MODESTO CITY COUNCIL
RESOLUTION NO. 2017-67

RESOLUTION APPOINTING MICHELLE HARRIS TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION AND THE HUMAN RELATIONS COMMISSION TO COMPLETE A TERM SET TO EXPIRE ON AUGUST 11, 2017

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

WHEREAS, the Appointments Committee met on January 12, 2017, and recommended appointment of MICHELLE HARRIS to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:


2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Commissions and the Secretary thereof.
The foregoing resolution was introduced in a regular meeting of the Council of
the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember Ah You,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPOINTING SAMUEL GONZALES TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION AND THE HUMAN RELATIONS COMMISSION FOR A TERM OF JANUARY 1, 2017 THROUGH JANUARY 1, 2021

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

WHEREAS, the Appointments Committee met on January 12, 2017, and recommended appointment of SAMUEL GONZALES to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:


2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Commissions and the Secretary thereof.
The foregoing resolution was introduced in a regular meeting of the Council of
the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember Ah You,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney

WHEREAS, the City of Modesto will hold an election on November 7, 2017 for the purpose of electing three (3) Councilmembers (District 2, 4 and 5), and four (4) Modesto City Schools Board of Education members (four year terms); and

WHEREAS, the City of Modesto respectively requests that the Stanislaus County Registrar of Voters, Elections Division, furnish all other services, facilities, supplies, equipment, etc. necessary for the election; and

WHEREAS, the City of Modesto City Clerk’s Office will be responsible for issuing/collecting election information, publishing the Notice of Election and the Nominees for Public Office; and

WHEREAS, the City of Modesto will reimburse the County of Stanislaus for all actual costs for services performed to conduct the municipal election on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby formally requests from the Board of Supervisors of Stanislaus County, California, to consolidate the City of Modesto’s Municipal Election with the County’s General Election to be held on November 7, 2017, 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 Modesto City Schools Board of Education.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION RATIFYING AN EMERGENCY PROCLAMATION ISSUED BY THE CITY MANAGER REGARDING FLOODING

WHEREAS, Section 3-4.06 of the Modesto Municipal Code empowers the Director of Emergence Services (City Manager) to proclaim the existence or threatened existence of a local emergency when the City of Modesto is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven (7) days; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City of Modesto caused by a flooding commencing on or about February 17th, 2017, at which time the City Council of the City of Modesto was not in session; and

WHEREAS, the City Manager of the City of Modesto did proclaim the existence of a local emergency within the City of Modesto on February 21, 2017, and

WHEREAS, the Modesto City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency,

WHEREAS, these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Modesto.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Modesto hereby ratifies the Emergency Proclamation issued by the City Manager on February 21, 2017.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR FIORE ESTATES SUBDIVISION, LOCATED AT 908 ROSE AVENUE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER’S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, WINPAC-ROSE AVE, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land situated in the City of Modesto, consisting of 5.54 acres, known as the FIORE ESTATES SUBDIVISION ("SUBDIVISION"), and

WHEREAS, the Public Works Department has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid, and

WHEREAS, the SUBDIVIDER will assume maintenance responsibilities of the PRIVATE IMPROVEMENTS as described in the Covenants, Conditions and Restrictions (CC&R’s), and

WHEREAS, the SUBDIVIDER has stated that fees for maintaining the improvements are currently being collected into an Home Owner’s Association (HOA) fund, and

WHEREAS, the Public Works Department will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes the water main, the sewer main, City street trees, sidewalk and ADA ramps along Rose Avenue, and
WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Letter of Credit in the amount of $681,939.65 and a Payment Letter of Credit in the amount of $340,969.83, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $68,193.97, and

WHEREAS, the developer has requested that the improvements be accepted and the letters of credit be released, and

WHEREAS, the Public Works Director has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete, authorize the City Clerk to file a Notice of Completion, and to release the securities upon expiration of the statutory periods.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The said PUBLIC IMPROVEMENTS constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion.

2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Letter of Credit in the amount of $681,939.65, upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the Faithful Performance Letter of Credit in the amount of $340,969.83, upon recordation of the Notice of Completion.
4. The City Clerk is hereby authorized to release the Warranty Bonds in the amount of $68,193.97 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE FINAL MAP OF LINCOLN PARKS SUBDIVISION, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A SUBDIVISION AGREEMENT WITH MODESTO MABLE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER’S OFFICE

WHEREAS, MODESTO MABLE, LLC, a California limited liability company ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.52 acres, known as the LINCOLN PARKS SUBDIVISION ("SUBDIVISION"), in the Village One specific plan and the precise plan number 18, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on December 15, 2014 with conditions of approval as noted in Planning Commission resolution Number 2014-22, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the project is currently under construction and the public improvements have not yet been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision
Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the SUBDIVIDER has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Manager or his designee be authorized to execute the Subdivision Agreement in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION DESIGNATING THE COMMUNITY DEVELOPMENT MANAGER AS THE “ENGINEER OF WORK” AND DIRECTING STAFF TO PREPARE AND FILE THE 2017-2018 ANNUAL ENGINEER’S REPORT FOR CITY OF MODESTO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 (LMAD No. 1) to provide funding for the landscape maintenance in the public right-of-way, street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, LMAD No. 1 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22620 et. seq. of the Streets and Highways Code requires the legislative body (the City Council) adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and orders the preparation and filing of the report, and

WHEREAS, the annual assessment for LMAD No. 1 has remained the same since 1996, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby designates the Community Development Manager as the “Engineer of Work” for LMAD No. 1, and directs staff to prepare and file an annual report in
accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signatures]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION DESIGNATING THE COMMUNITY DEVELOPMENT MANAGER AS THE “ENGINEER OF WORK” AND DIRECTING STAFF TO PREPARE AND FILE THE 2017-2018 ANNUAL ENGINEER’S REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 (LMAD No. 2) to provide funding for the landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2, and

WHEREAS, LMAD No. 2 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly, and

WHEREAS, the annual assessment for LMAD No. 2 has gradually increased since July 2000, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby designates the Community Development Manager as the “Engineer of
Work” for LMAD No. 2, and directs staff to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

02/28/2017/CED/TRocha/Item 12  2  2017-74
RESOLUTION DESIGNATING THE COMMUNITY DEVELOPMENT MANAGERS AS THE "ENGINEER OF WORK" FOR THE SHACKELFORD, LLD AND DIRECTING STAFF TO PREPARE AND FILE THE 2017-2018 ANNUAL ENGINEER’S REPORT FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus formed the Shackelford Landscape and Lighting District (Shackelford LLD) for the purpose of administering and maintaining seventy-seven (77) 200-watt high-pressure sodium streetlights, and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 496 lots with both residential and commercial development, and is bounded by Crows Landing Road on the west, East Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, and

WHEREAS, on July 1, 2012, the City of Modesto assumed jurisdiction of the Shackelford Landscape and Lighting District from the County of Stanislaus, and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly,

WHEREAS, the annual assessment for the Shackelford LLD has gradually increased since June 1999, and
WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED that the Community Development Manager is designated by this Council as the “Engineer of Work” for the Shackelford LLD, and is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2017-76  

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET  

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2016-17,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement budgets as shown in Exhibit A, which is attached hereto and incorporated by reference herein.  

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
EXHIBIT A

FISCAL YEAR 2016-17

POLICE DEPARTMENT
A budget adjustment is necessary to recognize $269,181 of unbudgeted Supplement Law Enforcement Services Fund (SLESF) Revenue for Project # 100901, 2015-16 SLESF, in Fund 1341, Grants – Operation Grants Reimbursed, and reallocate said funds to the project’s discretionary accounts.
RESOLUTION ACCEPTING THE FISCAL YEAR 2014-2015 MODESTO CONVENTION AND VISITORS BUREAU AUDIT REPORT

WHEREAS, the City's external auditors Macias, Gini & O'Connel, LLP, prepared the Fiscal Year ending June 30, 2015 Modesto Convention and Visitors Bureau audit report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the audit report for Fiscal Year ending June 30, 2015 prepared by external auditors Macias, Gini & O'Connell, LLP, as shown in Exhibit A and Exhibit B, which is attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CONVENTION
AND VISITORS BUREAU

Financial Statements
(With Independent Auditor’s Report Thereon)

June 30, 2015
MODESTO CONVENTION AND VISITORS BUREAU

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<td>Statement of Functional Expenses</td>
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<td>Statement of Cash Flows</td>
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<td>Notes to Financial Statements</td>
</tr>
</tbody>
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Independent Auditor's Report

Board of Directors
Modesto Convention and Visitors Bureau
Modesto, California

We have audited the accompanying financial statements of the Modesto Convention and Visitors Bureau (the Bureau) (a nonprofit organization), which comprise the statement of financial position as of June 30, 2015, and the related statements of activities, functional expenses and cash flows for the year then ended, and the related notes to the financial statements.

Management’s Responsibility for the Financial Statements
Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility
Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor’s judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Bureau’s preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Bureau’s internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion
In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Modesto Convention and Visitors Bureau as of June 30, 2015, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter
The Bureau receives substantially all of its support and revenue from the City of Modesto, California. As discussed in Note 8 to the financial statements, as of July 1, 2015, the City ceased funding the Bureau in order to perform the services directly.

Macias Gini & O'Connell LLP
Sacramento, California
June 10, 2016
## Statement of Financial Position

### Year Ended June 30, 2015

**ASSETS**

<table>
<thead>
<tr>
<th>Current Assets</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and cash equivalents</td>
<td>$36,564</td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>$143,904</td>
</tr>
<tr>
<td>Prepaid expenses</td>
<td>$6,122</td>
</tr>
<tr>
<td>Equipment, net</td>
<td>$6,533</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>$193,123</td>
</tr>
</tbody>
</table>

**LIABILITIES**

<table>
<thead>
<tr>
<th>Current Liabilities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts payable and accrued expenses</td>
<td>$6,753</td>
</tr>
<tr>
<td>Accrued compensated absences</td>
<td>$11,378</td>
</tr>
<tr>
<td>Deferred rent</td>
<td>$411</td>
</tr>
<tr>
<td>Capital lease</td>
<td>$6,650</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>$25,192</td>
</tr>
</tbody>
</table>

**NET ASSETS - Unrestricted**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$167,931</td>
</tr>
</tbody>
</table>

**Total liabilities and net assets**

|       | $193,123 |

See accompanying notes to financial statements.
## MODESTO CONVENTION AND VISITORS BUREAU
### Statement of Activities
#### Year Ended June 30, 2015

### SUPPORT AND REVENUE

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>City contract revenue</td>
<td>$271,187</td>
</tr>
<tr>
<td>Other income</td>
<td>$3,000</td>
</tr>
<tr>
<td>Interest</td>
<td>$10</td>
</tr>
<tr>
<td><strong>Total revenues</strong></td>
<td><strong>$274,197</strong></td>
</tr>
</tbody>
</table>

### EXPENSES

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program services</td>
<td>$155,088</td>
</tr>
<tr>
<td>Support services</td>
<td>$92,059</td>
</tr>
<tr>
<td><strong>Total expenses</strong></td>
<td><strong>$247,147</strong></td>
</tr>
</tbody>
</table>

### CHANGE IN NET ASSETS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net assets - beginning of year</td>
<td>$140,881</td>
</tr>
<tr>
<td><strong>Net assets - end of year</strong></td>
<td><strong>$167,931</strong></td>
</tr>
</tbody>
</table>

See accompanying notes to financial statements.
### MODESTO CONVENTION AND VISITORS BUREAU

**Statement of Functional Expenses**

**Year Ended June 30, 2015**

<table>
<thead>
<tr>
<th></th>
<th>Program Services</th>
<th>Support Services</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payroll and related expenses</td>
<td>$59,026</td>
<td>$52,848</td>
<td>$111,874</td>
</tr>
<tr>
<td>Marketing</td>
<td>76,927</td>
<td>-</td>
<td>76,927</td>
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<tr>
<td>Rent</td>
<td>11,008</td>
<td>9,840</td>
<td>20,848</td>
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<tr>
<td>Meetings</td>
<td>2,751</td>
<td>5,996</td>
<td>8,747</td>
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<tr>
<td>Telephone</td>
<td>-</td>
<td>4,786</td>
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<tr>
<td>Accounting services and payroll processing</td>
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<td>4,102</td>
<td>4,102</td>
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<tr>
<td>Dues and fees</td>
<td>3,694</td>
<td>-</td>
<td>3,694</td>
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<tr>
<td>Utilities</td>
<td>-</td>
<td>3,363</td>
<td>3,363</td>
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<tr>
<td>Insurance</td>
<td>-</td>
<td>2,529</td>
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<tr>
<td>Temporary staffing services</td>
<td>-</td>
<td>2,197</td>
<td>2,197</td>
</tr>
<tr>
<td>Office supplies</td>
<td>-</td>
<td>2,054</td>
<td>2,054</td>
</tr>
<tr>
<td>Copier maintenance</td>
<td>-</td>
<td>1,953</td>
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</tr>
<tr>
<td>Website</td>
<td>1,682</td>
<td>-</td>
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</tr>
<tr>
<td>Equipment lease</td>
<td>-</td>
<td>951</td>
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</tr>
<tr>
<td>Security</td>
<td>-</td>
<td>552</td>
<td>552</td>
</tr>
<tr>
<td>Depreciation</td>
<td>-</td>
<td>467</td>
<td>467</td>
</tr>
<tr>
<td>Computer equipment</td>
<td>-</td>
<td>238</td>
<td>238</td>
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<tr>
<td>Interest</td>
<td>-</td>
<td>101</td>
<td>101</td>
</tr>
<tr>
<td>Bank charges</td>
<td>-</td>
<td>82</td>
<td>82</td>
</tr>
</tbody>
</table>

**Total functional expenses**

$155,088  $92,059  $247,147

See accompanying notes to financial statements.
MODESTO CONVENTION AND VISITORS BUREAU  
Statement of Cash Flows  
Year Ended June 30, 2015

Cash inflows (outflows) from:

<table>
<thead>
<tr>
<th>OPERATING ACTIVITIES:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Change in net assets</td>
<td>$27,050</td>
</tr>
<tr>
<td>Adjustments to reconcile change in net assets to net cash provided by operating activities:</td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>467</td>
</tr>
<tr>
<td>Change in:</td>
<td></td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>(81,179)</td>
</tr>
<tr>
<td>Prepaid expenses</td>
<td>(2,673)</td>
</tr>
<tr>
<td>Accounts payable and accrued expenses</td>
<td>4,854</td>
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<tr>
<td>Accrued compensated absences</td>
<td>1,665</td>
</tr>
<tr>
<td>Deferred rent</td>
<td>(204)</td>
</tr>
</tbody>
</table>

Net cash used in operating activities   (50,020)

<table>
<thead>
<tr>
<th>FINANCING ACTIVITY:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment of capital lease obligation</td>
<td>(350)</td>
</tr>
</tbody>
</table>

Net cash used in financing activity    (350)

Decrease in cash                       (50,370)

Cash and cash equivalents - beginning of year 86,934

Cash and cash equivalents - end of year $36,564

See accompanying notes to financial statements.
NOTE 1 – NATURE OF ACTIVITIES

The Modesto Convention and Visitors Bureau (the Bureau) is the primary marketing organization for the City of Modesto, California (the City) and is dedicated to enhancing the community’s economic and social vitality through the development and execution of creative, one-of-a-kind initiatives designed to drive incremental business to local merchants, restaurants, hotels and attractions. The Bureau’s efforts target media, travel, trade and consumers in the United States and internationally.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Presentation:

The financial statements have been prepared on the accrual basis of accounting.

Asset Restrictions:

The accompanying financial statements include assets, net assets, and financial activities of the Bureau prepared in accordance with Financial Accounting Standard Board (FASB) Accounting Standard Codification No. 958 (ASC 958) “Not-for-Profit Entities.” This statement requires that the Bureau report gifts of cash and other assets as restricted support if they are received with donor stipulations that limit the use of the donated assets. When a donor restriction expires, that is, when a stipulated time restriction ends or purpose restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

The characteristics of the types of net assets that are required to be reported under ASC No. 958 “Revenue Recognition - Contributions Received” are as follows:

Unrestricted Net Assets: Unrestricted net assets represent resources over which the Board of Directors has discretionary control and are used to carry on the operations of the Bureau in accordance with its bylaws.

Temporarily Restricted Net Assets: Temporarily restricted net assets represent resources currently available for use, but expendable only for those operating purposes specified by the donor. Resources of this class of net assets originate from contributions, grants, bequests and investment income earned by the restricted assets. The Bureau currently has no temporarily restricted net assets.

Permanently Restricted Net Assets: Permanently restricted net assets are maintained as an endowment which represents net assets that are subject to restrictions of gift instruments requiring, in perpetuity, that the principal be invested and permits the organization to use all or part of the income earned for general or specific purposes. The Bureau currently has no permanently restricted net assets.
NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Cash:

The Bureau considers deposits that can be redeemed on demand to be cash. As of June 30, 2015, the Bureau’s cash was deposited in one financial institution.

Equipment:

Equipment is recorded at cost, less accumulated depreciation. Depreciation is provided on the straight-line basis over the estimated useful life of the asset, which is five years.

Income Taxes:

The Bureau is exempt from federal income and California franchise taxes under Internal Revenue Code Section 501(c)(6) and California Revenue and Taxation Code Section 23701(e), respectively.

The Bureau files income tax returns in the U.S. federal and California jurisdictions. As of June 30, 2015, no material uncertainties exist regarding positions taken in the Bureau’s tax returns that would have any effect on the Bureau. The Bureau is no longer subject to U.S. federal examinations by tax authorities for fiscal years ending before 2012, and state examinations by tax authorities for fiscal years ending before 2011.

Support and Revenue:

The Bureau receives substantially all of its support and revenue from the City.

Functional Allocation of Expenses:

The costs of providing the various programs and activities have been summarized on a functional basis in the accompanying statement of functional expenses. Accordingly, certain costs have been allocated among the programs and supporting services benefited based on management’s estimates.

Use of Estimates:

In preparing financial statements in conformity with accounting principles generally accepted in the United States of America, management is required to make estimates and assumptions that affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the financial statements and revenues and expenses during the reporting period. Actual results could differ from those estimates.
NOTE 3 – EQUIPMENT, NET

The Bureau financed the purchase of a printer/copy machine through a five-year capital lease. The useful life of the copier is five years. Depreciation expense was $467 for the year ended June 30, 2015. On July 1, 2015, the Bureau transferred the copier and its related lease to the City.

NOTE 4 – CAPITAL LEASE

The Bureau entered into a lease for a printer/copy machine expiring February 2020. The assets and liabilities under this capital lease are recorded at lower of the present value of the minimum lease payments or the fair value of the assets. On July 1, 2015, the Bureau transferred the copier to the City. The City assumed the responsibility of the related capital lease for the remaining term and payments.

NOTE 5 – OPERATING LEASE

The Bureau leases its office facility pursuant to an operating lease agreement with the Double Tree Hotel owned and operated by Modesto Hospitality, LLC expiring in February 2016. Rent expense was $20,848 for the year ended June 30, 2015. Deferred rent is calculated on a straight-line basis over the term of the lease. On July 1, 2015, the City assumed responsibility of the office lease for the remaining term.

NOTE 6 – CONTRACT WITH CITY OF MODESTO

In 2005, the Bureau and the City entered into a contract whereby the Bureau will provide promotional, publicity, and advertising services for the benefit of the City. The aforementioned contract called for City funding in an amount equal to 13.33% of the City’s annual Transient Occupancy Tax (TOT) receipts less than $2,475,613, plus 5% of any annual TOT receipts exceeding $2,475,613.

NOTE 7 – CONCENTRATIONS OF CREDIT RISK

All of the Bureau’s cash balances are maintained in one financial institution. These balances are insured by the Federal Deposit Insurance Corporation (FDIC) up to $250,000. At June 30, 2015, the Bureau’s cash balance was fully insured by the FDIC coverage. The Bureau has not experienced any losses in such accounts.

NOTE 8 – SUBSEQUENT EVENTS

The Bureau has evaluated subsequent events through June 10, 2016, which is the date these financial statements were issued. All subsequent events requiring recognition as of June 30, 2015 have been incorporated into these financial statements.

As of July 1, 2015, the City ceased funding the Bureau in favor of performing the services directly. The outstanding receivable was paid to the Bureau and the Bureau’s equipment and office space were transferred to the City.
June 10, 2016

Board of Directors
Modesto Convention and Visitors Bureau
Modesto, California

In planning and performing our audit of the financial statements of the Modesto Convention and Visitor’s Bureau (Bureau) as of and for the year ended June 30, 2015, in accordance with auditing standards generally accepted in the United States of America, we considered the Bureau’s internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Bureau’s internal control. Accordingly, we do not express an opinion on the effectiveness of the Bureau’s internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls. However, as discussed below, we identified certain deficiencies in internal control that collectively we consider to be a material weakness.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the Bureau’s financial statements will not be prevented, or detected and corrected, on a timely basis. We consider the deficiencies in the Bureau’s internal control described as items 1 through 3 in the attachment to collectively be a material weakness in internal control over financial reporting.

This communication is intended solely for the information and use of the Board of Directors and management of the Bureau, and is not intended to be, and should not be, used by anyone other than these specified parties.

Macias Gini & O’Connell LLP
Sacramento, California
1) Internal controls and Accounting policies and procedures

Professional auditing standards define "internal control" as a process-effected by an entity's board of directors, management, and other personnel-designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

(a) reliability of financial reporting
(b) effectiveness and efficiency of operations, and
(c) compliance with applicable laws and regulations.

Internal control over financial reporting is generally considered to consist of five interrelated elements:

1. Control environment: The tone of an organization, which influences the control consciousness of its employees. This environment is what provides a foundation of discipline and structure to other elements of internal control.

2. Risk assessment: This is the entity's identification of risks that may affect the integrity of the financial reporting system. This forms the basis for controls that reduce the risk of financial reporting errors.

3. Control activities: These are practices, policies, and procedures that reduce the possibility of errors entered into the financial reporting system (preventive controls), or that detect errors that are made (detective controls).

4. Information and communication: These are processes aimed at identifying, capturing, and exchanging information, to ensure the availability of complete and reliable information.

5. Monitoring: This is the process of testing the quality of internal control over time. This may include an internal audit function, or testing by outside auditors.

During our audit, we noted that the Bureau does not have a manual of accounting and financial reporting policies and procedures. The purpose of such a manual is to ensure that control activities are documented and communicated throughout the Bureau to ensure consistency of application to prevent and/or detect errors in financial reporting. Additionally, an element of effective internal controls is the proper segregation of duties. The basic premise of segregating duties is to prevent situations where an employee has the ability to perpetrate an error or irregularity and to conceal it as well. Proper segregation of duties provides for a system of checks and balances such that the functions of one employee are subject to review through the performance of the interrelated functions of another employee.

We recommend that the Bureau develop a comprehensive accounting policies and procedures manual. A well-written accounting manual will assist management in delegating and segregating duties. The manual should include, at a minimum:

- An organizational chart
- Job descriptions, outlining duties and responsibilities
- Descriptions of methods, procedures, and accounting principles to be followed, including explanations and examples of principle transactions, such as monthly review of internally generated reports, policies related to cash which would include preparation of bank reconciliations, controls over cash disbursements and cash receipts, etc.
• A chart of accounts containing adequate explanation of account purpose, use and content
• Desired list of standard forms used in the Bureau with detailed explanations of their purpose and preparation

2) Accrual Basis of Accounting

The Bureau maintains its accounting records on the cash basis of accounting and prepares annual adjustments to prepare the financial statements on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America. The Bureau’s personnel does not have the professional knowledge necessary to prepare the year-end closing entries without assistance from its external auditors. During the audit we noted several adjustments to properly reflect the activities of the Bureau’s financial statements, such adjustments resulted in an increase in reported assets of $92,917, an increase in reported liabilities of $24,987, an increase in reported revenues of $20,198 and an increase in reported expenses of $6,331.

We recommend that the Bureau evaluate its financial reporting function and provide personnel with training to adequately perform their job functions and/or engage a third-party with sufficient knowledge to provide guidance and management over the financial reporting process, with the oversight of the Board of Directors.

3) Recording expenses on a functional basis

According to Financial Accounting Standards Board Accounting Standards Codification topic 958-225-05, Not-for-Profit Entities, Income Statement, the primary purpose of a statement of activities is to provide relevant information about how resources are used in providing various programs and supporting services. During our audit, we noted that the Bureau does not have a method for reporting its expenses on a functional basis. We recommend that the Bureau develop policies and procedures, including a methodology for allocating expenses to properly reflect program activity related to the marketing of the City of Modesto and administrative support. During the audit we noted an adjustment of $70,034, which was necessary to properly allocate expenses among the program and supporting services benefited.
RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO FIRE FIGHTERS ASSOCIATION (MCFFA) AMENDING THE MEMORANDUM OF UNDERSTANDING FOR THE PERIOD OF JULY 1, 2013 TO JUNE 30, 2018 TO CHANGE LANGUAGE IN SECTION 5, MEDICAL CERTIFICATION ALLOWANCE AND SECTION 6, PARAMEDIC PROGRAM; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Fire Fighters Association (MCFFA) expires on June 30, 2018, and

WHEREAS, representatives of the CITY and the MCFFA have met and conferred in good faith concerning incentive pays, and

WHEREAS, the CITY and MCFFA have reached agreement on language changes for a Letter of Agreement (LOA) which, upon execution, shall be attached hereof and made a part hereof, and

WHEREAS, the LOA provides as follows:

PARAMEDIC DIFFERENTIAL: Qualified individuals shall receive a Paramedic differential of ten percent (10%). The ten percent (10%) differential is a combination of the current six percent (6%) differential and an additional four percent (4%). There are currently eighteen (18) employees eligible for the new differential amount.

TECHNICAL RESCUE: There are thirty-three (33) assigned employees to the Technical Rescue program at any time. Each assigned Technical Rescue shall receive a five percent (5%) differential in compensation for participation in the program.
for the program shall be every two (2) years and individuals shall participate in the program for a six (6) year period of time. Individuals will need to obtain the requisite coursework on their own time in order to participate in the program. The Department will update the current Standard Operating Procedure to reflect these changes.

WHEREAS, this contract amendment shall become effective upon ratification by the MCFFA and adoption by the City Council,

WHEREAS, the Council considered this matter at its meeting February 28, 2017

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto Fire Fighters Association (MCFFA), amending Section 5 of the Memorandum of Understanding which covers a term from July 1, 2013 through June 30, 2018, and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of February, 2017, by Councilmember Madrigal,
who moved its adoption, which motion being duly seconded by Councilmember Ah You,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Kenoyer, Ridenour

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE SUBMITAL OF AN APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA DIVISION OF BOATING AND WATERWAYS (DBW) NON-MOTORIZED BOATING FACILITY GRANT FUNDING PROGRAM IN THE AMOUNT OF $731,120 TO FUND DESIGN AND CONSTRUCTION OF THE NEECE DRIVE BOAT LAUNCH AND RIVER ACCESS FACILITY IN TUOLUMNE RIVER REGIONAL PARK (TRRP) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO PREPARE THE NECESSARY DATA AND EXECUTE THE APPLICATION.

WHEREAS, the City of Modesto, as managing partner, on behalf of the TRRP Joint Power Authority (TRRP JPA) has the authority to construct, operate, and maintain the Neece Drive Boat Launch and River Access Facility, and

WHEREAS, the possibility of constructing a Tuolumne River boating access facility would be a positive opportunity and would offer regional residents water-based recreational opportunities on the Tuolumne River through Modesto as well as improved emergency river access, and

WHEREAS, the City of Modesto on behalf of the TRRP JPA desires to construct and maintain the Neece Drive Boat Launch and River Access Facility to meet the needs of watercraft users and provide other public amenities to those utilizing the facility.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto authorizes the submittal of an application be made to the State of California, Department of Parks and Recreation, Division of Boating and Waterways for grant funding pursuant and subject to all of the terms and provisions of the Harbors and Watercraft Revolving Fund program, in the amount of $731,120 to fund design and construction of the Neece Drive Boat Launch and River Access Facility in the Tuolumne River Regional Park.
BE IT FURTHER RESOLVED, that the City Manager of the City of Modesto, or his designee, is hereby authorized and directed to cause the necessary data to be prepared and application to be signed and filed with the Division of Boating and Waterways.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING GRANT FUNDING FROM THE HOUSING-RELATED PARKS PROGRAM (HRPP) ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN THE AMOUNT OF $782,150 TO FULLY FUND THE RENOVATION OF GARRISON AND J.M. PIKE NEIGHBORHOOD PARKS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AND UTILIZE THE GRANT AWARD FROM THE HRPP FOR THE RENOVATION OF GARRISON AND J.M. PIKE NEIGHBORHOOD PARKS

WHEREAS, Both Garrison and J.M. Pike Neighborhood Parks were constructed more than 60 years ago and are in need of renovations to the irrigation system and other park amenities, and

WHEREAS, the renovation of Garrison and J.M. Pike Neighborhood Parks will benefit Modesto residents and update these two parks to current State water ordinance and Americans with Disabilities Act requirements, and

WHEREAS, on March 1, 2016 the City Council approved Resolution 2016-69 authorizing the submission of an application to the Department of Housing and Community Development, and

WHEREAS, the City of Modesto has received a grant award from the Housing-Related Parks Program (HRPP) of $782,150 for the renovation of Garrison and J.M. Pike Neighborhood Parks, and

WHEREAS, time is of the essence in these projects as there is a two year window to utilize these funds and construction is anticipated to begin in fall 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it accepts the grant funding from the Housing-Related Parks Program (HRPP) administered by the California Department of Housing and Community Development in
the amount of $782,150 to fully fund the renovation of Garrison and J.M. Pike Neighborhood Parks.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to accept and utilize the grant award from the HRPP for the renovation of Garrison and J.M. Pike Neighborhood Parks.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE DEPUTY CITY MANAGER, OR HIS
DESIGNEE, TO AMEND THE FISCAL YEAR 2016/2017 CAPITAL
IMPROVEMENT PROGRAM BUDGET TO ESTABLISH A NEW CAPITAL
PROJECT #100989 FOR GARRISON PARK RENOVATION AND A NEW
CAPITAL PROJECT #100955 FOR PIKE PARK RENOVATION IN AN
AMOUNT NOT TO EXCEED $782,150 IN REVENUE AND TO BUDGET
EXPENDITURES AS OUTLINED IN ATTACHMENT A TO FULLY FUND THE
RENOVATION OF GARRISON AND J.M. PIKE NEIGHBORHOOD PARKS

WHEREAS, Both Garrison and J.M. Pike Neighborhood Parks were constructed
more than 60 years ago and are in need of renovations to the irrigation system and other
park amenities, and

WHEREAS, the renovation of Garrison and J.M. Pike Neighborhood Parks will benefit
Modesto residents and update these two parks to current State water standards and Americans
with Disabilities Act requirements, and

WHEREAS, on March 1, 2016 the City Council authorized the submission of an
application to the Department of Housing and Community Development, and

WHEREAS, the City of Modesto has received a grant award from the Housing-
Related Parks Program (HRPP) of $782,150 for the renovation of Garrison and J.M. Pike
Neighborhood Parks, and

WHEREAS, time is of the essence in these projects as there is a two year window
to utilize these funds and construction is anticipated to begin in fall 2017, and

WHEREAS, The City Council shall consider amending the 2016/2017 Capital
Improvement Program Budget to establish two new Capital projects with the grant award
to fund the renovation of Garrison and J.M. Pike Neighborhood Parks in an amount not to
exceed $782,150 as outlined in Attachment A, attached hereto.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Deputy City Manager, or his designee, to amend the Fiscal Year 2016/2017 Capital Improvement Program Budget to establish a new capital project #100989 for Garrison Park Renovation and a new capital project #100955 for Pike Park Renovation in an amount not to exceed $782,150 in revenue.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to budget expenditures as outlined in Attachment A to fully fund the renovation of Garrison and J.M. Pike Neighborhood Parks.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
Attachment A

Budget Adjustment for Capital Project 100989 (Garrison Park Renovation)
Fund 3150 – Capital Grants – Parks CIP Projects:

<table>
<thead>
<tr>
<th>Expense</th>
<th>Increase/Decrease</th>
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</tr>
</thead>
<tbody>
<tr>
<td>3150-39999-100989 – Construction Admin</td>
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</tr>
<tr>
<td>3150-39999-100989 – Construction</td>
<td>$203,000</td>
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<tr>
<td>3150-39999-100989 – Contingency - CIP</td>
<td>$16,000</td>
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<tr>
<td>3150-39999-100989 – Eng/Design/Admin</td>
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<table>
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<th>Increase/Decrease</th>
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<td>3150-39999-42145-100989</td>
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<td>Intergov - State - Housing and Community Development - Housing Policy Development</td>
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Budget Adjustment for Capital Project 100995 (Pike Park Renovation)
Fund 3150 – Capital Grants – Parks CIP Projects:

<table>
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<tr>
<th>Expense</th>
<th>Increase/Decrease</th>
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<tbody>
<tr>
<td>3150-39999-100995 – Construction Admin</td>
<td>$38,000</td>
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<tr>
<td>3150-39999-100995 – Construction</td>
<td>$417,150</td>
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<tr>
<td>3150-39999-100995 – Contingency - CIP</td>
<td>$34,000</td>
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<tr>
<td>3150-39999-100995 – Eng/Design/Admin</td>
<td>$38,000</td>
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<table>
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<th>Revenue</th>
<th>Increase/Decrease</th>
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<td>3150-39999-42145-100995</td>
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<td>Intergov - State - Housing and Community Development - Housing Policy Development</td>
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</tbody>
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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
RESCINDING CITY COUNCIL RESOLUTION #2016-411 AND APPROVING
THE APPLICATION FOR YOUTH SOCCER AND RECREATION
DEVELOPMENT PROGRAM GRANT FUNDS IN AN AMOUNT OF $1,000,000
TO FUND DEVELOPMENT AND CONSTRUCTION OF A PORTION OF THE
CARPENTER ROAD PLANNING AREA SOCCER COMPLEX AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
ALL DOCUMENTS RELATING TO THE GRANT

WHEREAS, on October 11, 2016, the City Council approved Resolution 2016-
411 authorizing the submittal of an application to the Youth Soccer and Recreation Grant
Program and City Staff submitted an application for this grant program by November 1,
2016; and

WHEREAS, the resolution that was approved by the City Council in October
2016 did not include all the wording required by the State and was considered to be
unacceptable for this grant program; and

WHEREAS, in order to ensure that the grant application is considered for funding
Resolution 2016-411 must be rescinded; and

WHEREAS, the State Department of Parks and Recreation has been delegated the
responsibility by the Legislature of the State of California for the administration of the
Youth Soccer and Recreation Development Program, setting up necessary procedures
governing the application; and

WHEREAS, said procedures established by the State Department of Parks and
Recreation require the Applicant to certify by resolution the approval of application
before submission of said application to the State; and
WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

Approves the filing of an application for the Carpenter Road Planning Area Soccer Complex, and

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

2. Certifies that if the project is awarded the Applicant has or will have sufficient funds to operate and maintain the project, and

3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

4. Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and

5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

BE IT FURTHER RESOLVED That Resolution 2016-411 is hereby rescinded
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember
Zoslocki, was upon roll call carried and the Resolution adopted by the following vote:

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

Noes: Councilmembers: None

Absent: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

(Seal)

ATTEST:

STEFANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-83

RESOLUTION REAFFIRMING THE COMMITMENT OF THE CITY OF
MODESTO TO SUPPORT THE CONTINUED OPERATION AND
MAINTENANCE OF THE TUOLUMNE RIVER REGIONAL PARK,
INCLUDING THE CARPENTER ROAD PLANNING AREA SOCCER
COMPLEX, FOR A PERIOD OF AT LEAST 30 YEARS FROM THE DATE OF
THE GRANT AGREEMENT OR THE ISSUANCE OF GRANT FUNDS,
WHICHEVER PROVIDES FOR THE LATER DATE.

WHEREAS, the City Council approved the submittal of an application to the
Youth Soccer and Recreation Grant Program and City Staff submitted an application for
this grant program by November 1, 2016; and

WHEREAS, a provision of the grant is to provide evidence satisfactory to the
State that the project will be operated and maintained as public open space for a
minimum of 30 years; and

WHEREAS, the Tuolumne River Regional Park (TRRP) is operated under a Joint
Powers Authority (JPA) comprised of the County of Stanislaus, the City of Modesto and
the City of Ceres; and

WHEREAS, the intent of the JPA is to operate and maintain TRRP, including the
Carpenter Road Planning Area Soccer Complex, as a public access facility for use by
citizens of Stanislaus County and the general public; and

WHEREAS, in the unlikely event that the JPA desires to dissolve, the area known
as the Carpenter Road Planning Area Soccer Complex will continue to be cared for in a
manner consistent with the rest of TRRP by the City of Modesto; and

WHEREAS, in order to be eligible to receive funding from the Youth Soccer and
Recreation Grant Program administered by the California State Department of Parks and
Recreation, the City of Modesto must reaffirm its commitment to continue to maintain
TRRP, and the Carpenter Road Planning Area Soccer Complex, as public open space for a period of no less than 30 years from the date of the grant agreement or issuance of grant funds, whichever provides for the later date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reaffirms the commitment of the City of Modesto to support the continued operation and maintenance of TRRP, including the Carpenter Road Planning Area Soccer Complex, should the TRRP JPA dissolve, as a public access facility for use by the citizens of Stanislaus County and the general public for a period of time ending no later than 30 years from the date of the grant agreement or issuance of grant funds, whichever provides for the later date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the Resolution adopted by the following vote:

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

Noes: Councilmembers: None

Absent: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH O’DELL ENGINEERING, INC., MODESTO, CA, FOR DESIGN SERVICES FOR THE STRENGTHEN AND REPLACE WATERLINES HIGHWAY VILLAGE PROJECT, IN AN AMOUNT NOT TO EXCEED $101,988 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $10,199 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $112,187 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to four (4) pre-qualified local consultants for Civil Engineering Services for Capital Improvement Program Projects, and

WHEREAS, on January 5, 2017, staff received and distributed three (3) proposals to a selection committee consisting of Utilities engineering and operations staff, and

WHEREAS, the selection committee evaluated the proposals and determined that O’Dell Engineering, Inc. (O’Dell), to be the most qualified and responsive, and

WHEREAS, O’Dell’s sealed cost proposal was opened after the selection ranking had been finalized, and

WHEREAS, O’Dell’s proposal cost and scope were reviewed and determined to be reasonable to provide design services, and

WHEREAS, the scope of services to be provided under the agreement includes:

1) Project Management; 2) Meetings with City Staff; 3) Topographic Survey; and 4) Preparation of Plans and Specifications, and
WHEREAS, the design services for the Strengthen and Replace Highway Village project falls within the scope of services of O’Dell’s proposal, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and therefore, exempt from the bid requirement, and

WHEREAS, however, staff still went through a RFP process pursuant to Administrative Directive 3.1., and

WHEREAS, staff recommends approval of the agreement with O’Dell for design services for the Strengthen and Replace Highway Village Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with O’Dell Engineering, Inc., Modesto, CA, for design services for the Strengthen and Replace Highway Village Project, in an amount not to exceed $101,988 for the identified scope of services, plus $10,199 for additional services (if needed), for a maximum total amount of $112,187.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
RESOLUTION ADOPTING THE TERMS FOR A DOWNTOWN PARKING AGREEMENT WITH AMERICAN SPECIALTY HEALTHCARE, AUTHORIZING STAFF TO PREPARE A PARKING AGREEMENT CONSISTENT WITH THIS RESOLUTION AND COUNCIL DIRECTION, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN A FORM APPROVED BY THE CITY ATTORNEY

WHEREAS, promoting new and expanding businesses through targeted incentives is a strategic economic objective to enhance the City’s revenue base, and

WHEREAS, American Specialty Healthcare has committed to establish a corporate headquarters to house approximately 181 employees in downtown Modesto, and

WHEREAS, American Specialty Healthcare has expressed concern over the cost of parking for these employees, and

WHEREAS, American Specialty Healthcare indicated that they cannot justify locating downtown unless parking spaces were made available, and

WHEREAS, IMPLAN calculations provided by Opportunity Stanislaus show that 100 new health-sector employees downtown are expected to generate approximately 203 jobs, and about $24 million in goods and services in the greater Modesto area economy, and

WHEREAS, if paid parking is displaced during the five years of the parking agreement, the parking system will be made whole by tax revenues collected from economic activity generated from this corporate headquarters locating downtown, and
WHEREAS, the terms of a Parking Agreement with American Specialty Healthcare are proposed to be as follows:

1. No charge for employee parking for five years for up to 150 employees. One hundred (100) employee parking spaces will be allocated in the 11th Street Garage, and fifty (50) employee parking spaces will be allocated at the 9th/1 Streets surface lot between the hours of 6:00 a.m. and 6:00 p.m.

2. The City and American Specialty Healthcare will agree to a five year parking agreement with an option to extend for an additional five years.

3. American Specialty Healthcare will agree to retain the 150 jobs at the downtown corporate headquarters location, and provide the City with an annual written report of the number of jobs and annual salary rate of the jobs to be retained at this location.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the terms for a proposed downtown parking agreement with American Specialty Healthcare, authorizing staff to prepare a parking agreement consistent with the Resolution and Council direction, and authorizing the City Manager to execute the agreement in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A CITYWIDE HIRING AND PROMOTION/ADVANCEMENT FREEZE AND MEASURES RELATED TO UNBUDGETED PURCHASES TO MAINTAIN THE FISCAL SUSTAINABILITY OF THE CITY AND DIRECTING THE CITY MANAGER TO RETURN TO COUNCIL WITH SPECIFIC INFORMATION RELATIVE TO THE FISCAL SUSTAINABILITY MEASURES

WHEREAS, since 2008, the City has made every effort to maintain fiscal sustainability including making significant changes to staffing and employee benefits, such as eliminating 200 positions, restructuring employee benefits and reorganizing the City to ensure the most efficient and effective operations while still providing quality services to our citizens; and

WHEREAS, despite these changes, and even with major reductions in workforce and other short and long-term financial strategic actions that have resulted in significant progress in fiscal sustainability as recognized by our AA Fitch bond rating, the City continues to project challenges to sustained fiscal health given rising expenses and relatively flat revenue growth; and

WHEREAS, recent changes approved by the CalPERS Board have made the City more cognizant of the impending significant negative impact on future budgets and to redouble the City’s commitment to fiscal sustainability; and

WHEREAS, staff is only projecting moderate growth to city revenue including flat sales tax which is the City’s largest source of revenue; and

WHEREAS, staff also anticipates that a recession will likely occur and will further impact the City’s revenues. At this time, staff is unable to predict the magnitude
and the timing of any potential recession, but past experience and current research indicates that one is likely at some point in the next several years; and

WHEREAS, the City desires to maintain financial health and to prepare for future challenges to avoid more drastic measures in the future.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves the implementation of the following measures to maintain fiscal sustainability of the City:

1. Instituting a citywide hiring and promotion/advancement freeze of all city positions, excluding the hiring of the 22 police officer position previously authorized by the Council and other essential positions as approved by City Council.

2. All purchases that have been budgeted in FY 2016/17, but not yet implemented, will require City Manager’s Office (CMO) approval. Any new request will also require CMO approval.

BE IT FURTHER RESOLVED that the City Manager is directed to return to Council with specific information relative to the positions that will be impacted, effect those positon have on City operations, and further details related to other mitigating measures.

BE IT FURTHER RESOLVED that the previsions of this Resolution are made subject to compliance with all applicable State and City laws.
The foregoing resolution was introduced in a regular meeting of the Council of
the City of Modesto held on the 28th day of February, 2017, by Councilmember Madrigal,
who moved its adoption, which motion being duly seconded by Councilmember
Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:  

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney