the City Manager, or his designee to execute the Agreement.

Consent

11. Consider accepting the Monthly Budget Adjustment Report for November 2013 and amending the Fiscal Year 2012-13 and Fiscal Year 2013-14 Annual Operating Budgets (Funding Source: Various)

- Resolution amending the Fiscal Year 2012-2013 and Fiscal Year 2013-2014 Annual Operating Budgets.

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

ACTION: Resolution 2013-410 (Lopez/Geer; 7/0) amending the Fiscal Year 2012-2013 and Fiscal Year 2013-2014 Annual Operating Budgets.

Consent

12. Consider authorizing the award of bid for the furnishing of spoils screening and rock

crushing services for the Department of Public Works, Water Division, to DJ Rocha Trucking, Inc., Hilmar, 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 \$51,500, and over five (5) years of \$257,500. (Funding Source: Water Fund)

- Resolution authorizing the award of bid for the furnishing of spoils screening and rock crushing services for the Department of Public Works, Water Division, to DJ Rocha Trucking, Inc., Hilmar, 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 \$51,500, and over five (5) years of \$257,500.

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

ACTION: Resolution 2013-411 (Lopez/Geer; 7/0) authorizing the award of bid for the furnishing of spoils screening and rock crushing services for the Department of Public Works, Water Division, to DJ Rocha Trucking, Inc., Hilmar, 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 \$51,500, and over five (5) years of \$257,500.

Consent

13. Consider authorizing the award of proposal for the repowering of one Model Year 2003 Gillig Transit Bus for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA, for an estimated total cost of \$99,053. (Funding Source: FTA, PTMISEA)

- Resolution authorizing the award of proposal for the repowering of one Model Year 2003 Gillig Transit Bus for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$99,053.

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

ACTION: Resolution 2013-412 (Lopez/Geer; 7/0) authorizing the award of proposal for the repowering of one Model Year 2003 Gillig Transit Bus for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$99,053.

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

14. Consider: (i) rescinding Resolution No. 2012-100 that approved the Initial Study and adopted the Finding of Conformance that the Proposed Tank and Well in Del Rio Area was within the scope of the project covered by the Water System Engineer's Report Program Environmental Impact Report, and directing staff to perform a new environmental analysis specific to the project pursuant to California Environmental Quality Act requirements; (ii) rescinding Resolution No. 2012-496 that accepted the Preliminary Design Report dated October 2012 for the Del Rio Tank, Pump Station and New Well as complete; and (iii) rejecting the bids for the Del Rio New Well and re-advertising the project when the City is legally allowed to begin construction.

(Funding Source: Water Fund-CIP)

- Resolution rescinding Resolution No. 2012-100 that approved the Initial Study and adopted the Finding of Conformance that the Proposed Tank and Well in Del Rio Area was within the scope of the project covered by the Water System Engineer's Report Program Environmental Impact Report, and directing staff to perform a new environmental analysis specific to the project pursuant to California Environmental Quality Act requirements.
- Resolution rescinding Resolution No. 2012-496 that accepted the Preliminary Design Report dated October 2012 for the Del Rio Tank, Pump Station and New Well as complete.
- Resolution rejecting all bids for the Del Rio New Well, and re-advertising the project for bid when the City is legally allowed to begin construction.

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

ACTION: Resolution 2013-413 (Gunderson/Geer; 6/0; Cogdill absent due to conflict of interest) rescinding Resolution No. 2012-100 that approved the Initial study and adopted the Finding of Conformance that the Proposed Tank and Well in Del Rio Area was within the scope of the project covered by the Water System Engineer's Report Program Environmental Impact Report, and directing staff to perform a new environmental analysis specific to the project pursuant to California Environmental Quality Act requirements.

ACTION: Resolution 2013-414 (Gunderson/Geer; 6/0; Cogdill absent due to conflict of interest) rescinding Resolution No. 2012-496 that accepted the Preliminary Design Report dated October 2012 for the Del Rio Tank, Pump Station and New Well as complete.

ACTION: Resolution 2013-415 (Gunderson/Geer; 6/0; Cogdill absent due to conflict of interest) rejecting all bids for the Del Rio New Well, and re-advertising the project for bid when the City is legally allowed to begin construction.

Consent

15. Consider approving the plans and specifications for the Strengthen & Replace Water System Between El Vista Avenue & Cloverdale Avenue project, accepting the bid, and approving a contract with D.A. Wood Construction, Inc. of Empire, California in the amount of \$169,904. (Total estimated cost for the construction portion of the project is \$217,894) (Funding Source: Water Fund - CIP)

- Resolution approving the plans and specifications for the Strengthen & Replace Water System Between El Vista Avenue & Cloverdale Avenue project, accepting the bid, and approving a contract with D.A. Wood Construction, Inc. of Empire, California in the amount of \$169,904 and authorizing the City Manager, or his designee, to execute the contract.

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

ACTION: Resolution 2013-416 (Lopez/Geer; 7/0) approving the plans and specifications for the Strengthen & Replace Water System Between El Vista Avenue & Cloverdale Avenue

project, accepting the bid, and approving a contract with D.A. Wood Construction, Inc. of Empire, California in the amount of \$169,904 and authorizing the City Manager, or his designee, to execute the contract.

Consent

16. Consider approving a Purchase and Sale Agreement between the City of Modesto, Southwest Hide Company, and Modesto Holding Company to acquire real property interests located at 925 Crows Landing Road, in the amount of \$59,500, for the Shackelford Crossing Project. (Total estimated costs for land expenditures for the project are \$60,944) (Funding Source: Wastewater Fund)
- Resolution approving a Purchase and Sale Agreement between the City of Modesto, Southwest Hide Company and Modesto Holding Company for acquisition of the following property interests: (a) 37,333 square feet (0.86 acres) Permanent Sewer Easement, and (b) a 41,142 square feet (0.94 acres) Temporary Construction Easement, located at 925 Crows Landing Road (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015), in the amount of \$59,500, for the Shackelford Crossing Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.
 - Resolution authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Sewer Easement and Temporary Construction Easement for the acquisition of property interests located at 925 Crows Landing Road, owned by Southwest Hide Company and Modesto Holding Company, (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015) to be purchased by the City of Modesto for the Shackelford Crossing Project.
- Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

ACTION: Resolution 2013-417 (Lopez/Geer; 7/0) approving a Purchase and Sale Agreement between the City of Modesto, Southwest Hide Company and Modesto Holding Company for acquisition of the following property interests: (a) 37,333 square feet (0.86 acres) Permanent Sewer Easement, and (b) a 41,142 square feet (0.94 acres) Temporary Construction Easement, located at 925 Crows Landing Road (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015), in the amount of \$59,500, for the Shackelford Crossing Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2013-418 (Lopez/Geer; 7/0) authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Sewer Easement and Temporary Construction Easement for the acquisition of property interests located at 925 Crows Landing Road, owned by Southwest Hide Company and Modesto Holding Company, (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015) to be purchased by the City of Modesto for the Shackelford Crossing Project.

COUNCIL COMMENTS & REPORTS

Mayor Marsh announced the swearing in ceremony of new Councilmembers at the November 26, 2013 Council meeting; he thanked Vice Mayor Geer for representing Modesto in the Sister

City of Khmelnytsky, Ukraine; and he congratulated Tony Madrigal and Jenny Kenoyer who were at the Council meeting.

Mayor Marsh announced that this was the last meeting for Julie Hannon, Director of Parks, Recreation & Neighborhoods; Councilmembers Lopez, Geer and Gunderson, and City Manager Nyhoff, thanked Julie Hannon for her hard work.

Mayor Marsh announced that this was the last meeting for Rich Ulm, Director of Utility Planning & Projects; Councilmembers Geer, Cogdill and Lopez, and City Manager Nyhoff, thanked Rich Ulm for his hard work.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

17. Consider approving the plans and specifications for the Wellhead Treatment at Well No. 3 project, accepting the bid, and approving a contract with W.M. Lyles Co. of Fresno, California in the amount of \$966,631. (Total estimated cost for the construction portion of the project is \$1,206,538) (Funding Source: Water PCE Mitigation Fund)
- Resolution approving the plans and specifications for the Wellhead Treatment at Well No. 3 project, accepting the bid, and approving a contract with W.M. Lyles Co. of Fresno, California in the amount of \$966,631, 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 2013-419 (Muratore/Gunderson; 6/0; Lopez absent) approving the plans and specifications for the Wellhead Treatment at Well No. 3 project, accepting the bid, and approving a contract with W.M. Lyles Co. of Fresno, California in the amount of \$966,631, and authorizing the City Manager, or his designee, to execute the contract.

HEARINGS

Published in the Modesto Bee on November 1, 2013

18. Hearing to consider amending Article 1, Chapter 1 of Title 3 of the Modesto Municipal Code relating to the adoption of the 2013 California Fire Code. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Chapter 1 of Title 3 of the Modesto Municipal Code and adopting the 2013 California Fire Code
Fire; Mike Payton, 571-5876, mpayton@modestorfa.org

ACTION: Motion (Lopez/Cogdill; 6/0; Muratore absent) introducing **Ordinance No. 3591-C.S.** amending Chapter 1 of Title 3 of the Modesto Municipal Code and adopting the 2013 California Fire Code.

Published in the Modesto Bee on November 1, 2013

19. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2012-13 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 2012-13, and making findings related to each of the fee categories.

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

ACTION: Resolution 2013-420 (Geer/Lopez; 7/0) accepting the Capital Facilities Fees Annual Report for Fiscal Year 2012-13, and making findings related to each of the fee categories.

Councilmember Burnside left meeting at 6:48 p.m.

Published in the Modesto Bee on November 1, 2013

20. Hearing to consider the appeal of George Murphy of the Board of Zoning Adjustment decision granting the appeal of a staff approval of a second-story balcony addition to an existing two-story garage located at 1705 Bronson Avenue. (Funding Source: Not Applicable)

- Resolution granting the appeal of George Murphy to a Board of Zoning Adjustment (BZA) decision denying a second-story balcony addition to an existing two-story garage located at 1705 Bronson Avenue.

Community & Economic Development; Rita Doscher, 577-5279, rdoscher@modestogov.com

ACTION: Resolution 2013-421 (Cogdill/Lopez; 6/0; Burnside absent) denying the appeal of George Murphy to a Board of Zoning Adjustment (BZA) decision denying a second-story balcony addition to an existing two-story garage located at 1705 Bronson Avenue.

Published in the Modesto Bee on November 1, 2013

21. Hearing to consider amending the Modesto Municipal Code relating Plumbing, Electrical, Mechanical and Building Codes. (Funding Source: General Fund)

- Motion introducing an Ordinance amending Articles 1, 2, 5, 8, 16, and 17 of Chapter 1 of Title 9 of the Modesto Municipal Code; amending Sections 9-1.101, 9-1.101.1, 9-1.201, 9-1.204, 9-1.502(a)(b), 9-1.1602.1, 9-1.1602.2, 9-1.1602.3, 9-1.1602.4, 9-1.1701 and 9-1.1702; and adding Section 9-1.807.1 thereto; relating to the Building Code.
- Motion introducing an Ordinance amending Articles 1 and Article 2 of Chapter 3 of Title 9 of the Modesto Municipal Code; amending Sections 9-3.101, 9-3.201, and 9-3.204 relating to the Electrical Code.
- Motion introducing an Ordinance amending Article 1 and Article 2 of Chapter 7 of Title 9 of the Modesto Municipal Code; amending Sections 9-7.101, 9-7.201 and 9-7.204 relating to the Mechanical Code.
- Motion introducing an Ordinance amending Article 1 and Article 2 of Chapter 2 of Title 9 of the Modesto Municipal Code relating to the Plumbing Code.

Community & Economic Development; Jim Mack, 577-5242, jmack@modestogov.com

ACTION: Motion (Lopez/Gunderson; 6/0; Burnside absent) introducing Ordinance No. 3592-C.S. amending Articles 1, 2, 5, 8, 16, and 17 of Chapter 1 of Title 9 of the Modesto Municipal Code; amending Sections 9-1.101, 9-1.101.1, 9-1.201, 9-1.204, 9-1.502(a)(b), 9-1.1602.1, 9-1.1602.2, 9-1.1602.3, 9-1.1602.4, 9-1.1701 and 9-1.1702; and adding Section 9-1.807.1 thereto; relating to the Building Code.

ACTION: Motion (Lopez/Gunderson; 6/0; Burnside absent) introducing Ordinance No. 3593-C.S. amending Articles 1 and Article 2 of Chapter 3 of Title 9 of the Modesto Municipal Code; amending Sections 9-3.101, 9-3.201, and 9-3.204 relating to the Electrical Code.

ACTION: Motion (Lopez/Gunderson; 6/0; Burnside absent) introducing Ordinance No. 3594-C.S. amending Article 1 and Article 2 of Chapter 7 of Title 9 of the Modesto Municipal Code; amending Sections 9-7.101, 9-7.201 and 9-7.204 relating to the Mechanical Code.

ACTION: Motion (Lopez/Gunderson; 6/0; Burnside absent) introducing Ordinance No. 3595-C.S. amending Article 1 and Article 2 of Chapter 2 of Title 9 of the Modesto Municipal Code relating to the Plumbing Code.

Councilmember Cogdill left meeting at 7:26 pm

NEW BUSINESS

Councilmember Cogdill absent due to conflict of interest

22. Consider approving an Agreement with Mendoza & Associates for Construction Management Services during construction of the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$4,221,005. (Funding Source: CIP 100786-CED.Land Development Engineering –CC-Consultant Charges)
- Resolution approving an Agreement with Mendoza and Associates for construction management services during construction of the State Route 99 / Pelandale Avenue Interchange Reconstruction Project in the amount of \$4,221,005 and authorizing the City Manager, or his designee, to execute the Agreement.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2013-422 (Muratore/Lopez; 5/0; Burnside absent, Cogdill absent due to conflict of interest) approving an Agreement with Mendoza and Associates for construction management services during construction of the State Route 99 / Pelandale Avenue Interchange Reconstruction Project in the amount of \$4,221,005 and authorizing the City Manager, or his designee, to execute the Agreement.

23. Consider rejecting the 2013 COPS Hiring Program Grant in the amount of \$2,946,080 from the U.S. Department of Justice, Office of Community Oriented Policing, for eight School Resource Officer positions for three years. (Funding Source: Federal COPS Hiring Grant)
- Resolution rejecting the COPS Hiring Program (CHP) Grant in the amount of

\$2,946,080, from the U.S. Department of Justice, Office of Community Oriented Policing, for 8 school resource officers for three years; and authorizing the City Manager, or his designee, to execute the necessary rejection documents.
Police; Galen Carroll, 572-9501 , carrollg@modestopd.com

ACTION: This item continued to the December 3, 2013 Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

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

CLOSED SESSION

Closed Session Matter 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.

MINUTES

City of Modesto
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP**

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

Wednesday, November 13, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Lopez, Geer and Gunderson
Absent: None

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Presentation by Mr. Jason David regarding CBD Medicinal Marijuana. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Gunderson/no second) making a recommendation to the City Council to write letters to other elected officials requesting clarification on the issue of CBD medicinal marijuana and to engage other local elected officials in continuing discussions on these issues. **(MOTION FAILED)**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:15 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday November 26, 2013, at 5:30 p.m.

Roll Call – Present: Councilmembers Cogdill, Geer, Gunderson, Lopez, Muratore, Burnside
Absent: Mayor Marsh

Pledge of Allegiance to the Flag

Invocation: Jim Applegate, Redeemer Church

1. Certification of canvass of votes from the November 5, 2013 Election. (Funding Source: Elections)
 - Resolution adopting the certification of canvass of votes from the November 5, 2013 Election.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2013-423 (Lopez/Geer; 6/0; Mayor Marsh absent) adopting the certification of canvass of votes from the November 5, 2013 Election.

2. Comments from outgoing Councilmembers. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Comments were made by outgoing Councilmembers Burnside, Geer and Muratore.

3. Oath of Office by newly elected Councilmembers and the Modesto City School Board Members. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: City Clerk Stephanie Lopez administered the Oath of Office to newly elected Councilmembers and Modesto Board of Education Members.

4. Seating of new City Councilmembers at the dais. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

PUBLIC COMMENT PERIOD

- Numerous citizens thanked the outgoing City Councilmembers and welcomed the new City Councilmembers.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:20 p.m.

MINUTES

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

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

Monday, December 2, 2013, at 5:00 p.m.

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

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider accepting a report regarding the Regional Housing Needs Assessment Update. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) accepting a report regarding the Regional Housing Needs Assessment Update.

2. Consider eliminating term limits for appointees to the Downtown Improvement District (DID) Board of Directors and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Zoslocki/Kenoyer;unan.) eliminating term limits for appointees to the Downtown Improvement District (DID) Board of Directors and forwarding to Council for approval.

3. Consider approving status reports of development projects processed by the Community and Economic Development Department for September, October and November 2013. (Funding Source: Not Applicable)
Community & Economic Development; H. Brent Sinclair, AICP, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki;unan.) approving status reports of development projects processed by the Community and Economic Development Department for September, October and November 2013.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was 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 December 03, 2013, 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, Youth for Christ

City Clerk’s Announcements: : Item 18 Continued to December 10, 2013 Council meeting

Declaration of Conflicts of Interest: None

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

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider approving appointments to fill two vacancies on the City of Modesto Board of Building Appeals. (Funding Source: Not Applicable)
 - Resolution appointing Jon Rodriguez and Richard Dalton to the Board of Building Appeals.
Community & Economic Development ; Jim Mack, 577-5242, jmack@modestogov.com

ACTION: Resolution 2013-424 (Lopez/Cogdill; 7/0) appointing Jon Rodriguez and Richard Dalton to the Board of Building Appeals.

2. Consider approving the appointment of Jon Rodriguez to the Equal Opportunity/Disability Commission. (Funding Source: Not Applicable)
 - Resolution appointing Jon Rodriguez to the Equal Opportunity/Disability Commission.
Human Resources; Joseph Lopez, 577-5238, joelopez@modestogov.com

ACTION: Resolution 2013-425 (Lopez/Gunderson; 7/0) appointing Jon Rodriguez to the

Equal Opportunity/Disability Commission.

PUBLIC COMMENT PERIOD

- Eric Johnson, AT&T, spoke regarding generous contributions to the Boys & Girls Club of Stanislaus County and Modesto Area Youth.
- Crystal Case, Roger Stirlen, Tai Bogan, Loretta Carhart, Adriana Rodrigues, Jeff Welch, Jason David, Sebastian Jones and other citizens requested Councilmembers to support drafting a letter to legislators in support of Cannabidiol (CBD).

ACTION: Motion (Madrigan/Gunderson; 7/0) directing staff to draft letter from Council to legislators in support of Cannabidiol (CBD) and return to Council for consideration.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-14: (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 November 12, 2013 and November 26, 2013 City Council meetings. (Funding Source: Not Applicable)
 - Motion approving the minutes from the November 12, 2013 and November 26, 2013 City Council meetings.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving the minutes from the November 12, 2013 and November 26, 2013 City Council meetings.

Consent

4. Consider approving final adoption of Ordinance No. 3591-C.S. amending Chapter 1 of Title 3 of the Modesto Municipal Code and adopting the 2013 California Fire Code. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3591-C.S. amending Chapter 1 of Title 3 of the Modesto Municipal Code and adopting the 2013 California Fire Code.
City Clerk; Stephanie Lopez, 577-5395, slopez@modestogov.com

ACTION: Motion (Lopez/Madrigan; 7/0) approving final adoption of **Ordinance No. 3591-C.S.** amending Chapter 1 of Title 3 of the Modesto Municipal Code and adopting the 2013 California Fire Code.

Consent

5. Consider approving final adoption of Ordinance No. 3592-C.S. through 3595-C.S. amending Title 9 of the Modesto Municipal Code relating Plumbing, Electrical, Mechanical and Building Codes. (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance No. 3592-C.S. amending Articles 1, 2, 5, 8, 16, and 17 of Chapter 1 of Title 9 of the Modesto Municipal Code; amending Sections 9-1.101, 9-1.101.1, 9-1.201, 9-1.204, 9-1.502(a)(b), 9-1.1602.1, 9-1.1602.2, 9-1.1602.3, 9-1.1602.4, 9-1.1701 and 9-1.1702; and adding Section 9-1.807.1 thereto; relating to the Building Code.
 - Motion approving final adoption of Ordinance No. 3593-C.S. amending Articles 1 and Article 2 of Chapter 3 of Title 9 of the Modesto Municipal Code amending Sections 9-3.101, 9-3.201, and 9-3.204 relating to the Electrical Code.
 - Motion approving final adoption of Ordinance No. 3594-C.S. amending Article 1 and Article 2 of Chapter 7 of Title 9 of the Modesto Municipal Code, amending Sections 9-7.101, 9-7.201 and 9-7.204 relating to the Mechanical Code.
 - Motion approving final adoption of Ordinance 3595-C.S. amending Article 1 and Article 2 of Chapter 2 of Title 9 of the Modesto Municipal Code relating to the Plumbing Code.

City Clerk; Stephanie Lopez, 577-5395, slopez@modestogov.com

ACTION: Motion (Lopez/Madriral; 7/0) approving final adoption of **Ordinance No. 3592-C.S.** amending Articles 1, 2, 5, 8, 16, and 17 of Chapter 1 of Title 9 of the Modesto Municipal Code; amending Sections 9-1.101, 9-1.101.1, 9-1.201, 9-1.204, 9-1.502(a)(b), 9-1.1602.1, 9-1.1602.2, 9-1.1602.3, 9-1.1602.4, 9-1.1701 and 9-1.1702; and adding Section 9-1.807.1 thereto; relating to the Building Code.

ACTION: Motion (Lopez/Madriral; 7/0) approving final adoption of **Ordinance No. 3593-C.S.** amending Articles 1 and Article 2 of Chapter 3 of Title 9 of the Modesto Municipal Code amending Sections 9-3.101, 9-3.201, and 9-3.204 relating to the Electrical Code.

ACTION: Motion (Lopez/Madriral; 7/0) approving final adoption of **Ordinance No. 3594-C.S.** amending Article 1 and Article 2 of Chapter 7 of Title 9 of the Modesto Municipal Code, amending Sections 9-7.101, 9-7.201 and 9-7.204 relating to the Mechanical Code.

ACTION: Motion (Lopez/Madriral; 7/0) approving final adoption of **Ordinance No. 3595-C.S.** amending Article 1 and Article 2 of Chapter 2 of Title 9 of the Modesto Municipal Code relating to the Plumbing Code.

Consent

6. Consider accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for July, August and September 2013. (Funding Source: Various Funds)
- Motion accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for July, August and September 2013.

City Manager; Greg Nyhoff, 577-5223, gnyhoff@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) accepting the Quarterly Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for July, August and September 2013.

Consent

7. Consider accepting an Access Easement and Sewer Easement on the Archway Commons property for the benefit of the northern adjacent City property. (Funding Source: Not Applicable)
- Resolution accepting an Access Easement and a Sanitary Sewer Easement on the Archway Commons property located at 1101 Carver for the benefit of the northern adjacent City property (APN: 029-009-037), and authorizing the City Manager, or his designee, to sign the documents, and the City Clerk, or her designee, to sign the documents accepting the easements and record them with Stanislaus County Recorder's Office.

Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2013-426 (Lopez/Madrigal; 7/0) accepting an Access Easement and a Sanitary Sewer Easement on the Archway Commons property located at 1101 Carver for the benefit of the northern adjacent City property (APN: 029-009-037), and authorizing the City Manager, or his designee, to sign the documents, and the City Clerk, or her designee, to sign the documents accepting the easements and record them with Stanislaus County Recorder's Office.

Consent

8. Consider approving a Third Amendment to Agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional scope of work not included in the Original Agreement for the Design of Sylvan Avenue between Millbrook Avenue and Claus Road, and the Design of Litt Road from Sylvan Avenue to the north end of the Grogan Park site in an amount not to exceed \$16,054 or a maximum total agreement amount of \$546,669. (Funding Source: Village One #2 CFD Tax)
- Resolution approving a Third Amendment to Agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional scope of work not included in the original agreement for Consultant Services for the Design of Sylvan Avenue between Millbrook Avenue and Claus Road, and the Design of Litt Road between Sylvan Avenue to the north end of the Grogan Park site in an amount not to exceed \$5,335 for the identified scope of services, plus \$10,719 for additional services (if needed), for a total amount of \$16,054, or a maximum total agreement amount of \$546,669, and authorizing the District Administrator, or his designee, to execute the Third Amendment to Agreement.

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

ACTION: Resolution 2013-427 (Lopez/Madrigal; 7/0) approving a Third Amendment to

Agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional scope of work not included in the original agreement for Consultant Services for the Design of Sylvan Avenue between Millbrook Avenue and Claus Road, and the Design of Litt Road between Sylvan Avenue to the north end of the Grogan Park site in an amount not to exceed \$5,335 for the identified scope of services, plus \$10,719 for additional services (if needed), for a total amount of \$16,054, or a maximum total agreement amount of \$546,669, and authorizing the District Administrator, or his designee, to execute the Third Amendment to Agreement.

Consent

9. Consider approving a Will Serve Letter and an Outside Service Agreement for water service for the property located at 6801 Corte De Las Palmas; authorizing the City Manager, or his designee, to execute the Outside Service Agreement for water connection, and the City Manager, or his designee to sign the Will Serve Letter.

(Funding Source: General Fund, Water Fund)

- Resolution approving a Will Serve Letter for the property located at 6801 Corte De Las Palmas, (APN: 004-089-004) 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 K. Krishnamoorthi and Soma Krishnamoorthi, Trustees of the Krishnamoorthi 2009 Revocable Trust, for water service for the property located at 6801 Corte De Las Palmas, (APN: 004-089-004), and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2013-428 (Lopez/Madrigal; 7/0) approving a Will Serve Letter for the property located at 6801 Corte De Las Palmas, (APN: 004-089-004) 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 2013-429 (Lopez/Madrigal; 7/0) approving an Outside Service Agreement between the City of Modesto and K. Krishnamoorthi and Soma Krishnamoorthi, Trustees of the Krishnamoorthi 2009 Revocable Trust, for water service for the property located at 6801 Corte De Las Palmas, (APN: 004-089-004), 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 142 Linley Avenue; authorizing the City Manager, or his designee, to execute the Outside Service Agreement for water connection, and the City Manager, or his designee, to sign the Will Serve Letter. (Funding Source: General Fund, Water Fund)

- Resolution approving a Will Serve Letter for the property located at 142 Linley Avenue in Empire, (APN: 009-019-003) 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 Modesto Milling, a California corporation for water service for the property located at 142 Linley Avenue in Empire, (APN: 009-019-003), and authorizing the City Manager, or his designee to execute the agreement.

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

ACTION: Resolution 2013-430 (Lopez/Madrigal; 7/0) approving a Will Serve Letter for the property located at 142 Linley Avenue in Empire, (APN: 009-019-003) 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 2013-431 (Lopez/Madrigal; 7/0) approving an Outside Service Agreement between the City of Modesto and Modesto Milling, a California corporation for water service for the property located at 142 Linley Avenue in Empire, (APN: 009-019-003), and authorizing the City Manager, or his designee to execute the agreement.

Consent

11. Consider authorizing the award of bid for the furnishing of landscape maintenance services for Citywide use to Grover Landscape Services, Inc., 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 \$47,280, and over five (5) years of \$236,400. (Funding Source: Various Funds)

- Resolution authorizing the award of bid for the furnishing of landscape maintenance services for Citywide use to Grover Landscape Services, Inc., Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$47,280, and over five (5) years of \$236,400.

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

ACTION: Resolution 2013-432 (Lopez/Madrigal; 7/0) authorizing the award of bid for the furnishing of landscape maintenance services for Citywide use to Grover Landscape Services, Inc., Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$47,280, and over five (5) years of \$236,400.

Consent

12. Consider authorizing the award of bid for the purchase of three (3) Chevrolet Tahoe Police Patrol SUV vehicles for the Modesto Police Department through the Public Works Department, Fleet Services Division by “accessing the terms” of a competitively bid contract with the National Joint Powers Alliance (NJPA) to National Auto Fleet Group, Watsonville, CA, for an estimated total cost of \$106,969. (Funding

Source: Fleet Replacement Fund)

- Resolution authorizing the award of bid for the purchase of three (3) Chevrolet Tahoe Police Patrol SUV's for the Modesto Police Department 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 National Auto Fleet Group, Watsonville, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$106,969.

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

ACTION: Resolution 2013-433 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of three (3) Chevrolet Tahoe Police Patrol SUV's for the Modesto Police Department 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 National Auto Fleet Group, Watsonville, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$106,969.

Consent

13. Consider authorizing the award of bid for the purchase of two (2) Chevrolet Caprice Police Patrol Sedans for the Modesto Police Department through the Public Works Department, Fleet Services Division to American Chevrolet, Modesto, CA, for an estimated total cost of \$73,445. (Funding Source: Fleet Replacement Fund)

- Resolution authorizing the award of bid for the purchase of two (2) Chevrolet Caprice Patrol Sedans for the Modesto Police Department through the Public Works Department, Fleet Services Division to American Chevrolet, Modesto, CA and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$73,445.

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

ACTION: Resolution 2013-434 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of two (2) Chevrolet Caprice Patrol Sedans for the Modesto Police Department through the Public Works Department, Fleet Services Division to American Chevrolet, Modesto, CA and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$73,445.

Consent

14. Consider accepting monthly budget adjustments 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 2013-435 (Lopez/Madrigal; 7/0) amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement Budgets.

COUNCIL COMMENTS & REPORTS

Mayor Marsh welcomed the new City Councilmembers.

Councilmember Kenoyer announced that she will stay connected to her constituents and do her best.

CITY MANAGER COMMENTS & REPORTS

City Manager thanked former Councilmember Geer who was in the audience.

UNFINISHED BUSINESS

15. Consider approving an Agreement with Cal Valley Construction, Inc. of Fresno, CA in the amount of \$2,134,532.50 for the construction of the Virginia Corridor Phase 6 - Bowen Avenue to Woodrow Avenue project. (Funding Source: CMAQ and BTA grant funds)

- Resolution (i) approving the plans and specifications for the Virginia Corridor Phase 6 – Bowen to Woodrow Avenue project, (ii) accepting the bid, (iii) approving an Agreement with Cal Valley Construction, Inc., Fresno, CA in the amount of \$2,134,532.50, 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 Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue project, and authorizing the Finance Director, or her designee, to implement the provision of this resolution.

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

ACTION: Resolution 2013-436 (Lopez/Madrigan; 7/0) (i) approving the plans and specifications for the Virginia Corridor Phase 6 – Bowen to Woodrow Avenue project, (ii) accepting the bid, (iii) approving an Agreement with Cal Valley Construction, Inc., Fresno, CA in the amount of \$2,134,532.50, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2013-437 (Lopez/Madrigan; 7/0) amending the Fiscal Year 2013-2014 Capital Improvement Program Budget in order to fully fund the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue project, and authorizing the Finance Director, or her designee, to implement the provision of this resolution.

HEARINGS

Published in the Modesto Bee on November 16, 2013

16. Hearing to consider awarding United Cerebral Palsy Association of Stanislaus County a five-year franchise to place benches with advertising at City of Modesto bus stops and a lease for the placement of advertising inside Modesto Area Express buses effective January 1, 2014. (Funding Source: Revenue to Transit Fund)

- Motion introducing an Ordinance awarding to the United Cerebral Palsy

Association of Stanislaus County a five-year franchise to place benches with advertising at City of Modesto bus stops commencing January 1, 2014.

- Resolution authorizing the City Manager to enter into a lease agreement with the United Cerebral Palsy Association of Stanislaus County to place advertising inside Modesto area express buses for a five-year period commencing January 1, 2014.
Public Works; Fred Cavanah , 577-5298, fcavanah@modestogov.com

ACTION: Motion (Lopez/Madrigal; 7/0) introducing **Ordinance No. 3596-C.S.** awarding to the United Cerebral Palsy Association of Stanislaus County a five-year franchise to place benches with advertising at City of Modesto bus stops commencing January 1, 2014.

ACTION: Resolution 2013-438 (Lopez/Madrigal; 7/0) authorizing the City Manager to enter into a lease agreement with the United Cerebral Palsy Association of Stanislaus County to place advertising inside Modesto area express buses for a five-year period commencing January 1, 2014.

NEW BUSINESS

17. Consider authorizing the award of proposals and contracts for the furnishing of temporary employee labor services for Citywide use to Exact Staff, Inc., Woodland Hills, CA, Nelson Staffing, Modesto, CA, and Pridestaff, Inc., 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 \$926,772, and over five (5) years of \$4,633,860. (Funding Source: Various Funds)
 - Resolution authorizing the award of proposals and contracts for the furnishing of temporary employee labor services for Citywide use to Exact Staff, Inc., Woodland Hills, CA, Nelson Staffing, Modesto, CA, and Pridestaff, Inc., 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 City Manager, or his designee, to execute the contracts for an estimated annual cost of \$926,772, and over five (5) years of \$4,633,860.

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

ACTION: Resolution 2013-439 (Lopez/Gunderson; 7/0) authorizing the award of proposals and contracts for the furnishing of temporary employee labor services for Citywide use to Exact Staff, Inc., Woodland Hills, CA, Nelson Staffing, Modesto, CA, and Pridestaff, Inc., 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 City Manager, or his designee, to execute the contracts for an estimated annual cost of \$926,772, and over five (5) years of \$4,633,860.

Continued to December 10, 2013 Council Meeting

18. Consider approving an Agreement with Lionakis for Design Services for the Fleet Maintenance Facility Project in an amount not to exceed \$374,187. Total estimated cost for this portion of the design for this project is \$435,187. (Funding Source: Fleet Management Fund)
 - Resolution approving an agreement with Lionakis for Design Services for Fleet Maintenance Facility Project in an amount not to exceed \$340,170 for the identified

scope of services, plus \$34,017 for additional services (if needed), for a maximum total amount of \$374,187, and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Continued to December 10, 2013 Council meeting.

19. 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. (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 accepting the Planning Commission recommendation and confirming the draft General Plan land use and transportation exhibits for purposes of updating the Modesto Urban Area General Plan Master EIR.
 - 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 8:46 p.m.

Reconvened at 8:53 p.m.

ACTION: No reportable action. Mayor announced this matter will return to Council meetings on January 7, 2014 for Council input and January 28, 2014 for Council decision.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was adjourned at 9:41 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.

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Greg Nyhoff, Joe Lopez and Dania Torres Wong

Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager

Employee Organization: Unrepresented Management and Confidential Employee

MINUTES

City of Modesto SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

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

Monday, December 9, 2013, at 5:00 p.m.

Roll Call Present: Councilmembers Gunderson and Kenoyer
Absent: Councilmember Lopez

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider: (i) accepting a staff report for crosswalk improvements on Tuolumne Boulevard at Yosemite Avenue, and providing staff with direction on course of action and (ii) accepting a staff report for advance school zone beacons for Modesto High School on Tuolumne Boulevard and for Central Catholic High School on Carpenter Road. (Funding Source: Not Applicable)
*Community & Economic Development; Jeffrey Barnes, 577-5214,
jbarnes@modestogov.com*

ACTION: Motion: (Kenoyer/Gunderson; Lopez absent) directing staff to work on: (i) installation of pedestrian activated overhead and side mounted flashing beacon at Tuolumne Boulevard and Yosemite Avenue – Modesto High School (Exhibit B provided by staff); (ii) installation of overhead advance flashing beacon with 25 mph school signs at Tuolumne Boulevard and Yosemite Avenue – Modesto High School (Exhibit D provided by staff); and (iii) installation of overhead advance flashing beacons with 25 mph school signs on Carpenter Road northbound – Central Catholic High School (Exhibit E provided by staff); the southbound approach is within Stanislaus County and County will need to pay for that installation.

ACTION: Motion: (Gunderson/Kenoyer; Lopez absent) directing staff to: (i) allocate Surface Transportation Funds from reserves and establish a new CIP account for pedestrian and school beacons and (ii) request funding assistance from Modesto High School and Central Catholic High School for pedestrian and school beacons.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:55 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday December 10, 2013, 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: None

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters; regarding *Modesto Irrigation District v. City of Modesto* - City agreed to term sheet and judicial reference terms

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Modesto Police Chief Galen Carroll declaring Modesto achieving first place in the State of California for this summer's National Night Out festivities.
(Funding Source: Not Applicable)
Police; Galen Carroll, 572-9500, gcarroll@modestogov.com

ACTION: Modesto Police Chief Galen Carroll announced that Modesto achieved first place in the State of California for this summer's National Night Out festivities; he will return to Council in a month with Neighborhood Watch staff and plaque.

2. Presentation by the Information Technology Department acknowledging the City of Modesto as one of the top-ranked local governments in the nation, in the 13th annual Digital Cities Survey. (Funding Source: Not Applicable)
Information Technology; Bryan Sastokas, 577-5229, bsastokas@modestogov.com

ACTION: Presentation was made by the City Manager's Office to Information Technology Department acknowledging the City of Modesto as one of the top-ranked local governments in the nation, in the 13th annual Digital Cities Survey.

3. Presentation by the City Manager’s Office acknowledging the Information Technology Department as the recipient of the 2013 Award of Excellence in Information Technology Practices, by the State Board of Directors and Municipal Information Systems Association of California. (Funding Source: Not Applicable)
Information Technology; Bryan Sastokas, 577-5229, bsastokas@modestogov.com

ACTION: Presentation was made by the City Manager’s Office acknowledging the Information Technology Department as the recipient of the 2013 Award of Excellence in Information Technology Practices, by the State Board of Directors and Municipal Information Systems Association of California.

MISCELLANEOUS

Legislation
Appointments
Other

4. Consider approving: (i) the reappointment of Dennis Smith and the appointment of Mani Grewal to the City of Modesto Planning Commission; and (ii) appointing Jeff Morris and Vladimir Rodriguez to the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)
 - Resolution reappointing Dennis Smith to the City of Modesto Planning Commission.
 - Resolution appointing Mani Grewal to the City of Modesto Planning Commission.
 - Resolution appointing Jeff Morris to the Board of Zoning Adjustment.
 - Resolution appointing Vladimir Rodriguez to the Board of Zoning Adjustment.*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

ACTION: Resolution 2013-440 (Lopez/Cogdill; 7/0) reappointing Dennis Smith to the City of Modesto Planning Commission.

ACTION: Resolution 2013-441 (Lopez/Cogdill; 7/0) appointing Mani Grewal to the City of Modesto Planning Commission.

ACTION: Resolution 2013-442 (Lopez/Cogdill; 7/0) appointing Jeff Morris to the Board of Zoning Adjustment.

ACTION: Resolution 2013-443 (Lopez/Cogdill; 7/0) appointing Vladimir Rodriguez to the Board of Zoning Adjustment.

PUBLIC COMMENT PERIOD

- Ron Jeske spoke regarding the positive in Modesto: United States Track and Field Athlete of the Year from Modesto is Jon Olson.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 5-6; 8-10: (Lopez/Madrigal;unan.)

ACTION CONSENT ITEM 7: (Gunderson/Kenoyer;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 December 3, 2013 City Council meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the December 3, 2013 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madriral; 7/0) approving the minutes from the December 3, 2013 City Council meeting.

Consent

6. Consider approving final adoption of Ordinance No. 3596-C.S. awarding to the United Cerebral Palsy Association of Stanislaus County a five-year franchise to place benches with advertising at City of Modesto bus stops commencing January 1, 2014. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3596-C.S. awarding to the United Cerebral Palsy Association of Stanislaus County a five-year franchise to place benches with advertising at City of Modesto bus stops commencing January 1, 2014.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Madriral; 7/0) approving final adoption of **Ordinance No. 3596-C.S.** awarding to the United Cerebral Palsy Association of Stanislaus County a five-year franchise to place benches with advertising at City of Modesto bus stops commencing January 1, 2014.

Removed from Consent

7. Consider letters of support regarding the regulation and cultivation of industrial hemp for medicinal purposes. (Funding Source: Not Applicable)
 - Motion approving letters of support for regulation and cultivation of industrial hemp for medicinal purposes to Senator Barbara Boxer, Senator Dianne Feinstein and Representative Jeff Denham.
 - Motion authorizing City Councilmembers to send individual letters of support for regulation and cultivation of industrial hemp for medicinal purposes to Senator Barbara Boxer, Senator Dianne Feinstein and Representative Jeff Denham.
City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com

ACTION: Motion (Gunderson/Kenoyer; 7/0) approving letters of support (**with Councilmember Madriral suggested changes to paragraph 6**) for regulation and cultivation

of industrial hemp for medicinal purposes to Senator Barbara Boxer, Senator Dianne Feinstein and Representative Jeff Denham.

Recess at 7:04 p.m.

Reconvened at 7:11 p.m.

Consent

8. Consider authorizing the award of bids for the furnishing of electrical services for the Department of Public Works, Wastewater Division, to Central Valley Electric, Modesto, CA, as “primary” contractor and Tri-Valley Electrical Services, Livermore, 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 \$70,000, and over five (5) years of \$350,000. (Funding Source: Wastewater Fund)
 - Resolution authorizing the award of bids for the furnishing of electrical services for the Department of Public Works, Wastewater Division, to Central Valley Electric, Modesto, CA, as “primary” contractor and Tri-Valley Electrical Services, Livermore, 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 \$70,000, and over five (5) years of \$350,000.

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

ACTION: Resolution 2013-444 (Lopez/Madrigal; 7/0) authorizing the award of bids for the furnishing of electrical services for the Department of Public Works, Wastewater Division, to Central Valley Electric, Modesto, CA, as “primary” contractor and Tri-Valley Electrical Services, Livermore, 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 \$70,000, and over five (5) years of \$350,000.

Consent

9. Consider authorizing the award of bid for the purchase of a truck with utility body and crane for the Public Works Department, Wastewater Division, through the Fleet Services Division, to Albany Ford, Albany, CA, for an estimated cost of \$90,849. (Funding Source: Fleet Replacement Fund)
 - Resolution authorizing the award of bid for the purchase of a truck with utility body and crane for the Public Works Department, Wastewater Division, through the 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 \$90,849.

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

ACTION: Resolution 2013-445 (Lopez/Madrigal; 7/0) authorizing the award of bid for the purchase of a truck with utility body and crane for the Public Works Department, Wastewater Division, through the 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

\$90,849.

Consent

10. Consider (i) accepting the Anti-Drug Abuse Enforcement Team Program Grant from the Board of State and Community Corrections for the Stanislaus Drug Enforcement Agency, in the amount of \$242,494, to combat major drug trafficking and manufacturing, and (ii) amending the Stanislaus Drug Enforcement Agency Fiscal Year 2013/2014 Multi-Year and Operating Budgets to appropriate revenues and expenditures. (Funding Source: Federal Grant/SDEA ADA)

- Resolution accepting the Anti-Drug Abuse (ADA) Enforcement Team Program Grant from the California Emergency Management Agency, in the Board of State and Community Corrections (BSCC), in the amount of \$242,494, to for the Stanislaus Drug Enforcement Agency (SDEA), to combat major drug trafficking; and manufacturing; and authorizing the City Manager, or his designee, to execute the necessary program documents.
- Resolution amending the SDEA Fiscal Year 2013/2014 Multi-Year and Operating and Multi-Year Budgets to reflect appropriate revenues and expenditures in the amount of \$242,494, from the Board of State and Community Corrections, (BSCC) for the Stanislaus Drug Enforcement Agency to combat major drug trafficking; and manufacturing; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

Police; Clint Raymer, 558-6300, raymerc@modestopd.com

ACTION: Resolution 2013-446 (Lopez/Madrigal; 7/0) accepting the Anti-Drug Abuse (ADA) Enforcement Team Program Grant from the California Emergency Management Agency, in the Board of State and Community Corrections (BSCC), in the amount of \$242,494, to for the Stanislaus Drug Enforcement Agency (SDEA), to combat major drug trafficking; and manufacturing; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2013-447 (Lopez/Madrigal; 7/0) amending the SDEA Fiscal Year 2013/2014 Multi-Year and Operating and Multi-Year Budgets to reflect appropriate revenues and expenditures in the amount of \$242,494, from the Board of State and Community Corrections, (BSCC) for the Stanislaus Drug Enforcement Agency to combat major drug trafficking; and manufacturing; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

COUNCIL COMMENTS & REPORTS

None

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on November 30, 2013

11. Hearing to consider denying the appeal of Boos Development West, LLC, for a waiver of \$83,599.26 of the Capital Facilities Fees paid for a Family Dollar store located within the City's Sphere of Influence at 5301 Yosemite Boulevard, Empire. (Funding Source: CFF Revenue Funds: 3480 (Administration), 3410 (Streets), 3420 (Transit), and 3430 (Air Quality))

- Resolution denying the appeal of Boos Development West, LLC, for a waiver of the Capital Facilities Fees paid for a Family Dollar store located within the City's Sphere of Influence at 5301 Yosemite Boulevard, Empire.

Community & Economic Development; Tina Rocha, 577-5321,

trocha@modestogov.com

ACTION: Resolution 2013-448 (Lopez/Madrigal; 7/0) denying the appeal of Boos Development West, LLC, for a waiver of the Capital Facilities Fees paid for a Family Dollar store located within the City's Sphere of Influence at 5301 Yosemite Boulevard, Empire.

Published in the Modesto Bee on November 30, 2013

12. Hearing to consider the application of Berberian Holdings, LP for a General Plan Amendment to re-designate approximately 18 acres from Mixed-use (MU) and Residential (R) to Commercial (C) 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. (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) (Berberian Holdings, LP).

Community & Economic Development; David Wage, 577-5302,

dwage@modestogov.com

Recess at 9:32 p.m.

Reconvened at 9:45 p.m.

ACTION: Motion (Gunderson/Madrigal; 5/2; Zoslocki,Cogdill no) continuing matter to the January 7, 2014 Council meeting.

Published in the Modesto Bee on November 7, 2013

13. Hearing to consider approving an amendment to the City of Modesto's Annual Action Plan for Fiscal Year 2013-2014. (Funding Source: Community Development Block Grants (CDBG) and Emergency Solutions Grants (ESG))
- Resolution approving an Amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2013-14, and authorizing the City Manager, or his designee, to execute related documents.
 - Resolution amending the Fiscal Year 2013-2014 annual operating and capital improvement budgets to reflect approved reallocation of carryover funds in the 2013-2014 Annual Action Plan and as set forth in the Integrated Disbursement and Information System 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 2013-449 (Lopez/Gunderson;7/0) amending the Fiscal Year 2013-2014 annual operating and capital improvement budgets to reflect approved reallocation of carryover funds in the 2013-2014 Annual Action Plan and as set forth in the Integrated Disbursement and Information System reporting system, and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

ACTION: Resolution 2013-450 (Lopez/Gunderson; 7/0) approving an Amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2013-14, and authorizing the City Manager, or his designee, to execute related documents.

NEW BUSINESS

14. Consider authorizing the City of Modesto to: (i) to utilize the services of Steve Lumpkin on a part-time basis for a limited duration for the purposes of overseeing the Parks, Recreation and Neighborhoods Department and assisting staff on the preparation and development of the City budget for the Department; and (ii) to utilize the services of Richard Ulm on a part-time, as needed basis for a limited duration for the purpose of assisting staff on the continued negotiations and litigation with MID and other special projects related to current, ongoing capital projects. (Funding Source: General Fund and Water Fund)
- Resolution authorizing the City of Modesto to utilize the services of Steve Lumpkin on a part-time basis for a limited duration for the purpose of assisting staff on the preparation and development of the City budget for the Parks, Recreation and Neighborhoods Department.
 - Resolution authorizing the City of Modesto to utilize the services of Richard Ulm on a part-time, as needed basis for a limited duration for the purpose of assisting staff on the continued negotiations and litigation with MID and other special

projects related to current, ongoing capital projects.
Human Resources; Joseph Lopez, 571-5126 , joelopez@modestogov.com

ACTION: Resolution 2013-451 (Madrigal/Lopez; 7/0) authorizing the City of Modesto to utilize the services of Steve Lumpkin on a part-time basis for a limited duration for the purpose of assisting staff on the preparation and development of the City budget for the Parks, Recreation and Neighborhoods Department.

ACTION: Resolution 2013-452 (Madrigal/Lopez; 7/0) authorizing the City of Modesto to utilize the services of Richard Ulm on a part-time, as needed basis for a limited duration for the purpose of assisting staff on the continued negotiations and litigation with MID and other special projects related to current, ongoing capital projects.

15. Consider rejecting the 2013 COPS Hiring Program Grant in the amount of \$2,946,080 from the U.S. Department of Justice, Office of Community Oriented Policing, for eight School Resource Officer positions for three years. (Funding Source: Federal COPS Hiring Grant)

- Resolution rejecting the COPS Hiring Program (CHP) Grant in the amount of \$2,946,080, from the U.S. Department of Justice, Office of Community Oriented Policing, for 8 school resource officers for three years; and authorizing the City Manager, or his designee, to execute the necessary rejection documents.

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

ACTION: Resolution 2013-453 (Lopez/Madrigal; 7/0) rejecting the COPS Hiring Program (CHP) Grant in the amount of \$2,946,080, from the U.S. Department of Justice, Office of Community Oriented Policing, for 8 school resource officers for three years; and authorizing the City Manager, or his designee, to execute the necessary rejection documents.

16. Consider approving an Amendment to the current agreement between the City of Modesto and Sixel Consulting Group, Inc. to expand the Scope of Work for the Modesto City-County Airport. (Funding Source: Airport Professional Services)

- Resolution approving an Amendment to the current agreement between the City of Modesto and Sixel Consulting Group, Inc.

Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2013-454 (Lopez/Madrigal; 7/0) approving an Amendment to the current agreement between the City of Modesto and Sixel Consulting Group, Inc.

17. Consider approving an Agreement with Lionakis for Design Services for the Fleet Maintenance Facility Project in an amount not to exceed \$374,187. (Total estimated cost for this portion of the design for this project is \$435,187.) (Funding Source: Fleet Management Fund)

- Resolution approving an agreement with Lionakis for Design Services for Fleet Maintenance Facility Project in an amount not to exceed \$340,170 for the identified scope of services, plus \$34,017 for additional services (if needed), for a maximum total amount of \$374,187, 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 2013-455 (Madrigal/Lopez; 7/0) approving an agreement with Lionakis for Design Services for Fleet Maintenance Facility Project in an amount not to exceed \$340,170 for the identified scope of services, plus \$34,017 for additional services (if needed), for a maximum total amount of \$374,187, and authorizing the City Manager, or his designee, to execute the agreement.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was adjourned at 11:05 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: Modesto Irrigation District v. City of Modesto
Stanislaus County Superior Court Case No. 2001607

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case: City of Modesto v. County of Stanislaus, Lauren Klein, et al.
Alameda County Superior Court Case No. HG13693363

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case: Brian Reed v. City of Modesto, et al.
United States District Court Case

No. 1:11-CV-001083-OWW-GSA

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

Negotiator: Joe Lopez
Agency Negotiators: Allyson Hauck, Esq.
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: Allyson Hauck, Esq.
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: Allyson Hauck, Esq.
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: Allyson Hauck, Esq.
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: Allyson Hauck, Esq.
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: Allyson Hauck, Esq.
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: Allyson Hauck, Esq.
Employee Organization: Unrepresented Management and Confidential Employees