

# 2017 LEGISLATIVE HISTORY



## MODESTO CITY COUNCIL

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### MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday, January 10, 2017, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Richard Hanshew, Sunshine Community Church

City Clerk's Announcements: Items 3 and 16 - Removed from Consent  
Item 14 – Attachment A revised

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Appreciation to Public Works employee Jeff Tighe for excellent customer service provided. (Funding Source: Not Applicable)  
*Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION:** Public Works Director Bill Sandhu presented a Certificate of Appreciation to Public Works employee Jeff Tighe for excellent customer service provided.

### **PUBLIC COMMENT PERIOD**

- Maggie Countryman spoke regarding the Planning Department and District Attorney.

### **CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 2; 4-15 17-18: (Madrigal/Kenoyer; 7/0)**

**ACTION CONSENT ITEM 3: (Ridenour/Ah You; 7/0)**

**ACTION CONSENT ITEM 16: (Ridenour/Zoslocki; 7/0)**

### **CONSENT ITEMS**

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

#### *Consent*

2. Consider approving the minutes from the December 13, 2016 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the December 13, 2016 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Madrigal/Kenoyer; 7/0)** approving the minutes from the December 13, 2016 Council Meeting.

#### *Removed from Consent*

3. Consider final adoption of **Ordinance No. 3665-C.S.** amending Article 19 of Chapter 2 of Title 3 of the Modesto Municipal Code related to Residential Parking Permit Zones. (Funding Source: General Fund)
  - Motion approving final adoption of **Ordinance No. 3665-C.S.** amending Article 19 to Chapter 2 of Title III of the Modesto Municipal Code to create Residential Permit Parking Zones and to establish regulations therefore.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Ridenour/Ah You; 7/0)** approving final adoption of **Ordinance No. 3665-C.S.** amending Article 19 to Chapter 2 of Title III of the Modesto Municipal Code to create Residential Permit Parking Zones and to establish regulations therefore.

#### *Consent*

4. Consider appointing a new Vice Mayor for calendar year 2017. (Funding Source: Not Applicable)
  - Resolution designating Councilmember Mani Grewal to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2017-01 (Madrigal/Kenoyer; 7/0)** designating Councilmember Mani Grewal to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

Consent

5. Consider approving the 2017 City of Modesto Standing Committee and City Council Committees members. (Funding Source: Not Applicable)
- Motion approving the 2017 City of Modesto Standing Committees and City Council Committees.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Madrigal/Kenoyer; 7/0)** approving the 2017 City of Modesto Standing Committees and City Council Committees.

Consent

6. Consider approving the City's sponsorship of the 2017 Cinco de Mayo Parade, including the waiver of City permit fees, police overtime costs, and vehicle fee expenses incurred by the Modesto Police Department. (Funding Source: General Fund)
- Resolution approving the City of Modesto sponsorship of the 2017 Cinco de Mayo Parade, including the waiver of City permit fees, police overtime costs, and vehicle fee expenses incurred by the City of Modesto Police Department, and authorizing the City Manager, or his designee, to execute any documents necessary related to the sponsorship.
- Police; Galen Carroll, 572-9501, carrolg@modestopd.com*

**ACTION: Resolution 2017-02 (Madrigal/Kenoyer; 7/0)** approving the City of Modesto sponsorship of the 2017 Cinco de Mayo Parade, including the waiver of City permit fees, police overtime costs, and vehicle fee expenses incurred by the City of Modesto Police Department, and authorizing the City Manager, or his designee, to execute any documents necessary related to the sponsorship.

Consent

7. Consider approving a Will Serve Letter and Outside Service Agreement for sewer connection for the property located at 311 W. Hatch Road. (Funding Source: Sewer Fund)
- Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Caruso Shopping Center to connect to the City of Modesto's existing sewer system for the property located at 311 W. Hatch Road (APN: 038-026-050), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the agreement.
- Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2017-03 (Madrigal/Kenoyer; 7/0)** approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Caruso Shopping Center to connect to the City of Modesto's existing sewer system for the property located at 311 W.

Hatch Road (APN: 038-026-050), and authorizing the City Manager, or his designee, to the sign the Will Serve Letter and execute the agreement.

Consent

8. Consider accepting submittal requirements for facilitating Landmark Preservation Commission project applications. (Funding Source: General Fund)
- Resolution accepting the submittal requirements for the processing of Landmark Preservation project applications.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-04 (Madrigo/Kenoyer; 7/0)** accepting the submittal requirements for the processing of Landmark Preservation project applications.

Consent

9. Consider accepting the Monthly Investment Report for July, 2016. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for July, 2016.  
*Finance; Gloria Garza, 577-5219, ggarza@modestogov.com*

**ACTION: Motion (Madrigo/Kenoyer; 7/0)** accepting the Monthly Investment Report for July, 2016.

Consent

10. Consider approving (i) a proposed Agreement including language changes for a successor Memorandum of Understanding between the City and the Modesto Police Management Association for a term of January 1, 2017 to September 3, 2019; (ii) a number of salary and benefit changes for Unrepresented Sworn Police Employees; (iii) amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employees' Retirement System on behalf of employees represented by the Modesto Police Management Association and Unrepresented Sworn Police employees. (Funding Source: General Fund)
- Resolution approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Police Management Association (MPMA) for a term of January 1, 2017 to September 3, 2019 and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.
  - Resolution granting salary changes to Non-Sworn Unrepresented Management and Confidential employees including charter officers and executives and Unrepresented Sworn Police employees, effective January 10, 2017, rescinding Resolution No. 2016-377, and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.
  - Resolution rescinding Resolution No. 2016-376 to update benefit offerings for Unrepresented Management Sworn Police Captains; and authorizing the City Manager or designee to take the necessary administrative action to implement the

changes.

- 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) and rescinding Resolution No. 2014-315.
- Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CALPERS) on behalf of Unrepresented Sworn Police employees and rescinding Resolution No. 2014-314.

*Human Resources; Joe Lopez, 571-5809, joelopez@modestogov.com*

**ACTION: Resolution 2017-05 (Madrigal/Kenoyer; 7/0)** approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Police Management Association (MPMA) for a term of January 1, 2017 to September 3, 2019 and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

**ACTION: Resolution 2017-06 (Madrigal/Kenoyer; 7/0)** granting salary changes to Non-Sworn Unrepresented Management and Confidential employees including charter officers and executives and Unrepresented Sworn Police employees, effective January 10, 2017, rescinding Resolution No. 2016-377, and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.

**ACTION: Resolution 2017-07 (Madrigal/Kenoyer; 7/0)** rescinding Resolution No. 2016-376 to update benefit offerings for Unrepresented Management Sworn Police Captains; and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.

**ACTION: Resolution 2017-08 (Madrigal/Kenoyer; 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) and rescinding Resolution No. 2014-315.

**ACTION: Resolution 2017-09 (Madrigal/Kenoyer; 7/0)** amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CALPERS) on behalf of Unrepresented Sworn Police employees and rescinding Resolution No. 2014-314.

Consent

11. Consider authorizing the purchase of seven one-ton trucks from Albany Ford, Albany, CA, for an estimated total cost of \$342,343. (Funding Source: Various Funds)
  - Resolution authorizing the award of bid for the purchase of seven one-ton trucks to Albany Ford, Albany, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$342,343.

*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-10 (Madrigal/Kenoyer; 7/0)** authorizing the award of bid for

the purchase of seven one-ton trucks to Albany Ford, Albany, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$342,343.

Consent

12. Consider authorizing the purchase of a truck mounted aerial tower for the Forestry Department from Terex Utilities, Watertown, SD, for an estimated total cost of \$172,043. (Funding Source: Fleet replacement funds)
- Resolution authorizing the award of bid for the purchase of a truck mounted aerial tower to Terex Utilities, Watertown, SD, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$172,043.
- Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-11 (Madrigal/Kenoyer; 7/0)** authorizing the award of bid for the purchase of a truck mounted aerial tower to Terex Utilities, Watertown, SD, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$172,043.

Consent

13. Consider accepting a Federal Highway Safety Improvement Grant in the amount of \$391,230, to make improvements to traffic signals, crosswalks, and other work at various locations in Modesto. (Funding Source: 90% Federal HSIP Grant and 10% Surface Transportation Fund)
- Resolution accepting the Federal Highway Safety Improvement Program (HSIP) Cycle 8 grant in the amount of \$391,230, to install 1,900 traffic signal backplates with 2-inch reflective borders, 300 marked crosswalks, and 500 stop bars and stop legends at various locations in Modesto and authorizing the City Manager, or his designee, to execute all necessary grant documents.
- Public Works; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com*

**ACTION: Resolution 2017-12 (Madrigal/Kenoyer; 7/0)** accepting the Federal Highway Safety Improvement Program (HSIP) Cycle 8 grant in the amount of \$391,230, to install 1,900 traffic signal backplates with 2-inch reflective borders, 300 marked crosswalks, and 500 stop bars and stop legends at various locations in Modesto and authorizing the City Manager, or his designee, to execute all necessary grant documents.

Consent

14. Consider approving the quarterly adjustments to the maximum rate schedule for City residential of \$.05 per month and commercial solid waste collection services of \$.05 per cubic yard per month, retroactive to January 1, 2017, and rescinding Resolution No. 2016-386. (Funding Source: Not Applicable)
- Resolution approving the quarterly adjustments to the maximum rate schedule for City residential of \$.05 per month and commercial solid waste collection services of \$.05 per cubic yard per month, retroactive to January 1, 2017, and rescinding Resolution No. 2016-386.
- Public Works; Karin Rodriguez, 577-5453, krodriquez@modestogov.com*

**ACTION: Resolution 2017-13 (Madrigal/Kenoyer; 7/0)** approving the quarterly adjustments to the maximum rate schedule for City residential of \$.05 per month and commercial solid waste collection services of \$.05 per cubic yard per month, retroactive to January 1, 2017, and rescinding Resolution No. 2016-386.

Consent

15. Consider authorizing the purchase of a Backhoe Four-Wheel Drive from Sonsray Machinery, Stockton, CA, for an estimated total cost of \$112,105. (Funding Source: Fleet Replacement Funds)
- Resolution authorizing the award of bid for the purchase of a backhoe four-wheel drive to Sonsray Machinery, Stockton, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$112,105.  
*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-14 (Madrigal/Kenoyer; 7/0)** authorizing the award of bid for the purchase of a backhoe four-wheel drive to Sonsray Machinery, Stockton, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$112,105.

*Removed from Consent*

16. Consider authorizing the purchase of a new compact bike lane sweeper from Municipal Maintenance Equipment, Sacramento, CA, for an estimated total cost of \$246,768. (Funding Source: Stormwater Compliance Funds)
- Resolution authorizing the award of bid for the purchase of a new compact bike lane sweeper to Municipal Maintenance Equipment, Sacramento, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$246,768.  
*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-15 (Ridenour/Zoslocki; 7/0)** authorizing the award of bid for the purchase of a new compact bike lane sweeper to Municipal Maintenance Equipment, Sacramento, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$246,768.

Consent

17. Consider approving a Purchase and Sale Agreement with Allen Enterprises, a California general partnership, at minimal closing cost of approximately \$1,075 to the City, to acquire a permanent recycled water line easement and a temporary construction easement for the North Valley Regional Recycled Water Project. (Funding Source: Wastewater Fund CIP)
- Resolution approving a Purchase and Sale Agreement with Allen Enterprises, for acquisition of 0.77 acres for a Permanent Water Line Easement and 0.77 acres for a Temporary Construction Easement, located at 307 Zacharias Road, in Patterson, (APN: 021-020-022), at minimal cost to the City, for the North Valley Regional Recycled Water Project

- Resolution approving the Grant of Easement from Allen Enterprises and authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant of Easement for the permanent water line easement, consisting of 0.77 acres and Temporary Construction Easement, consisting of 0.77 acres, located at 307 Zacharias Road, in Patterson, (APN 021-020-022), for the North Valley Regional Recycled Water Project.

*Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2017-16 (Madrigal/Kenoyer; 7/0)** approving a Purchase and Sale Agreement with Allen Enterprises, for acquisition of 0.77 acres for a Permanent Water Line Easement and 0.77 acres for a Temporary Construction Easement, located at 307 Zacharias Road, in Patterson, (APN: 021-020-022), at minimal cost to the City, for the North Valley Regional Recycled Water Project .

**ACTION: Resolution 2017-17 (Madrigal/Kenoyer; 7/0)** approving the Grant of Easement from Allen Enterprises and authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant of Easement for the permanent water line easement, consisting of 0.77 acres and Temporary Construction Easement, consisting of 0.77 acres, located at 307 Zacharias Road, in Patterson, (APN 021-020-022), for the North Valley Regional Recycled Water Project.

#### Consent

18. Consider approving an Agreement with Hazen and Sawyer, Inc., San Francisco, CA, for hydrogeological and design services for the Grayson Well 274 Replacement Project in the amount of \$323,370. (Funding Source: Water Fund-CIP)

- Resolution approving an Agreement with Hazen and Sawyer, Inc., San Francisco, CA, for hydrogeological and design services for the Grayson Well 274 Replacement Project, in an amount not to exceed \$293,973 for the identified scope of services, plus \$29,397 for additional services (if needed), for a maximum total amount of \$323,370 and authorizing the City Manager, or his designee, to execute the agreement.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2017-18 (Madrigal/Kenoyer; 7/0)** approving an Agreement with Hazen and Sawyer, Inc., San Francisco, CA, for hydrogeological and design services for the Grayson Well 274 Replacement Project, in an amount not to exceed \$293,973 for the identified scope of services, plus \$29,397 for additional services (if needed), for a maximum total amount of \$323,370 and authorizing the City Manager, or his designee, to execute the agreement.

### COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended an event on December 21, 2016: "Not Forgotten Homeless Persons."

Councilmember Madrigal thanked staff for distributing sandbags to citizens; he also thanked Modesto Police Department for responding to bullied neighbors in District 2; he also thanked

Council for sponsoring the Cinco de Mayo Parade.

## **CITY MANAGER COMMENTS & REPORTS**

City Manager Holgersson also thanked staff and Mayor Brandvold for their assistance with the upcoming storm.

## **HEARINGS**

*Published in the Modesto Bee on December 7, 2016.*

19. Hearing to consider approving Amendment No. 2 to City of Modesto Program Year 2016-2017 Annual Action Plan to (1) allocate \$13,257.50 of uncommitted FY 2016-2017 Emergency Solutions Grant funds for Rapid Rehousing and Homeless Prevention Activities; (2) allocate an additional \$100,000 in Community Development Block Grant (CDBG) entitlement funds for the Acquisition, Public Facility Improvement, Clearance and Remediation Activities related to a Homeless Access Center; (3) allocate \$400,000 in CDBG entitlement funds to establish a Revolving Loan Fund for a Homeowner Sewer and Water connection program; (4) add a Fair Housing activity and allocate up to \$10,000 in CDBG entitlement funds; and (5) establish the use of Activity Delivery costs associated with CDBG eligible projects, authorizing staff to submit an application to the U.S. Department of Housing & Urban Development for Amendment No. 2 and authorizing the City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation require for implementation of Amendment No. 2. (Funding Source: Emergency Solutions Grant and Community Development Block Grant funds)
- Resolution approving Amendment No. 2 to City of Modesto Program Year 2016-2017 Annual Action Plan to (1) allocate \$13,257.50 of uncommitted FY 2016-2017 Emergency Solutions Grant funds for Rapid Rehousing and Homeless Prevention Activities; (2) allocate an additional \$100,000 in Community Development Block Grant (CDBG) entitlement funds for the Acquisition, Public Facility Improvement, Clearance and Remediation Activities related to the Homeless Access Center; (3) allocate \$400,000 in CDBG entitlement funds to establish a Revolving Loan Fund for a Homeowner Sewer and Water connection program; (4) add a Fair Housing activity and allocate up to \$10,000 in CDBG entitlement funds; and (5) establish the use of Activity Delivery costs associated with CDBG eligible projects, authorizing staff to submit an application to the U.S. Department of Housing & Urban Development for Amendment No. 2 and authorizing the City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation require for implementation of Amendment No. 2.
  - Resolution amending the Fiscal Year 2016-17 annual operating and capital improvement budgets to reflect changes noted in the attached Amendment No. 2 to the City of Modesto's program year 2016-2017 Annual Action Plan for Community Development Block Grant and Emergency Solutions Grant funds, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

*Community & Economic Development; Tina Rocha, 577-5211,  
trocha@modestogov.com*

**ACTION: Resolution 2017-19 (Zoslocki/Grewal; 7/0)** approving Amendment No. 2 to City of Modesto Program Year 2016-2017 Annual Action Plan to (1) allocate \$13,257.50 of uncommitted FY 2016-2017 Emergency Solutions Grant funds for Rapid Rehousing and Homeless Prevention Activities; (2) allocate an additional \$100,000 in Community Development Block Grant (CDBG) entitlement funds for the Acquisition, Public Facility Improvement, Clearance and Remediation Activities related to the Homeless Access Center; (3) allocate \$400,000 in CDBG entitlement funds to establish a Revolving Loan Fund for a Homeowner Sewer and Water connection program; (4) add a Fair Housing activity and allocate up to \$10,000 in CDBG entitlement funds; and (5) establish the use of Activity Delivery costs associated with CDBG eligible projects, authorizing staff to submit an application to the U.S. Department of Housing & Urban Development for Amendment No. 2 and authorizing the City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation require for implementation of Amendment No. 2.

**ACTION: Resolution 2017-20 (Zoslocki/Grewal; 7/0)** amending the Fiscal Year 2016-17 annual operating and capital improvement budgets to reflect changes noted in the attached Amendment No. 2 to the City of Modesto's program year 2016-2017 Annual Action Plan for Community Development Block Grant and Emergency Solutions Grant funds, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

*Published in the Modesto Bee on December 30, 2016.*

20. Hearing to consider approving an amendment to the General Plan to adopt the 2015 Housing Element. (Funding Source: Not Applicable)
- Resolution approving an amendment to the General Plan to adopt the 2015 Housing Element.

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

**ACTION: Resolution 2017-21 (Kenoyer/Grewal; 7/0)** approving an amendment to the General Plan to adopt the 2015 Housing Element.

*Published in the Modesto Bee on December 21, 2016.*

21. Hearing to consider rezoning 4.76 acres of property located at 1115 Oakdale Road from Low Density Residential (R-1) Zone to General Commercial (C-2) Zone. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance amending Section 22-3-9 of the City of Modesto Zoning Ordinance and Zoning Map to rezone property located at 1115 Oakdale Road from Low Density Residential Zone, R-1, to General Commercial Zone, C-2. (GFF & R II).
  - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental

Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 22-3-9 of the Zoning Map of the City of Modesto to rezone from Low Density Residential (R-1) Zone to General Commercial (C-2) Zone, property located at 1115 Oakdale Road, west of Morningside Drive (GFF & R II)  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 7/0)** introducing and waiving the first reading of **Ordinance No. 3666-C.S.** amending Section 22-3-9 of the City of Modesto Zoning Ordinance and Zoning Map to rezone property located at 1115 Oakdale Road from Low Density Residential Zone, R-1, to General Commercial Zone, C-2. (GFF & R II).

**ACTION: Resolution 2017-22 (Ridenour/Kenoyer; 7/0)** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 22-3-9 of the Zoning Map of the City of Modesto to rezone from Low Density Residential (R-1) Zone to General Commercial (C-2) Zone, property located at 1115 Oakdale Road, west of Morningside Drive (GFF & R II)

#### **NEW BUSINESS**

22. Consider amending the City's General Fund Reserve Policy and increasing the Emergency Reserves by \$12.8 million for a total of \$15.8 million. (Funding Source: General Fund)
- Resolution amending the City's General Fund Reserve policy, and increasing the Emergency Reserves by \$12.8 million for a total of \$15.8 million.
- Finance and City Manager; Stephan Christensen, 577-5390, schristensen@modestogov.com*

**ACTION: Resolution 2017-23 (Grewal/Ridenour; 7/0)** amending the City's General Fund Reserve policy, and increasing the Emergency Reserves by \$12.8 million for a total of \$15.8 million.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 7:50 p.m. and adjourned to Closed Session

#### **CLOSED SESSION**

*Closed Session items were held prior to and after meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: Patricia and Wade Mugrauer v. COM, et al.  
Case No. 1:16-cv-00480-AWI-SAB

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MCEA**

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MCMA**

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MPOA**

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) –MPMA**

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**

Negotiator: Joe Lopez  
Agency Negotiators: Jim Holgersson, City Manager  
Employee Organization: Unrepresented Management and Confidential Employees

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

**MINUTES**  
**City of Modesto**  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2008**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday, January 10, 2017, at 10:00 a.m.**

Roll Call Present: Councilmembers Zoslocki, Ridenour, Grewal  
Absent: None  
Also Present: Councilmember Kenoyer (arrived at 10:22 a.m.)

**PUBLIC COMMENTS**

None.

**CONSENT**

None.

**NEW BUSINESS**

1. Consider accepting the audit report issued the State Controller's Office on the Special Gas Tax Street Improvement Fund, Traffic Congestion Relief Fund and Proposition 1B Fund Allocations for the fiscal year period from July 1, 2000 through June 30, 2015, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; unan.)** accepting the audit report issued the State Controller's Office on the Special Gas Tax Street Improvement Fund, Traffic Congestion Relief Fund and Proposition 1B Fund Allocations for the fiscal year period from July 1, 2000 through June 30, 2015, and forwarding to Council for approval.

2. Consider accepting the audited financial statements and various audit reports for Fiscal Year 2015-2016 audited by external auditors Macias, Gini & O'Connell, LLP for (i) the City's Comprehensive Annual Financial Report; (ii) nine Community Facilities Districts; and (iii) various Joint Powers Agencies; and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com*

**ACTION: Motion (Grewal/Ridenour; unan.)** accepting the audited financial statements and various audit reports for Fiscal Year 2015-2016 audited by external auditors Macias, Gini & O'Connell, LLP for (i) the City's Comprehensive Annual Financial Report; (ii) nine Community

Facilities Districts; and (iii) various Joint Powers Agencies; and forwarding to Council for approval.

3. Consider accepting the Fiscal Year 2015-16 Single Audit Reports for the City of Modesto and the Stanislaus Drug Enforcement Agency from external auditors Macias, Gini & O'Connell, LLP and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com*

**ACTION: Motion (Grewal/Ridenour; unan.)** accepting the Fiscal Year 2015-16 Single Audit Reports for the City of Modesto and the Stanislaus Drug Enforcement Agency from external auditors Macias, Gini & O'Connell, LLP and forwarding to Council for approval.

4. Consider accepting the Auditor's Report on Compliance with Requirements Applicable to the Passenger Facility Charge Program; Report on Internal Control over Compliance; and Report on Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2016, prepared by external auditors Macias, Gini & O'Connell, LLP, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com*

**ACTION: Motion (Grewal/Ridenour; unan.)** accepting the Auditor's Report on Compliance with Requirements Applicable to the Passenger Facility Charge Program; Report on Internal Control over Compliance; and Report on Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2016, prepared by external auditors Macias, Gini & O'Connell, LLP, and forwarding to Council for approval.

5. Consider approving the Auditor's Internal Audit Status Report through December 31, 2016 prepared by Moss Adams, LLP. (Funding Source: General Fund)  
*City Auditor; Mark Steranka, (206) 602-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Grewal/Ridenour; unan.)** approving the Auditor's Internal Audit Status Report through December 31, 2016 prepared by Moss Adams, LLP.

6. Consider approving a Solid Waste Efficiency Study Final Report, dated September 20, 2016, prepared by Moss Adams, LLP and forwarding to Council for approval. (Funding Source: Solid Waste Funds)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Grewal/Ridenour; unan.)** approving a Solid Waste Efficiency Study Final Report, dated September 20, 2016, prepared by Moss Adams, LLP and forwarding to Council for approval.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:20 a.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP**  
Second Floor, Room 2008  
Tenth Street Place, 1010 10th Street  
Modesto, California

Wednesday, January 11, 2017, at 2:00 p.m.

Roll Call: Present: Councilmember Zoslocki, Mayor Brandvold; Councilmember Grewal (alternate)

Absent: Councilmember Kenoyer

Also Present: Councilmember Ah You

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider authorizing a 50% matching federal grant application to the Economic Development Administration's Public Works and Economic Adjustment Assistance Program requesting up to \$3 million in fiber network infrastructure improvement funds and forwarding to Council for approval. (Funding Source: General Fund )  
*Information Technology; John Dickey, 577-5229, jdickey@modestogov.com*

**ACTION: Motion (Grewal/Ah You; 3/0)** authorizing a 50% matching federal grant application to the Economic Development Administration's Public Works and Economic Adjustment Assistance Program requesting up to \$3 million in fiber network infrastructure improvement funds and forwarding to Council for approval.

2. Consider authorizing the City's participation in the Livermore Amador Valley Transit Agency consortium; authorizing an agreement with Gillig, LLC, Hayward, CA, in a form approved by the City Attorney, awarding the contract for the procurement of six low floor transit buses over the next five years for a total estimated cost of \$3,154,632; and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Grewal/Ah You; 3/0)** authorizing the City's participation in the Livermore Amador Valley Transit Agency consortium; authorizing an agreement with Gillig, LLC, Hayward, CA, in a form approved by the City Attorney, awarding the contract for the procurement of six low floor transit buses over the next five years for a total estimated cost of

\$3,154,632; and forwarding to Council for approval.

3. Consider accepting the Food Service Establishment Cost Share Program, accepting the amended Fiscal Year 2016-17 Environmental Services budget for an amount of \$100,000, and forwarding to Council for approval. (Funding Source: Wastewater Fund) *Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION: Motion (Grewal/Ah You; 3/0)** accepting the Food Service Establishment Cost Share Program, accepting the amended Fiscal Year 2016-17 Environmental Services budget for an amount of \$100,000, and forwarding to Council for approval.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 3:05 p.m.

Attest: \_\_\_\_\_

Joseph Lopez, Deputy City Manager

# MINUTES

## City of Modesto SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

Second Floor, Room 2008  
Tenth Street Place, 1010 10th Street  
Modesto, California

Thursday, January 12, 2017, at 3:05 p.m.

Roll Call: Present: Chair Brandvold and Member Grewal  
Member Madrigal

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. [Consider interviewing and recommending to the City Council prospective candidates to fill one vacancy on the City of Modesto Planning Commission and consider reappointing Commissioner Escutia-Braaton to the City of Modesto Planning Commission and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)  
*Community & Economic Development; Patrick Kelly, 577-5268, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*  
**ACTION: (Motion: Brandvold/ Grewal: unan.) to accept applications of prospective candidates through January 20, 2017, with interviews scheduled on January 30, 2017, and recommend the reappointment of Commissioner Escutia-Braaton to the City of Modesto Planning Commission and forward to City Council for consideration of approval.**
2. [Consider recommending appointment for two \(2\) vacancies to the Equal Opportunity/Disability and Human Relations Commission and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)  
*Human Resources; Norma Santoyo, 571-5126, [nsantoyo@modesto.gov.com](mailto:nsantoyo@modesto.gov.com)*  
**ACTION: (Motion: Brandvold/Grewal: unan.) to recommend Michelle Harris and Samuel Gonzales to the Equal Opportunity/Disability and Human Relations Commission and forward to City Council for consideration of approval.**
3. [Consider recommending appointments](#) of Jay Lomeli and Jacob

Edwards to the Disabled Access Appeals Board and forwarding to Council for approval.

*Community & Economic Development; William Crew, 577-5242, [wcrew@modestogov.com](mailto:wcrew@modestogov.com)*

**ACTION: (Motion: Grewal/Brandvold: unan.) to recommend Jay Lomeli and Jacob Edwards to the Disabled Access Appeals Board and forward to City Council for consideration of approval.**

**MATTERS TOO LATE FOR THE AGENDA**

**None.**

**ADJOURNMENT**

This meeting adjourned at 3:48 p.m.

Attest:

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Program Coordinator

Oscar Diaz, Building Safety

# MINUTES

**City of Modesto**  
**EFFECTIVE GOVERNMENT COMMITTEE/ COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**

**Monday, January 23, 2017, at 5:00 p.m.**

Roll Call - Present: Councilmembers Grewal, Ah You, and Zoslocki  
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

None.

## NEW BUSINESS

1. Consider accepting an informational report on the GoModesto application including the utilization of services by citizens, types of requests and the impact on Departments. (Funding Source: Not Applicable)  
*City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com*

**ACTION:** No reportable action.

2. Consider accepting an informational report on the impact of the Grant Writing Consultant and current status of Grant applications. (Funding Source: Not Applicable)  
*City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com*

**ACTION:** No reportable action.

3. Consider accepting the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and forwarding to City Council for consideration and approval. (Funding Source: Various Funds)  
*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; unan.)** accepting the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and

forwarding to City Council for consideration and approval.

4. Consider accepting an informational report on the City's procurement of Metro Ethernet Communication Services with Comcast Business Communications, LLC, Philadelphia, PA, for an estimated three (3) year total of \$417,000 and forwarding to Council for approval. (Funding Source: Information Technology)  
*Information Technology; Kevin Harless, 577-5593, kharless@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; unan.)** accepting an informational report on the City's procurement of Metro Ethernet Communication Services with Comcast Business Communications, LLC, Philadelphia, PA, for an estimated three (3) year total of \$417,000 and forwarding to Council for approval.

5. Consider accepting an informational report regarding the City's procurement of Enterprise Resource Planning System Hardware Upgrade Equipment to Solid Networks Inc., Salida, CA, for an estimated cost of \$476,000 and forwarding to Council for approval. (Funding Source: Information Technology Fund)  
*Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; unan.)** accepting an informational report regarding the City's procurement of Enterprise Resource Planning System Hardware Upgrade Equipment to Solid Networks Inc., Salida, CA, for an estimated cost of \$476,000 and forwarding to Council for approval.

6. Consider accepting a Utilities Department Policy regarding procedures to define project scope on major Capital Improvement Program projects, and forwarding to Council for approval. (Funding Source: Various CIPs)  
*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; unan.)** accepting a Utilities Department Policy regarding procedures to define project scope on major Capital Improvement Program projects, and forwarding to Council for approval.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 6:00 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez, Deputy City Manager

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday January 24, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Dwaine Breazeale, The Salvation Army

City Clerk's Announcements: Items 17 and 19 - continued to February 7, 2017 Council meeting

Declaration of Conflicts of Interest: None

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the results of the 2016 National Night Out by the Modesto Police Department. (Funding Source: Not Applicable)  
*Police; Galen Carroll, 572-9502, carrollg@modestopd.com*

**ACTION:** Police Chief Galen Carroll presented the results of the 2016 National Night Out.

2. 2017 Amgen status update. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Community & Economic Development Business Manager Laurie Smith gave a 2017 Amgen status update.

3. Presentation of Proclamation to Joe and Michelle Williams proclaiming February 1, 2017 Reconciliation Day and February 2017 Reconciliation Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation to Joe and Michelle Williams proclaiming February 1, 2017 Reconciliation Day and February 2017 Reconciliation Month.

4. Recognition of staff who have reached 20, 25 and 30 year milestones as employees of the City of Modesto. (Funding Source: Not Applicable)  
*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION:** Human Resources Director Norma Santoyo recognized staff who have reached 20, 25 and 30 year milestones as employees of the City of Modesto.

### MISCELLANEOUS

Legislation  
Appointments  
Other

5. Consider appointing David Leamon to the Landmark Preservation Commission as the Culture Commission representative. (Funding Source: Not Applicable)
  - Resolution appointing David Leamon to the Landmark Preservation Commission as the Culture Commission representative with a term expiration of January 1, 2020.  
*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

**ACTION: Resolution 2017-24 (Madrigal/Grewal; 7/0)** appointing David Leamon to the Landmark Preservation Commission as the Culture Commission representative with a term expiration of January 1, 2020.

6. Consider reappointing Tami Krauss to the Golf Courses Advisory Committee as the member representing the Creekside Golf Club. (Funding Source: Not Applicable)
  - Resolution reappointing Tami Kraus to the Golf Courses Advisory Committee as the member representing the Creekside Golf Club with a term expiration of December 31, 2020.  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2017-25 (Kenoyer/Zoslocki; 7/0)** reappointing Tami Kraus to the Golf Courses Advisory Committee as the member representing the Creekside Golf Club with a term expiration of December 31, 2020.

### PUBLIC COMMENT PERIOD

- Robert Bendorf gave an update on the HERO Program in the City of Modesto.
- Maggie Countryman spoke regarding her neighbor's structure and building permit applications.
- Carmen Sabatino spoke regarding the Korey Kaufman case in Stanislaus County.

- Loretta Carhart spoke regarding City buses in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS: 7-16: (Grewal/Madrigal; 7/0)**

**CONSENT ITEMS**

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

Consent

7. Consider approving the minutes from the January 10, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the January 10, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Grewal/Madrigal; 7/0)** approving the minutes from the January 10, 2017 Council Meeting.

Consent

8. Consider final adoption of **Ordinance No. 3666-C.S.** rezoning 4.76 acres of property located at 1115 Oakdale Road from Low Density Residential (R-1) Zone to General Commercial (C-2) Zone. (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3666-C.S.** amending Section 22-3-9 of the City of Modesto Zoning Ordinance and Zoning Map to rezone property located at 1115 Oakdale Road from Low Density Residential Zone, R-1, to General Commercial Zone, C-2. (GFF & R II).  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Grewal/Madrigal; 7/0)** approving final adoption of **Ordinance No. 3666-C.S.** amending Section 22-3-9 of the City of Modesto Zoning Ordinance and Zoning Map to rezone property located at 1115 Oakdale Road from Low Density Residential Zone, R-1, to General Commercial Zone, C-2. (GFF & R II).

Consent

9. Consider accepting the subdivision improvements of Hintze Landing Subdivision, approving the Final Map located East of McHenry, at 106 Hintze Avenue, and approve the Subdivision Agreement with the Subdivider, Hahnco Holding, Inc., a California corporation, as required by Section 4-4.605 of the Modesto Municipal Code. (Funding Source: General Fund)
  - Resolution accepting the Subdivision Improvements, approving the Final Map of Hintze Landing Subdivision, authorizing the City Manager or his designee to execute the Subdivision Agreement with Hahnco Holding, Inc., a California Corporation, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's office.  
*Community & Economic Development; Daniel England, 571-5589,*

*dengland@modestogov.com*

**ACTION: Resolution 2017-26 (Grewal/Madrigal; 7/0)** accepting the Subdivision Improvements, approving the Final Map of Hintze Landing Subdivision, authorizing the City Manager or his designee to execute the Subdivision Agreement with Hahnco Holding, Inc., a California Corporation, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's office.

Consent

10. Consider rejecting all bids for the Street Improvements Southbound Prescott Road to Westbound Plaza Parkway project. (Funding Source: Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program Funds (RSTP))
- Resolution rejecting all bids for the Street Improvements Southbound Prescott Road to Westbound Plaza Parkway project.  
*Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com*

**ACTION: Resolution 2017-27 (Grewal/Madrigal; 7/0)** rejecting all bids for the Street Improvements Southbound Prescott Road to Westbound Plaza Parkway project.

Consent

11. Consider amending Section 7 - Homebuyers Assistance Program and adding Section 12 - Loan and Grant Portfolio Management Policy to the Housing and Urban Development Policies & Procedure Manual. (Funding Source: Community Development Block Grant)
- Resolution amending Section 7 (Homebuyers Assistance Program) and adding Section 12 (Loan and Grant Portfolio Management Policy) to the Housing and Urban Development Policies & Procedure Manual.  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-28 (Grewal/Madrigal; 7/0)** amending Section 7 (Homebuyers Assistance Program) and adding Section 12 (Loan and Grant Portfolio Management Policy) to the Housing and Urban Development Policies & Procedure Manual.

Consent

12. Consider accepting the Destination Modesto Report for the First & Second Quarter – Fiscal Year 2016-17. (Funding Source: Transient Occupancy Tax)
- Resolution accepting the Destination Modesto Report for the First & Second Quarter – Fiscal Year 2016-17.  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2017-29 (Grewal/Madrigal; 7/0)** accepting the Destination Modesto Report for the First & Second Quarter – Fiscal Year 2016-17.

Consent

13. Consider accepting the Monthly Investment Report for August, 2016. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for August, 2016.  
*Finance; Gloria Garza, 577-5219, ggarza@modestogov.com*

**ACTION: Motion (Grewal/Madrigal; 7/0)** accepting the Monthly Investment Report for August, 2016.

Consent

14. Consider accepting an informational report for the July 2016 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the July 2016 Accounts Payable Payment Register and Void report.  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Grewal/Madrigal; 7/0)** accepting an informational report for the July 2016 Accounts Payable Payment Register and Void report.

Consent

15. Consider accepting an informational report for the August 2016 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the August 2016 Accounts Payable Payment Register and Void report.  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Grewal/Madrigal; 7/0)** accepting an informational report for the August 2016 Accounts Payable Payment Register and Void report.

Consent

16. Consider accepting an informational report for the September 2016 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the September 2016 Accounts Payable Payment Register and Void report.  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Grewal/Madrigal; 7/0)** accepting an informational report for the September 2016 Accounts Payable Payment Register and Void report.

### COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding Martin Luther King event at the Baptist Church; she received award from Women's Transportation Solution for her work on Measure L; she attended a mentoring workshop at Stanislaus State.

Councilmember Ah You thanked the Forestry Division for their responses to calls for trees down in Modesto.

Councilmember Madrigal thanked City staff for their responses during the rainy weather; he also thanked the City's Graffiti Abatement team; he met with staff for a community garden in west Modesto.

### CITY MANAGER COMMENTS & REPORTS

None.

### HEARINGS

*Published in the Modesto Bee on January 14, 2017; Continued to February 7th, 2017.*

17. Hearing to consider the demolition of the 7th Street Bridge (Landmark 14), find Alternative 2B as the preferred alternative replacement bridge, and retain the 7th Street Bridge on the Landmark List. (Funding Source: Not Applicable)
- Item continued to the February 7th City Council Meeting.  
*Community & Economic Development; Cindy van Empel, 577-5280, cvanempel@modestogov.com*

**ACTION:** Item continued to the February 7, 2017 City Council Meeting.

*Published in the Modesto Bee on January 9, 2017 and January 16, 2017.*

18. Hearing to consider authorizing the Groundwater Sustainable Agency Memorandum of Understanding, and the submit notice of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency's election to serve as the Groundwater Sustainability Agency. (Funding Source: Water Fund)
- Resolution authorizing the Groundwater Sustainability Agency Memorandum of Understanding, and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding, and prepare and submit notice of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency's election to be the Groundwater Sustainability Agency for the Modesto Sub-basin to Department of Water Resources.  
*Utilities; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2017-30 (Ridenour/Grewal; 7/0)** authorizing the Groundwater Sustainability Agency Memorandum of Understanding, and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding, and prepare and submit notice of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency's election to be the Groundwater Sustainability Agency for the Modesto Sub-basin to Department of Water Resources.

### NEW BUSINESS

19. Consider authorizing the City's participation in the Livermore Amador Valley Transit Agency consortium; authorizing an agreement with Gillig, LLC, Hayward, CA, in a form approved by the City Attorney, awarding the contract for the procurement of six low floor transit buses over the next five years for a total estimated cost of \$3,154,632.

(Funding Source: Transit Funds)

- Resolution approving an agreement with Gillig, LLC for the future purchase of six low floor transit buses over a five year period for the Modesto Area Express (MAX) transit service.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION:** Item continued to February 7, 2017 Council meeting.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 6:40 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(d)(1) of the Government Code)**

Name of case: Michael Beidleman v. COM  
Case No. 1:16-cv-01100-DAD-SKO

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MCEA**

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MCMA**

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MPOA**

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) –MPMA**

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**

Negotiator: Joe Lopez  
Agency Negotiators: Jim Holgersson, City Manager  
Employee Organization: Unrepresented Management and Confidential Employees

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## **MINUTES**

**City of  
Modesto  
SPECIAL APPOINTMENTS COMMITTEE/COUNCIL  
WORKSHOP  
2<sup>nd</sup> Floor, Room  
2005  
Tenth Street Place, 1010 10th  
Street  
Modesto,  
California**

**Monday, January 30, 2017, at 3:00  
p.m.**

The meeting was called to order at 3:09p.m.

Roll Call: Present: Tony Madrigal, Chair, Mani Grewal, Vice-chair and Ted Brandvold, Member

### **PUBLIC COMMENTS**

**There were no members of the public who requested comment.**

### **CONSENT**

**ITEMS There were no consent items.**

### **NEW BUSINESS**

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

The Committee interviewed the following applicants for Planning Commission (PC), and inquired as to each applicant's interest in serving on the Board of Zoning Adjustment (BZA):

Ron Hurst, who was interested in both PC and BZA  
David Roddick, who was interested in both PC and BZA  
Samuel Gonzalez, who was interested in both PC and BZA  
Lykele Miedema, who was interested in both PC and BZA  
Rosa Escutia-Braaton (reappointment to PC), who would be willing to serve on BZA.  
Blaine Cox, who was interested in both PC and BZA  
Kyle Fliflet, who was interested in both PC and BZA but not sure he could accommodate the BZA schedule with his work schedule  
Ameet Birring, who was interested in both PC and BZA  
Jessica Self, who had previously been interviewed, also spoke with the Commission to confirm her continued interest in the PC. She is not able to serve on the BZA because of her work schedule.

**ACTION: (Motion: Grewal/Brandvold: unan.) to reappoint Rosa Escutia-Braaton to the Planning Commission.**

**ACTION: (Motion: Madrigal/none: motion died) to appoint Jessica Self to the Planning Commission.**

**ACTION: (Motion: Grewal/Madrigal: unan.) to appoint Ameet Birring to the Planning Commission.**

2. Consider interviewing and recommending an applicant to fill one vacancy on the City of Modesto Board of Zoning Adjustment. (Funding Source: Not applicable)  
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestoqov.com

**ACTION: (Motion: Brandvold/Grewal: unan.) to appoint Blaine Cox to the Board of Zoning Adjustment.**

3. Consider reviewing applications to fill 4 vacancies on the City of Modesto Culture Commission and forwarding recommendations to Council for approval. (Funding Source: Not Applicable)  
Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestoqov.com

The committee reviewed applications from Patrick Cavanah, Ryan Leupp, Joseph Cahill, Katharine Zagone, Athens Abell, Julie Sherer, and Francisco Javier for four vacancies on the Culture Commission, two of which are for residents of the City of Modesto, and two of which are for residents of Stanislaus County who do not live in the City of Modesto.

**ACTION: (Motion: Madrigal/Grewal; unan.) to appoint Athens Abell to a Culture Commission position for a resident of Stanislaus County who is not a resident of the City of Modesto.**

**ACTION: (Motion: Madrigal/Brandvold: unan.) to appoint Julie Sherer and Francisco Javier to the Culture Commission positions for residents of the City of Modesto.**

**MATTERS TOO LATE FOR THE**

**AGENDA None.**

**ADJOURNMENT**

This meeting was adjourned at 5:15p.m.

Attest: \_\_\_\_\_  
Cynthia Birdsill, Director of  
Community & Economic  
Development

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday February 07, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: Ridenour – Item 5

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

## MISCELLANEOUS

Legislation  
Appointments  
Other

1. Consider accepting the resignation of Richard Maggard from the City of Modesto Citizens’ Housing and Community Development Committee. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Richard Maggard from the City of Modesto’s Citizens’ Housing and Community Development Committee.  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-31 (Kenoyer/Madrigal; 7/0)** accepting the resignation of Richard Maggard from the City of Modesto’s Citizens’ Housing and Community Development Committee.

2. Consider approving the appointments of Jay Lomeli and Jacob Edwards to the Disabled Access Appeals Board. (Funding Source: Not Applicable)
  - Resolution appointing Jay Lomeli and Jacob Edwards to the Disabled Access Appeals Board with a term expiration of January 1, 2021.

*Community & Economic Development; William Crew, 577-5252,  
wcrew@modestogov.com*

**ACTION: Resolution 2017-32 (Madrigal/Ah You; 7/0)** appointing Jay Lomeli and Jacob Edwards to the Disabled Access Appeals Board with a term expiration of January 1, 2021.

3. Consider accepting the resignation of William Gaines from the City of Modesto Equal Opportunity/Disability Commission and Human Relations Commission and appointing Douglass Parman for a term to expire on August 11, 2017. (Funding Source: Not Applicable)

- Resolution accepting the resignation of William Gaines from the City of Modesto Equal Opportunity/Disability and Human Relations Commission effective March 15, 2016.
- Resolution appointing Douglass Parman to the Equal Opportunity/Disability and Human Relations Commission for a term to expire on August 11, 2017.

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2017-33 (Ah You/Grewal; 7/0)** accepting the resignation of William Gaines from the City of Modesto Equal Opportunity/Disability and Human Relations Commission effective March 15, 2016.

**ACTION: Resolution 2017-34 (Ah You/Grewal; 7/0)** appointing Douglass Parman to the Equal Opportunity/Disability and Human Relations Commission for a term to expire on August 11, 2017.

**PUBLIC COMMENT PERIOD**

- Pastor Wayne Bridegroom spoke about immigration.
- Dave Leach spoke regarding crime and homeless in his neighborhood and parks.
- Jed Byerly also spoke regarding crime and homeless in his neighborhood and parks.
- Eleanor Chase spoke regarding the 7th Street Bridge item and requested item to be continued to February 28, 2017.
- Loretta Carhart spoke regarding buses in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS: 4; 6-12: (Kenoyer/Grewal; 7/0)**

**ACTION CONSENT ITEM 5: (Kenoyer/Madrigal; 6/0; Ridenour 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 January 24, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the January 24, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving the minutes from the January 24, 2017 Council Meeting.

Consent – *Ridenour absent due to conflict of interest*

5. Consider (i) approving the plans and specifications for the Roselle Avenue Widening Project, accepting the bid, and approving the contract, in a form to be approved by the City Attorney, with DSS Company (dba Knife River Construction), of Stockton, CA, in the amount of \$3,249,779.40; (ii) amending the Fiscal Year 2016-2017 Capital Improvement Program budget in the amount of \$213,234; and (iii) increasing the Utility Department Director's authority to issue change orders to the construction contract for a cumulative amount of \$389,974. (Funding Source: Village One CFD Fund)
  - Resolution approving the plans and specifications for the Roselle Avenue Widening Project, accepting the bid, approving the contract with DSS Company (dba Knife River Construction) of Stockton, CA, and authorizing the City Manager, or his designee, to execute the construction agreement, in a form approved by the City Attorney, in the amount of \$3,249,779.40.
  - Resolution amending the Fiscal Year 2016-2017 Capital Improvement Program budget to transfer a total \$213,234 from the following line items: Construction (CON) and Land Acquisition (LA) to Construction Administration (CA), City Construct Force (CFF), Contingency (CTGY), and Engineering/Design/Administration (EDA) line items.
  - Resolution authorizing the Director of Utilities to issue change orders on the Roselle Avenue Widening Project, in the total amount of \$389,974 (12% of the original contract price).

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

**ACTION: Resolution 2017-35 (Kenoyer/Madriral; 6/0; Ridenour absent due to conflict of interest)** approving the plans and specifications for the Roselle Avenue Widening Project, accepting the bid, approving the contract with DSS Company (dba Knife River Construction) of Stockton, CA, and authorizing the City Manager, or his designee, to execute the construction agreement, in a form approved by the City Attorney, in the amount of \$3,249,779.40.

**ACTION: Resolution 2017-36 (Kenoyer/Madriral; 6/0; Ridenour absent due to conflict of interest )** amending the Fiscal Year 2016-2017 Capital Improvement Program budget to transfer a total \$213,234 from the following line items: Construction (CON) and Land Acquisition (LA) to Construction Administration (CA), City Construct Force (CFF),

Contingency (CTGY), and Engineering/Design/Administration (EDA) line items.

**ACTION: Resolution 2017-37 (Kenoyer/Madriral; 6/0; Ridenour absent due to conflict of interest)** authorizing the Director of Utilities to issue change orders on the Roselle Avenue Widening Project, in the total amount of \$389,974 (12% of the original contract price).

Consent

6. Consider approving a contract with R&R Pacific Construction of Woodland, California in the amount of \$217,850 and authorizing the Director of Utilities to issue change orders up to 25% or \$54,463 for construction of the Dry Utilities Relocation for the Future Courthouse Project, and amending the Fiscal Year 2016-2017 Non - Capital Program Budget in the amount of \$367,000. (Funding Source: General Fund Reserves, Courthouse Project)

- Resolution authorizing the award of bid for construction for the Dry Utilities Relocation for the Future Courthouse Project, and approving a contract with R&R Pacific Construction of Woodland, California in the amount of \$217,850 and authorizing the City Manager or his designees to execute the agreement, in a form to be approved by the City Attorney.
- Resolution authorizing an increase in the Director of Utilities authority to issue change orders for the Dry Utilities Relocation for the Future Courthouse Project from \$25,000 to 25% (\$54,463) of the construction contract price of \$217,850 with R&R Pacific Construction, of Woodland, California.
- Resolution amending the Fiscal Year 2016-17 Non - Capital Program Multi Year Budget (project # 100859) in the amount of \$367,000 to be temporarily transferred into the project from General Fund Reserves in order to fully fund the project until the escrow funds are released and reimbursed to the General Fund Reserves.

*Community & Economic Development; Daniel England, 571-5589, denland@modestogov.com*

**ACTION: Resolution 2017-38 (Kenoyer/Grewal; 7/0)** authorizing the award of bid for construction for the Dry Utilities Relocation for the Future Courthouse Project, and approving a contract with R&R Pacific Construction of Woodland, California in the amount of \$217,850 and authorizing the City Manager or his designees to execute the agreement, in a form to be approved by the City Attorney.

**ACTION: Resolution 2017-39 (Kenoyer/Grewal; 7/0)** authorizing an increase in the Director of Utilities authority to issue change orders for the Dry Utilities Relocation for the Future Courthouse Project from \$25,000 to 25% (\$54,463) of the construction contract price of \$217,850 with R&R Pacific Construction, of Woodland, California.

**ACTION: Resolution 2017-40 (Kenoyer/Grewal; 7/0)** amending the Fiscal Year 2016-17 Non - Capital Program Multi Year Budget (project # 100859) in the amount of \$367,000 to be temporarily transferred into the project from General Fund Reserves in order to fully fund the project until the escrow funds are released and reimbursed to the General Fund Reserves.

Consent

7. Consider accepting the Monthly Investment Report for September, 2016. (Funding

Source: Not Applicable)

- Motion accepting the Monthly Investment Report for September, 2016.  
*Finance; Gloria Garza, 577-5219, ggarza@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** accepting the Monthly Investment Report for September, 2016.

Consent

8. Consider accepting an informational report for the October 2016 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
  - Motion accepting an informational report for the October 2016 Accounts Payable Payment Register and Void report.  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** accepting an informational report for the October 2016 Accounts Payable Payment Register and Void report.

Consent

9. Consider accepting an informational report for the November 2016 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
  - Motion accepting an informational report for the November 2016 Accounts Payable Payment Register and Void report.  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** accepting an informational report for the November 2016 Accounts Payable Payment Register and Void report.

Consent

10. Consider accepting the Monthly Budget Adjustments Report for October 2016 and amending Fiscal Year 2016-17, Annual Operating and Capital Improvement Budget. (Funding Source: Various Funds)
  - Resolution amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.  
*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2017-41 (Kenoyer/Grewal; 7/0)** amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.

Consent

11. Consider approving an Agreement with Brown and Caldwell, Rancho Cordova, CA, for design and construction services for the Replacement Well 226 Project, in the amount of \$192,717. (Funding Source: Water Fund-CIP)
  - Resolution approving an Agreement with Brown and Caldwell, Rancho Cordova, CA, for design and construction services for the Replacement Well 226 Project, in an amount not to exceed \$175,197 for the identified scope of services, plus \$17,520

for additional services (if needed), for a maximum total amount of \$192,717, and authorizing the City Manager, or his designee, to execute the agreement.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2017-42 (Kenoyer/Grewal; 7/0)** approving an Agreement with Brown and Caldwell, Rancho Cordova, CA, for design and construction services for the Replacement Well 226 Project, in an amount not to exceed \$175,197 for the identified scope of services, plus \$17,520 for additional services (if needed), for a maximum total amount of \$192,717, and authorizing the City Manager, or his designee, to execute the agreement.

#### Consent

12. Consider approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for on-call hydraulic water system modeling support services for a term of two years with two one-year extensions at the sole discretion of the City, not to exceed \$75,000 per year for a total cost of \$300,000 over the term of the agreement. (Funding Source: Various CIPs)

- Resolution approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for on-call hydraulic water system modeling support services for a term of two years with two one-year extensions at the sole discretion of the City, not to exceed \$75,000 per year for a total cost of \$300,000 over the term of the agreement, and authorizing the City Manager, or his designee, to execute the agreement, and up to two, one-year extensions.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2017-43 (Kenoyer/Grewal; 7/0)** approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for on-call hydraulic water system modeling support services for a term of two years with two one-year extensions at the sole discretion of the City, not to exceed \$75,000 per year for a total cost of \$300,000 over the term of the agreement, and authorizing the City Manager, or his designee, to execute the agreement, and up to two, one-year extensions.

### COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer announced the Chinese New Year Celebration at the Senior Center next Saturday; she also spoke regarding her passion for homeless people and Focus on Prevention.

Councilmember Ah You spoke regarding Modesto's neighborhood associations working with public safety and Focus on Prevention.

Councilmember Madrigal spoke regarding compassion and empathy for homeless issues and finding a solution and resources; he also thanked Public Works staff.

Councilmember Zoslocki spoke regarding Modesto's neighborhood organizations and La Loma Neighborhood Association meeting he attended last night.

## CITY MANAGER COMMENTS & REPORTS

None.

### HEARINGS

*Published in the Modesto Bee on January 14, 2017. Continued from the Council Meeting on 1/24/2017; Continued to 2/14/2017.*

13. Hearing to consider approving the demolition of the 7th Street Bridge (Landmark 14), find Alternative 2B as the preferred alternative replacement bridge, and retain the 7th Street Bridge on the Landmark List. (Funding Source: Not Applicable)
  - Item continued to the February 14, 2017 City Council Meeting.  
*Community & Economic Development; Cindy van Empel, 577-5280, cvanempel@modestogov.com*

**ACTION:** Item continued to the February 14, 2017 City Council Meeting

### NEW BUSINESS

14. Consider approving Mayor Brandvold's Proposed Budget Priorities and Direction – 2017/2018. (Funding Source: Not Applicable)
  - Motion approving Mayor Brandvold's Proposed Budget Priorities and Direction – 2017/2018.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Grewal/Ridenour; 7/0)** approving Mayor Brandvold's Proposed Budget Priorities and Direction – 2017/2018.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 7:05 p.m.

*Recess at 7:05 p.m.*

*Reconvened at 7:20 p.m.*

15. **COUNCIL WORKSHOP - ACE** (Altamont Commuter Express) Update. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

16. **COUNCIL WORKSHOP** - An update on California Proposition 64, “Adult Use of Marijuana Act” discussion and possible City Council policy direction. (Funding Source: Not Applicable)  
*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*
  
17. **COUNCIL WORKSHOP** - Long Range Agenda (Funding Source: Not Applicable)  
*City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com*

This Council Workshop adjourned at 9:45 p.m.

**CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Pursuant to Section 54957(b)(1) of the Government Code)**

Title: City Manager  
City Attorney  
City Clerk  
City Auditor

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)  
Case No. 667396

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

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

Property: 3500 Lydia Lane, Modesto 95357, APN: 083-005-021  
Property Owners: Miguel Pedroza & Soloria Yanet Y Lopez  
Negotiating Parties:  
For City: Jon Yuriar, Property Agent for City of Modesto  
Adam U. Lindgren, City Attorney for City of Modesto  
For Property Owners: Gustavo Ruezga, Realtor  
Under Negotiation: Purchase Price of Property

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

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez  
Agency Negotiators: Jim Holgersson, City Manager  
Employee Organization: Unrepresented Management and Confidential Employees

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL  
WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

Monday, February 13, 2017, at 5:00 p.m.

Roll Call – Present: Councilmembers Ah You, Ridenour and Madrigal  
Absent: None  
Also Present: Mayor Brandvold, Councilmember Kenoyer

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider an Ordinance amending Title 12, “Parks, Recreation, and Neighborhoods,” Chapter 4, Article 2, Section 12-4.202(a)(32) relating to use of tobacco products and smoking in parks and adding Sub-Section 5-8.301(b)(1)(2)(3)(4) to Title 5, “Sanitation and Health,” Chapter 8, Article 3, relating to the prohibition of smoking in specified unenclosed public places and forwarding to Council for approval. (Funding Source: Not Applicable)

*City Attorney; Adam Lindgren, 577-5291, alindgren@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving a draft Ordinance amending Title 12, “Parks, Recreation, and Neighborhoods,” Chapter 4, Article 2, Section 12-4.202(a)(32) relating to use of tobacco products and smoking in parks and adding Sub-Section 5-8.301(b)(1)(2)(3)(4) to Title 5, “Sanitation and Health,” Chapter 8, Article 3, relating to the prohibition of smoking in specified unenclosed public places and forwarding to Council for approval.

2. Consider accepting an informational report regarding Modesto’s Crime Statistics for January through December 2016, as compared to January through December 2015. (Funding Source: Not Applicable)

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

**ACTION:** No reportable action.

- 3. Consider accepting an informational report regarding Modesto’s Traffic Statistics for the month of December 2016 and for the year-end report. (Funding Source: Not Applicable)  
*Police; Galen Carroll, 572-9500, carrollg@modestopd.com*

**ACTION:** No reportable action.

- 4. Consider accepting the application of US Medical Transportation, Inc., to operate as a non-emergency medical transport service in the City of Modesto and forwarding to Council for approval. (Funding Source: General Fund)  
*Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Motion (Ridenour/Madriral; 3/0)** accepting the application of US Medical Transportation, Inc., to operate as a non-emergency medical transport service in the City of Modesto and forwarding to Council for approval.

- 5. Consider accepting a one-year agreement with TriTech Software Solutions, San Diego, CA, to upgrade the Records Management System at the Modesto Police Department for an estimated total cost of \$582,429 and forwarding to Council for approval. (Funding Source: 3120 - Special Fund for Capital Outlay)  
*Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Motion (Ridenour/Madriral; 3/0)** accepting a one-year agreement with TriTech Software Solutions, San Diego, CA, to upgrade the Records Management System at the Modesto Police Department for an estimated total cost of \$582,429 and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:30 p.m.

Attest: \_\_\_\_\_

James Holgersson, City Manager

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday February 14, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Love Modesto

City Clerk's Announcements: Item 11 - Removed from Consent

Declaration of Conflicts of Interest: Ridenour - Item 10

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Stephen Qualls with update regarding League of California Cities.  
(Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Stephen Qualls presented an update regarding the League of California Cities and 2017 League Strategic Goals.

2. Water/Wastewater Funds Update for Second Quarter of Fiscal Year 2016-17. (Funding Source: Not Applicable)  
*Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com*

**ACTION:** Larry Parlin, Director of Utilities, presented a Water/Wastewater Funds update for the Second Quarter of Fiscal Year 2016-17.

## MISCELLANEOUS

Legislation  
Appointments  
Other

3. Consider appointing Julie Sherer and Francisco Javier to the City of Modesto Culture Commission as Modesto residents and Athens Abell as a Stanislaus County resident who does not live in the city of Modesto with a term expiration of January 1, 2021. (Funding Source: Not Applicable)
- Resolution appointing Julie Sherer and Francisco Javier to the City of Modesto Culture Commission as City of Modesto residents and Athens Abell as a Stanislaus County resident who does not live in the City of Modesto, with a term expiration of January 1, 2021.
- Community & Economic Development; Cynthia Birdsill, 571-5566, cbirdsill@modestogov.com*

**ACTION: Resolution 2017-44 (Madrigal/Ah You; 7/0)** appointing Julie Sherer and Francisco Javier to the City of Modesto Culture Commission as City of Modesto residents and Athens Abell as a Stanislaus County resident who does not live in the City of Modesto, with a term expiration of January 1, 2021.

4. Consider appointing Ameet Birring to the Planning Commission with a term expiration of January 1, 2021; and reappointing Rosa Escutia-Braaton to the Planning Commission with a term expiration of January 1, 2021. (Funding Source: Not Applicable)
- Resolution appointing Ameet Birring to the City of Modesto Planning Commission with a term expiration of January 1, 2021.
  - Resolution reappointing Rosa Escutia-Braaton to the City of Modesto Planning Commission with a term expiration of January 1, 2021.
- Community & Economic Development; Patrick Kelly, 5677-5268, pkelly@modestogov.com*

**ACTION: Resolution 2017-45 (Grewal/Madrigal; 7/0)** appointing Ameet Birring to the City of Modesto Planning Commission with a term expiration of January 1, 2021.

**ACTION: Resolution 2017-46 (Grewal/Madrigal; 7/0)** reappointing Rosa Escutia-Braaton to the City of Modesto Planning Commission with a term expiration of January 1, 2021.

#### **PUBLIC COMMENT PERIOD**

- Ross Campbell spoke regarding water service in Modesto.
- Miguel Donoso spoke regarding racial profiling and immigration issues.
- Debra Harper spoke regarding the City of Modesto and security at City Hall.
- Loretta Carhart spoke regarding payment of water bills and watering in Modesto.

#### **CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 7-9, 12-19: (Madrigal/Ah You; 7/0)  
ACTION CONSENT ITEM 10: Kenoyer/Grewal; 6/0; Ridenour 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 7, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the February 7, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Madrigal/Ah You; 7/0)** approving the minutes from the February 7, 2017 Council Meeting.

Consent

6. Consider accepting the Monthly Investment Report for October, 2016. (Funding Source: Not Applicable)
  - Motion accepting the Monthly Investment Report for October, 2016.  
*Finance; Gloria Garza, 577-5219, ggarza@modestogov.com*

**ACTION: Motion (Madrigal/Ah You; 7/0)** accepting the Monthly Investment Report for October, 2016.

Consent

7. Consider accepting an informational report for the December 2016 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
  - Motion accepting an informational report for the December 2016 Accounts Payable Payment Register and Void report.  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Madrigal/Ah You; 7/0)** accepting an informational report for the December 2016 Accounts Payable Payment Register and Void report.

Consent

8. Consider authorizing an Agreement with Comcast Business Communications, LLC, Philadelphia, PA, for the furnishing of Metro Ethernet services for the Information Technology Department, for an estimated three year total of \$417,000. (Funding Source: Information Technology Fund)
  - Resolution authorizing the award of proposal for the furnishing of Metro Ethernet Services to Comcast Business Communications, LLC, Philadelphia, PA, and authorizing the City Manager, or his designee, to issue a purchase agreement for an estimated three (3) year total \$417,000.

*Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Resolution 2017-47 (Madrigal/Ah You; 7/0)** authorizing the award of proposal for the furnishing of Metro Ethernet Services to Comcast Business Communications, LLC, Philadelphia, PA, and authorizing the City Manager, or his designee, to issue a purchase agreement for an estimated three (3) year total \$417,000.

Consent

9. Consider authorizing the award of bid to Solid Networks Inc., Salida, CA, for the purchase of Enterprise Resource Planning System Hardware Upgrade Equipment for an estimated cost of \$476,000. (Funding Source: Information Technology Fund)
- Resolution authorizing the award of bid for the purchase of Enterprise Resource Planning System Hardware Upgrade Equipment to Solid Networks Inc., Salida, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated cost of \$476,000.

*Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Resolution 2017-48 (Madrigal/Ah You; 7/0)** authorizing the award of bid for the purchase of Enterprise Resource Planning System Hardware Upgrade Equipment to Solid Networks Inc., Salida, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated cost of \$476,000.

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

10. Consider rejecting all bids for the Sanders and Freedom Neighborhood Parks Renovation Project. (Funding Source: Village One CFD)
- Resolution rejecting all bids for the Sanders and Freedom Neighborhood Parks Renovation Project.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-49 (Kenoyer/Grewal; 6/0; Ridenour absent due to conflict of interest)** rejecting all bids for the Sanders and Freedom Neighborhood Parks Renovation Project.

*Removed from Consent*

11. Consider accepting the Urban Streams Restoration Program grant funds for the removal of the Remnant Dennett Dam in the amount of \$412,918 to partially fund the removal of the Remnant Dennett Dam and amending the Fiscal Year 2016-17 Multi-Year Operating Budget. (Funding Source: California Department of Water Resources-Urban Streams Restoration Program)
- Resolution accepting grant funding from the Urban Streams Restoration Program administered by the California Department of Water Resources in the amount of \$412,918 to partially fund the removal of the Remnant Dennett Dam and authorizing the City Manager, or his designee, to accept and utilize the grant award from the Urban Streams Restoration Program for the construction costs for the

removal project of the Remnant Dennett Dam.

- Resolution authorizing the Deputy City Manager, or his designee, to amend the Fiscal Year 2016-17 Multi-Year Operating Budget to establish a new non-capital project #100993, in an amount not to exceed \$412,918 in revenue; to budget expenditures as outlined in Attachment A to partially fund the removal of the Remnant Dennett Dam; and authorizing the City Manager, or his designee, to establish a grant funded non-capital project for the construction costs for the removal project of the Remnant Dennett Dam.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-50 (Kenoyer/Zoslocki; 7/0)** accepting grant funding from the Urban Streams Restoration Program administered by the California Department of Water Resources in the amount of \$412,918 to partially fund the removal of the Remnant Dennett Dam and authorizing the City Manager, or his designee, to accept and utilize the grant award from the Urban Streams Restoration Program for the construction costs for the removal project of the Remnant Dennett Dam.

**ACTION: Resolution 2017-51 (Kenoyer/Zoslocki; 7/0)** authorizing the Deputy City Manager, or his designee, to amend the Fiscal Year 2016-17 Multi-Year Operating Budget to establish a new non-capital project #100993, in an amount not to exceed \$412,918 in revenue; to budget expenditures as outlined in Attachment A to partially fund the removal of the Remnant Dennett Dam; and authorizing the City Manager, or his designee, to establish a grant funded non-capital project for the construction costs for the removal project of the Remnant Dennett Dam.

#### Consent

12. Consider approving an agreement for the purchase and installation of a Real Time Crime Center Dashboard Solution for the Modesto Police Department to CyberTech Systems and Software, Inc., Oak Brook, IL, for an estimated five year total cost of \$502,549 and amending the 2016-17 Operating and Capital Improvement Budgets for \$167,217. (Funding Source: 3120 - Special Funding for Capital Outlay, General Fund)
- Resolution authorizing award for the purchase and installation of a Real Time Crime Center Dashboard Solution for the Modesto Police Department to CyberTech Systems and Software Inc., Oak Brook, IL, and authorizing the City Manager or his designee, to execute the agreement for an estimated five (5) year total contract cost of \$502,549.
  - Resolution authorizing the Deputy City Manager, or his designee, to amend the Fiscal Year 2016/2017 Operating and Capital Improvement Budgets to appropriate expenditures of approximately \$167,217 for the Modesto Police Department's purchase of a RTCC Dashboard Solution and system components.

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

**ACTION: Resolution 2017-52 (Madrigal/Ah You; 7/0)** authorizing award for the purchase and installation of a Real Time Crime Center Dashboard Solution for the Modesto Police Department to CyberTech Systems and Software Inc., Oak Brook, IL, and authorizing the City Manager or his designee, to execute the agreement for an estimated five (5) year total contract

cost of \$502,549.

**ACTION: Resolution 2017-53 (Madrigal/Ah You; 7/0)** authorizing the Deputy City Manager, or his designee, to amend the Fiscal Year 2016/2017 Operating and Capital Improvement Budgets to appropriate expenditures of approximately \$167,217 for the Modesto Police Department's purchase of a RTCC Dashboard Solution and system components.

Consent

13. Consider approving an increase to the existing Purchase Agreement with TTI Polygraph to increase the contract amount from \$45,000 to \$131,250 annually; until such time that the Modesto Police Department can complete a formal competitive bid process. (Funding Source: General Fund)
- Resolution approving an increase to the existing Purchase Agreement with TTI Polygraph to increase the contract amount from \$45,000 to \$131,250 annually, until such time that the Modesto Police Department can complete a formal competitive bid process.

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

**ACTION: Resolution 2017-54 (Madrigal/Ah You; 7/0)** approving an increase to the existing Purchase Agreement with TTI Polygraph to increase the contract amount from \$45,000 to \$131,250 annually, until such time that the Modesto Police Department can complete a formal competitive bid process.

Consent

14. Consider approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for design and bid period services for the Replacement Well 229 Project in the amount of \$362,820. (Funding Source: Water Fund-CIP)
- Resolution approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for design services for the Replacement Well 229 Project, in an amount not to exceed \$329,836 for the identified scope of services, plus \$32,984 for additional services (if needed), for a maximum total amount of \$362,820 and authorizing the City Manager, or his designee, to execute the agreement.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2017-55 (Madrigal/Ah You; 7/0)** approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for design services for the Replacement Well 229 Project, in an amount not to exceed \$329,836 for the identified scope of services, plus \$32,984 for additional services (if needed), for a maximum total amount of \$362,820 and authorizing the City Manager, or his designee, to execute the agreement.

Consent

15. Consider approving the Food Service Establishment Cost Share Program and amending Fiscal Year 2016-17 Environmental Services operating budget for an amount of \$100,000 from Wastewater Fund Reserves. (Funding Source: Wastewater Fund)
- Resolution approving the Food Service Establishment Cost Share Program.
  - Resolution amending Fiscal Year 2016-17 Environmental Services operating budget for an amount of \$100,000 from Wastewater Fund Reserves.

*Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION: Resolution 2017-56 (Madrigal/Ah You; 7/0)** approving the Food Service Establishment Cost Share Program.

**ACTION: Resolution 2017-57 (Madrigal/Ah You; 7/0)** amending Fiscal Year 2016-17 Environmental Services operating budget for an amount of \$100,000 from Wastewater Fund Reserves.

Consent

16. Consider approving a Utilities Department Policy regarding procedures to define project scope on major Capital Improvement Program projects. (Funding Source: Various CIPs)
- Resolution approving a Utilities Department Policy regarding procedures to define project scope on major Capital Improvement Program projects.
- Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-58 (Madrigal/Ah You; 7/0)** approving a Utilities Department Policy regarding procedures to define project scope on major Capital Improvement Program projects.

Consent

17. Consider accepting the Emerald Lift Station Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, release securities in the amount of \$46,504 and release payments in the amount of \$3,053,782 totaling \$3,100,286 to Aztec Consultants of San Ramon, CA. (Funding Source: Wastewater Fund)
- Resolution accepting the Emerald Lift Station Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling \$3,100,286.13 to Aztec Consultants of San Ramon, CA.
- Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2017-59 (Madrigal/Ah You; 7/0)** accepting the Emerald Lift Station Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling \$3,100,286.13 to Aztec Consultants of San Ramon, CA.

Consent

18. Consider accepting various emergency sewer and storm drain repairs as complete, authorizing all necessary steps to file the Notice of Completion with the County Recorder, authorize payment in the amount of \$188,570 to Rolfe Construction, of Atwater, California and payment in the amount of \$87,000 to Gateway Pacific Contractors, of Sacramento, California. (Funding Source: Wastewater and Storm Drain Fund)
- Resolution accepting the Emergency Sewer and Storm Drain Repairs as complete, authorizing all necessary steps to file with the County Recorder, release securities,

and release payments totaling \$188,570 to Rolfe Construction, of Atwater, California.

- Resolution accepting the Emergency Sewer Repairs as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$87,000 to Gateway Pacific Contractors, of Sacramento, California.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-60 (Madrigal/Ah You; 7/0)** accepting the Emergency Sewer and Storm Drain Repairs as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$188,570 to Rolfe Construction, of Atwater, California.

**ACTION: Resolution 2017-61 (Madrigal/Ah You; 7/0)** accepting the Emergency Sewer Repairs as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$87,000 to Gateway Pacific Contractors, of Sacramento, California.

#### Consent

19. Consider approving the plans and specifications for the Industrial Tank No. 13 and Pump Station Project and awarding a construction contract to Conco West, Inc., Manteca, CA, in the amount of \$9,076,000; approving an Agreement with NV5, Inc., Manteca, CA, for Construction Management and Inspection Services in an amount not to exceed \$1,146,544.97; approving an Agreement with Carollo Engineers, Inc., Sacramento, CA, for Design Support During Construction in an amount not to exceed \$320,637, and amending the Fiscal Year 2016-2017 Capital Improvement Program Budget in the amount of \$1,430,224. (Funding Source: Water Fund-CIP)
- Resolution approving the plans and specifications for the Industrial Tank No. 13 and Pump Station Project, accepting the bid, and award a construction contract to Conco West, Inc., Manteca, CA, in the amount of \$9,076,000, and authorizing the City Manager, or his designee, to execute the contract.
  - Resolution approving an agreement with NV5, Inc., Manteca, CA, for Construction Management and Inspection Services for the Industrial Tank No. 13 and Pump Station project in an amount not to exceed \$1,014,544.97 for the identified scope of services, plus \$132,000 for additional services (if needed), for a maximum total amount of \$1,146,544.97, and authorizing the City Manager, or his designee, to execute the agreement.
  - Resolution approving an agreement with Carollo Engineers, Inc., Sacramento, CA, for Design Support During Construction for the Industrial Tank No. 13 and Pump Station project in an amount not to exceed \$291,488 for the identified scope of services, plus \$29,149 for additional services (if needed), for a maximum total amount of \$320,637, and authorizing the City Manager, or his designee, to execute the agreement.
  - Resolution amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$1,430,224 to be transferred into the project from Water Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for

the Industrial Tank No. 13 and Pump Station Project.  
*Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2017-62 (Madrigal/Ah You; 7/0)** approving the plans and specifications for the Industrial Tank No. 13 and Pump Station Project, accepting the bid, and award a construction contract to Conco West, Inc., Manteca, CA, in the amount of \$9,076,000, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-63 (Madrigal/Ah You; 7/0)** approving an agreement with NV5, Inc., Manteca, CA, for Construction Management and Inspection Services for the Industrial Tank No. 13 and Pump Station project in an amount not to exceed \$1,014,544.97 for the identified scope of services, plus \$132,000 for additional services (if needed), for a maximum total amount of \$1,146,544.97, and authorizing the City Manager, or his designee, to execute the agreement.

**ACTION: Resolution 2017-64 (Madrigal/Ah You; 7/0)** approving an agreement with Carollo Engineers, Inc., Sacramento, CA, for Design Support During Construction for the Industrial Tank No. 13 and Pump Station project in an amount not to exceed \$291,488 for the identified scope of services, plus \$29,149 for additional services (if needed), for a maximum total amount of \$320,637, and authorizing the City Manager, or his designee, to execute the agreement.

**ACTION: Resolution 2017-65 (Madrigal/Ah You; 7/0)** amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$1,430,224 to be transferred into the project from Water Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the Industrial Tank No. 13 and Pump Station Project.

### COUNCIL COMMENTS & REPORTS

Councilmember Ah You officiated at 3 marriage ceremonies at the McHenry Mansion today; she also requested an item be placed on an upcoming Agenda for a public safety tax for the November 7, 2017 ballot.

Councilmember Kenoyer wished everyone a Happy Valentine's Day; she also participated in the Chinese New Year's celebration on Saturday.

Councilmember Zoslocki announced that CalTrans will be holding a public hearing on Wednesday, February 22, 2017 regarding State Route 132 to be held at Mark Twain Junior High School from 6:00 p.m. to 8:00 p.m.

Councilmember Madrigal also attended the Chinese New Year's celebration on Saturday; he also spoke regarding a public safety tax on the November 7, 2017 ballot; he thanked Police, Code Enforcement, Traffic, and City staff for clearing 2 alleys in West Modesto and illegal dumping of trash.

Councilmember Ridenour spoke regarding a tour last Friday of Downtown Livermore with

City staff.

Councilmember Grewal spoke at a community forum last Thursday in West Modesto regarding public safety and economic development; he also spoke regarding a discussion of a public safety tax in November.

**Motion (Ah You/Madrigan; 2/5; Ridenour, Grewal, Zoslocki, Kenoyer, Mayor Brandvold no) requesting an item be placed on a future Council Agenda for an opportunity to fund public safety. (MOTION FAILED)**

### **CITY MANAGER COMMENTS & REPORTS**

City Manager Holgersson spoke regarding the passing of Utilities Department employee Terry Phillips last week.

### **HEARINGS**

*Published in the Modesto Bee on January 25, 2017. Continued to the March 7th City Council Meeting.*

20. Hearing to consider approving an amendment to Title 10 of the Modesto Municipal Code to allow Digital Freeway Billboards. (Funding Source: General Fund)
- Item continued to the March 7th City Council Meeting.  
*Community & Economic Development; Paul Liu, 577-5267, pliu@modestogov.com*

**ACTION:** Item continued to March 7, 2017 City Council meeting.

*Published in the Modesto Bee on January 14, 2017. Continued from the January 24th and February 7th City Council meetings.*

21. Consider a resolution finding that maintenance of the 7th Street Bridge is no longer economically feasible; supporting Alternative 2B as the preferred alternative replacement for the 7th Street Bridge; and requesting the Stanislaus County Board of Supervisors adopt a Mitigation Measure to include in EIS/EIR for the 7th Street Bridge Project requiring an interpretive plaza to preserve historic and aesthetic features of the existing 7th Street Bridge. (Funding Source: Capital Facility Fees)
- Resolution finding that maintenance of the 7th Street Bridge is no longer economically feasible, supporting Alternative 2B as the preferred alternative replacement for the 7th Street Bridge, and requesting the Stanislaus County Board of Supervisors adopt a mitigation measure to include in the EIS/EIR for the 7th Street Bridge Project requiring an interpretive plaza to preserve historic and aesthetic features of the existing 7th Street Bridge.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-66 (Kenoyer/Madrigan; 7/0)** finding that maintenance of the 7th Street Bridge is no longer economically feasible, supporting Alternative 2B as the preferred alternative replacement for the 7th Street Bridge, and requesting the Stanislaus County Board

of Supervisors adopt a mitigation measure to include in the EIS/EIR for the 7th Street Bridge Project requiring an interpretive plaza to preserve historic and aesthetic features of the existing 7th Street Bridge.

*Recess at 7:48 p.m.*

*Reconvened at 8:00 p.m.*

### **NEW BUSINESS**

22. Consider approving an Agreement with Buxton, Fort Worth, TX, to conduct a retail and market study in an amount not to exceed \$60,000. (Funding Source: General Fund)
- Resolution approving an Agreement with Buxton, Fort Worth, TX, to conduct a retail and market study, and authorizing the City Manager, or his designee, to execute an Agreement with Buxton in an amount not to exceed \$60,000.  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 2/5; Ah You, Grewal, Madrigal, Zoslocki, Mayor Brandvold no) approving an Agreement with Buxton, Fort Worth, TX, to conduct a retail and market study, and authorizing the City Manager, or his designee, to execute an Agreement with Buxton in an amount not to exceed \$60,000. (MOTION FAILED)**

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

The meeting adjourned at 9:05 p.m.

### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Pursuant to Section 54957(b)(1) of the Government Code)**

Title:           City Manager  
                  City Attorney  
                  City Clerk  
                  City Auditor

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case:       County of Stanislaus v. City of Modesto (Geer Rd. Landfill)  
                          Case No. 667396

Attest: \_\_\_\_\_  
                          Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**  
**EFFECTIVE GOVERNMENT COMMITTEE/ COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**

**Monday, February 27, 2017, at 5:00 p.m.**

Roll Call - Present: Councilmembers Grewal, Ah You, and Zoslocki  
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

None.

## NEW BUSINESS

1. Consider accepting an informational report regarding the mid-year financial status of the General Fund operating revenues and expenses, and consider forwarding the proposed budget adjustments and amendments to the Fiscal Year 2016-17 Operating Budgets to Council for consideration and approval. (Funding Source: General Fund)  
*City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting an informational report regarding the mid-year financial status of the General Fund operating revenues and expenses and forwarding the proposed budget adjustments and amendments to the Fiscal Year 2016-17 Operating Budgets to Council for consideration and approval

2. Consider accepting a 50% matching Federal Grant Application to the Economic Development Administration's Public Works and Economic Adjustment Assistance Program requesting up to \$3 million in fiber network infrastructure improvement funds and forwarding to Council for approval. (Funding Source: IT ISF Fund)  
*Information Technology; John Dickey, 577-5229, jdickey@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting a 50% matching Federal Grant Application to the Economic Development Administration's Public Works and Economic

Adjustment Assistance Program requesting up to \$3 million in fiber network infrastructure improvement funds and forwarding to Council for approval.

3. Consider approving the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and refer to City Council for consideration and approval. (Funding Source: General Fund, CDBG Entitlement Fund, Various Capital Outlay Funds, Building Services Fund, Solid Waste Funds and Other Funds)  
*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** approving the recommended budget adjustments (**except Police Department and Public Works items related to General Fund Emergency Reserves**) to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and refer to City Council for consideration and approval.

4. Consider accepting an informational report on the City's Employee Engagement Survey Results. (Funding Source: Not Applicable)  
*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION:** Item moved to March 27, 2017 Effective Government Committee meetings.

5. Consider accepting an informational report regarding the City's procurement of Enterprise Resource Planning System Upgrade services to Application Software Technology (AST) of Naperville, IL for an estimated cost of \$524,700 and forwarding to Council for approval. (Funding Source: IT Fund and all other funds)  
*Information Technology; Beverley Bekedam, 571-5508, bbekedam@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting an informational report regarding the City's procurement of Enterprise Resource Planning System Upgrade services to Application Software Technology (AST) of Naperville, IL for an estimated cost of \$524,700 and forwarding to Council for approval.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 6:12 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez, Deputy City Manager

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday February 28, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Scott Nelson, Covenant Grove Church

City Clerk's Announcements: Items 16, 17, 18 and 19 - Removed from Consent

Declaration of Conflicts of Interest: Ridenour - Item 10

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Chris Tyler on behalf of the Miracle League of Stanislaus County.  
(Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Chris Tyler gave a Presentation on behalf of the Miracle League of Stanislaus County.

2. Presentation and recognition of City Employee from Mayor and Council. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold gave a Presentation in recognition of City Clerk Stephanie Lopez on behalf of the Mayor and City Council.

3. Presentation announcing the City of Modesto's selection to participate in the Bloomberg Philanthropies, What Works Cities initiative, one of the largest national

philanthropic efforts in history to enhance public sector performance, build capacity and address local issues through Open Data and Performance Management. (Funding Source: Not Applicable)

*City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com*

**ACTION:** Deputy City Manager Joe Lopez gave a Presentation announcing the City of Modesto's selection to participate in the Bloomberg Philanthropies, What Works Cities Initiative, one of the largest national philanthropic efforts in history to enhance public sector performance, build capacity and address local issues through Open Data and Performance Management.

- 4. Presentation by Public Works Department with update for the 2016-2017 Streets Division Slurry Seal Program. (Funding Source: Not Applicable)

*Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION:** Public Works Department Director Bill Sandhu gave a Presentation with an update for the 2016-2017 Streets Division Slurry Seal Program.

**MISCELLANEOUS**

- Legislation
- Appointments
- Other

- 5. Consider appointing Michelle Harris to complete a previous incumbent's term on the Equal Opportunity/Disability and Human Relations Commission and to appoint Samuel Gonzales for a new term on the Equal Opportunity/Disability and Human Relations Commission. (Funding Source: Not Applicable)

- 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.
- 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.

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2017-67 (Kenoyer/Ah You;7/0)** 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.

**ACTION: Resolution 2017-68 (Kenoyer/Ah You; 7/0)** 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.

**PUBLIC COMMENT PERIOD**

- David Boring spoke regarding safety in the College Area and parks in Modesto; he

thanked Councilmember Ah You.

## CONSENT ITEMS – ROLL CALL VOTE REQUIRED

### CONSENT ITEMS

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

#### Consent

6. Consider approving the minutes from the February 14, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the February 14, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving the minutes from the February 14, 2017 Council Meeting.

#### Consent

7. Consider requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto General Municipal 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 the Modesto City Schools Board of Education on behalf of the City of Modesto. (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 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 the Modesto City Schools Board of Education.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2017-69 (Kenoyer/Madrigal; 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 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 the Modesto City Schools Board of Education.

#### Consent

8. Consider ratifying an Emergency Proclamation issued by the City Manager regarding flooding. (Funding Source: Not Applicable)
  - Resolution ratifying an Emergency Proclamation issued by the City Manager regarding flooding.  
*City Manager; James N. Holgersson, 577-5404, jholgersson@modestogov.com*

**ACTION: Resolution 2017-70 (Kenoyer/Madrigal; 7/0)** ratifying an Emergency Proclamation issued by the City Manager regarding flooding.

Consent

9. Consider accepting the Public Improvements for Fiore Estates Subdivision, 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 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.

*Community & Economic Development; Daniel England, 571-5589,  
denland@modestogov.com*

**ACTION: Resolution 2017-71 (Kenoyer/Madrigal; 7/0)** 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.

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

10. Consider approving the Final Map of Lincoln Parks Subdivision located in Village One at the south-west corner of the intersection of Kodiak Drive and Lincoln Oak Drive. (Funding Source: Not Applicable)

- 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.

*Community & Economic Development; Daniel England, 571-5589,  
denland@modestogov.com*

**ACTION: Resolution 2017-72 (Kenoyer/Ah You; 6/0; Ridenour absent due to conflict of interest)** 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.

Consent

11. Consider 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. 1 (Funding Source: Landscape Maintenance Assessment District No. 1)

- 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.

*Community & Economic Development; Tina Rocha, 577-5211,  
trocha@modestogov.com*

**ACTION: Resolution 2017-73 (Kenoyer/Madriral; 7/0)** 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.

Consent

12. Consider 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. (Funding Source: Landscape Maintenance Assessment District No. 2)

- 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.

*Community & Economic Development; Tina Rocha , 577-5211,  
trocha@modestogov.com*

**ACTION: Resolution 2017-74 (Kenoyer/Madriral; 7/0)** 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.

Consent

13. Consider designating the Community Development Manager 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 (Funding Source: Shackelford Landscape and Lighting District)

- Resolution designating the Community Development Manager 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.

*Community & Economic Development; Tina Rocha, 577-5211,  
trocha@modestogov.com*

**ACTION: Resolution 2017-75 (Kenoyer/Madriral; 7/0)** designating the Community Development Manager 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.

Consent

14. Consider accepting the Monthly Budget Adjustments Report for December 2016 and amending Fiscal Year 2016-17, Annual Operating and Capital Improvement Budget. (Funding Source: Supplement Law Enforcement Services Fund and Operation Grants Fund)

- Resolution amending Fiscal Year 2016-17 Annual Operating and Capital

Improvement Budget.

*Finance and City Manager; Terri Swearingen, 577-5378,  
tswearingen@modestogov.com*

**ACTION: Resolution 2017-76 (Kenoyer/Madriral; 7/0)** amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.

Consent

15. Consider accepting the Modesto Convention and Visitors Bureau audit report prepared by external auditors Macias, Gini & O'Connell, LLP, for fiscal year ended June 30, 2015. (Funding Source: Not Applicable)

- Resolution accepting the Fiscal Year 2014-2015 Modesto Convention and Visitors Bureau Audit Report.

*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-77 (Kenoyer/Madriral; 7/0)** accepting the Fiscal Year 2014-2015 Modesto Convention and Visitors Bureau Audit Report.

*Removed from Consent*

16. Consider approving a Letter of Agreement between the City and the Modesto Fire Fighters Association to amend Section 5, Medical Certification Allowance and Section 6, Paramedic Program. (Funding Source: General Fund)

- 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 his designee to take the necessary administrative action to implement the agreement.

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2017-78 (Madriral/Ah You; 5/2; Kenoyer, Ridenour no)** 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 his designee to take the necessary administrative action to implement the agreement.

*Removed from Consent*

17. Consider authorizing an application for grant funds to the California Division of Boating and Waterways for the Non-Motorized Boating Facility Grant Funding Program in an amount of \$731,120 for design and construction of the Neece Drive Boat Launch and River Access Facility in Tuolumne River Regional Park. (Funding Source: Grant Funding Program and TRRP CIP Funding)

- Resolution authorizing the submittal 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.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-79 (Zoslocki/Madrigal; 7/0)** authorizing the submittal 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.

*Removed from Consent*

18. Consider accepting the Housing-Related Parks Program grant funds for the renovation of Garrison and J.M. Pike Neighborhood Parks in the amount of \$782,150 to fully fund the project and amending the Fiscal Year 2016-17 Capital Improvement Program Budget. (Funding Source: California Department of Housing and Community Development – Housing-Related Parks Program)

- 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.
- Resolution authorizing the Finance Director, or her designee, to amend the Fiscal Year 2016-17 Capital Improvement Program Budget to establish a new capital project #100989 for Garrison Park Renovation and a new capital project #100995 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.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-80 (Madrigal/Ah You; 7/0)** 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.

**ACTION: Resolution 2017-81 (Madrigal/Ah You; 7/0)** authorizing the **Deputy City Manager**, or his designee, to amend the Fiscal Year 2016-17 Capital Improvement Program Budget to establish a new capital project #100989 for Garrison Park Renovation and a new capital project #100995 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.

*Removed from Consent*

19. Consider rescinding Resolution 2016-411; approving an application for Youth Soccer and Recreation Development Program Grant Funds in an amount of \$1 million for development and construction of a portion of the Carpenter Road Planning Area Soccer Complex; and reaffirming City support of the continued operation and maintenance of the Tuolumne River Regional Park soccer complex for a period of 30 years. (Funding Source: General Fund – Park Planning and Development Division/Youth Soccer and Recreation Development Grant Funds/TRRP Operating Budget)
- Resolution rescinding City Council Resolution No. 2016-411; 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 conduct all negotiations and execute all documents relating to the Grant.
  - 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.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526,  
nhoux@modestogov.com*

**ACTION: Resolution 2017-82 (Kenoyer/Zoslocki; 7/0)** rescinding City Council Resolution No. 2016-411; 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 conduct all negotiations and execute all documents relating to the Grant.

**ACTION: Resolution 2017-83 (Kenoyer/Zoslocki; 7/0)** 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.

*Consent*

20. Consider approving an Agreement with O'Dell Engineering, Inc., Modesto, CA, for design services for the Strengthen and Replace Waterlines Highway Village Project in the amount of \$112,187. (Funding Source: Water Fund-CIP)
- 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.

*Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2017-84 (Kenoyer/Madrigal; 7/0)** 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.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer thanked Public Works staff for their hard work during the recent storms.

Councilmember Grewal also thanked Public Works and Parks staff for their hard work during the recent storms.

Councilmember Zoslocki also thanked Utilities staff for their hard working during the recent storms.

Councilmember Madrigal thanked Fire Department staff for their hard work during the recent storms. He attended the El Concilio monthly coalition of service providers meeting on Thursday; he also attended Cal Trans Public Hearing regarding Highway 132; he also attended a community meeting in an empty West Modesto lot with staff and citizens regarding illegal dumping.

### **CITY MANAGER COMMENTS & REPORTS**

City Manager Holgersson thanked City staff for their work during the recent storms.

### **NEW BUSINESS**

21. Consider approving the terms for a proposed parking agreement with American Specialty Healthcare, authorizing staff to prepare a parking agreement consistent with this report and Council direction. (Funding Source: Parking Fund)
  - 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.  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2017-85 (Madrigal/Ridenour; 7/0)** 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.

22. Consider an Ordinance amending Title 12, "Parks, Recreation, and Neighborhoods," Chapter 4, Article 2, Section 12-4.202(a)(32) relating to use of tobacco products and smoking in parks and adding Sub-Section 5-8.301(b)(1)(2)(3)(4) to Title 5, "Sanitation and Health," Chapter 8, Article 3, relating to the prohibition of smoking in specified unenclosed public places. (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance amending Title 12, "Parks, Recreation, and Neighborhoods," Chapter 4, Article 2, Section 12-4.202(a)(32) relating to use of tobacco products and smoking in parks and adding Sub-Section 5-8.301(b)(1)(2)(3)(4) to Title 5, "Sanitation and Health," Chapter 8, Article 3, relating to the prohibition of smoking in specified unenclosed public places.

*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION: Motion (Ah You/Grewal; 6/1; Kenoyer no)** introducing and waiving the first reading of **Ordinance No. 3667-C.S.** amending Title 12, "Parks, Recreation and Neighborhoods,": Chapter 4, Article 2, Section 12-4.202(a)(32) relating to the use of tobacco products and smoking in parks and adding Sub-Section **5-8.301(b)(1)(2)** to Title 5 "Sanitation and Health," Chapter 8, Article 3, relating to the prohibition of smoking in specific unenclosed places. **(AS AMENDED)**

*Recess at 8:25 p.m.*

*Reconvened at 8:32 p.m.*

*Councilmember Ah You left meeting at 8:32 p.m.*

*Councilmember Ah You absent*

23. Consider 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. (Funding Source: General Fund and Other Citywide Impacted Funds)

- 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.

*City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com*

**ACTION: Resolution 2017-86 (Madrigal/Kenoyer; 6/0; Ah You absent)** 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.  
**(AS AMENDED)**

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

The meeting adjourned at 9:00 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(d)(1) of the Government Code)**

Name of case: Draper v. City of Modesto  
Case No. 2:16-CV-01754-WBS-AC

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

**(Pursuant to Section 54956.8 of the Government Code)**

Property: Tax Parcel No. SBE 843-50-3D, between College Avenue & Campus Way

Property Owners: Union Pacific Railroad

Negotiating Parties:

For City: Jon Yuriar, Property Agent for City of Modesto, Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Dan Parker, Union Pacific Railroad, Omaha, Nebraska

Under Negotiation: Purchase of Property

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

**(Pursuant to Section 54956.8 of the Government Code)**

Property: 11th Street Garage - APN-105038019

Parking Lot at 9th and I - APN 105040015

Property Owners: City of Modesto

Negotiating Parties:

For City: Cynthia Birdsill, Director of Community & Economic Development for City of Modesto

Adam U. Lindgren, City Attorney for City of Modesto

For Property Leasee: American Specialty Healthcare Parking

Under Negotiation: Lease Terms

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday March 07, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Scott Nelson, Covenant Grove Church

City Clerk’s Announcements: Items 2 and 8 - Removed from Consent;  
Item 11 - Continued to March 14, 2017 Council meeting

Declaration of Conflicts of Interest: Item 4 – Ridenour

Reports from Closed Session: City Attorney Lindgren reported item removed from Agenda

## PUBLIC COMMENT PERIOD

None.

## CONSENT ITEMS – ROLL CALL VOTE REQUIRED ACTION CONSENT ITEMS 1; 3; 5-7; 9-10: (Kenoyer/Ah You; 7/0)

### 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 28, 2017 Council Meeting.  
(Funding Source: Not Applicable)
  - Motion approving the minutes from the February 28, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the minutes from the February 28, 2017 Council Meeting.

*Removed from Consent*

2. Consider final adoption of **Ordinance No. 3667-C.S.** amending Title 12, "Parks, Recreation, and Neighborhoods," Chapter 4, Article 2, Section 12-4.202(A)(32) relating to use of tobacco products and smoking in parks and adding Sub-Section 5-8.301(B)(1)(2) to Title 5, "Sanitation and Health," Chapter 8, Article 3, relating to the prohibition of smoking in specified unenclosed places. (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3667-C.S.** amending Title 12, "Parks, Recreation, and Neighborhoods," Chapter 4, Article 2, Section 12-4.202(A)(32) relating to use of tobacco products and smoking in parks and adding Sub-Section 5-8.301(B)(1)(2) to Title 5, "Sanitation and Health," Chapter 8, Article 3, relating to the prohibition of smoking in specified unenclosed places.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Ah You/Ridenour; 6/1; Kenoyer no)** approving final adoption of **Ordinance No. 3667-C.S.** amending Title 12, "Parks, Recreation, and Neighborhoods," Chapter 4, Article 2, Section 12-4.202(A)(32) relating to use of tobacco products and smoking in parks and adding Sub-Section 5-8.301(B)(1)(2) to Title 5, "Sanitation and Health," Chapter 8, Article 3, relating to the prohibition of smoking in specified unenclosed places.

Consent

3. Consider approving the appointment of Chris Vierra, City of Ceres, to the Governing Board of the San Joaquin Valley Air Pollution Control District – Stanislaus City Seat. (Funding Source: Not Applicable)
  - Resolution approving the appointment of Chris Vierra, City of Ceres, to the Governing Board of the San Joaquin Valley Air Pollution Control District – Stanislaus City Seat.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2017-87 (Kenoyer/Ah You; 7/0)** approving the appointment of Chris Vierra, City of Ceres, to the Governing Board of the San Joaquin Valley Air Pollution Control District – Stanislaus City Seat.

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

4. Consider approving an Agreement with Alta Planning + Design Inc., Oakland, CA, to provide design services for the Claus Road Pavement Rehabilitation Project in the amount of \$68,041. (Funding Source: Fund 3410-Capital Facilities Fees (Streets))
  - Resolution approving an Agreement with Alta Planning + Design Inc., Oakland, CA, for design services for the Claus Road Pavement Rehabilitation Project in an amount not to exceed \$61,856 for the identified scope of services, plus \$6,185 for additional services (if needed), for a maximum total amount of \$68,041, and authorizing the City Manager, or his designee, to execute the agreement.  
*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2017-88 (Kenoyer/Zoslocki; 6/0; Ridenour absent due to conflict of interest)** approving an Agreement with Alta Planning + Design Inc., Oakland, CA, for design services for the Claus Road Pavement Rehabilitation Project in an amount not to exceed \$61,856 for the identified scope of services, plus \$6,185 for additional services (if needed), for a maximum total amount of \$68,041, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

5. Consider approving a Will Serve Letter and Outside Service Agreement for sewer connection for the property located at 2100 Blue Gum Avenue. (Funding Source: Sewer Fund)
- Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and David J. Cutler, and Judith A. Cutler, as Trustees of the 2014 Cutler Family Trust, to connect to the City of Modesto's existing sewer system for the property located at 2100 Blue Gum Avenue (APN: 081-022-005), and authorizing the City Manager, or his designee, to the sign the Will Serve Letter and execute the agreement.
- Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2017-89 (Kenoyer/Ah You; 7/0)** approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and David J. Cutler, and Judith A. Cutler, as Trustees of the 2014 Cutler Family Trust, to connect to the City of Modesto's existing sewer system for the property located at 2100 Blue Gum Avenue (APN: 081-022-005), and authorizing the City Manager, or his designee, to the sign the Will Serve Letter and execute the agreement.

Consent

6. Consider accepting the Monthly Investment Report for November, 2016. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for November, 2016.
- Finance; Gloria Garza, 577-5219, ggarza@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** accepting the Monthly Investment Report for November, 2016.

Consent

7. Consider authorizing the submission of the City's Local Transportation Funds Fiscal Year 2016-17 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of \$154,330 to the Stanislaus Council of Governments. (Funding Source: Local Transportation Funds)
- Resolution authorizing the submission of the City's Local Transportation Fund (LTF) claim for Non-motorized Purposes in the amount of \$154,330 to the Stanislaus Council of Governments (StanCOG).
- Finance and Public Works; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: Resolution 2017-90 (Kenoyer/Ah You; 7/0)** authorizing the submission of the City's Local Transportation Fund (LTF) claim for Non-motorized Purposes in the amount of \$154,330 to the Stanislaus Council of Governments (StanCOG).

*Removed from Consent*

8. Consider approving an agreement for the purchase of a Scheduling and Time-Keeping Management Software System for the Modesto Police Department with InTime Solutions Inc., Vancouver, BC Canada, for an estimated five year total cost of \$222,452 and amending the Multi-Year Non-CIP Budget for \$137,363. (Funding Source: 1342 – Police Grants, 1340 - Grants – Operation Block Grants)
- Resolution authorizing award of proposal for the purchase of a Scheduling and Time-Keeping Management Software System for the Modesto Police Department to InTime Solutions, Inc., Vancouver, BC Canada, and authorizing the City Manager or his designee, to execute the agreement for an estimated five (5) year total contract cost of \$222,452.
  - Resolution authorizing the Deputy City Manager, or his designee, to amend the Fiscal Year 2016-17 Operating, Multi-Year Non-CIP, and Capital Improvement Budgets to appropriate expenditures of approximately \$222,452 for the Modesto Police Departments purchase of a Scheduling and Time-Keeping Management Software System.

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

**ACTION: Resolution 2017-91 (Ridenour/Madrigan; 7/0)** authorizing award of proposal for the purchase of a Scheduling and Time-Keeping Management Software System for the Modesto Police Department to InTime Solutions, Inc., Vancouver, BC Canada, and authorizing the City Manager or his designee, to execute the agreement for an estimated five (5) year total contract cost of \$222,452.

**ACTION: Resolution 2017-92 (Ridenour/Madrigan; 7/0)** authorizing the Deputy City Manager, or his designee, to amend the Fiscal Year 2016-17 Operating, Multi-Year Non-CIP, and Capital Improvement Budgets to appropriate expenditures of approximately \$222,452 for the Modesto Police Departments purchase of a Scheduling and Time-Keeping Management Software System.

*Consent*

9. Consider approving a Grant Deed from the County of Stanislaus for a storm drainage basin property located on 124 Pecos Avenue in south Modesto, consisting of 30,550 square feet (0.70 acres) (APN: 038-032-040). (Funding Source: Not Applicable)
- Resolution approving a Grant Deed from the County of Stanislaus for a property consisting of 30,550 square feet (0.70 acres), located at 124 Pecos Ave, in Modesto, (APN: 038-032-040), at no cost to the City, and authorizing the City Manager to sign the Certificate of Acceptance and Grant Deed.

*Utilities; Jon Yurjar, 577-5453, jyurjar@modestogov.com*

**ACTION: Resolution 2017-93 (Kenoyer/Ah You; 7/0)** approving a Grant Deed from the County of Stanislaus for a property consisting of 30,550 square feet (0.70 acres), located at 124 Pecos Ave, in Modesto, (APN: 038-032-040), at no cost to the City, and authorizing the

City Manager to sign the Certificate of Acceptance and Grant Deed.

Consent

- 10. Consider authorizing a two-year agreement with three one-year extension options for the sole source procurement of UV lamps for the Phase 1 Tertiary Treatment Project with Xylem Water Solutions USA Inc., Charlotte, NC, at an estimated annual cost of \$39,392, and over five years of \$198,556. (Funding Source: Wastewater Fund)
  - Resolution authorizing a two-year agreement with three one-year extension options for the sole source procurement of UV Lamps with Xylem Water Solutions USA Inc., Charlotte, NC, for an estimated annual cost of \$39,392 and over five years of \$198,556, and authorizing the City Manager or his designee to execute the Purchasing agreement.

*Utilities; Laura Anhalt, 577-6224, lanhalt@modestogov.com*

**ACTION: Resolution 2017-94 (Kenoyer/Ah You; 7/0)** authorizing a two-year agreement with three one-year extension options for the sole source procurement of UV Lamps with Xylem Water Solutions USA Inc., Charlotte, NC, for an estimated annual cost of \$39,392 and over five years of \$198,556, and authorizing the City Manager or his designee to execute the Purchasing agreement.

**COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer attended an event at the McHenry Museum on Saturday; she also spoke regarding the many students at Graceada Park this morning on their way to a play at The Gallo Center.

Councilmember Madrigal attended a community forum on immigration rights on March 2, 2017 - next event is scheduled for March 9, 2017 at Hanshaw Middle School; he also attended a tour of soccer fields in West Modesto with the Youth Soccer League last Thursday; he also did a tour of the Modesto Police Department Crime View room.

**CITY MANAGER COMMENTS & REPORTS**

None.

**HEARINGS**

*Published in the Modesto Bee on January 25, 2017. Continued from the February 14th and March 7th City Council meetings – **continued to March 14, 2017 Council meeting***

- 11. Hearing to consider approving an amendment to Title 10 of the Modesto Municipal Code to allow Digital Freeway Billboards. (Funding Source: General Fund)
  - Motion introducing and waiving the first reading of an Ordinance amending Sections 10-6.102 and 10-6.108 of Title 10 of the Modesto Municipal Code to

allow digital freeway billboards.

- 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): code amendment for digital freeway billboards.

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

**ACTION:** Continued to March 14, 2017 Council meeting.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

The meeting adjourned at 6:15 p.m.

**CLOSED SESSION**

*Removed from Agenda*

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP**  
Second Floor, Room 2008  
Tenth Street Place, 1010 10th Street  
Modesto, California

Wednesday, March 8, 2017, at 2:00 p.m.

Roll Call: Present: Vice Chair Brandvold; Ridenour (alternate); Madrigal (alternate)  
Absent: Chair Zoslocki, Member Kenoyer

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Discussion of Styrofoam Food and Drink Containers. (Funding Source: Not Applicable)  
*Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Motion (Madrigal/No Second)** directing staff to return with progress or solution to address Styrofoam littering program. **(MOTION FAILED)**

**ACTION: Motion (Madrigal/Ridenour; 3/0)** directing staff to implement suggestion on Slide 7 of Presentation (**What We Can Do: (i) let stakeholders and public know there are alternatives to Styrofoam available; spread the work through social media, utility bill inserts, City website, tradeshow, local newspapers, etc.; and voluntary use of non-Styrofoam products in City employee lunch and break rooms**) as first step and bring to Council Workshop in Summer/Fall 2017.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 2:59 p.m.

Attest: \_\_\_\_\_

Joseph Lopez, Deputy City Manager

## MINUTES

City of Modesto  
**GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL  
WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

Monday, March 13, 2017, at 5:00 p.m.

Roll Call – Present: Councilmembers Ridenour, Madrigal and Kenoyer (alternate)  
Absent: Councilmember Ah You

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider accepting an informational report about the 2016 Modesto Fire Department Annual Report. (Funding Source: Not Applicable)  
*Fire; Sean Slamon, 572-9590, sslamon@modestofire.com*

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** accepting an informational report about the 2016 Modesto Fire Department Annual Report.

2. Consider accepting a Non-Exclusive Non-Consensual Franchise Towing Services Agreement; amending the Tow Release Fee; implementing a Dispatching and Tracking Solution software program; and forwarding to Council for approval. (Funding Source: Funding Source: 1610 - MPD Traffic Offender Fund)  
*Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Motion (Madrigal/Kenoyer; 3/0)** accepting a Non-Exclusive Non-Consensual Franchise Towing Services Agreement; amending the Tow Release Fee; implementing a Dispatching and Tracking Solution software program (**with the understanding the Police Chief Carroll will meet with tow company representatives and attempt to address the issues raised by speakers at today's meeting, to include a 90-day phase-in, and creating two separate tow lists to accommodate abandoned (junk) tows**); and forwarding to Council

for approval. (Funding Source: Funding Source:

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:43 p.m.

Attest: \_\_\_\_\_  
Rick Armendariz, Interim Deputy City Mana

**MINUTES**  
**City of Modesto**  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2001**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday, March 14, 2017, at 11:00 a.m.**

Roll Call Present: Mayor Brandvold, Councilmembers Ridenour, Kenoyer (alternate)  
Absent: Councilmember Grewal

**PUBLIC COMMENTS**

None.

**CONSENT**

None.

**NEW BUSINESS**

1. Consider accepting the Auditor's Internal Audit Program Status Report dated March 14, 2017 prepared by Moss Adams, LLP. (Funding Source: General Fund)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting the Auditor's Internal Audit Program Status Report dated March 14, 2017 prepared by Moss Adams, LLP.

2. Consider accepting the Internal Service Fund Final Report, dated March 7, 2017 prepared by Moss Adams, LLP and forwarding to Council for approval. (Funding Source: General Fund)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting the Internal Service Fund Final Report, dated March 7, 2017 prepared by Moss Adams, LLP and forwarding to Council for approval.

3. Consider accepting the Fleet Efficiency Study Final Report, dated March 6, 2017 prepared by Moss Adams, LLP and forwarding to Council for approval. (Funding Source: Fleet Fund)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting the Fleet Efficiency Study Final Report, dated March 6, 2017 prepared by Moss Adams, LLP and forwarding to Council for approval.

4. Consider accepting the Peace Officer Standards and Training Program audit report prepared by the California State Controller's Office for Fiscal Year ended June 30, 2016 and forwarding to Council for approval. (Funding Source: General Fund)  
*Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting the Peace Officer Standards and Training Program audit report prepared by the California State Controller's Office for Fiscal Year ended June 30, 2016 and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 12:00 p.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday March 14, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Lyn Crase, Emmanuel Lutheran Church

City Clerk's Announcements: Item 8 - moved to Acknowledgments and Presentations

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters;  
Council will return to Closed Session after regular City Council meeting

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming March 2017 National Athletic Trainers' Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation proclaiming March 2017 National Athletic Trainers' Month.

2. Presentation regarding the Stanislaus County Office of Education, Child & Family Services 2016 Public Report. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** A Presentation was given by Tony Jordan, Executive Director, regarding the Stanislaus County Office of Education, Child & Family Services 2016 Public Report.

## PUBLIC COMMENT PERIOD

- Maria Juarez-Moss spoke regarding Ann Coulter's appearance at an event in Modesto.

- Lonny Davis spoke in support of Laura's Law.
- Josephine Lambert spoke regarding her sister and support of Laura's Law.
- Paul Golden spoke in support of Laura's Law.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS: 3-7: (Kenoyer/Zoslocki; 7/0)**

**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 March 7, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the March 7, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving the minutes from the March 7, 2017 Council Meeting.

Consent

4. Consider authorizing the City Manager to execute standard Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements between the City and the State of California for administering transportation related State funded projects. (Funding Source: Not Applicable)
  - Resolution authorizing the City Manager or his designee to execute Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements on a project by project basis between the City of Modesto and the State of California for augmentation to the Master Agreement for the use of State funds.  
*Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com*

**ACTION: Resolution 2017-95 (Kenoyer/Zoslocki; 7/0)** authorizing the City Manager or his designee to execute Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements on a project by project basis between the City of Modesto and the State of California for augmentation to the Master Agreement for the use of State funds.

Consent

5. Consider accepting the Monthly Investment Report for December, 2016. (Funding Source: Not Applicable)
  - Motion accepting the Monthly Investment Report for December, 2016.

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

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting the Monthly Investment Report for December, 2016.

Consent

- 6. Consider accepting an informational report for the January 2017 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
  - Motion accepting an informational report for the January 2017 Accounts Payable Payment Register and Void report.

*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting an informational report for the January 2017 Accounts Payable Payment Register and Void report.

Consent

- 7. Consider approving a two year agreement with three one-year extension options for the sole source procurement of Colilert-18TM brand products and various laboratory supplies with IDEXX Distribution, Inc., Westbrook, MA, for an estimated annual cost of \$12,257 and over five years of \$61,285. (Funding Source: Wastewater Funds)
  - Resolution approving a two year agreement with three one-year extension options for the sole source procurement of Colilert-18TM brand products and various laboratory supplies with IDEXX Distribution, Inc., Westbrook, MA, for an estimated annual cost of \$12,257 and over five years of \$61,285, and authorizing the City Manager, or his designee, to execute the agreement.

*Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION: Resolution 2017-96 (Kenoyer/Zoslocki; 7/0)** approving a two year agreement with three one-year extension options for the sole source procurement of Colilert-18TM brand products and various laboratory supplies with IDEXX Distribution, Inc., Westbrook, MA, for an estimated annual cost of \$12,257 and over five years of \$61,285, and authorizing the City Manager, or his designee, to execute the agreement.

### COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked staff for their hard work.

Councilmember Ah You would like to schedule a future Council agenda item in support of Laura’s Law.

**ACTION: MOTION (Ah You/Madrigal; 7/0)** requesting a future Council agenda item to discuss the possibility of a Council Resolution in support of Laura's Law to the Stanislaus County Board of Supervisors.

Councilmember Madrigal spoke regarding the dumping of shopping carts around Modesto and the problem with the City of Modesto policy.

**ACTION: Motion (Madrigal/Ah You; 4/3; Zoslocki, Kenoyer, Ridenour no)** requesting

staff return to Council for discussion this year with changes to the City's Ordinance regarding shopping carts.

### **CITY MANAGER COMMENTS & REPORTS**

City Manager Holgersson announced his wife's attendance at tonight's Council meeting.

### **WRITTEN COMMUNICATIONS**

#### *Item Moved to Acknowledgments and Presentations*

8. Accept a written communication from Rhonda Allen regarding Laura's Law. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** No reportable action.

### **UNFINISHED BUSINESS**

9. Consider approving an update regarding the implementation of Citywide fiscal sustainability measures, including approving that certain essential positions are excluded from the hiring and promotion/advancement freeze, reaffirming that cost containment measures in Fiscal Year 2016-2017 apply to all Citywide non-essential goods and services regardless of their budgetary status, and extending fiscal sustainability measures to all discretionary travel activities. (Funding Source: General Fund and Other Citywide Impacted Funds)
  - Resolution updating Citywide fiscal sustainability measures, finding that certain essential positions are excluded from the hiring and promotion/advancement freeze, reaffirming that cost containment measures in FY2016/17 apply to all Citywide non-essential goods and services regardless of their budgetary status, and extending fiscal sustainability measures to all discretionary travel activities.  
*City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com*

**ACTION: Motion (Madrigal/NO SECOND)** updating Citywide fiscal sustainability measures, finding that certain essential positions are excluded from the hiring and promotion/advancement freeze, reaffirming that cost containment measures in FY2016/17 apply to all Citywide non-essential goods and services regardless of their budgetary status, and extending fiscal sustainability measures to all discretionary travel activities. **(MOTION FAILED)**

*Recess at 8:21 p.m.*

*Reconvened at 8:37 p.m.*

### **HEARINGS**

*Published in the Modesto Bee on January 25, 2017. Continued from the February 14th and March 7th Council meetings – continued to April 11, 2017 Council meeting*

10. Hearing to consider approving an amendment to Title 10 of the Modesto Municipal

Code to allow Digital Freeway Billboards. (Funding Source: General Fund)

- Motion introducing and waiving the first reading of an Ordinance amending Sections 10-6.102 and 10-6.108 of Title 10 of the Modesto Municipal Code to allow digital freeway billboards.
- 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): code amendment for digital freeway billboards.

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

**ACTION: Motion (Zoslocki/Madrigal; 7/0) continuing Item 10 to April 11, 2017 Council meeting with additional information.**

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 8:45 p.m. and returned to Closed Session.

11. COUNCIL WORKSHOP - Long Range Agenda (Funding Source: Not Applicable)  
*City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com*

**ACTION:** Continued to future April 2017 Council meeting.

### **CLOSED SESSION**

*Closed Session Matters Heard Prior to and after Meeting*

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
**(Pursuant to Section 54957(b)(1) of the Government Code)**  
Title: City Manager

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**  
Agency Negotiator: Adam U. Lindgren, City Attorney  
Employee: Jim Holgersson, City Manager

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
**One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**  
Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)  
Case No. 667396

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto  
**EFFECTIVE GOVERNMENT COMMITTEE/ COUNCIL  
WORKSHOP**  
Second Floor, Room 2005  
1010 10th Street  
Modesto, California

**Monday, March 27, 2017, at 5:00 p.m.**

Roll Call - Present: Councilmembers Grewal, Ah You, and Ridenour (alternate)  
Absent: Councilmember Zoslocki  
Also Present: Councilmember Kenoyer

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

None.

## NEW BUSINESS

1. Consider an informational update regarding the investment services agreement with Public Financial Management Asset Management LLC (PFMAM) as requested by the 100-day Committee and obtaining further direction for forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION:** No reportable action.

2. Consider accepting the City's Investment Policy and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; Gloria Garza, 577-5219, ggarza@modestogov.com*

**ACTION: Motion (Ah You/Ridenour; 3/0)** accepting the City's Investment Policy and forwarding to Council for approval.

3. Consider accepting an update on the City's Debt Management Policy and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; Gloria Garza, 577-5219, ggarza@modestogov.com*

**ACTION: Motion (Ridenour/Ah You; 3/0)** accepting an update on the City's Debt Management Policy and forwarding to Council for approval.

4. Consider accepting the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Police Department and Parks Capital Facility Fee Funds, General Fund)  
*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Ah You/Ridenour; 3/0)** accepting the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

5. Consider accepting an informational report on the City's Employee Engagement Survey Results. (Funding Source: Not Applicable)  
*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Motion (Ah You/Ridenour; 3/0)** accepting an informational report on the City's Employee Engagement Survey Results.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 6:10 p.m.

Attest: \_\_\_\_\_  
Norma Santoyo, Human Resources Director

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday March 28, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Imam Ahmad Kayello, Islamic Center Modesto

- Mayor Brandvold announced a General Plan item will be scheduled for a future Council meeting date.

City Clerk's Announcements: Item 11 - changes to final Agreement with changes on the dais;  
Removed from Consent; Items 12 and 20 continued to April 4, 2017 Council meeting

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren reported Closed Session item not heard  
before Council meeting.

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Mike Gorrasi regarding the Modesto Nuts Professional Baseball Team  
2017 season. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Mike Gorrasi gave a presentation regarding the Modesto Nuts Professional  
Baseball Team 2017 season.

2. Presentation of the 2017 Amgen Status Update. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347,  
lsmith@modestogov.com*

**ACTION:** Community & Economic Development Department Business Manager Laurie

Smith gave a presentation of the 2017 Amgen Status Update - May 15, 2017

### **PUBLIC COMMENT PERIOD**

- Maggie Countryman spoke regarding a two story building on Bronson Avenue in Modesto; she will be submitting a Public Records Act request.
- June Wallace spoke regarding Donor Network West and organ donations - April is National Donate Life Month; Doralynn Harrison spoke regarding her need for a kidney transplant and is currently on the donor list.
- Vance Kennedy spoke regarding long term water in Modesto.
- Adrian Harrell spoke regarding Modesto Sister Cities International and upcoming events with visitors from Ukraine, Mexico and Japan.
- Larry Dovichi spoke regarding his Neighborhood Watch Group, garbage and weeds in his neighborhood.
- Loretta Carhart spoke regarding Veterans Center in Modesto.

### **CONSENT ITEMS – ROLL CALL VOTE REQUIRED ACTION CONSENT ITEMS 3-10; 13-18: (Kenoyer/Ah You; 7/0)**

#### **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 March 14, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the March 14, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the minutes from the March 14, 2017 Council Meeting.

Consent

4. Consider accepting the audited financial statements and various audit reports for Fiscal Year 2015-2016 audited by external auditors Macias, Gini & O'Connell, LLP for the City's Comprehensive Annual Financial Report; nine Community Facilities Districts, and various Joint Powers Agencies. (Funding Source: Not Applicable)
  - Resolution accepting the Fiscal Year 2015-2016 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies and Grant Programs.

*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-97 (Kenoyer/Ah You; 7/0)** accepting the Fiscal Year 2015-2016 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies and Grant Programs.

Consent

5. Consider accepting the Fiscal Year 2015-16 Single Audit Reports for the City of Modesto and the Stanislaus Drug Enforcement Agency from external auditors Macias, Gini & O'Connell, LLP. (Funding Source: Not Applicable)
- Resolution accepting the Fiscal Year 2015-2016 Single Audit Report for the City of Modesto and Stanislaus Drug Enforcement Agency (SDEA)
- Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-98 (Kenoyer/Ah You; 7/0)** accepting the Fiscal Year 2015-2016 Single Audit Report for the City of Modesto and Stanislaus Drug Enforcement Agency (SDEA)

Consent

6. Consider accepting the Auditor's Report on Compliance with Requirements Applicable to the Passenger Facility Charge Program; Report on Internal Control over Compliance; and Report on Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2016, prepared by external auditors Macias, Gini & O'Connell, LLP. (Funding Source: Not Applicable)
- Resolution accepting the Fiscal Year 2015-2016 Auditor's Report on Compliance of the Passenger Facility Charge Program
- Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-99 (Kenoyer/Ah You; 7/0)** accepting the Fiscal Year 2015-2016 Auditor's Report on Compliance of the Passenger Facility Charge Program

Consent

7. Consider accepting the Monthly Budget Adjustments Report for January 2017 and amending Fiscal Year 2016-17, Annual Operating and Capital Improvement Budget. (Funding Source: General Fund, Community Development Block Grant Entitlement Fund, Grant Operations Fund, Building Services Fund, Solid Waste Funds and Other Various Funds)
- Resolution amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.
- Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2017-100 (Kenoyer/Ah You; 7/0)** amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.

Consent

8. Consider approving various one-year software maintenance support agreements from Oracle to be purchased through the “sole source” exemption to formal bidding requirements for an estimated annual cost not to exceed \$383,994. (Funding Source: Information Technology Fund)
- Resolution approving various one-year software maintenance support agreements from Oracle to be purchased through the “sole source” exemption to formal bidding requirements for an estimated annual cost not to exceed \$383,994.  
*Information Technology; John Dickey, 577-5229, jdickey@modestogov.com*

**ACTION: Resolution 2017-101 (Kenoyer/Ah You; 7/0)** approving various one-year software maintenance support agreements from Oracle to be purchased through the “sole source” exemption to formal bidding requirements for an estimated annual cost not to exceed \$383,994.

Consent

9. Consider authorizing the award of contract for Oracle Enterprise Resource Planning upgrade services to Application Software Technology of Naperville, IL for an estimated cost of \$524,700. (Funding Source: Information Technology Fund)
- Resolution authorizing the award of contract for the purchase of Enterprise Resource Planning System upgrade services to Application Software Technology (AST), Naperville, IL, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated cost of \$524,700 with a contingency amount of ten percent (10%) \$52,470, for a total estimated project cost of \$577,170.  
*Information Technology; John Dickey, 577-5229, jdickey@modestogov.com*

**ACTION: Resolution 2017-102 (Kenoyer/Ah You; 7/0)** authorizing the award of contract for the purchase of Enterprise Resource Planning System upgrade services to Application Software Technology (AST), Naperville, IL, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated cost of \$524,700 with a contingency amount of ten percent (10%) \$52,470, for a total estimated project cost of \$577,170.

Consent

10. Consider approving a Memorandum of Understanding between the La Loma Neighborhood Association and the City regarding the installation of a Water Conservation / Native Plant Garden on Encina Avenue. (Funding Source: General Fund, Water Fund and Community Donations)
- Resolution approving a Memorandum of Understanding (MOU) between the La Loma Neighborhood Association and the City of Modesto regarding the installation of a Water Conservation / Native Plant Garden on Encina Avenue and authorizing the City Manager, or his designee, to execute the MOU.  
*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-103 (Kenoyer/Ah You; 7/0)** approving a Memorandum of Understanding (MOU) between the La Loma Neighborhood Association and the City of Modesto regarding the installation of a Water Conservation / Native Plant Garden on Encina

Avenue and authorizing the City Manager, or his designee, to execute the MOU.

*Removed from Consent*

11. Consider approving a Fiscal Sponsor Agreement with Shane's Inspiration for the purposes of fund raising related to the development of an inclusive playground at Beyer Community Park. (Funding Source: Park Partners Program and Community Donations)
- Resolution approving a Fiscal Sponsor Agreement with Shane's Inspiration for the purposes of fund raising related to the development of an inclusive playground at Beyer Community Park, and authorizing the City Manager, or his designee, to execute the agreement.
- Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-104 (Madrigal/Ah You; 7/0)** approving a Fiscal Sponsor Agreement with Shane's Inspiration for the purposes of fund raising related to the development of an inclusive playground at Beyer Community Park, and authorizing the City Manager, or his designee, to execute the agreement.

*Consent – Continued to April 4, 2017 Council Meeting*

12. Consider approving the plans and specifications for the Senior Citizens Center and Airport Neighborhood Community Center Kitchen Renovation Projects; awarding a construction contract to JHK Construction, Inc., Escalon, CA, in the amount of \$407,300; and amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$271,444. (Funding Source: CDBG Funds)
- Resolution approving the plans and specifications for the Senior Citizens Center & Airport Neighborhood Community Center Kitchen Renovation Projects, accepting the bid, and approving a construction contract with JHK Construction, Inc., Escalon, CA, and authorizing the City Manager, or his designee, to execute the contract in the amount of \$407,300.
  - Resolution amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$271,444 to be transferred into the project from CDBG Funds in order to fully fund the construction, contingency, construction administration, and design support during construction for the Senior Citizens Center & Airport Neighborhood Community Center Kitchen Renovation Projects, and authorizing the Deputy City Manager, or his designee, to take the necessary steps to implement the amendments.
- Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION:** Continued to April 4, 2017 Council meeting.

*Consent*

13. Consider authorizing the submittal of an allocation request to the California Department of Transportation for \$255,849 in Fiscal Year 2016-17 local and regional funding under the Low Carbon Transit Operations Program for improvements and

upgrades to the downtown Transit Center. (Funding Source: Transit Funds)

- Resolution authorizing the submittal of an allocation request to the California Department of Transportation (Caltrans) for \$255,849 in Fiscal Year 2016-17 local and regional funding under the Low Carbon Transit Operations Program (LCTOP) and a match of \$51,170 in existing Local Transportation Funds (LTF) for improvements and upgrades to the downtown Transit Center, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-105 (Kenoyer/Ah You; 7/0)** authorizing the submittal of an allocation request to the California Department of Transportation (Caltrans) for \$255,849 in Fiscal Year 2016-17 local and regional funding under the Low Carbon Transit Operations Program (LCTOP) and a match of \$51,170 in existing Local Transportation Funds (LTF) for improvements and upgrades to the downtown Transit Center, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

Consent

14. Consider approving an Agreement with Consolidated CM, Inc., Oakland, CA, for Design-Build Owner Advisor Services for the Water Corporation Yard Project in the amount of \$836,492. (Funding Source: Water Fund-CIP)

- Resolution approving an Agreement with Consolidated CM, Inc., Oakland, CA, for Design-Build Owner Advisor Services for the Water Corporation Yard Project, in an amount not to exceed \$760,447 for the identified scope of services, plus \$76,045 for additional services (if needed), for a maximum total amount of \$836,492, and authorizing the City Manager, or his designee, to execute the agreement.

*Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2017-106 (Kenoyer/Ah You; 7/0)** approving an Agreement with Consolidated CM, Inc., Oakland, CA, for Design-Build Owner Advisor Services for the Water Corporation Yard Project, in an amount not to exceed \$760,447 for the identified scope of services, plus \$76,045 for additional services (if needed), for a maximum total amount of \$836,492, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

15. Consider approving the procurement, installation and annual support of a Computer Maintenance Management System (CMMS) with Maintenance Connection in Davis, CA for an initial cost of \$42,996 and with annual support over five years for a total cost of \$65,453. (Funding Source: Wastewater Fund)

- Resolution approving the procurement, installation and annual support of Maintenance Connection Computer Maintenance Management System with Maintenance Connection in Davis, CA for the Utilities Department, Wastewater Division, for an initial cost of \$42,996 and with annual support over five years for a total cost of \$65,453.

*Utilities; Laura Anhalt, 577-6224, lanhalt@modestogov.com*

**ACTION: Resolution 2017-107 (Kenoyer/Ah You; 7/0)** approving the procurement, installation and annual support of Maintenance Connection Computer Maintenance Management System with Maintenance Connection in Davis, CA for the Utilities Department, Wastewater Division, for an initial cost of \$42,996 and with annual support over five years for a total cost of \$65,453.

Consent

16. Consider approving the plans and specifications for the Rumble Sewer Trunk Line Replacement Project and awarding a construction contract to Rolfe Construction, Atwater, CA, in the amount of \$2,327,287; approving an increase in Director's change order authority; and amending the Fiscal Year 2016-2017 Capital Improvement Program Budget in the amount of \$320,200. (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the Rumble Sewer Trunk Line Replacement Project, accepting the bid, and approving a construction contract with Rolfe Construction, Atwater, CA, in the amount of \$2,327,287, and authorizing the City Manager, or his designee, to execute the contract.
  - Resolution authorizing an increase in the Director's authority to issue change orders for the Rumble Sewer Trunk Line Replacement Project from 8% (\$186,183) to 10% (\$232,729) of the construction contract price of \$2,327,287 with Rolfe Construction, Atwater, CA.
  - Resolution amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$320,200 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the Rumble Sewer Trunk Line Replacement Project.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-108 (Kenoyer/Ah You; 7/0)** approving the plans and specifications for the Rumble Sewer Trunk Line Replacement Project, accepting the bid, and approving a construction contract with Rolfe Construction, Atwater, CA, in the amount of \$2,327,287, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-109 (Kenoyer/Ah You; 7/0)** authorizing an increase in the Director's authority to issue change orders for the Rumble Sewer Trunk Line Replacement Project from 8% (\$186,183) to 10% (\$232,729) of the construction contract price of \$2,327,287 with Rolfe Construction, Atwater, CA.

**ACTION: Resolution 2017-110 (Kenoyer/Ah You; 7/0)** amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$320,200 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the Rumble Sewer Trunk Line Replacement Project.

Consent

17. Consider approving a Purchase and Sale Agreement with Miguel Pedroza and Yanet Y. Lopez Solorio, in the amount of \$303,300, to acquire real property for the Sonoma

Trunk Lift Station Project. (Funding Source: Wastewater Fund)

- Resolution approving a Purchase and Sale Agreement with Miguel Pedroza and Yanet Y. Lopez Solorio, for acquisition of 0.31 acres for a Sewer Lift Station, located at 3500 Lydia Lane, in Modesto, (APN: 083-005-021), in the amount of \$303,300, for the Sonoma Trunk Lift Station 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 the Certificate of Acceptance for the Grant Deed for the acquisition of real property located at 3500 Lydia Lane, in Modesto, owned by Miguel Pedroza and Yanet Y. Lopez Solorio, (APN: 083-005-021) to be purchased by the City of Modesto for Sonoma Trunk Lift Station Project.

*Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2017-111 (Kenoyer/Ah You; 7/0)** approving a Purchase and Sale Agreement with Miguel Pedroza and Yanet Y. Lopez Solorio, for acquisition of 0.31 acres for a Sewer Lift Station, located at 3500 Lydia Lane, in Modesto, (APN: 083-005-021), in the amount of \$303,300, for the Sonoma Trunk Lift Station Project, and authorizing the City Manager or his designee to execute the agreement and all related documents required to close escrow

**ACTION: Resolution 2017-112 (Kenoyer/Ah You; 7/0)** authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the acquisition of real property located at 3500 Lydia Lane, in Modesto, owned by Miguel Pedroza and Yanet Y. Lopez Solorio, (APN: 083-005-021) to be purchased by the City of Modesto for Sonoma Trunk Lift Station Project.

#### Consent

18. Consider accepting the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling \$2,176,289 to Cal Valley Construction, Inc., of Fresno, CA. (Funding Source: Bicycle Transportation Account and Congestion Mitigation and Air Quality Grant Funds)
- Resolution accepting the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling \$2,176,289 to Cal Valley Construction, Inc., of Fresno, CA.

*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2017-113 (Kenoyer/Ah You; 7/0)** accepting the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling \$2,176,289 to Cal Valley Construction, Inc., of Fresno, CA.

### COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked Councilmember Ah You for her efforts during a life-saving event.

Councilmember Madrigal spoke regarding an event at the Modesto Centre Plaza last Friday and thanked Modesto Police Department for their hard work.

### **CITY MANAGER COMMENTS & REPORTS**

City Manager Holgersson announced the appointment of Alan Ernst as Modesto's Fire Chief.

### **UNFINISHED BUSINESS**

19. Consider approving an exemption to the Citywide fiscal sustainability measure adopted by Council Resolution No. 2017-86 and authorizing the hiring of certain positions essential to the operations of the Utility, Fire and Parks, Recreation and Neighborhoods Departments. (Funding Source: Water, Wastewater and General Funds)
- Resolution approving an exemption to the hiring freeze for one Senior Financial Analyst, one Senior Utilities Services Worker, one Administrative Office Assistant II, and three Water Service and Maintenance Aides.
  - Resolution approving an exemption to the hiring freeze for three Captains and five Engineers positions.
  - Resolution approving an exemption to the hiring freeze for non-benefited part time positions assigned to the Parks, Recreation and Neighborhoods Department.
- Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2017-114 (Madrigal/Ah You; 7/0)** approving an exemption to the hiring freeze for one Senior Financial Analyst, one Senior Utilities Services Worker, one Administrative Office Assistant II, and three Water Service and Maintenance Aides.

**ACTION: Resolution 2017-115 (Madrigal/Ah You; 7/0)** approving an exemption to the hiring freeze for three Captains and five Engineers positions.

**ACTION: Resolution 2017-116 (Madrigal/Ah You; 7/0)** approving an exemption to the hiring freeze for non-benefited part time positions assigned to the Parks, Recreation and Neighborhoods Department.

### **HEARINGS**

*Published in the Modesto Bee on February 23, 2017, Continued to the April 4, 2017 City Council Meeting*

20. Hearing to consider approving Amendment No. 3 to City of Modesto Program Year 2016-2017 Annual Action Plan to allocate \$400,000 in Community Development Block Grant entitlement funds to a Homebuyers Assistance Program and authorizing the City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation require for implementation of

Amendment No. 3. (Funding Source: Not Applicable)

- Item continued to the April 4th City Council Meeting.  
*Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION:** Item continued to the April 4, 2017 City Council Meeting.

*Published in the Modesto Bee on March 8, 2017.*

21. Hearing to consider amending Planned Development Zone P-D(37) to allow a Kindergarten-Grade 12 Charter School at the former Sportsmen of Stanislaus Health Club, property located at 819 Sunset Avenue. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance amending Section 2 of Ordinance No. 878-C.S. entitled “An Ordinance Amending Section 5-4-9 of the Zoning Map of the City of Modesto, Reclassifying Certain Property Located Thereon (Sportsmen of Stanislaus)”, property located at 819 Sunset Avenue.
  - Resolution approving a Development Plan for Planned Development Zone P-D(37).
  - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Planned Development Zone P-D(37) to allow for a K-12 Charter School in addition to the allowable uses, property located at 819 Sunset Avenue.

*Community & Economic Development; Katharine Martin, 577-5267, kamartin@modestogov.com*

**ACTION: Motion (Zoslocki/Grewal; 7/0)** introducing and waiving the first reading of **Ordinance No. 3668-C.S.** amending Section 2 of Ordinance No. 878-C.S. entitled “An Ordinance Amending Section 5-4-9 of the Zoning Map of the City of Modesto, Reclassifying Certain Property Located Thereon (Sportsmen of Stanislaus)”, property located at 819 Sunset Avenue.

**ACTION: Resolution 2017-117 (Zoslocki/Grewal; 7/0)** approving a Development Plan for Planned Development Zone P-D(37).

**ACTION: Resolution 2017-118 (Zoslocki/Grewal; 7/0)** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Planned Development Zone P-D(37) to allow for a K-12 Charter School in addition to the allowable uses, property located at 819 Sunset Avenue.

### **MATTERS TOO LATE FOR THE AGENDA**

**ACTION: Findings and Motion (Ah You/Madrigal; 7/0) adding Closed Session matter:**

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**  
Agency Negotiator: Adam U. Lindgren, City Attorney  
Employee: City Manager

**ACTION: Findings and Motion (Ah You/Madrigal; 7/0) adding Closed Session matter:  
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**ADJOURNMENT**

The meeting adjourned at 7:10 p.m.; Council began Closed Session at 7:15 p.m.

**CLOSED SESSION**

*Closed Session Matters heard after Council meeting*

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**  
Agency Negotiator: Adam U. Lindgren, City Attorney  
Employee: City Manager

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**Report out of closed session:** Labor Negotiator and Legal Counsel provided information and received direction.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday, April 04, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Richard Hanshaw, Sunshine Community Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters; he announced the City Council unanimously appointed Joe Lopez as Acting City Manager

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring April as "Love Modesto Month." (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation to Jeff Pishney declaring April as "Love Modesto Month."

2. Presentation regarding a new rideshare program in the Stanislaus County region. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Kari McNickle gave a Presentation regarding a new rideshare program "Dibs" in the Stanislaus County region.

### PUBLIC COMMENT PERIOD

- Adrian Harrell, Modesto Sister Cities International, announced 25th anniversary with Kerume, Japan, an invitation to an event in Aguascalientes, Mexico, and the 30th with anniversary in Khmelnytskyi, Ukraine; she also introduced members of the delegation

from Khmelnytskyi, Ukraine.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 3-12: (Kenoyer/Zoslocki; 7/0)**

**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 March 28, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the March 28, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving the minutes from the March 28, 2017 Council Meeting.

Consent

4. Consider final adoption of **Ordinance No. 3668-C.S.** amending Planned Development Zone P-D(37) to allow a Kindergarten-Grade 12 Charter School at the former Sportsmen of Stanislaus Health Club, property located at 819 Sunset Avenue. (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3668-C.S.** amending Section 2 of Ordinance No. 878-C.S. entitled “An Ordinance Amending Section 5-4-9 of the Zoning Map of the City of Modesto, Reclassifying Certain Property Located Thereon (Sportsmen of Stanislaus)”, property located at 819 Sunset Avenue.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving final adoption of **Ordinance No. 3668-C.S.** amending Section 2 of Ordinance No. 878-C.S. entitled “An Ordinance Amending Section 5-4-9 of the Zoning Map of the City of Modesto, Reclassifying Certain Property Located Thereon (Sportsmen of Stanislaus)”, property located at 819 Sunset Avenue.

Consent

5. Consider accepting the Monthly Investment Report for January, 2017. (Funding Source: Not Applicable)
  - Motion accepting the Monthly Investment Report for January, 2017.  
*Finance; Gloria Garza, 577-5219, ggarza@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting the Monthly Investment Report for January, 2017.

Consent

6. Consider accepting an informational report for the February 2017 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
  - Motion accepting an informational report for the February 2017 Accounts Payable Payment Register and Void report.

*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting an informational report for the February 2017 Accounts Payable Payment Register and Void report.

Consent

7. Consider approving the plans and specifications for the Senior Citizens Center and Airport Neighborhood Community Center Kitchen Renovation Projects; awarding a construction contract to JHK Construction, Inc., Escalon, CA, in the amount of \$407,300; and amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$271,444. (Funding Source: CDBG Funds)
  - Resolution approving the plans and specifications for the Senior Citizens Center & Airport Neighborhood Community Center Kitchen Renovation Projects, accepting the bid, and approving a construction contract with JHK Construction, Inc., Escalon, CA, and authorizing the City Manager, or his designee, to execute the contract in the amount of \$407,300.
  - Resolution amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$271,444 to be transferred into the project from CDBG Funds in order to fully fund the construction, contingency, construction administration, and design support during construction for the Senior Citizens Center & Airport Neighborhood Community Center Kitchen Renovation Projects, and authorizing the Deputy City Manager, or his designee, to take the necessary steps to implement the amendments.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-119 (Kenoyer/Zoslocki; 7/0)** approving the plans and specifications for the Senior Citizens Center & Airport Neighborhood Community Center Kitchen Renovation Projects, accepting the bid, and approving a construction contract with JHK Construction, Inc., Escalon, CA, and authorizing the City Manager, or his designee, to execute the contract in the amount of \$407,300.

**ACTION: Resolution 2017-120 (Kenoyer/Zoslocki; 7/0)** amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$271,444 to be transferred into the project from CDBG Funds in order to fully fund the construction, contingency, construction administration, and design support during construction for the Senior Citizens Center & Airport Neighborhood Community Center Kitchen Renovation Projects, and authorizing the Deputy City Manager, or his designee, to take the necessary steps to implement the amendments.

Consent

8. Consider accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$25,000 on

behalf of the Stanislaus Drug Enforcement Agency (SDEA) and amend the SDEA's Fiscal Year 2016-17 Multi-Year Operating Budget to increase revenues in the amount of \$25,000. (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 \$25,000 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 2016/2017 Multi-Year Operating Budget estimating revenue in the amount of \$25,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant; and authorizing the Deputy City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.  
*Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2017-121 (Kenoyer/Zoslocki; 7/0)** accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$25,000 for the Stanislaus County Drug Enforcement Agency; and authorizing the City Manager, or his designee, to execute all necessary grant documents.

**ACTION: Resolution 2017-122 (Kenoyer/Zoslocki; 7/0)** amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2016/2017 Multi-Year Operating Budget estimating revenue in the amount of \$25,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant; and authorizing the Deputy City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

Consent

9. Consider accepting the Airport Perimeter Fence Construction Project as complete, and authorizing all necessary steps to file with the County Clerk Recorder. (Funding Source: FAA Grant Funds 90.66%, with City Local Match of 7.59% Stanislaus County Aircraft Tax Funds and 1.75% Passenger Facility Charges)
- Resolution accepting the Federal Aviation Administration (FAA) grant funded Airport Improvement Program (AIP) No. 39 project titled "Airport Perimeter Fence Construction" as complete, and authorizing all necessary steps to file with the County Clerk Recorder.  
*Public Works; Steven Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-123 (Kenoyer/Zoslocki; 7/0)** accepting the Federal Aviation Administration (FAA) grant funded Airport Improvement Program (AIP) No. 39 project titled "Airport Perimeter Fence Construction" as complete, and authorizing all necessary steps to file with the County Clerk Recorder.

Consent

10. Consider accepting the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and payments totaling \$415,004 to Howk Systems, Inc. of Modesto, CA. (Funding Source: Water Fund)
- Resolution accepting the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229

Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling \$415,004 to Howk Systems, Inc. of Modesto, CA.

*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2017-124 (Kenoyer/Zoslocki; 7/0)** accepting the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling \$415,004 to Howk Systems, Inc. of Modesto, CA.

Consent

11. Consider accepting the Sewer Lift Station Coating Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and payments totaling \$294,069 to F.D. Thomas, Inc., of Central Point, OR. (Funding Source: Wastewater Fund)

- Resolution accepting the Sewer Lift Station Coating Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, receiving credits, and release payments totaling \$294,069 to F.D. Thomas, Inc., of Central Point, OR.

*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2017-125 (Kenoyer/Zoslocki; 7/0)** accepting the Sewer Lift Station Coating Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, receiving credits, and release payments totaling \$294,069 to F.D. Thomas, Inc., of Central Point, OR.

Consent

12. Consider accepting the G Street and Hatch Road Pavement Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and payments totaling \$826,326 to DSS Company, dba Knife River Construction, Inc., of Stockton, CA. (Funding Source: Capital Grant - California Department of Transportation)

- Resolution accepting the G Street and Hatch Road Pavement Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and payments totaling \$826,326 to DSS Company, dba Knife River Construction, Inc., of Stockton, CA.

*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2017-126 (Kenoyer/Zoslocki; 7/0)** accepting the G Street and Hatch Road Pavement Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and payments totaling \$826,326 to DSS Company, dba Knife River Construction, Inc., of Stockton, CA.

### COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended a Father's Day event at Modesto High School on Saturday.

Councilmember Madrigal also attended the Father's Day event at Modesto High School on Saturday; he also attended a hearing in Sacramento yesterday in support of Senate Bill 1 - Road Repair and Accountability Act which he spoke in support of; he also announced the Sacramento Rally for Roads & Passage of SB 1 event tomorrow in Sacramento.

### CITY MANAGER COMMENTS & REPORTS

None.

### HEARINGS

*Published in the Modesto Bee on February 23, 2017, Continued from the March 28th City Council Meeting.*

13. Hearing to consider approving an amendment to the City's 2016-2017 Annual Action Plan to allocate \$400,000 in Community Development Block Grant entitlement funds to a Homebuyers Assistance Program. (Funding Source: Community Development Block Grant Funds)
- Resolution approving Amendment No. 3 to City of Modesto Program Year 2016-2017 Annual Action Plan to allocate \$400,000 in Community Development Block Grant entitlement funds a Homebuyers Assistance Program; authorizing City staff to submit an application to HUD for Amendment No. 3 to the City of Modesto Program Year 2016-2017 Annual Action Plan; and authorizing the City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation required for implementation of Amendment No. 3 and that City staff is authorized to submit an application to HUD for Amendment No. 3 to the City of Modesto Program Year 2016-2017 Annual Action Plan as described in "Draft Program Year 2016-2017 Annual Action Plan Third Amendment," attached hereto as Exhibit A and incorporated by reference herein.
  - Resolution amending the Fiscal Year 2016-17 annual operating and capital improvement budgets to reflect changes noted in the attached Amendment No. 3 to the City of Modesto's program year 2016-2017 Annual Action Plan for Community Development Block Grant, and authorizing the Deputy City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-127 (Madrigal/Zoslocki; 7/0)** approving Amendment No. 3 to City of Modesto Program Year 2016-2017 Annual Action Plan to allocate \$400,000 in Community Development Block Grant entitlement funds a Homebuyers Assistance Program; authorizing City staff to submit an application to HUD for Amendment No. 3 to the City of Modesto Program Year 2016-2017 Annual Action Plan; and authorizing the City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation required for implementation of Amendment No. 3 and that City staff is authorized to submit an application to HUD for Amendment No. 3 to the City of Modesto Program Year 2016-2017 Annual Action Plan as described in "Draft Program Year 2016-2017 Annual Action Plan Third Amendment," attached hereto as Exhibit A and incorporated by

reference herein.

**ACTION: Resolution 2017-128 (Madrigal/Zoslocki; 7/0)** amending the Fiscal Year 2016-17 annual operating and capital improvement budgets to reflect changes noted in the attached Amendment No. 3 to the City of Modesto’s program year 2016-2017 Annual Action Plan for Community Development Block Grant, and authorizing the Deputy City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

*Published in the Modesto Bee on March 5, 2017.*

14. Hearing to consider approving an amendment to the City’s 2016-2017 Annual Action Plan to allocate \$1,200,000 in Community Development Block Grant entitlement funds to establish a Rental Housing Rehabilitation Program to serve low income housing and to amend an existing Affordable Housing Acquisition Program to allocate \$400,000 in additional funding. (Funding Source: Community Development Block Grant Funds)
- Resolution approving Amendment No. 4 to City of Modesto Program Year 2016-2017 Annual Action Plan to (i) allocate \$1,200,000 in Community Development Block Grant entitlement funds to establish a Rental Housing Rehabilitation Program to serve low income housing, and (ii) amend an existing program name to “Affordable Housing Acquisition Program” and allocate an additional \$400,000 in funding, authorize City staff to submit an application to HUD for Amendment No. 4 to the City of Modesto Program Year 2016-2017 Annual Action Plan as described in “Draft Program Year 2016-2017 Annual Action Plan Fourth Amendment,” and authorizing the City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation required for implementation of Amendment and that City staff is authorized to submit an application to HUD for Amendment No. 4 to the City of Modesto Program Year 2016-2017 Annual Action Plan as described in “Draft Program Year 2016-2017 Annual Action Plan Fourth Amendment,” attached hereto as Exhibit A and incorporated by reference herein.
  - Resolution amending the Fiscal Year 2016-17 annual operating and capital improvement budgets to reflect changes noted in the attached Amendment No. 4 to the City of Modesto’s program year 2016-2017 Annual Action Plan for Community Development Block Grant, and authorizing the Deputy City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

*Community & Economic Development; Tina Rocha, 577-5211,  
trocha@modestogov.com*

**ACTION: Resolution 2017-129 (Madrigal/Zoslocki; 7/0)** approving Amendment No. 4 to City of Modesto Program Year 2016-2017 Annual Action Plan to (i) allocate \$1,200,000 in Community Development Block Grant entitlement funds to establish a Rental Housing Rehabilitation Program to serve low income housing, and (ii) amend an existing program name to “Affordable Housing Acquisition Program” and allocate an additional \$400,000 in funding, authorize City staff to submit an application to HUD for Amendment No. 4 to the City of Modesto Program Year 2016-2017 Annual Action Plan as described in “Draft Program Year 2016-2017 Annual Action Plan Fourth Amendment,” and authorizing the City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation required for implementation of Amendment and that City staff is authorized to

submit an application to HUD for Amendment No. 4 to the City of Modesto Program Year 2016-2017 Annual Action Plan as described in “Draft Program Year 2016-2017 Annual Action Plan Fourth Amendment,” attached hereto as Exhibit A and incorporated by reference herein.

**ACTION: Resolution 2017-130 (Madrigal/Zoslocki; 7/0)** amending the Fiscal Year 2016-17 annual operating and capital improvement budgets to reflect changes noted in the attached Amendment No. 4 to the City of Modesto’s program year 2016-2017 Annual Action Plan for Community Development Block Grant, and authorizing the Deputy City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

### NEW BUSINESS

15. Consider approving an extension of the current Non-Exclusive, Non-Consensual Franchise Towing Services Agreement until the completion of the Request for Application (RFA) process is complete; a RFA and implementation of the Non-Exclusive Non-Consensual Franchise Towing Services Agreement 90 days from Council’s approval; amendment to the Tiered Tow release fees; and implementing a Dispatching and Tracking Solution (DTS) software program. (Funding Source: 1610 - MPD Traffic Offender Fund)
- Resolution approving an extension of the current Non-Exclusive Non-Consensual Franchise Towing Services Agreement, Request For Application (RFA) No. 1314-28 Contract, until the completion of the RFA process or up to six months.
  - Resolution approving a request for application (RFA) and implementation of the City of Modesto Non-Exclusive Non-Consensual Franchise Towing Services Agreement 90 days from Council’s approval of this item.
  - Resolution approving the amended Tiered Tow release fees.
  - Resolution approving the implementation of the Dispatching and Tracking Solutions (DTS) software program and authorizing the City Manager or his designee, to execute an agreement, in a form approved by the City Attorney, relating to the implementation of the software program.

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

*Recess at 7:46 p.m.*

*Reconvened at 7:57 p.m.*

**ACTION: Resolution 2017-131 (Ridenour/Kenoyer; 7/0)** approving an extension of the current Non-Exclusive Non-Consensual Franchise Towing Services Agreement, Request For Application (RFA) No. 1314-28 Contract, until the completion of the RFA process or up to six months.

**ACTION: Resolution 2017-132 (Ridenour/Kenoyer; 7/0)** approving a request for application (RFA) and implementation of the City of Modesto Non-Exclusive Non-Consensual Franchise Towing Services Agreement 90 days from Council’s approval of this item.

**ACTION: Resolution 2017-133 (Ridenour/Kenoyer; 7/0)** approving the amended Tiered Tow release fees.

**ACTION: Resolution 2017-134 (Ridenour/Kenoyer; 7/0)** approving the implementation of the Dispatching and Tracking Solutions (DTS) software program and authorizing the City Manager or his designee, to execute an agreement, in a form approved by the City Attorney, relating to the implementation of the software program.

**ACTION: Motion (Ridenour/Kenoyer; 7/0) approving the following revisions: (i) no franchise tow fee for abandoned and stolen vehicles; (ii) companies responding to abandoned vehicles do not get moved to the bottom of rotation list; (iii) 90 day implementation of DTS tracking system after new Agreements are entered into; (iv) final appeal process to City Manager's Office; and (v) dispatch call center background exemption.**

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

The meeting adjourned at 8:03 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(d)(1) of the Government Code)**

Name of case: Newman v. City of Modesto, et al.  
Case No. 2015780

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**

Agency Negotiator: Adam U. Lindgren, City Attorney  
Employee: Acting City Manager

**PUBLIC EMPLOYEE APPOINTMENT**

**(Pursuant to Section 54957(b)(1) Government Code)**

Title: Acting City Manager

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

**MINUTES**  
**City of Modesto**  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2008**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday, April 11, 2017, at 11:00 a.m.**

Roll Call Present: Mayor Brandvold, Councilmembers Ridenour, Kenoyer (alternate)  
Absent: Councilmember Grewal

**PUBLIC COMMENTS**

None.

**CONSENT**

None.

**NEW BUSINESS**

1. Consider accepting the Auditor's Internal Audit Program Status Report dated April 11, 2017 prepared by Moss Adams, LLP. (Funding Source: General Fund)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Ridenour/Mayor Brandvold; 3/0)** accepting the Auditor's Internal Audit Program Status Report dated April 11, 2017 prepared by Moss Adams, LLP.

2. Consider accepting City Auditor Moss Adams, LLP Internal Controls Testing Cash Handling Final Report dated March 30, 2017, and forwarding to Council for approval. (Funding Source: General Fund)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting City Auditor Moss Adams, LLP Internal Controls Testing Cash Handling Final Report dated March 30, 2017, and forwarding to Council for approval.

3. Consider accepting City Auditor Moss Adams, LLP North McHenry Corridor Tax Sharing Agreement Final Report, dated February 28, 2017, and forwarding to Council for Approval. (Funding Source: General Fund)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting City Auditor Moss Adams, LLP North McHenry Corridor Tax Sharing Agreement Final Report, dated February 28, 2017, and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 12:02 p.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday April 11, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jim Applegate, Redeemer Church Modesto

City Clerk's Announcements: Item 4 - Removed from Consent  
Item 10 - continued to April 25, 2017 Council meeting

Declaration of Conflicts of Interest: None

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the City of Modesto 28th Annual Earth Day in the Park Festival and Proclamation proclaiming April 22, 2017 as Earth Day in the City of Modesto.  
(Funding Source: Not Applicable)  
*Public Works; Vicki Rice, 577-5495, vrice@modestogov.com*

**ACTION:** Vicki Rice, Recycling Program Coordinator, gave a presentation of the City of Modesto 28th Annual Earth Day in the Park Festival, and presented a Proclamation proclaiming April 22, 2017, as Earth Day in the City of Modesto.

## PUBLIC COMMENT PERIOD

- Rhonda Allen spoke regarding the native plant garden in La Loma Neighborhood and thanked the City Council for their support; she announced a Thursday night meeting at 800 Encina Avenue in Modesto regarding Laura's Law.
- Dave Pratt spoke regarding his support for Earth Day.

## CONSENT ITEMS – ROLL CALL VOTE REQUIRED

**ACTION CONSENT ITEMS 2-3; 5-7: (Grewal/Madriral; 7/0)**

**CONSENT ITEMS**

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

Consent

2. Consider approving the minutes from the April 4, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the April 4, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Grewal/Madriral; 7/0)** approving the minutes from the April 4, 2017 Council Meeting.

Consent

3. Consider approving the installation of public art project on Well #211 and a Memorandum of Understanding between the City and the La Loma Neighborhood Association relating to the project. (Funding Source: Not Applicable)
  - Resolution approving the installation of a public art project on Well #211; a Memorandum of Understanding (MOU) between the City of Modesto and the La Loma Neighborhood Association relating to the project; and authorizing the City Manager, or his designee to execute the MOU.  
*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

**ACTION: Resolution 2017-135 (Grewal/Madriral; 7/0)** approving the installation of a public art project on Well #211; a Memorandum of Understanding (MOU) between the City of Modesto and the La Loma Neighborhood Association relating to the project; and authorizing the City Manager, or his designee to execute the MOU.

*Removed from Consent*

4. Consider approving an Agreement with Modesto Junior College and Stanislaus County to start a bus pass program for the Modesto Area Express fixed route bus system for students at Modesto Junior College. (Funding Source: Transit Funds)
  - Resolution approving an agreement with Modesto Junior College (MJC) Foundation and Stanislaus County, commencing July 1, 2017, to provide a MJC Bus Pass program for the Modesto Area Express (MAX) transit system with an annual revenue of \$100,000, and authorizing the City Manager, or his designee, to execute the agreement.  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-136 (Madriral/Zoslocki; 7/0)** approving an agreement with Modesto Junior College (MJC) Foundation and Stanislaus County, commencing July 1, 2017, to provide a MJC Bus Pass program for the Modesto Area Express (MAX) transit system with

an annual revenue of \$100,000, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

5. Consider accepting the final report as presented for the project titled “Retime Downtown Traffic Signals – 2010 Project” as complete. (Funding Source: 100% CMAQ Grant)
  - Resolution accepting the final report as presented for the project titled “Retime Downtown Traffic Signals – 2010 Project” as complete, and authorizing the City Clerk to complete all necessary steps to file all documents with the Stanislaus County Clerk Recorder.

*Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Resolution 2017-137 (Grewal/Madriral; 7/0)** accepting the final report as presented for the project titled “Retime Downtown Traffic Signals – 2010 Project” as complete, and authorizing the City Clerk to complete all necessary steps to file all documents with the Stanislaus County Clerk Recorder.

Consent

6. Consider approving the award of bids for pump station rejuvenation services to Don Pedro Pump, Hughson, CA, as “primary” contractor, and Howk Systems, Modesto, CA, as “secondary” contractor, for a two year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$600,000, and \$3,000,000 over five years. (Funding Source: Water Fund and Wastewater Fund)
  - Resolution approving the award of bids for pump station rejuvenation services to Don Pedro Pump, Hughson, CA, as “primary” contractor, and Howk Systems, Modesto, CA, as “secondary” contractor, for a two year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$600,000, and \$3,000,000 over five years, and authorizing the City Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$600,000.

*Utilities; Dave Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2017-138 (Grewal/Madriral; 7/0)** approving the award of bids for pump station rejuvenation services to Don Pedro Pump, Hughson, CA, as “primary” contractor, and Howk Systems, Modesto, CA, as “secondary” contractor, for a two year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$600,000, and \$3,000,000 over five years, and authorizing the City Manager, or his designee, to issue purchase agreements for an estimated annual cost of \$600,000.

Consent

7. Consider approving an Agreement with DF Engineering, Inc., Modesto, CA, for engineering design services for the Ninth Street Storm Drain Basin and Pump Station in the amount of \$98,725. (Funding Source: Storm Drain Fund)
  - Resolution approving an Agreement with DF Engineering, Inc., Modesto, CA, for

Engineering Design Services for the Ninth Street Storm Drain Basin and Pump Station Project, in an amount not to exceed \$89,750 for the identified scope of services, plus \$8,975 for additional services, if needed, for a maximum total amount of \$98,725, and authorizing the City Manager, or his designee, to execute the agreement.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-139 (Grewal/Madriral; 7/0)** approving an Agreement with DF Engineering, Inc., Modesto, CA, for Engineering Design Services for the Ninth Street Storm Drain Basin and Pump Station Project, in an amount not to exceed \$89,750 for the identified scope of services, plus \$8,975 for additional services, if needed, for a maximum total amount of \$98,725, and authorizing the City Manager, or his designee, to execute the agreement.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer attended a reception for the Ukrainian delegation; she also announced she was a Chair for a Love Modesto event on Saturday.

Councilmember Grewal thanked staff and citizens for their support at Love Modesto on Saturday; he also discussed upkeep of planters in downtown and thanked staff.

Councilmember Madriral also attended a reception for the Ukrainian delegation; he also attended the Love Modesto and clean-up in South Modesto and he thanked everyone for their support; he also thanked Public Works and Parks staff for their work in the West Modesto neighborhood lot to stop illegal dumping.

Councilmember Ah You thanked everyone for the support for Love Modesto on Saturday; she also attended One Night Dinner for Salvation Army; she announced there are also Salvation Army dinners tonight in Modesto and a United Way event at the Gallo Center on Thursday night "Walking the Stage."

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **UNFINISHED BUSINESS**

8. Consider approving an exemption to the Citywide fiscal sustainability measure adopted by Council Resolution No. 2017-86 and authorizing the hiring of certain positions essential to the operations of the Public Works, Community and Economic Development and Information Technology Departments. (Funding Source: Community Center Operations Fund, Information Technology Fund and General Funds)
  - Resolution approving an exemption to the hiring freeze for one Senior Software Analyst and one Senior Systems Technician in the Information Technology Department.
  - Resolution approving an exemption to the hiring freeze for non-benefited part time

positions assigned to the Public Works Department.

- Resolution approving an exemption to the hiring freeze for non-benefited part time positions assigned to the Community and Economic Development Department.

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2017-140 (Madrigan/Kenoyer; 7/0)** approving an exemption to the hiring freeze for one Senior Software Analyst and one Senior Systems Technician in the Information Technology Department.

**ACTION: Resolution 2017-141 (Madrigan/Kenoyer; 7/0)** approving an exemption to the hiring freeze for non-benefited part time positions assigned to the Public Works Department.

**ACTION: Resolution 2017-142 (Madrigan/Kenoyer; 7/0)** approving an exemption to the hiring freeze for non-benefited part time positions assigned to the Community and Economic Development Department.

## HEARINGS

*Published in the Modesto Bee on January 25, 2017. Continued from the February 14th, March 7th and March 14th Council meetings*

9. Hearing to consider approving an amendment to Title 10 of the Modesto Municipal Code to allow Digital Freeway Billboards. (Funding Source: General Fund)
  - Motion introducing and waiving the first reading of an Ordinance amending Sections 10-6.102 and 10-6.108 of Title 10 of the Modesto Municipal Code to allow digital freeway billboards.
  - 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): code amendment for digital freeway billboards.

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

**ACTION: Motion (Madrigan/Ah You; 4/3; Zoslocki, Kenoyer, Mayor Brandvold no)** introducing and waiving the first reading of Ordinance No. 3669-C.S. amending Sections 10-6.102 and 10-6.108 of Title 10 of the Modesto Municipal Code to allow digital freeway billboards.

**ACTION: Resolution 2017-143 (Madrigan/Ah You; 4/3; Kenoyer, Zoslocki, Mayor Brandvold no)** 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): code amendment for digital freeway billboards.

*Recess at 7:20 p.m.*

*Reconvened at 7:26 p.m.*

**ACTION: Motion (Ridenour/Kenoyer; 7/0) to reconsider prior vote.**

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** introducing and waiving the first reading of **Ordinance No. 3669-C.S.** amending Sections 10-6.102 and 10-6.108 of Title 10 of the Modesto Municipal Code to allow digital freeway billboards. **(ADD A NEW PARAGRAPH 3(iii)(a)(4.5): “Maximum Number of Digital Freeway Signs: There shall be a maximum of seven (7) digital freeway billboards within the City limits located on either side of State Highway 99.”**

**ACTION: Resolution 2017-143 (Kenoyer/Ridenour; 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): code amendment for digital freeway billboards.

*Published in the Modesto Bee on March 21, 2017*

10. Hearing to consider rezoning 0.47 acres of property located at 1105 Coffee Road from Low Density Residential (R-1) Zone to Medium Density Residential (R-2) Zone. (Funding Source: Not Applicable )

- Motion introducing and waiving the first reading of an Ordinance amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1105 Coffee Road.
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 21-3-9 of the City of Modesto Zoning Map to rezone property located at 1105 Coffee Road from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2.

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

**ACTION:** Continued to the April 25, 2017 Council meeting.

*Published in the Modesto Bee on March 21, 2017.*

11. Hearing to consider rezoning 1.2 acres of property located at 1237 Oakdale Road from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone. (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance amending Section 22-3-9 of the City of Modesto Zoning Map to rezone property located at 1237 Oakdale Road from Low Density Residential Zone, R-1, to Professional Office, P-O.
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 22-

3-9 of the Zoning Map of the City of Modesto to rezone from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone, property located at 1237 Oakdale Road, south of East Orangeburg Avenue.

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

**ACTION: Motion (Ridenour/Madrigan; 7/0)** introducing and waiving the first reading of **Ordinance No. 3670-C.S.** amending Section 22-3-9 of the City of Modesto Zoning Map to rezone property located at 1237 Oakdale Road from Low Density Residential Zone, R-1, to Professional Office, P-O.

**ACTION: Resolution 2017-144 (Ridenour/Madrigan; 7/0)** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 22-3-9 of the Zoning Map of the City of Modesto to rezone from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone, property located at 1237 Oakdale Road, south of East Orangeburg Avenue.

## NEW BUSINESS

12. Consider approving City Auditor Moss Adams, LLP Internal Audit Program Briefing on Deliverables to Date including the following reports: (i) Solid Waste Efficiency Study; (ii) Revenue Manual; (iii) ISF Review; and (iv) Fleet Efficiency Study. (Funding Source: General Fund, Solid Waste Fund, Fleet Fund, Various other funds)
  - Motion approving City Auditor Moss Adams, LLP Internal Audit Program Briefing on Deliverables to Date including the following reports: (i) Solid Waste Efficiency Study; (ii) Revenue Manual; (iii) ISF Review and; (iv) Fleet Efficiency Study.  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Ridenour/Zoslocki; 7/0)** approving City Auditor Moss Adams, LLP Internal Audit Program Briefing on Deliverables to Date including the following reports: (i) Solid Waste Efficiency Study; (ii) Revenue Manual; (iii) ISF Review and; (iv) Fleet Efficiency Study.

13. Consider accepting a bid and approving a 4-year Agreement with two 2-year option years with National Express Transit Corporation, Warrenville, IL, to operate the Modesto Area Express fixed route bus system for \$8,192,955 in Fiscal Year 2017-2018 and \$74,497,350 over the term of the Agreement, including the two 2-year optional extensions. (Funding Source: Transit Funds)
  - Resolution accepting bid and approving a 4-year agreement with two 2-year option years with National Express Transit Corporation commencing July 1, 2017, and terminating June 30, 2021, to provide fixed route services for the operation of the Modesto Area Express (MAX) transit system for \$8,192,955 in Fiscal Year 2017-2018 and \$74,497,350 over the term of the agreement, including the two 2-year

optional extensions, and authorizing the City Manager, or his designee, to execute the agreement, in a form approved by the City Attorney.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-145 (Madrigal/Zoslocki; 7/0)** accepting bid and approving a 4-year agreement with two 2-year option years with National Express Transit Corporation commencing July 1, 2017, and terminating June 30, 2021, to provide fixed route services for the operation of the Modesto Area Express (MAX) transit system for \$8,192,955 in Fiscal Year 2017-2018 and \$74,497,350 over the term of the agreement, including the two 2-year optional extensions, and authorizing the City Manager, or his designee, to execute the agreement, in a form approved by the City Attorney.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 8:41 p.m.

14. **COUNCIL WORKSHOP - Long Range Agenda** (Funding Source: Not Applicable)  
*City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com*

This Council Workshop adjourned at 9:20 p.m.

### **CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)  
Case No. 667396

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

Wednesday, April 12, 2017, at 2:00 p.m.

Roll Call: Present: Chair Zoslocki, Vice Chair Brandvold; Member Kenoyer  
Absent: None

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider accepting an informational update on the 100 Day Committee Action Plans addressing the City of Modesto Strategic Plan Commitment Areas of Healthy Economy and Great Quality of Life as well as Vibrant Infrastructure and Sustainable Environment. (Funding Source: Not Applicable)  
*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

**ACTION: Motion (Kenoyer/Brandvold; 3/0)** accepting an informational update on the 100 Day Committee Action Plans addressing the City of Modesto Strategic Plan Commitment Areas of Healthy Economy and Great Quality of Life as well as Vibrant Infrastructure and Sustainable Environment.

2. Consider accepting the establishment of a Specific Plan Reimbursement Fee Program for the Kiernan Business Park East Specific Plan Area and forwarding to Council for approval. (Funding Source: Kiernan Business Park East Specific Plan Reimbursement Fee)  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION:** This item continued to a future meeting date.

3. Consider accepting an informational report on the City's PACE programs, providing policy direction to staff on adding new PACE providers; and forwarding to Council for

approval. (Funding Source: General Fund)  
*Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com*

**ACTION: Motion (Kenoyer/Brandvold; 3/0)** directing staff to gather additional information, meet with stakeholders, and bring information to next Healthy Economy Committee meeting.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 3:17 p.m.

Attest: \_\_\_\_\_

Joseph Lopez, Deputy City Manager

## MINUTES

City of Modesto  
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL  
WORKSHOP**

Second Floor, Room 2008  
Tenth Street Place, 1010 10th Street  
Modesto, California

Thursday, April 13, 2017, at 3:00 p.m.

Roll Call: Present: Chair Madrigal and Member Brandvold  
Member Grewal

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider recommending the reappointment of Frank Ploof and Rhoda Yare and appointment of two Citizens-at-Large to the Citizens' Housing and Community Development Committee and forwarding a recommendation to the City Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 2/0)** recommending the reappointment of Frank Ploof and Rhoda Yare and appointment of two Citizens-at-Large Kristi Nelson and Richard Daniels to the Citizens' Housing and Community Development Committee and forwarding to Council for approval.

2. Consider recommending the reappointment of Micah Rapier to the Housing Rehabilitation Loan Committee and forwarding to the City Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 2/0)** recommending the reappointment of Micah Rapier to the Housing Rehabilitation Loan Committee and forwarding to the City Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 3:08 p.m.

Attest: \_\_\_\_\_  
Tina Rocha, Community Development Manager

# MINUTES

**City of Modesto**  
**EFFECTIVE GOVERNMENT COMMITTEE/ COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**

**Monday, April 24, 2017, at 5:00 p.m.**

Roll Call - Present: Councilmembers Grewal, Ah You, and Kenoyer (alternate)  
Absent: Councilmember Zoslocki  
Also Present: Mayor Brandvold

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

None.

## NEW BUSINESS

1. Consider accepting an informational update on the Mayor's 100 Day Committee status.  
(Funding Source: Not Applicable)  
*Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com*

**ACTION:** No reportable action.

2. Consider accepting the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Bus Fixed Route Fund, General Fund and Wastewater Fund)  
*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Ah You/Kenoyer; 3/0)** accepting the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

3. Consider accepting a three year agreement with Accela, San Ramon, CA for the

continued use of their Public Stuff platform for the GoModesto! Mobile Application at a first year cost of \$21,930 and a total cost of \$71,495 and forwarding to Council for approval. (Funding Source: Information Technology Fund)

*Information Technology; John Dickey, 577-5229, jdickey@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You/ 3/0)** accepting a three year agreement with Accela, San Ramon, CA for the continued use of their Public Stuff platform for the GoModesto! Mobile Application at a first year cost of \$21,930 and a total cost of \$71,495 and forwarding to Council for approval.

4. Consider accepting a renewal of an agreement with Amano McGann, Inc., Roseville, MN, for the automated parking attendant software for an estimated annual cost of \$17,556, which totals \$52,668 for a three year period and forwarding to Council for approval. (Funding Source: Parking Operational Professional Services Fund)  
*Public Works; Patricia Morrison, 342-4578, pmorrison@modestogov.com*

**ACTION:** Continued to May 22, 2017 Effective Government Committee meeting.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 5:47 p.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday April 25, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk’s Announcements: Items 20 and 22 - continued to future Council meeting date

Declaration of Conflicts of Interest: None

Reports from Closed Session: Assistant City Attorney Sanchez reported on a Closed Session matter

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Recognition of staff who have reached 20 and 25 year milestones as employees of the City of Modesto. (Funding Source: Not Applicable)  
*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION:** Human Resources Director Norma Santoyo recognized staff who have reached 20 and 25 year milestones as employees of the City of Modesto.

2. Presentation of Proclamation to Sikh Community in honor of their celebration of Vaisakhi. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor and Council presented a Proclamation to the Sikh Community in honor of their celebration of Vaisakhi.

3. Presentation of Proclamation to celebrate Jeffrey Newberry, Downtown Champion for 25 years. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Chris Murphy presented a Certificate of Recognition to celebrate Jeff Newberry, Downtown Champion for 25 years.

### **PUBLIC COMMENT PERIOD**

- Maggie Countryman spoke regarding a Board of Zoning Adjustment Resolution and Modesto Police report.
- Ron Cherrier spoke regarding water restrictions in Modesto.
- Debra Harper spoke regarding the City of Modesto.

### **CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 4-18: (Kenoyer/Madrigan; 7/0)**

### **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 April 11, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the April 11, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigan; 7/0)** approving the minutes from the April 11, 2017 Council Meeting.

#### Consent

5. Consider final adoption of **Ordinance No. 3669-C.S.** amending Title 10 of the Modesto Municipal Code to allow Digital Freeway Billboards. (Funding Source: General Fund)
  - Motion approving final adoption of **Ordinance 3669-C.S.** amending Sections 10-6.102 and 10-6.108 of Title 10 of the Modesto Municipal Code to allow digital freeway billboards.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigan; 7/0)** approving final adoption of **Ordinance No. 3669-C.S.** amending Sections 10-6.102 and 10-6.108 of Title 10 of the Modesto Municipal Code to allow digital freeway billboards.

#### Consent

6. Consider final adoption of **Ordinance No. 3670-C.S.** rezoning 1.2 acres of property located at 1237 Oakdale Road from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone. (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance No. 3670-C.S. amending Section 22-3-9 of the City of Modesto Zoning Map to rezone property located at 1237 Oakdale Road from Low Density Residential Zone, R-1, to Professional Office, P-O.

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

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving final adoption of **Ordinance No. 3670-C.S.** amending Section 22-3-9 of the City of Modesto Zoning Map to rezone property located at 1237 Oakdale Road from Low Density Residential Zone, R-1, to Professional Office, P-O.

Consent

7. Consider approving the finding that the New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue project is within the scope of the projects covered by the Modesto Urban Area General Master Plan Environmental Impact Report; and approving the plans and specifications for the project, accepting the bid, and awarding the construction contract with Tim Paxin’s Pacific Excavation Inc. of Elk Grove, CA in the amount of \$369,786. (Funding Source: Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program Funds (RSTP))
  - Resolution finding that the “New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue” project is within the scope of the projects covered by the Modesto Urban Area General Master Plan Environmental Impact Report (SCH#2007072023).
  - Resolution approving the plans, and specifications for the project titled, “New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue”, accepting the bid, and awarding the construction contract to Tim Paxin’s Pacific Excavation Inc. of Elk Grove, CA in the amount of \$369,786; and authorizing the Acting City Manager, or his designee, to execute the contract.

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

**ACTION: Resolution 2017-146 (Kenoyer/Madrigal; 7/0)** finding that the “New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue” project is within the scope of the projects covered by the Modesto Urban Area General Master Plan Environmental Impact Report (SCH#2007072023).

**ACTION: Resolution 2017-147 (Kenoyer/Madrigal; 7/0)** approving the plans, and specifications for the project titled, “New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue”, accepting the bid, and awarding the construction contract to Tim Paxin’s Pacific Excavation Inc. of Elk Grove, CA in the amount of \$369,786; and authorizing the Acting City Manager, or his designee, to execute the contract.

Consent

8. Consider accepting the Monthly Budget Adjustments Report for February 2017 and amending Fiscal Year 2016-17, Annual Operating and Capital Improvement Budget. (Funding Source: Police Department, Parks Capital Facility Fee Funds and Operational Grants Reimbursable Fund)

- Resolution amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.

*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2017-148 (Kenoyer/Madrigal; 7/0)** amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.

Consent

9. Consider approving the Annual Investment Policy. (Funding Source: Not Applicable)

- Resolution adopting the Annual Investment Policy.

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

**ACTION: Resolution 2017-149 (Kenoyer/Madrigal; 7/0)** adopting the Annual Investment Policy.

Consent

10. Consider approving the revised Debt Management Policy. (Funding Source: Not Applicable)

- Resolution adopting the revised Debt Management Policy.

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

**ACTION: Resolution 2017-150 (Kenoyer/Madrigal; 7/0)** adopting the revised Debt Management Policy.

Consent

11. Consider approving the Designation of Authorized Agents to file related documents with the California Governor's Office of Emergency Services seek reimbursement for the February 2017 flooding events. (Funding Source: Not Applicable)

- Resolution approving the Designation of Authorized Agents to file related documents with the California Governor's Office of Emergency Services to seek reimbursement for the February 2017 flooding events.

*Fire; Dominique Maurer, 572-9590, dmaurer@modestofire.com*

**ACTION: Resolution 2017-151 (Kenoyer/Madrigal; 7/0)** approving the Designation of Authorized Agents to file related documents with the California Governor's Office of Emergency Services to seek reimbursement for the February 2017 flooding events.

Consent

12. Consider approving an Agreement for the purchase of retired City Police canine, Kai, by its handler, Officer Glenn Graves. (Funding Source: General Fund Revenue)

- Resolution approving an Agreement between the City of Modesto and Officer Glenn Graves for the purchase of retired City of Modesto Police canine, Kai, and authorizing the Acting City Manager, or his designee, to execute the Agreement.

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

**ACTION: Resolution 2017-152 (Kenoyer/Madrigan; 7/0)** approving an Agreement between the City of Modesto and Officer Glenn Graves for the purchase of retired City of Modesto Police canine, Kai, and authorizing the Acting City Manager, or his designee, to execute the Agreement.

Consent

13. Consider authorizing the rejection of bids received for the all-in-one oil analysis instrument and coolant and diesel exhaust fluid analyzer. (Funding Source: Transit State of Good Repair Grant)
- Resolution authorizing the rejection of all bids received for Request For Bid (RFB) No. 1617-13 for the purchase of an all-in-one oil analysis instrument and coolant and diesel exhaust fluid analyzer.
- Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-153 (Kenoyer/Madrigan; 7/0)** authorizing the rejection of all bids received for Request For Bid (RFB) No. 1617-13 for the purchase of an all-in-one oil analysis instrument and coolant and diesel exhaust fluid analyzer.

Consent

14. Consider accepting the State Route 99/Pelandale Avenue Interchange Reconstruction Project improvements as complete for the purpose of allowing Caltrans to be responsible for maintaining the improvements. (Funding Source: CIP 100786-CED.Land Development Engineering – State Route 99 Proposition 1B Bond Savings)
- Resolution accepting the State Route 99/Pelandale Avenue Interchange Reconstruction Project improvements as complete, for the purpose of allowing Caltrans to be responsible for maintaining the improvements.
- Public Works; Chuck Covolo, 571-5537, ccovolo@modestogov.com*

**ACTION: Resolution 2017-154 (Kenoyer/Madrigan; 7/0)** accepting the State Route 99/Pelandale Avenue Interchange Reconstruction Project improvements as complete, for the purpose of allowing Caltrans to be responsible for maintaining the improvements.

Consent

15. Consider approving the City's sponsorship of the 19th Annual 2017 North Modesto Kiwanis Graffiti Parade and Car Show, including the waiver of City permit fees, Police Department overtime and vehicle costs, and Streets Division labor and equipment costs. (Funding Source: General Fund)
- Resolution approving the City of Modesto sponsorship of the 19th Annual 2017 North Modesto Kiwanis Graffiti Parade and Car Show, including a waiver of City permit fees, Police Department associated costs, Streets Division associated costs, and authorizing the Acting City Manager, or his designee, to execute any documents necessary related to sponsorship.
- Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-155 (Kenoyer/Madrigan; 7/0)** approving the City of Modesto

sponsorship of the 19th Annual 2017 North Modesto Kiwanis Graffiti Parade and Car Show, including a waiver of City permit fees, Police Department associated costs, Streets Division associated costs, and authorizing the Acting City Manager, or his designee, to execute any documents necessary related to sponsorship.

Consent

16. Consider approving an Agreement with DF Engineering, Inc., Modesto, CA, for design services for Flush Lines for Various Wells 2017 in the amount of \$80,960. (Funding Source: Water Fund - CIP)

- Resolution approving an Agreement with DF Engineering, Inc., Modesto, CA, for design services for the Various Flush Lines Project, in an amount not to exceed \$73,600 for the identified scope of services, plus \$7,360 for additional services, if needed, for a maximum total amount of \$80,960, and authorizing the Acting City Manager, or his designee, to execute the agreement.

*Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2017-156 (Kenoyer/Madrigal; 7/0)** approving an Agreement with DF Engineering, Inc., Modesto, CA, for design services for the Various Flush Lines Project, in an amount not to exceed \$73,600 for the identified scope of services, plus \$7,360 for additional services, if needed, for a maximum total amount of \$80,960, and authorizing the Acting City Manager, or his designee, to execute the agreement.

Consent

17. Consider approving an Amendment to Agreement with Kleinfelder, Inc., Modesto, CA, for Geophysical Investigation Services for Well 274 in the amount of \$12,042. The original contract amount was \$75,000 with \$7,500 in additional services. (Funding Source: Water Fund - CIP)

- Resolution approving an Amendment to Agreement with Kleinfelder, Inc., Modesto, CA, for Geophysical Investigation Services for Well 274, in an amount not to exceed \$12,042 for the identified scope of services, and authorizing the Acting City Manager, or his designee, to execute the amendment to agreement.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2017-157 (Kenoyer/Madrigal; 7/0)** approving an Amendment to Agreement with Kleinfelder, Inc., Modesto, CA, for Geophysical Investigation Services for Well 274, in an amount not to exceed \$12,042 for the identified scope of services, and authorizing the Acting City Manager, or his designee, to execute the amendment to agreement.

Consent

18. Consider approving an Agreement with RMC Water and Environment, Walnut Creek, CA, for consultant services for the 2017 Integrated Regional Water Management Plan Update for an amount not to exceed \$162,267, and amending the Fiscal Year 2016-2017 CIP Budget in the amount of \$137,300. (Funding Source: Water Fund - CIP)

- Resolution approving an Agreement with RMC Water and Environment, Walnut Creek, CA, for consultant services to update the 2017 Integrated Regional Water Management Plan in an amount not to exceed \$147,515 for the identified scope of

services, plus \$14,752 for additional services (if needed) for a maximum total amount of \$162,267, and authorizing the Acting City Manager, or his designee, to execute the Agreement.

- Resolution amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$137,300 to be transferred into the project from Water Fund Reserves in order to fully fund the Consultant Agreement and staff time for the East Stanislaus Integrated Regional Water Management Plan Update Project.  
*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2017-158 (Kenoyer/Madrigal; 7/0)** approving an Agreement with RMC Water and Environment, Walnut Creek, CA, for consultant services to update the 2017 Integrated Regional Water Management Plan in an amount not to exceed \$147,515 for the identified scope of services, plus \$14,752 for additional services (if needed) for a maximum total amount of \$162,267, and authorizing the Acting City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2017-159 (Kenoyer/Madrigal; 7/0)** amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$137,300 to be transferred into the project from Water Fund Reserves in order to fully fund the Consultant Agreement and staff time for the East Stanislaus Integrated Regional Water Management Plan Update Project.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer spoke regarding Earth Day last Saturday.

Councilmember Madrigal thanked staff for their hard work at Earth Day last Saturday; he announced his Council Office hours from 8:00 am - 9:30 am at Don Juan Foods on Crows Landing Road this Friday.

Councilmember Grewal thanked the North Modesto Kiwanis for their hard work with the Annual Graffiti Parade.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **HEARINGS**

*Published in the Modesto Bee on March 21, 2017; continued from April 11, 2017 Council meeting*

19. Hearing to consider rezoning 0.47 acres of property located at 1105 Coffee Road from Low Density Residential (R-1) Zone to Medium Density Residential (R-2) Zone. (Funding Source: Not Applicable )
  - Motion introducing and waiving the first reading of an Ordinance amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Low

Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1105 Coffee Road.

- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 21-3-9 of the City of Modesto Zoning Map to rezone property located at 1105 Coffee Road from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2.

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

**ACTION: Motion (Ridenour/Ah You; 7/0)** introducing and waiving the first reading of **Ordinance No. 3671-C.S.** amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1105 Coffee Road.

**ACTION: Resolution 2017-160 (Ridenour/Ah You; 7/0)** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 21-3-9 of the City of Modesto Zoning Map to rezone property located at 1105 Coffee Road from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2.

*Published in the Modesto Bee on March 30, 2017; staff has requested that this item be tabled to a future date*

20. Hearing to consider accepting a Specific Plan Reimbursement Fee for the Kiernan Business Park East Specific Plan Area. (Funding Source: Kiernan Business Park East Specific Plan Reimbursement Fee)

- Staff has requested that this item be tabled to a future date.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION:** Item tabled to a future date.

*Published in the Modesto Bee on March 30, 2017*

21. Hearing to consider approving the application of US Medical Transportation, Inc. to operate as a non-emergency medical transport service in the City. (Funding Source: General Fund)

- Resolution authorizing the issuance of a permit to US Medical Transportation, Inc. for non-emergency medical transport in the City of Modesto.

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

**ACTION: Resolution 2017-161 (Ridenour/Zoslocki; 7/0)** authorizing the issuance of a permit to US Medical Transportation, Inc. for non-emergency medical transport in the City of Modesto.

**NEW BUSINESS**

22. Consider authorizing a 50% matching Federal Grant Application to the Economic Development Administration’s Public Works and Economic Adjustment Assistance Program requesting up to \$3 million in fiber network infrastructure improvement. (Funding Source: Yet to be determined)
- Resolution authorizing a 50% matching Federal Grant Application to the Economic Development Administration's Public Works and Economic Adjustment Assistance Program requesting up to \$3 million in fiber network infrastructure improvement and authorizing the Acting City Manager, or his designee, to execute all documents relating to submitting the application.  
*Information Technology; John Dickey, 577-5229, jdickey@modestgov.com*

**ACTION:** Item continued to a future Council meeting date.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

The meeting adjourned at 6:20 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) – Unrepresented**  
Agency Negotiator: Adam U. Lindgren, City Attorney  
Employee: Acting City Manager

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## **MINUTES**

City of Modesto  
**CITY COUNCIL WORKSHOP**  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday May 02, 2017, at 3:00 p.m.

City of Modesto  
**CITY COUNCIL MEETING**  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday May 02, 2017, at 5:30 p.m.

### **CITY COUNCIL WORKSHOP**

Roll Call – Present: Councilmembers Ah You (arrived at 3:55 p.m.), Grewal, Kenoyer,  
Madrigal, Ridenour, Zoslocki, Mayor Brandvold  
Absent: None

### **PUBLIC COMMENT PERIOD**

None.

1. Marijuana – Discussion and potential direction to staff regarding marijuana uses and potential economic impacts. (Funding Source: Not Applicable)  
*Community & Economic Development; Cindy Birdsill, 341-2938 ,  
cbirdsill@modestogov.com*

*Recess at 4:21 p.m.*

*Reconvened at 4:26 p.m.*

### **ADJOURNMENT OF COUNCIL WORKSHOP**

This Council Workshop adjourned at 5:15 p.m.

## CITY COUNCIL MEETING

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour,  
Zoslocki, Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Dwaine Breazeale, The Salvation Army

City Clerk's Announcements: Item Nos. 11, 12, 13 and 19 - continued to May 9, 2017 Council meeting

Declaration of Conflicts of Interest: Grewal; Mayor Brandvold - Item 18

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters after the Council meeting

### ACKNOWLEDGEMENTS AND PRESENTATIONS

2. Presentation of Certificate of Recognition to Dominic Barandica in honor of receiving the Prudential Spirit of Community Award. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Certificate of Recognition to Dominic Barandica in honor of receiving the Prudential Spirit of Community Award.

3. Presentation of Proclamation to the Commission on Aging proclaiming May 2017 Older Americans Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation to the Commission on Aging proclaiming May 2017 Older Americans Month.

4. Presentation of Proclamation commending The House for their show of support, dedication and commitment to law enforcement and first responders through their annual Unity Matters event. (Funding Source: Not Applicable)  
*Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION:** Mayor Brandvold and Police Chief Galen Carroll presented a Proclamation commending The House for their show of support, dedication and commitment to law enforcement and first responders through their annual Unity Matters event.

5. Presentation of the North Valley Regional Recycled Water Program Update. (Funding Source: Not Applicable)

*Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com*

**ACTION:** Utilities Director Larry Parlin presented an update on the North Valley Regional Recycled Water Program.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

- 6. Consider reappointing Micah Rapier, Citizen-At-Large, to the Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
  - Resolution approving the reappointment of Micah Rapier, Citizen-At-Large, to the City of Modesto Housing Rehabilitation Loan Committee with a term expiration date of December 31, 2020.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-162 (Kenoyer/Madrigal; 7/0)** approving the reappointment of Micah Rapier, Citizen-At-Large, to the City of Modesto Housing Rehabilitation Loan Committee with a term expiration date of December 31, 2020.

- 7. Consider reappointing Frank Ploof and Rhoda Yare and appointing Kristie Nelson and Richard Daniels, Citizens-at-Large, to the Citizens’ Housing and Community Development Committee. (Funding Source: Not Applicable)
  - Resolution approving the reappointment of Frank Ploof and Rhoda Yare and the appointment of Kristie Nelson and Richard Daniels, Citizens-At-Large, to the Citizen’s Housing and Community Development Committee with term expiration dates of December 31, 2020.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-163 (Kenoyer/Madrigal; 7/0)** approving the reappointment of Frank Ploof and Rhoda Yare and the appointment of Kristie Nelson and Richard Daniels, Citizens-At-Large, to the Citizen’s Housing and Community Development Committee with term expiration dates of December 31, 2020.

**PUBLIC COMMENT PERIOD**

- Adrien Harrell, Modesto Sister Cities, introduced Thomas Boden, from Levall, France; she also spoke regarding an upcoming trip to the Ukraine, the upcoming 25th Anniversary Celebration, and sponsorship of two Modesto Police Officers to India.
- Mack Wilson, Advocates for Justice, spoke regarding racism in Modesto.
- Darius Crosby spoke regarding racism in Modesto and incident with property management company at Floyd and Oakdale in March.

- Jim Bishop, Riverview Tract resident, spoke regarding an upcoming project on Carpenter Road; he was referred to Will Wong, Utilities Department.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 8-10; 14-17: (Kenoyer/Ah You; 7/0)**

**CONSENT ITEMS**

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

Consent

8. Consider approving the minutes from the April 25, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the April 25, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the minutes from the April 25, 2017 Council Meeting.

Consent

9. Consider approving final adoption of **Ordinance No. 3671-C.S.** amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1105 Coffee Road. (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3671-C.S.** amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1105 Coffee Road.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving final adoption of **Ordinance No. 3671-C.S.** amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located at 1105 Coffee Road.

Consent

10. Consider approving the salary and benefits for Acting City Manager Joe Lopez effective April 1, 2017. (Funding Source: General Fund)
  - Resolution approving salary and benefits for Acting City Manager Joe Lopez effective April 1, 2017.  
*City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Resolution 2017-164 (Kenoyer/Ah You; 7/0)** approving salary and benefits for Acting City Manager Joe Lopez effective April 1, 2017.

Consent

11. Consider approving the Fiscal Year 2017-18 Engineer's Annual Report and setting a public hearing for the levy and collection of assessment for landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2. (Funding Source: Landscape Maintenance District No. 2)
- Motion accepting Fiscal Year 2017-18 Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision.
  - Resolution of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision and setting a public hearing on June 27, 2017 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2.
- Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION:** Continued to May 9, 2017 Council meeting.

Consent

12. Consider approving Fiscal Year 2017-18 Engineer's Report and setting a public hearing for the levy and collection of assessments for the maintenance and service of 77 street lights within the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
- Motion accepting the Fiscal Year 2017-18 Engineer's Report for the Shackelford Landscape and Lighting District.
  - Resolution of Intention to Levy and Collect Assessments for the Shackelford Landscape and Lighting District, and setting a public hearing on the proposed assessments to be held on June 27, 2017 to consider the 2017-18 levy and collection of assessments within Shackelford Landscape and Lighting District.
- Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION:** Continued to May 9, 2017 Council meeting.

Consent

13. Consider approving Fiscal Year 2017-18 Engineer's Report and setting a public hearing for the levy and collection of assessments for landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Landscape Maintenance District No. 1)
- Motion accepting Fiscal Year 2017-18 Engineer's Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.

- Resolution of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6 and setting a public hearing on June 27, 2017 to consider the 2017-18 levy and collection of assessments within Landscape Maintenance Assessment District No. 1.

*Community & Economic Development; Tina Rocha , 577-5211, trocha@modestogov.com*

**ACTION:** Continued to May 9, 2017 Council meeting.

Consent

14. Consider amending Section 3 (Community Development Block Grant Programs) of the Housing and Urban Development Policies & Procedure Manual. (Funding Source: Community Development Block Grant Funds)

- Resolution amending Section 3 (Community Development Block Grant Programs) of the Housing and Urban Development Policies & Procedure Manual.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-165 (Kenoyer/Ah You; 7/0)** amending Section 3 (Community Development Block Grant Programs) of the Housing and Urban Development Policies & Procedure Manual.

Consent

15. Consider approving a Microsoft Enterprise Agreement with Insight Public Sector Inc., Tempe, AZ, for an estimated cost of \$80,000 annually or \$240,000 over three years. (Funding Source: Information Technology Fund)

- Resolution approving the renewal of the Microsoft Enterprise Agreement (MSEA) for the Microsoft Enterprise products through the County of Riverside Cooperative Agreement No. RIVCO-20800-009-12/19 with Insight Public Sector for an estimated cost of \$80,000 annually or \$240,000 over three years, and authorizing the Acting City Manager, or his designee to sign the agreement.

*Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Resolution 2017-166 (Kenoyer/Ah You; 7/0)** approving the renewal of the Microsoft Enterprise Agreement (MSEA) for the Microsoft Enterprise products through the County of Riverside Cooperative Agreement No. RIVCO-20800-009-12/19 with Insight Public Sector for an estimated cost of \$80,000 annually or \$240,000 over three years, and authorizing the Acting City Manager, or his designee to sign the agreement.

Consent

16. Consider approving a one-year agreement with TriTech Software Solutions, San Diego, CA, to upgrade the Records Management System at the Modesto Police Department for an estimated cost of \$582,202, and amending the 2016-17 Operating and Capital Improvement Budgets. (Funding Source: 3120 – Special Funding for Capital Outlay – General Fund)

- Resolution approving the purchase of an upgrade to the Records Management

System at the Modesto Police Department from TriTech Software Solutions, San Diego, CA, and authorizing the Acting City Manager or his designee, to execute the agreement for a one year term, in a form approved by the City Attorney, for a total of \$582,202.

- Resolution authorizing the Acting City Manager, or his designee, to amend the Fiscal Year 2016-2017 Operating and Capital Improvement Budgets to appropriate expenditures of approximately \$582,202 for the Modesto Police Department's purchase of an upgrade to the Records Management System.

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

**ACTION: Resolution 2017-167 (Kenoyer/Ah You; 7/0)** approving the purchase of an upgrade to the Records Management System at the Modesto Police Department from TriTech Software Solutions, San Diego, CA, and authorizing the Acting City Manager or his designee, to execute the agreement for a one year term, in a form approved by the City Attorney, for a total of \$582,202.

**ACTION: Resolution 2017-168 (Kenoyer/Ah You; 7/0)** authorizing the Acting City Manager, or his designee, to amend the Fiscal Year 2016-2017 Operating and Capital Improvement Budgets to appropriate expenditures of approximately \$582,202 for the Modesto Police Department's purchase of an upgrade to the Records Management System.

#### Consent

17. Consider approving an Agreement with Provost & Pritchard Consulting Group, Inc., Modesto, CA, for design services for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project in the amount of \$107,710; and amending the Fiscal Year 2016-2017 Capital Improvement Program Budget in the amount of \$115,000. (Funding Source: Water Fund - CIP)

- Resolution approving an Agreement with Provost & Pritchard Consulting Group, Inc., Modesto, CA, for design services for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project, in an amount not to exceed \$97,918 for the identified scope of services, plus \$9,792 for additional services (if needed), for a maximum total amount of \$107,710, and authorizing the Acting City Manager, or his designee, to execute the agreement.
- Resolution amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$115,000 to be transferred into the project from Water Fund Reserves in order to fully fund the design services including staff time for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project.

*Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2017-169 (Kenoyer/Ah You; 7/0)** approving an Agreement with Provost & Pritchard Consulting Group, Inc., Modesto, CA, for design services for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project, in an amount not to exceed \$97,918 for the identified scope of services, plus \$9,792 for additional services (if needed), for a maximum total amount of \$107,710, and authorizing the Acting City Manager, or his designee, to execute the agreement.

**ACTION: Resolution 2017-170 (Kenoyer/Ah You; 7/0)** amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$115,000 to be transferred into the project from Water Fund Reserves in order to fully fund the design services including staff time for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer attended a Multiple Sclerosis Walk at Beyer Park on Saturday and Day of the Child at Fairview Park; she also announced a Special Olympics event on Saturday at the Howard Training Center.

Councilmember Ah You attended the El Concilio “Love and Unity” community event last Friday.

Councilmember Madrigal attended the "Walk a Mile in Her Shoes", La Loma Neighborhood Maypole, and Day of the Child at Fairview Park events on Saturday; he also announced the Cinco de Mayo Parade this Saturday.

Councilmember Grewal announced the Boys and Girls Club Stanislaus’ Rib Cook Off event next Saturday.

Councilmember Zoslocki also announced the Boys and Girls Club Stanislaus’ Rib Cook Off event between Modesto Fire Department and Modesto Police Department.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **HEARINGS**

*Published in the Modesto Bee on April 21, 2017; Councilmember Grewal, Mayor Brandvold absent due to conflict of interest*

18. Hearing to consider an Amendment to the Kiernan Business Park Specific Plan to further define allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly regarding ancillary retail uses. (Funding Source: Not Applicable)
  - Resolution approving Amendment No. 6 to the Kiernan Business Park Specific Plan to further define allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly regarding ancillary retail uses.
  - Resolution approving an addendum to the previously certified Kiernan Business Park Specific Plan Amendment No. 4 Program EIR (SCH No. 2007062071) for Kiernan Business Park Specific Plan Amendment No. 6 to further define allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly regarding ancillary retail uses.

*Community & Economic Development; Patrick Kelly, 577-5267,  
pkelly@modestogov.com*

**ACTION: Resolution 2017-171 (Ridenour/Madrigal; 5/0; Grewal, Mayor Ridenour absent due to conflict of interest)** approving Amendment No. 6 to the Kiernan Business Park Specific Plan to further define allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly regarding ancillary retail uses.

**ACTION: Resolution 2017-172 (Ridenour/Madrigal; 5/0; Grewal, Mayor Brandvold absent due to conflict of interest)** approving an addendum to the previously certified Kiernan Business Park Specific Plan Amendment No. 4 Program EIR (SCH No. 2007062071) for Kiernan Business Park Specific Plan Amendment No. 6 to further define allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly regarding ancillary retail uses.

*Recess at 7:51 p.m.*

*Reconvened at 8:00 p.m.*

*Published in the Modesto Bee on March 28, 2017 and Vida en el Valle on March 29, 2017; continued to the May 9, 2017 City Council Meeting*

19. Hearing to consider approving the City of Modesto Program Year 2017-18 Annual Action Plan. (Funding Source: Community Development Block Grant, HOME Investment Partnerships and Emergency Solutions Grant funds)

- Item continued to the May 9th City Council Meeting.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION:** Item continued to the May 9th City Council Meeting.

*Published in the Modesto Bee and Vida en el Valle on April 19, 2017*

20. Hearing to consider approving a grant application for Federal Transit Administration Section 5339 transit funds in the amount of \$1,092,489. (Funding Source: Federal Transit Administration Section 5339 FFY 2013-2014 and FFY 2014-2015 formula apportionments)

- Resolution approving the submittal of a Grant Application to the Federal Transit Administration (FTA) Requesting \$1,092,489 in FTA Section Funds for the purchase of two commuter buses for the Modesto Area Express (MAX) Transit System, and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances and all other necessary documents with the FTA.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-173 (Zoslocki/Madrigal; 7/0)** approving the submittal of a Grant Application to the Federal Transit Administration (FTA) Requesting \$1,092,489 in FTA Section Funds for the purchase of two commuter buses for the Modesto Area Express (MAX) Transit System, and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances and all other necessary documents with the FTA.

## **NEW BUSINESS**

21. Consider approving a professional services agreement with Dokken Engineering of Folsom, CA in an amount not to exceed \$6.4 million to prepare Plans, Specifications and Estimates for the State Route 132 West Freeway/Expressway – Phase 1 Project plus \$600,000 for additional services, if needed, and amending the Fiscal Year 2016-2017 Capital Improvement Program budget to appropriate \$4.0 million of Streets Capital Facilities Fee funds and \$6,000,000 of Regional Measure L funds. (Funding Source: Streets Capital Facilities Fee and Regional Measure L)
- Resolution approving an agreement with Dokken Engineering of Folsom, CA for consultant services for the preparation of plans, specifications and estimates (PS&E) for the SR-132 West Freeway/Expressway – Phase 1 Project in an amount not to exceed \$6,400,000 for the identified scope of services, plus \$600,000 for additional services (if needed) for a total amount of \$7,000,000; and authorizing the Acting City Manager or his designee to execute the contract, in a form approved by the City Attorney.
  - Resolution amending the Fiscal Year 2016-2017 Capital Improvement Program budget in the amount of \$10 Million as shown in Exhibit A in order to fully fund the agreement with Dokken Engineering for the preparation of Plans, Specifications and Estimates and for associated support services for the SR- 132 West Freeway/Expressway – Phase 1 Project.
- Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2017-174 (Zoslocki/Madrigal; 7/0)** approving an agreement with Dokken Engineering of Folsom, CA for consultant services for the preparation of plans, specifications and estimates (PS&E) for the SR-132 West Freeway/Expressway – Phase 1 Project in an amount not to exceed \$6,400,000 for the identified scope of services, plus \$600,000 for additional services (if needed) for a total amount of \$7,000,000; and authorizing the Acting City Manager or his designee to execute the contract, in a form approved by the City Attorney.

**ACTION: Resolution 2017-175 (Zoslocki/Madrigal; 7/0)** amending the Fiscal Year 2016-2017 Capital Improvement Program budget in the amount of \$10 Million as shown in Exhibit A in order to fully fund the agreement with Dokken Engineering for the preparation of Plans, Specifications and Estimates and for associated support services for the SR- 132 West Freeway/Expressway – Phase 1 Project.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 8:30 p.m.

#### **CLOSED SESSION**

*All Closed Session Matters were heard following the regularly scheduled Council meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION One Case**  
(Pursuant to Section 54956.9(d)(1) of the Government Code) Name of case: Patricia and Wade  
Mugrauer v. COM, et al. Case No. 1:16-cv-00480-AWI-SAB

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Two Cases**  
(Pursuant to Section 54956.9(d)(2) of the Government Code)

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL  
WORKSHOP**

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

**Monday, May 8, 2017, at 5:00 p.m.**

Roll Call – Present: Councilmembers Ridenour, Madrigal and Kenoyer (alternate)  
Absent: Councilmember Ah You

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider accepting an informational update from the Police Department on the 100 Day Committee Action Plans addressing the City of Modesto Strategic Plan Commitment Area of Great Safe Neighborhoods. (Funding Source: Not Applicable)  
*Police; Rick Armendariz, 342-6142, armendarizr@modestopd.com*

**ACTION: Motion (Madrigal/Kenoyer; 3/0)** accepting an informational update from the Police Department on the 100 Day Committee Action Plans addressing the City of Modesto Strategic Plan Commitment Area of Great Safe Neighborhoods.

2. Consider accepting an informational update from the Fire Department on the 100 Day Committee Action Plans addressing the City of Modesto Strategic Plan Commitment Area of Great Safe Neighborhoods. (Funding Source: Not Applicable)  
*Fire; Alan Ernst, 572-9869, aernst@modestofire.com*

**ACTION: Motion (Madrigal/Kenoyer; 3/0)** accepting an informational update from the Fire Department on the 100 Day Committee Action Plans addressing the City of Modesto Strategic Plan Commitment Area of Great Safe Neighborhoods.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:26 p.m.

Attest: \_\_\_\_\_  
Rick Armendariz, Interim Deputy City Manager

## MINUTES

City of Modesto  
**CITY COUNCIL WORKSHOP**  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday May 09, 2017, at 2:00 p.m.

City of Modesto  
**CITY COUNCIL MEETING**  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday May 09, 2017, at 5:30 p.m.

Roll Call – Present Councilmembers Grewal (arrived at 2:15 p.m.), Kenoyer, Madrigal (arrived at 2:07 p.m.), Ridenour, Zoslocki, Mayor Brandvold  
Absent: Councilmember Ah You

### CITY COUNCIL WORKSHOP

### PUBLIC COMMENT PERIOD

None.

1. Continued discussion and possible direction to staff regarding marijuana uses and potential economic impacts; with specific discussion and direction regarding possible collaboration with Stanislaus County, and a possible City tax on marijuana commercial activity (Funding Source: Not Applicable)  
*Community and Economic Development; Cindy Birdsill, 341-2938, cbirdsill@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 5/1; Zoslocki no; Ah You absent) directing staff to work on a general tax for possible placement on the November 7, 2017 election ballot.**

**ACTION: Motion (Mayor/Madrigal; 6/0; Ah You absent) directing formation of ad hoc Council Committee (Mayor Brandvold, Councilmembers Grewal and Kenoyer) to work with staff on ballot language and tax rate and forward to Council.**

## ADJOURNMENT OF COUNCIL WORKSHOP

This Council Workshop adjourned at 3:40 p.m.

## CITY COUNCIL MEETING

Roll Call – Present Councilmembers Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: Councilmember Ah You

Pledge of Allegiance to the Flag

Invocation: Scott Nelson, Covenant Grove Church

City Clerk's Announcements: Item 17 - continued to May 23, 2017 Council meeting

Declaration of Conflicts of Interest: Grewal - Items 8 and 9

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

2. Presentation of Proclamation declaring May 7-13, 2017 as Public Service Recognition Week. (Funding Source: Not Applicable)  
*City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com*

**ACTION:** Mayor Ted Brandvold presented a Proclamation declaring May 7-13, 2017 as Public Service Recognition Week.

3. Presentation of Proclamation declaring May 21-27, 2017 as National Public Works Week. (Funding Source: Not Applicable)  
*Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation to Public Works Director Bill Sandhu declaring May 21-27, 2017 as National Public Works Week.

4. Presentation of the 2017 Amgen Status Update. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Community and Economic Development Department Business Manager Laurie Smith presented a 2017 Amgen Status Update.

## PUBLIC COMMENT PERIOD

- John Mataka spoke regarding Public Records Act request regarding Ann Coulter event on April 28, 2017.
- Bob Fores announced Ride for Mom event on May 13, 2017 at Johansen High School.

### CONSENT ITEMS – ROLL CALL VOTE REQUIRED

**ACTION CONSENT ITEMS 5-7; 10-16: (Kenoyer/Zoslocki; 6/0; Ah You absent)**

**ACTION CONSENT ITEMS 8-9: (Kenoyer/Zoslocki; 5/0; Ah You absent; Grewal 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 May 2, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the May 2, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 6/0; Ah You absent)** approving the minutes from the May 2, 2017 Council Meeting.

#### Consent

6. Consider rejecting all bids for the Tully Road & 9th Street Pavement Rehabilitation Project and authorizing City staff to re-advertise the project at a future date with an amended scope of work. (Funding Source: Regional Surface Transportation Program Funds)
  - Resolution rejecting all bids for the Tully Road & 9th Street Pavement Rehabilitation Project and authorizing City staff to re-advertise the project at a future date with an amended scope of work.  
*Community & Economic Development; Phillip Soares, 577-5258, psoares@modestogov.com*

**ACTION: Resolution 2017-176 (Kenoyer/Zoslocki; 6/0; Ah You absent)** rejecting all bids for the Tully Road & 9th Street Pavement Rehabilitation Project and authorizing City staff to re-advertise the project at a future date with an amended scope of work.

#### Consent

7. Consider approving an Agreement with Union Pacific Railroad Company, a Delaware Corporation, in the amount of \$217,395, to acquire a parcel of land consisting of

33,968 square feet (0.78 acres) for the Modesto Junior College Bike Path Phase II Project, amending the Fiscal Year 2016-17 Capital Improvement Budget, and approving an \$80,000 interfund loan. (Funding Source: Active Transportation Program grant, Capital Facility Fee-Air Quality, Capital Facility Fee-Streets)

- Resolution approving a Purchase Agreement with Union Pacific Railroad Company, for acquisition of a 33,968 square feet (0.78 acres) portion of real property located between College Avenue and Campus Way (State Board of Equalization parcel number 843-50-3D), in the amount of \$217,395, for the Modesto Junior College Bike Path Phase II Project, and authorizing the Acting City Manager, or his designee, to execute the agreement and all related documents required to close escrow.
- Resolution accepting the Quit Claim Deed from Union Pacific Railroad Company and authorizing the Acting City Manager, or his designee, to sign the Certificate of Acceptance for the Quit Claim Deed for the Modesto Junior College Bike Path Phase II Project located between College Avenue and Campus Way, (State Board of Equalization parcel number 843-50-3D) to be conveyed to the City of Modesto for the Modesto Junior College Bike Path Phase II Project.
- Resolution amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount as shown in Exhibit A in order to fully fund the land acquisition required for the Modesto Junior College Bike Path Phase II project.
- Resolution approving a loan of \$80,000 from the Capital Facilities Fees (CFF) Streets Fund to the Capital Facilities Fees Air Quality Fund for the project entitled “Modesto Junior College Bike Path Phase II” and establishing a repayment schedule, amortized over five years, from future Air Quality Capital Facilities Fees.

*Community & Economic Development; Michael Sacuskie, 571-5552,  
msacuskie@modestogov.com*

**ACTION: Resolution 2017-177 (Kenoyer/Zoslocki; 6/0; Ah You absent)** approving a Purchase Agreement with Union Pacific Railroad Company, for acquisition of a 33,968 square feet (0.78 acres) portion of real property located between College Avenue and Campus Way (State Board of Equalization parcel number 843-50-3D), in the amount of \$217,395, for the Modesto Junior College Bike Path Phase II Project, and authorizing the Acting City Manager, or his designee, to execute the agreement and all related documents required to close escrow.

**ACTION: Resolution 2017-178 (Kenoyer/Zoslocki; 6/0; Councilmember Ah You absent)** accepting the Quit Claim Deed from Union Pacific Railroad Company and authorizing the Acting City Manager, or his designee, to sign the Certificate of Acceptance for the Quit Claim Deed for the Modesto Junior College Bike Path Phase II Project located between College Avenue and Campus Way, (State Board of Equalization parcel number 843-50-3D) to be conveyed to the City of Modesto for the Modesto Junior College Bike Path Phase II Project.

**ACTION: Resolution 2017-179 (Kenoyer/Zoslocki; 6/0; Ah You absent)** amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount as shown in Exhibit A in order to fully fund the land acquisition required for the Modesto Junior College Bike Path Phase II project.

**ACTION: Resolution 2017-180 (Kenoyer/Zoslocki; 6/0; Ah You absent)** approving a loan

of \$80,000 from the Capital Facilities Fees (CFF) Streets Fund to the Capital Facilities Fees Air Quality Fund for the project entitled “Modesto Junior College Bike Path Phase II” and establishing a repayment schedule, amortized over five years, from future Air Quality Capital Facilities Fees.

Consent; *continued from May 2, 2017 Council meeting; Councilmember Grewal absent due to conflict of interest*

8. Consider approving Fiscal Year 2017-18 Engineer’s Report and setting a public hearing for the levy and collection of assessments for landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Landscape Maintenance District No. 1)
  - Resolution accepting Fiscal Year 2017-2018 Engineer’s Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6; Notice of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 and setting a Public Hearing on June 27, 2017 to Consider the Fiscal Year 2017-2018 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

*Community & Economic Development; Tina Rocha , 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-181 (Kenoyer/Zoslocki; 5/0; Ah You absent; Grewal absent due to conflict of interest)** accepting Fiscal Year 2017-2018 Engineer’s Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6; Notice of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 and setting a Public Hearing on June 27, 2017 to Consider the Fiscal Year 2017-2018 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

Consent; *continued from May 2, 2017 Council meeting; Councilmember Grewal absent due to conflict of interest*

9. Consider approving the Fiscal Year 2017-18 Engineer’s Annual Report and setting a public hearing for the levy and collection of assessment for landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2. (Funding Source: Landscape Maintenance District No. 2)
  - Resolution accepting Fiscal Year 2017-18 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; Notice of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision and setting a Public Hearing on June 27, 2017 to consider the levy and collection of

assessments within Landscape Maintenance Assessment District No. 2.  
*Community & Economic Development; Tina Rocha, 577-5211,  
trocha@modestogov.com*

**ACTION: Resolution 2017-182 (Kenoyer/Zoslocki; 5/0; Ah You absent; Grewal absent due to conflict of interest)** accepting Fiscal Year 2017-18 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; Notice of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision and setting a Public Hearing on June 27, 2017 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

Consent; *continued from May 2, 2017 Council meeting*

10. Consider approving Fiscal Year 2017-18 Engineer's Report and setting a public hearing for the levy and collection of assessments for the maintenance and service of 77 street lights within the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
  - Resolution accepting the Fiscal Year 2017-18 Engineer's Report for the Shackelford Landscape and Lighting District; Notice of Intention to Levy and Collect Assessments for the Shackelford Landscape and Lighting District; and setting a public hearing on the proposed assessments to be held on June 27, 2017 to consider the 2017-18 levy and collection of assessments within Shackelford Landscape and Lighting District.

*Community & Economic Development; Tina Rocha , 577-5211,  
trocha@modestogov.com*

**ACTION: Resolution 2017-183 (Kenoyer/Zoslocki; 6/0; Ah You absent)** accepting the Fiscal Year 2017-18 Engineer's Report for the Shackelford Landscape and Lighting District; Notice of Intention to Levy and Collect Assessments for the Shackelford Landscape and Lighting District; and setting a public hearing on the proposed assessments to be held on June 27, 2017 to consider the 2017-18 levy and collection of assessments within Shackelford Landscape and Lighting District.

Consent

11. Consider accepting the Monthly Investment Report for February, 2017. (Funding Source: Not Applicable)
  - Motion accepting the Monthly Investment Report for February, 2017.

*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 6/0; Ah You absent)** accepting the Monthly Investment Report for February, 2017.

Consent

12. Consider approving the submission of a grant application to the FM Global Fire Prevention Grant Program to purchase bi-lingual fire safety materials and for a Sparky

the Fire Dog mascot/costume for approximately \$3,800. (Funding Source: General Fund)

- Resolution approving the submission of a grant application to the FM Global Fire Prevention Grant Program for approximately \$3,800 for the purchase of bi-lingual fire safety materials and the purchase of a Sparky the Fire Dog mascot/costume and authorizing the Acting City Manager, or his designee, to execute all grant applications and related documents.

*Fire; Kristin Rawlinson, 571-5142, krawlinson@modestofire.com*

**ACTION: Resolution 2017-184 (Kenoyer/Zoslocki; 6/0; Ah You absent)** approving the submission of a grant application to the FM Global Fire Prevention Grant Program for approximately \$3,800 for the purchase of bi-lingual fire safety materials and the purchase of a Sparky the Fire Dog mascot/costume and authorizing the Acting City Manager, or his designee, to execute all grant applications and related documents.

#### Consent

13. Consider approving the submission of a Fire Prevention and Safety Grant Application to the Federal Emergency Management Agency for approximately \$143,000 to acquire a Combination Sprinkler and Fire Safety House Demonstration Trailer and a 1-Ton Pickup with a required one-time cost share of 5%, or an estimated \$7,150. (Funding Source: General Fund)

- Resolution approving the submission of a Fire Prevention and Safety Grant Application to the Federal Emergency Management Agency for approximately \$143,000 to acquire a Combination Sprinkler and Fire Safety House Demonstration Trailer and a 1-Ton Pickup with a required a one-time cost share of 5%, or an estimated \$7,150, and authorizing the Acting City Manager, or his designee, to execute all grant applications and related documents.

*Fire; Kristin Rawlinson, 571-5142, krawlinson@modestofire.com*

**ACTION: Resolution 2017-185 (Kenoyer/Zoslocki; 6/0; Ah You absent)** approving the submission of a Fire Prevention and Safety Grant Application to the Federal Emergency Management Agency for approximately \$143,000 to acquire a Combination Sprinkler and Fire Safety House Demonstration Trailer and a 1-Ton Pickup with a required a one-time cost share of 5%, or an estimated \$7,150, and authorizing the Acting City Manager, or his designee, to execute all grant applications and related documents.

#### Consent

14. Consider approving an Amendment to an Agreement with Axon Enterprises, Inc., Scottsdale, AZ, also formerly known as Taser International, Inc., to reduce costs by a total of \$305,998 over the remaining term of the contract; and cancelling the portion of the Agreement related to Axon Fleet. (Funding Source: General Fund)

- Resolution approving an Amendment to the current contract with Axon Enterprises, Inc., formerly known as Taser International, Inc., and reducing the total contract amount to \$1,492,798, due to the cancelation of Axon Fleet related hardware and software, and authorizing the Acting City Manager, or his designee, to execute the contract amendment.

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

**ACTION: Resolution 2017-186 (Kenoyer/Zoslocki; 6/0; Ah You absent)** approving an Amendment to the current contract with Axon Enterprises, Inc., formerly known as Taser International, Inc., and reducing the total contract amount to \$1,492,798, due to the cancellation of Axon Fleet related hardware and software, and authorizing the Acting City Manager, or his designee, to execute the contract amendment.

Consent

15. Consider approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for design, bid period and well equipping support services for the Del Rio Replacement Well 271 Project in the amount of \$855,690. (Funding Source: Water Fund - CIP)
- Resolution approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for design services for the Del Rio Replacement Well 271 Project, in an amount not to exceed \$777,900 for the identified scope of services, plus \$77,790 for additional necessary services, for a maximum total amount of \$855,690, and authorizing the Acting City Manager, or his designee, to execute the agreement.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2017-187 (Kenoyer/Zoslocki; 6/0; Ah You absent)** approving an Agreement with West Yost Associates, Inc., Pleasanton, CA, for design services for the Del Rio Replacement Well 271 Project, in an amount not to exceed \$777,900 for the identified scope of services, plus \$77,790 for additional necessary services, for a maximum total amount of \$855,690, and authorizing the Acting City Manager, or his designee, to execute the agreement.

Consent

16. Consider approving a two-year Agreement with three one-year extension options for generator preventative maintenance and repair services from Central California Generator, Riverbank, CA, for an estimated annual cost of \$115,000, and over five years of \$575,000. (Funding Source: Wastewater and Water Funds)
- Resolution approving a two-year Agreement with three one-year extension options for generator preventative maintenance and repair services to Central California Generator, Riverbank, CA, for an estimated annual cost of \$115,000, and over five years of \$575,000, and authorizing the City Manager, or his designee, to issue a purchasing agreement.

*Utilities; Laura Anhalt, 577-6224, lanhalt@modestogov.com*

**ACTION: Resolution 2017-188 (Kenoyer/Zoslocki; 6/0; Ah You absent)** approving a two-year Agreement with three one-year extension options for generator preventative maintenance and repair services to Central California Generator, Riverbank, CA, for an estimated annual cost of \$115,000, and over five years of \$575,000, and authorizing the City Manager, or his designee, to issue a purchasing agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Cinco de Mayo Parade and Special Olympics events on Saturday; she also attended the Stanislaus' Rib Cook-Off event on Saturday night benefitting the Boys & Girls Clubs of Stanislaus County.

Councilmember Zoslocki also attended the Stanislaus' Rib Cook-Off event on Saturday night benefitting the Boys & Girls Clubs of Stanislaus County.

Councilmember Madrigal attended the Cinco de Mayo parade on Saturday morning; he also attended the Stanislaus' Rib Cook-Off on Saturday night benefitting the Boys & Girls Clubs of Stanislaus County; he also attended a neighborhood meeting on Laurel Avenue on Monday.

### **CITY MANAGER COMMENTS & REPORTS**

City Attorney Lindgren attended the City Attorney Annual Conference last week.

### **HEARINGS**

*Published in the Modesto Bee on March 28, 2017 and Vida en el Valle on March 29, 2017; Continued from the May 2 and May 9, 2017 City Council Meetings and **continued to May 23, 2017 City Council Meeting***

17. Consider approving the City of Modesto Program Year 2017-2018 Annual Action Plan. (Funding Source: Community Development Block Grant, HOME Investment Partnerships and Emergency Solutions Grant funds)
  - Continued to the May 23, 2017 City Council Meeting.  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION:** Continued to the May 23, 2017 City Council Meeting.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 6:20 p.m.

### **CLOSED SESSION**

*All Closed Session Matters heard prior to the meeting*

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

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

Name of case(s): Jim Adams v. City of Modesto

California Workers Compensation Appeals Board

Nos. ADJ7601043 and ADJ7766792

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)

Case No. 667396

Newman v. City of Modesto, et al.

Case No. 2015780

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Two Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto  
**HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

Wednesday, May 10, 2017, at 2:00 p.m.

Roll Call: Present: Chair Zoslocki, Vice Chair Brandvold; Member Kenoyer  
Absent: None  
Also Present: Councilmember Ridenour

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

None.

## NEW BUSINESS

1. Consider removing Article XV, Section 1500 of the City Charter regarding the method of election for the Board of Education and forwarding to Council for approval.

(Funding Source: Not Applicable)

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

**ACTION: Motion (Kenoyer/Brandvold; 3/0)** directing staff to work with the Modesto City Schools District, research issues to move forward, and return to the August 9, 2017 Health Economy Committee meeting.

2. Consider recommending angled parking along the west side of 15th Street between F Street and G Street, rescinding Resolution 2016-265, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund - Traffic Operations)

*Public Works; Jeff Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 2/0; Mayor Brandvold absent due to conflict)**

recommending angled parking along the west side of 15th Street between F Street and G Street, rescinding Resolution 2016-265, and forwarding to Council for approval.

3. Consider an Ordinance amending Municipal Code Section 3-2.1401.1 to determine and designate speed limit changes and forwarding to Council for approval. (Funding

Source: Traffic Operations - Surface Transportation Fund – 1700)

*Public Works; Jeff Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Motion (Mayor Brandvold/ Kenoyer; 3/0)** approving Draft Ordinance amending Municipal Code Section 3-2.1401.1 to determine and designate speed limit changes and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 3:00 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez, Acting City Manager

**SPECIAL AGENDA**  
MODESTO PLANNING COMMISSION AND  
EFFECTIVE GOVERNMENT COMMITTEE  
MONDAY, MAY 15, 2017 - 6:00 PM  
**Minutes**

Being the hour of 6:06 pm, the meeting was called to order by Council Member Vice Chair Ah you.

**I. ROLL CALL**

Council Members Ah You, Kenoyer, Zoslocki present.

Commissioners Biring, Escutia-Braaton, Lucas, Morad, Pollard, Smith, and Vohra present.

**II. CAPITAL IMPROVEMENT PROGRAM, FY 2017-2018**

**Motion/Action (Approved)**

It was moved by Council Member Zoslocki, seconded by Council Member Kenoyer, and carried unanimously (Ah You, Kenoyer, Zoslocki, ayes; None, noes; None, absent; None, recused) that the Finance Committee recommend to the City Council approval of the FY 2017-2018 CIP Budget.

**Motion/Action (Approved)**

It was moved by Commissioner Morad, seconded by Commissioner Smith and carried by majority; (Biring, Escutia-Braaton, Lucas, Morad, Pollard, Vohra, Smith, ayes; None, noes; None, absent; None, recused) that the Planning Commission approve **RESOLUTION NO. 2017-13** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MODESTO FINDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT PROGRAM IN CONFORMANCE WITH THE MODESTO URBAN AREA GENERAL PLAN PURSUANT TO SECTION 65401 OF THE GOVERNMENT CODE (CITY OF MODESTO)

**III. ORAL COMMUNICATIONS**

None.

**IV. MATTERS TOO LATE FOR THE AGENDA**

None.

**V. ADJOURNMENT**

The meeting was adjourned at 6:45pm.

Original, signed copy on file in CEDD

Patrick Kelly, Secretary

# MINUTES

City of Modesto

## Special Effective Government Committee Meetings/ Special City Council Workshop Meetings

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

### BUDGET WORKSHOPS

Various Dates and Times

(see below)

Roll Call - Present: Councilmembers Grewal, Ah You, Zoslocki

Absent: None

Also Present: Mayor Brandvold, Councilmembers Madrigal and Kenoyer

### MONDAY – MAY 22, 2017 AT 9:00 AM TO 5:00 PM

#### **PUBLIC COMMENT PERIOD**

#### **Three minute time limit per speaker**

- Ross Campbell spoke regarding water in Modesto.
- Loretta Carhart spoke regarding watering days in Modesto.

[View the 2017/2018 Proposed Operating Budget](#)

## **NEW BUSINESS**

### **Budget Overview**

- Budget Overview Presentation
  - Revenue (Major) and Departmental (General Fund)
  - Expenses
    - Appropriation Units A, B, and C
      - High Level General Fund Departmental Expenses

Acting City Manager Joe Lopez gave Presentation of Budget Overview.

Budget Manager Stephen Christensen gave Presentation: Citywide Budget, Closing the Initial Shortfall, Fiscal Year 2017-2018 General Fund Proposed Revenues, Total General Fund Revenues, Property Tax – Property and VLF, Sales and Use Tax, Utility Users Tax, Transient Occupancy Tax, Construction Revenues, Fiscal Year 2017-2018 General Fund Proposed Expenses, Full-Time Equivalent Positions, Citywide Staffing History, Fiscal Year 2017-2018 General Fund Proforma.

*Councilmembers Ah You and Grewal left meeting at 9:50 a.m.*

*Recess at 9:50 a.m.*

*Reconvened at 10:30 a.m.*

- PERS – Human Resources Presentation

Acting City Manager Joe Lopez gave CalPERS Presentation: changes to contribution policy; substantial pension rate increase, projected employer contribution rate increases, Annual PERS contribution; retiree medical liability.

- 100 Day Committee Update
  - Update on Savings

Acting City Manager Joe Lopez introduced Fiscal Impacts of Mayor's 100 Day Committee.

Gloriette Genereux, City Manager's Office gave Presentation: Mayor's 100 Day Committee Recap, Mayor's 100 Day Committee Status, Summary of Known Fiscal Impacts, Details of Known Fiscal Impacts.

### **Fund Presentations**

- Internal Service Funds
  - Human Resources Department
    - Worker's Compensation
    - Liability

- Employee Benefits

Human Resources Director Norma Santoyo gave Presentation regarding Workers' Compensation and General Liability Internal Service Funds: Allocation Methodology; Administration Expenses; Workers' Comp Financials; Workers' Comp Fund History and Projection (5320); General Liability Fund Financials; General Liability Fund History and Projection; Ms. Santoyo also gave Employee Benefits Internal Service Fund: Employee Benefits Fund Cost Allocation Method; EBF Administration Expenses; Employee Benefits Financials; Employee Benefits Fund History and Projection.

- Information Technology

Budget Manager Stephen Christensen gave Presentation: Information Technology Internal Service Fund: Department Overview; IT ISF Components; IT Proposed Operating Budget; ITD Funding Sources; ITD Proposed Fiscal Year 2017-2018.

*Recess at 11:30 a.m.*

*Reconvened at 12:40 p.m.*

- Fleet

Public Works Director Bill Sandhu gave Presentation: Allocation Methodology; ISF Expenses; ISF Financials; Fleet ISF History and Projection.

- Building Services

Public Works Director Bill Sandhu gave Presentation: Building Services ISF Allocation Methodology; Proposed Expenses for Fund 5800 – Fiscal Year 2017-2018; Expenses/Revenues Breakdown for Fund 5800 - Fiscal Year 2017-2018; ISF Fund History and Projection.

- Utilities Funds (Water, Wastewater, Storm Drain)

- Utilities Department

Utilities Director Larry Parlin gave Presentation: Department Overview; Utilities Department 273 Full-time Employees; Salary and Benefit Expense; Fund Revenues; Full Time Employee (FTE) Count; Discretionary Expense History; Departmental Goals.

- Surface Transportation Fund

- Public Works Department

Public Works Director Bill Sandhu gave Presentation: Surface Transportation Fund Overview; Surface Transportation Organization Chart – Streets Division; Surface Transportation Organization Chart – Traffic Division; Salary and Benefit Expense; Full Time Employee Count; Discretionary Expenses; Surface Transportation Fund Total Expense History; Surface Transportation Revenue.

- Solid Waste Fund

- Public Works Department

Public Works Director Bill Sandhu gave Presentation: Solid Waste Overview; Solid Waste Organizational Chart; Salary and Benefit Expense; Full Time Employee Count; Discretionary Expenses.

- Airport Fund
  - Public Works Department

Public Works Director Bill Sandhu gave Presentation: Airport Fund Overview; Department Organization Chart; Salary and Benefit Expense; Full Time Employee Count; Discretionary Expenses.

*Recess at 1:50 p.m.*

*Reconvened at 1:55 p.m.*

- General Fund
  - City Manager's Office

Acting City Manager Joe Lopez gave Presentation: City Manager's Office Overview; City Manager's Office Organization Chart; Salary and Benefit Expense; Full Time Employee (FTE) Count; Discretionary Expense; City Manager's Office Goals for Fiscal Year 2017-2018.

- City Attorney's Office

City Attorney Adam Lindgren gave Presentation: Department Overview; Department Organization Chart; Full Time Employee (FTE) Count; Total Salary/Benefits and Discretionary Expenses; Salary and Benefit Expense; Discretionary Expense; Department Goals for Fiscal Year 2017-2018.

- City Clerk's Office

City Clerk Stephanie Lopez gave Presentation: City Clerk's Office Overview; City Clerk's Office Organization Chart; Salary and Benefit Expense; Full Time Employee (FTE) Count; Discretionary Expense; City Clerk's Office Goals for Fiscal Year 2017-2018.

- City Auditor

Acting City Manager Joe Lopez gave update on City Auditor.

- Human Resources Department

Human Resources Director Norma Santoyo gave Presentation: Human Resources Department Overview; Human Resources Organizational Chart; Salary and Benefit Expense; Full Time Employee (FTE) Count History; Discretionary Expense; Department Goals for Fiscal Year 2017-2018.

- Finance Department

Acting Finance Director DeAnna Christensen gave Presentation: Finance Department Overview; Finance Department Organization Chart; Salary and Benefit Expense; Full Time Employee (FTE) Count; Discretionary Expense; Finance Department Goals for Fiscal Year 2017-2018.

- Community & Economic Development Department

Community & Economic Development Director Cindy Birdsill gave Presentation: Community & Economic Development Overview; Department Organization Chart; Salary and Benefit Expense; Full Time Employee (FTE) Count; Discretionary Expense; Department Goals for Fiscal Year 2017-2018.

*Councilmember Grewal left meeting at 3:11 p.m.*

- Police Department

Police Chief Galen Carroll gave Presentation: Department Overview; Department Organization Chart; Salary and Benefit Expense; Full Time Employee (FTE) Count; Discretionary Expense.

- Fire Department

Acting Fire Chief Alan Ernst gave Presentation: MFD Overview; MFD Organizational Chart; Salary and Benefit Expense; Full Time Employee (FTE) Count; Discretionary Expense; MFD Goals for Fiscal Year 2017-2018.

- Parks, Recreation & Neighborhoods Department

Acting Parks, Recreation & Neighborhoods Manager Nathan Houx gave Presentation: Department Overview; Department Organizational Chart; Timeline Considerations, Salary and Benefit Expense; Full Time Employee (FTE) Count; Discretionary Expense; Department Goals for Fiscal Year 2017-2018.

- Public Works Department

Public Works Director Bill Sandhu gave Presentation: Public Works Overview; Department Organizational Chart; Salary and Benefit Expense; Full Time Employee Count; Discretionary Expenses; Transit Salary Expenses; Transit Discretionary Expenses; Fleet Salary Expenses; Fleet Discretionary Expenses; Parking Salary Expenses; Parking Discretionary Expenses; Building Services Salary Expenses; Building Services Discretionary Expenses; Public Works Administration Salary Expenses; Public Works Administration Discretionary Expenses; Department Goals for Fiscal Year 2017-2018.

Public Works Director Bill Sandhu gave Presentation (Parks Operations): Parks Operations Overview; Department Organizational Chart; Salary and Benefit Expense; Full Time Employee Count; Parks Operations Discretionary Expenses.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 4:05 p.m.; will reconvene on May 24, 2017 at 1:00 p.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto

### Special Effective Government Committee Meetings/ Special City Council Workshop Meetings

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

### BUDGET WORKSHOPS

Various Dates and Times

(see below)

Roll Call - Present: Councilmembers Grewal, Zoslocki and Kenoyer (alternate)

Absent: Ah You

Also Present: Mayor Brandvold, Councilmember Madrigal (arrived at 1:45 p.m.)

### WEDNESDAY – MAY 24, 2017 AT 1:00 PM

#### PUBLIC COMMENT PERIOD

Three minute time limit per speaker

None.

#### NEW BUSINESS (continued)

#### Other Topics

- Revenue Manual

Acting City Manager Joe Lopez gave introduction regarding revenues for the City of Modesto.

Gloriette Genereux gave Presentation: Agenda – May 24, 2017; Background; How the Revenue Manual Fits into the Budget Process; Example from the Revenue Manual; Proposed Fee Changes; Presentation of Proposed Fee Changes – Credit Card Fees; Credit Card Fees – Cost to City Based on Fiscal Year 2016-2017 Estimates; Credit Card Fees – Informational Data; Credit Card – Service Fee Modesto and Convenience Fee; Example of Fee Structure for other California cities; Next Steps.

*Councilmember Zoslocki absent due to conflict*

Public Works Operations Manager Steve Fischio gave Presentation: Presentation of Proposed Fee Changes – Airport Fees; Airport Infrastructure; Airport Proforma; Expenses and Revenue; Airport Fee/Rate Comparison to Other Cities; Recommended Airport Fee Increase.

*Recess at 1:55 p.m.*

*Reconvened at 2:06 p.m.*

Kelly Gallagher, Parks Operations Manager: Presentation of Proposed Fee Changes – Parking Fees; Parking Fee Structure; Maintenance Needs in Parking Facilities; Proposed Hourly Rate Increase; Parking Fees Comparison with Other Cities; Staff Recommendation; Other Fee Changes Being Considered.

- Potential New Revenue Sources Discussion
  - Adjustments to Various Fees

Gloriette Genereux gave Presentation: Other Fee Changes Being Considered – Mansion and Museum Admission Fees, Comprehensive Fee Task Force Update, including a technology fee; Fire Department – non-development fees; Parks, Recreation & Neighborhoods Fee Study; Solid Waste Fee Study; Others: Road Closures, Film/Photography Ordinance, and Centre Plaza Fee Study.

Deliberation and Staff Follow-Up:

Budget Manager Stephan Christensen gave Presentation: Report Back-Fleet Fund Balance Inquiry: Fleet Fund Surcharge for Facility; Fleet Operating Fund Reserve Calculation; Fleet Operating Fund Reserve Calculation.

**ACTION: Motion (Kenoyer/Zoslocki; 3/0 )** directing the Effective Government Committee forward the 2017-2018 draft budget to the full City Council for consideration to be scheduled at a time after the Mayor’s Final Budget Modifications are delivered to the City Council under City Charter Section 1303, such modifications being due at least 30 days prior to the new Fiscal Year.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 3:33 p.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday May 23, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold  
Absent: Councilmember Ridenour

Pledge of Allegiance to the Flag

Invocation: Michael Schefelbein, College Avenue United Church of Christ

City Clerk's Announcements: Item 8 - continued to June 6, 2017 Council meeting;  
Item 13 - removed from Agenda; Item 23 - continued to June 27, 2017 Council meeting

Declaration of Conflicts of Interest: None

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring June 2017 "Disability Awareness Month." (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Mayor Ted Brandvold presented a Proclamation declaring June 2017 "Disability Awareness Month."

2. Presentation by Chris Murphy with an update of the Modesto Historic Cruise Route and the 2017 Walk of Fame inductees. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Chris Murphy presented an update of the Modesto Historic Cruise Route and the 2017 Walk of Fame inductees.

3. Presentation of PG&E's Community Pipeline Safety Initiative. (Funding Source: Not Applicable)  
*City Manager; Joe Lopez, 577-5404, joelopez@modestogov.com*

**ACTION:** Thomas Reeves from PG&E gave an update on PG&E's Community Pipeline Safety Initiative and discussed the remaining project at Beard Brook Park.

4. Presentation of PG&E's Dig-In Reduction Project. (Funding Source: Not Applicable)  
*City Manager; Joe Lopez, 577-5404, joelopez@modestogov.com*

**ACTION:** Thomas Reeves from PG&E discussed the 811 Call Before You Dig program, and announced an incentive-based challenge to help reduce the number of dig-ins in Modesto.

### MISCELLANEOUS

Legislation  
Appointments  
Other

5. Consider accepting the resignation of Jay Lomeli from the Disabled Access Appeals Board. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Jay Lomeli from the Disabled Access Appeals Board.  
*Community & Economic Development; William Crew, 577-5242, wcrew@modestogov.com*

**ACTION: Resolution 2017-189 (Kenoyer/Madrigal; 6/0; Ridenour absent)** accepting the resignation of Jay Lomeli from the Disabled Access Appeals Board.

6. Consider approving the appointment of Amin Vohra as the Planning Commission representative to the Board of Zoning Adjustment for 2017. (Funding Source: Not Applicable)
  - Resolution approving the appointment of Amin Vohra as the 2017 Planning Commission representative to the Board of Zoning Adjustment with a term expiration of December 31, 2017.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-190 (Grewal/Madrigal; 6/0; Ridenour absent)** approving the appointment of Amin Vohra as the 2017 Planning Commission representative to the Board of Zoning Adjustment with a term expiration of December 31, 2017.

### PUBLIC COMMENT PERIOD

- Sterling Fountain spoke regarding events at the King-Kennedy Center and partnership with City of Modesto Parks, Recreation & Neighborhoods Department; she requested funding (\$4,291.00) for the Juneteenth Celebration.
- Sebastian Jones spoke regarding funding for the Juneteenth Celebration at King-Kennedy Center.
- Ruby Kennedy spoke regarding the poor conditions on the West Side of Modesto and

cleaning up the area on California Street.

- Audrey Spearman spoke in support of the King-Kennedy Board of Directors.
- Gladys Williams, President of NAACP, spoke in support of funding for the Juneteenth Celebration.
- George Russell, member of the King-Kennedy Board of Directors, spoke regarding the condition of the King-Kennedy Center.
- Debra Harper spoke regarding the City of Modesto and law enforcement.
- Jacque Wilson spoke in support of Advocates for Justice and funding for the Juneteenth Celebration at the King-Kennedy Center.
- Rickey McGill spoke regarding Modesto City Schools and the City of Modesto.
- Diane Pouliot spoke regarding the need for California Lifeline and free phones in Modesto.
- Shaunna Stunkel spoke in support of California Lifeline and free phones in Modesto.
- Tracy Potts, member of the King-Kennedy Center, spoke regarding the need for role models for youth.
- Dante Delt spoke in support of California Lifeline and free phones in Modesto.
- Debbie Barrera spoke regarding the safety of children at schools and safety violations at school sites in Modesto.
- Ruby Kennedy spoke regarding the Modesto City Schools Board district maps.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 7, 9-12; 14-21: (Kenoyer/Zoslocki; 6/0; Ridenour absent)**

**CONSENT ITEMS**

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

Consent

7. Consider approving the minutes from the May 9, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the May 9, 2017 Council Meeting.

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

**ACTION: Motion (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving the minutes from the May 9, 2017 Council Meeting.

Consent – *Continued to June 6, 2017 Council meeting*

8. Consider approving amendments to the following standard Legal Services Agreements in the total amount of \$525,000: a Fourth Amendment to the Outside Counsel Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin, Second Amendment to the Outside Counsel Legal Services Agreement with The Gallagher Law Group, P.C., and Second Amendment to the Outside Counsel Legal Services Agreement with Goldfarb & Lipman, LLP. (Funding Source: Various Funds)
- Resolution approving a Fourth Amendment to the Legal Services Agreement dated June 24th, 2014 with Arata, Swingle, Van Egmond & Goodwin in an amount not to exceed \$300,000 to continue representing the City of Modesto in tort cases.
  - Resolution approving a Second Amendment to the Legal Services Agreement dated August 25th, 2016 with The Gallagher Group in an amount not to exceed \$150,000 to continue representing the City of Modesto in the Stanislaus County v. City of Modesto (Geer Rd.) case.
  - Resolution approving a Second Amendment to the Legal Services Agreement dated December 16th, 2014 with Goldfarb & Lipman, LLP in an amount not to exceed \$75,000 to continue representing the City of Modesto in preparation of housing projects and other general housing related services.

*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION:** Item continued to June 6, 2017 Council meeting.

Consent

9. Consider the annexation of 1303 Mable Avenue to City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2). (Funding Source: CFD No. 2007-1 (North Beyer Park #2))
- Resolution of Intention to Annex Territory to the City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2), authorizing the levy of a special tax within the Territory Proposed to be Annexed (Annexation #1) and rescinding Resolution 2016-345.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-191 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** of Intention to Annex Territory to the City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2), authorizing the levy of a special tax within the Territory Proposed to be Annexed (Annexation #1) and rescinding Resolution 2016-345.

Consent

10. Consider accepting the Monthly Budget Adjustments Report for March 2017 and amending Fiscal Year 2016-17, Annual Operating and Capital Improvement Budget. (Funding Source: General Fund, Bus Fixed Route Fund and Wastewater Fund)

- Resolution amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.

*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2017-192 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.

Consent

11. Consider accepting an informational report for the March 2017 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
  - Motion accepting an informational report for the March 2017 Accounts Payable Payment Register and Void report.

*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 6/0; Ridenour absent)** accepting an informational report for the March 2017 Accounts Payable Payment Register and Void report.

Consent

12. Consider approving an Agreement between the City and the State of California, Office of Emergency Services, to house and maintain a Type 2 HazMat Emergency Response Vehicle and Agreement to reimburse the City for certain training costs related to HazMat by rail program. (Funding Source: General Fund - Minimal cost to City)
  - Resolution approving an Agreement between the City of Modesto and the State of California, Office of Emergency Services, to house and maintain a Type-2 HazMat Emergency Response Vehicle and an Agreement to reimburse the City for certain training costs relating to the Hazardous Materials by Rail Training Program and authorizing the Acting City Manager, or his designee, to execute the Agreements.

*Fire; Michael Lillie, 572-9590, mlillie@modestofire.com*

**ACTION: Resolution 2017-193 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving an Agreement between the City of Modesto and the State of California, Office of Emergency Services, to house and maintain a Type-2 HazMat Emergency Response Vehicle and an Agreement to reimburse the City for certain training costs relating to the Hazardous Materials by Rail Training Program and authorizing the Acting City Manager, or his designee, to execute the Agreements.

*Removed from Agenda*

13. Consider approving a Resolution of Intention to amend the contract between the City of Modesto and the California Public Employees' Retirement System to provide a three-percent (3%) cost-sharing of Employer Contributions for Classic Members within the Safety Tier. (Funding Source: Not Applicable)
  - Resolution approving a Resolution of Intention to amend the contract between City of Modesto and the California Public Employees' Retirement System (CalPERS) to provide a three-percent (3%) cost-sharing of Employer Contributions for Classic Members within the Safety Tier.

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION:** Item removed from Agenda.

Consent

14. Consider approving a sole source three year Agreement with Accela, San Ramon, CA for the continued use of their Public Stuff platform for the GoModesto! Mobile Application at a first year cost of \$21,930 and a total cost of \$71,495. (Funding Source: Information Technology Fund)
- Resolution approving a three year Agreement with Accela, San Ramon, CA for the continued use of their Public Stuff platform for the GoModesto! Mobile Application at a first year cost of \$21,930 and a total cost of \$71,495, and authorizing the Acting City Manager or his designee to sign the agreement.  
*Information Technology; John Dickey, 577-5229, jdickey@modestogov.com*

**ACTION: Resolution 2017-194 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving a three year Agreement with Accela, San Ramon, CA for the continued use of their Public Stuff platform for the GoModesto! Mobile Application at a first year cost of \$21,930 and a total cost of \$71,495, and authorizing the Acting City Manager or his designee to sign the agreement.

Consent

15. Consider approving an agreement with Data Path, Inc., Modesto, CA, to provide information technology services to the City for a one-year term with a one-year extension option at a cost of up to \$75,000 per year for a total cost not to exceed \$150,000. (Funding Source: Information Technology Fund)
- Resolution approving an agreement with Data Path, Inc., Modesto, CA, to provide information technology services to the City for a one-year term with a one-year option to extend the agreement at a cost of up to \$75,000 per year for a total cost not to exceed \$150,000 and authorizing the Acting City Manager or his designee to execute the agreement.  
*City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com*

**ACTION: Resolution 2017-195 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving an agreement with Data Path, Inc., Modesto, CA, to provide information technology services to the City for a one-year term with a one-year option to extend the agreement at a cost of up to \$75,000 per year for a total cost not to exceed \$150,000 and authorizing the Acting City Manager or his designee to execute the agreement.

Consent

16. Consider approving the submission of Grant Applications to the California Climate Investments Urban Greening Program to fund development and construction of Virginia Corridor, Phase 7 project in an amount of \$3,193,401 and the J Street Green Street project in an amount of \$2,448,931 (no matching funds). (Funding Source: California Climate Investments Fund, CMAQ, RSTP, STBGP and Non-Motorized LTF)
- Resolution approving the submittal of a Grant Application to the California Climate

Investments Urban Greening Program for funds in the amount of \$3,193,401 to fund development and construction of Virginia Corridor Phase 7 project and authorizing the Acting City Manager, or his designee, as agent to conduct all negotiations and to execute and submit all documents which may be necessary for the completion of the project.

- Resolution approving the submittal of a Grant Application to the California Climate Investments Urban Greening Program for funds in the amount of \$2,448,931 to fund development and construction of the J Street Green Street project and authorizing the Acting City Manager, or his designee, as agent to conduct all negotiations and to execute and submit all documents which may be necessary for the completion of the project.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-196 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving the submittal of a Grant Application to the California Climate Investments Urban Greening Program for funds in the amount of \$3,193,401 to fund development and construction of Virginia Corridor Phase 7 project and authorizing the Acting City Manager, or his designee, as agent to conduct all negotiations and to execute and submit all documents which may be necessary for the completion of the project.

**ACTION: Resolution 2017-197 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving the submittal of a Grant Application to the California Climate Investments Urban Greening Program for funds in the amount of \$2,448,931 to fund development and construction of the J Street Green Street project and authorizing the Acting City Manager, or his designee, as agent to conduct all negotiations and to execute and submit all documents which may be necessary for the completion of the project.

#### Consent

17. Consider approving the submission of the Transportation Development Act Transit Claim for Fiscal Year 2017-2018 to the Stanislaus Council of Governments in the amount of \$11,952,619. (Funding Source: Transportation Development Act Funds)
  - Resolution approving submission of the City's Transportation Development Act (TDA) Transit Claim for Fiscal Year 2017-2018 to the Stanislaus Council of Governments (StanCOG) in the amount of \$11,952,619.

*Public Works; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: Resolution 2017-198 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving submission of the City's Transportation Development Act (TDA) Transit Claim for Fiscal Year 2017-2018 to the Stanislaus Council of Governments (StanCOG) in the amount of \$11,952,619.

#### Consent

18. Consider approving the purchase of a 4,000 gallon water truck from Interstate Truck Center, Stockton, CA, for a total cost of \$181,507. (Funding Source: Fleet Replacement Funds)
  - Resolution approving the award of bid for the purchase of a 4,000 gallon water

truck to Interstate Truck Center, Stockton, CA, and authorizing the Acting City Manager, or his designee, to issue a purchase order for a total cost of \$181,507.  
*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-199 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving the award of bid for the purchase of a 4,000 gallon water truck to Interstate Truck Center, Stockton, CA, and authorizing the Acting City Manager, or his designee, to issue a purchase order for a total cost of \$181,507.

Consent

19. Consider approving the purchase of twelve Police Interceptor AWD utility vehicles from Albany Ford, Albany, CA, for a total cost of \$391,546. (Funding Source: Fleet Replacement Funds)
- Resolution approving the award of bid for the purchase of twelve Ford Police Interceptor AWD Utility vehicles to Albany Ford, Albany, CA, and authorizing the Acting City Manager, or his designee, to issue a purchase order for a total cost of \$391,546.

*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-200 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving the award of bid for the purchase of twelve Ford Police Interceptor AWD Utility vehicles to Albany Ford, Albany, CA, and authorizing the Acting City Manager, or his designee, to issue a purchase order for a total cost of \$391,546.

Consent

20. Consider authorizing payment to Storer Transit Systems in the amount of \$347,284 for fixed cost adjustments for the Fiscal Year 2015-16 operation of the Modesto Area Dial-A-Ride and authorizing staff to issue Modesto Area Dial-A-Ride Operations Agreement Amendment No. 1 which redefines the term "Vehicle Service Hour". (Funding Source: Transit Funds)
- Resolution authorizing the Director of Public Works, or his designee, to issue payment to Storer Transit Systems (Storer) in the amount of \$347,284 for fixed cost adjustments for the Fiscal Year 2015-16 operation of the Modesto Area Dial-A-Ride (MADAR).
  - Resolution approving Amendment No. 1 to an agreement with Storer Transit Systems (Storer) to modify the definition of "Vehicle Service Hour" (VSH) and authorizing the Acting City Manager, or his designee, to execute Amendment No. 1.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-201 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** authorizing the Director of Public Works, or his designee, to issue payment to Storer Transit Systems (Storer) in the amount of \$347,284 for fixed cost adjustments for the Fiscal Year 2015-16 operation of the Modesto Area Dial-A-Ride (MADAR).

**ACTION: Resolution 2017-202 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving Amendment No. 1 to an agreement with Storer Transit Systems (Storer) to modify the

definition of “Vehicle Service Hour” (VSH) and authorizing the Acting City Manager, or his designee, to execute Amendment No. 1.

#### Consent

21. Consider approving agreements for On-call Grant Writing Services with Provost & Pritchard Consulting Group, Modesto, CA, RMC Water and Environment, Sacramento, CA, and West Yost Associates, Inc., Davis, CA, for one year, not to exceed \$45,000 each, with two one-year extension options for a total maximum annual expenditure of \$135,000 or \$405,000 over a three year period for all services. (Funding Source: Various Capital Improvement Program Projects)

- Resolution approving an agreement with Provost & Pritchard Consulting Group, Modesto, CA, for On-call Grant Writing 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 Acting City Manager, or his designee, to execute the agreement, and up to two one-year extension options.
- Resolution approving an agreement with RMC Water and Environment, Sacramento, CA, for On-call Grant Writing 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 Acting City Manager, or his designee, to execute the agreement, and up to two one-year extension options.
- Resolution approving an agreement with West Yost Associates, Inc., Davis, CA, for On-call Grant Writing 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 Acting City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2017-203 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving an agreement with Provost & Pritchard Consulting Group, Modesto, CA, for On-call Grant Writing 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 Acting City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

**ACTION: Resolution 2017-204 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving an agreement with RMC Water and Environment, Sacramento, CA, for On-call Grant Writing 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 Acting City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

**ACTION: Resolution 2017-205 (Kenoyer/Zoslocki; 6/0; Ridenour absent)** approving an agreement with West Yost Associates, Inc., Davis, CA, for On-call Grant Writing 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 Acting City

Manager, or his designee, to execute the agreement, and up to two one-year extension options.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer attended the following: Amgen Bike Race on May 15, 2017; Karume, Japan reception on May 16, 2017; Beyer-Sylvan Community meeting last Thursday; she also toured Veterans Center on Friday, and other events in Modesto.

Councilmember Ah You spoke regarding the recent loss of a Deputy Sheriff Garner and Community Service Officer Johnson and requested a moment of silence.

Councilmember Madrigal attended the following: Parent Resource Center event and Modesto City Schools Board meeting on May 11, 2017; ACE Train educational trip last week; a tour on Saturday of the Veterans Center; he also attended the ground breaking ceremony of Valley Children's Hospital on Saturday. He also announced a celebration at the Gallo Center for the ACE train will be held on Thursday, June 22, 2017 and he will be meeting with a local business owner to view downtown sites for a restaurant.

Councilmember Zoslocki spoke regarding Councilmember Ridenour.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **UNFINISHED BUSINESS**

22. Consider approving Outdoor Water Use Regulations for June through October 2017 from two days to three days for water customers served by the Modesto sub-basin groundwater supply or surface water. (Funding Source: Water Fund)
- Resolution approving Outdoor Water Use Regulations for June through October 2017 for water customers served by the Modesto sub-basin groundwater supply or surface water.

*Utilities; Dave Savidge, 572-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2017-206 (Madrigal/Zoslocki; 6/0; Ridenour absent)** approving Outdoor Water Use Regulations for June through October 2017 for water customers served by the Modesto sub-basin groundwater supply or surface water.

### **HEARINGS**

*Published in the Modesto Bee on March 28, 2017 and Vida en el Valle on March 29, 2017; continued from the May 2 and May 9, 2017 City Council Meeting; continued to June 27, 2017 City Council Meeting*

23. Consider approving the City of Modesto Program Year 2017-2018 Annual Action Plan. (Funding Source: Community Development Block Grant, HOME Investment Partnerships and Emergency Solutions Grant funds)
- Item continued to the June 27, 2017 City Council Meeting.

*Community & Economic Development; Tina Rocha, 577-5211,  
trocha@modestogov.com*

**ACTION:** Item continued to the June 27, 2017 City Council Meeting.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:46 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to the meeting*

**CONSENT ITEMS:**

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

1. Consider appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 086-014-006
  - Motion appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN:086-014-006  
City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com
  
2. Consider appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 067-029-032
  - Motion appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 067-029-032  
City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com
  
3. Consider appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 105-032-001
  - Motion appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 105-032-001  
City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com
  
4. Consider appointing Real Property Negotiators Cynthia Birdsill, Director of Community & Economic Development for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 106-044-005
  - Motion appointing Real Property Negotiators Cynthia Birdsill, Director of Community & Economic Development for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 106-044-005  
City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**CLOSED SESSION:**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

**(Pursuant to Section 54956.8 of the Government Code)**

Property: APN 086-014-006, North of Whitmore Rd and West of Morgan Rd.  
(15,000 sq. ft.)  
 Property Owners: City of Modesto  
 Negotiating Parties:  
     For City: Jon Yuriar, Property Agent for City of Modesto  
               Adam U. Lindgren, City Attorney for City of Modesto  
 Under Negotiation: Approve surplus property for sale

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

**(Pursuant to Section 54956.8 of the Government Code)**

Property: APN: 067-029-032, Located on Fairbairn Dr, between Randy Ave and Sonoma Park  
Property Owners: City of Modesto  
Negotiating Parties:  
For City: Jon Yuriar, Property Agent for City of Modesto  
Adam U. Lindgren, City Attorney for City of Modesto  
Under Negotiation: Approve sale of surplus property and appraised value

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

Property: APN: 105-032-001, Located at 1024 Needham St  
Property Owners: City of Modesto  
Negotiating Parties:  
For City: Jon Yuriar, Property Agent for City of Modesto  
Adam U. Lindgren, City Attorney for City of Modesto  
For Buyers: Tammy & Michael Cunha  
Under Negotiation: Approve sale of surplus property and appraised value

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

Property: Property between 9th and 10th Street, and E Street and F Street, located in Modesto, CA; APN: 106-044-005  
Property Owners: Victor Martinez/Victor & Iris Martinez TRS  
Negotiating Parties:  
For City: Cynthia Birdsill, Director of Community & Economic Development for City of Modesto  
Adam U. Lindgren, City Attorney for City of Modesto  
For Property Owners: Larry Killian, Real Estate Broker  
Under Negotiation: Possible purchase

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)  
Case No. 667396

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

**City of Modesto**  
**EFFECTIVE GOVERNMENT COMMITTEE/ COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**

**Thursday, May 25, 2017, at 10:00 a.m.**

Roll Call - Present: Councilmembers Mayor Brandvold (alternate), Ah You, and Kenoyer (alternate)  
Absent: Councilmembers Grewal, Zoslocki

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider accepting the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Information Technology Fund)  
*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** accepting the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

2. Consider authorizing a three-year extension of the irrevocable direct pay Letter of Credit supporting the Water Refunding Revenue Certificates of Participation, Series 2008A (Water Bonds), amendment to existing fee agreement with JP Morgan and forwarding to Council for approval. (Funding Source: Water Fund)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** authorizing a three-year extension of

the irrevocable direct pay Letter of Credit supporting the Water Refunding Revenue Certificates of Participation, Series 2008A (Water Bonds), amendment to existing fee agreement with JP Morgan and forwarding to Council for approval.

3. Consider adding two sections on Open Data to the current web Privacy Policy, reviewing a draft of a new Policy on Open Data, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Information Technology; John Dickey, 577-5229, jdickey@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** adding two sections on Open Data to the current web Privacy Policy, reviewing a draft of a new Policy on Open Data, and forwarding to Council for approval.

4. Consider accepting a renewal of an agreement with Amano McGann, Inc., Roseville, MN, for the automated parking attendant software for an estimated annual cost of \$17,556, which totals \$52,668 for a three year period and forwarding to Council for approval. (Funding Source: Parking Operational Professional Services Fund)  
*Public Works; Patricia Morrison, 342-4578, pmorrison@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** accepting a renewal of an agreement with Amano McGann, Inc., Roseville, MN, for the automated parking attendant software for an estimated annual cost of \$17,556, which totals \$52,668 for a three year period and forwarding to Council for approval.

5. Consider accepting a report on the Wastewater Rate and Fee Study Update and forwarding to Council for approval. (Funding Source: Wastewater Fund)  
*Utilities; William Wong, 571-5801, WWong@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** accepting a report on the Wastewater Rate and Fee Study Update and forwarding to Council for approval.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 10:45 a.m.

Attest: \_\_\_\_\_  
Joseph Lopez, Deputy City Manager

## MINUTES

City of Modesto  
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL  
WORKSHOP**

Second Floor, Room 2008  
Tenth Street Place, 1010 10th Street  
Modesto, California

Thursday, June 1, 2017, at 3:30 p.m.

Roll Call: Present: Chair Madrigal and Member Brandvold  
Member Grewal

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider reviewing applications, recommending appointment for one vacancy on the City of Modesto Culture Commission and forwarding to Council for approval.  
(Funding Source: Not Applicable)  
*Community & Economic Development; Cynthia Birdsill, 571-5566,  
cbirdsill@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Grewal; 3/0)** directing staff to schedule interviews for applicants on Thursday, June 8, 2017 at 4:00 p.m.

2. Consider interviewing a prospective candidate for appointment to fill one vacancy on the City of Modesto Board of Zoning Adjustment, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5267,  
pkelly@modestogov.com*

**ACTION: Motion (Grewal/Mayor Brandvold; 3/0)** directing staff to schedule interviews for applicants on Thursday, June 8, 2017 at 4:00 p.m.

3. Consider interviewing a prospective candidate for appointment to fill one vacancy on the City of Modesto Landmark Preservation Commission, and forwarding to Council

for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5267,  
pkelly@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Grewal; 3/0)** appointing Joseph Cahill to fill one vacancy on the City of Modesto Landmark Preservation Commission and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 3:50 p.m.

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 06, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: Councilmember Ah You

Pledge of Allegiance to the Flag

Invocation: Lyn Crase, Emmanuel Lutheran Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificates of Merit for the City of Modesto's Industrial Pretreatment Program. (Funding Source: Not Applicable)  
*Utilities; Tom Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION:** Environmental Regulatory Compliance Manager Tom Sinclair presented Certificates of Merit for the City of Modesto's Industrial Pretreatment Program.

2. Presentation of the 2nd Year for the Popular Annual Financial Reporting Award received by the Government Finance Officers Association of the United States and Canada for Fiscal Year ending June 30, 2016. (Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION:** Acting Finance Director DeAnna Christensen gave a Presentation of the 2nd Year for the Popular Annual Financial Reporting Award received by the Government Finance Officers Association of the United States and Canada for Fiscal Year ending June 30, 2016.

3. Presentation of Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada for the

Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2016.  
(Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION:** Acting Finance Director DeAnna Christensen gave a Presentation of a Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada for the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2016.

### **PUBLIC COMMENT PERIOD**

- Bellon Thomas spoke regarding Modesto Sister Cities celebration on August 1-5, 2017.
- Austin Grant spoke regarding the Voting Rights Bill, the election process and redistricting of Modesto City Schools District.
- Debbie Barrera spoke regarding Advocates for Justice and redistricting of Modesto City Schools Districts.
- Gladys Williams, NAACP, spoke regarding redistricting of Modesto City Schools District and request for investigation.
- Rickey McGill spoke regarding the City of Modesto Charter and Modesto City Schools District Board elections.
- Mack Wilson spoke regarding Modesto City Schools Board districts.

### **CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 4-13: (Kenoyer/Grewal; 6/0; Ah You 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 May 23, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the May 23, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 6/0; Ah You absent)** approving the minutes from the May 23, 2017 Council Meeting.

Consent

5. Consider accepting an informational report for the April 2017 Accounts Payable

Payment Register and Void report. (Funding Source: Not Applicable)

- Motion accepting an informational report for the April 2017 Accounts Payable Payment Register and Void report.

*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 6/0; Ah You absent)** accepting an informational report for the April 2017 Accounts Payable Payment Register and Void report.

Consent

6. Consider approving a three-year extension of the irrevocable direct pay Letter of Credit supporting the 2008 Water Refunding Revenue Certificates of Participation, amending the fee agreement with JP Morgan, authorizing the distribution of a Supplemental Official Statement, and authorizing certain other related actions to complete the three-year extension to the Water Bond Letter of Credit. (Funding Source: Water Fund)
  - Resolution relating to Water Refunding Revenue Certificates of Participation, 2008 Series A; approving the forms and authorizing the execution and delivery of a fee letter with JPMorgan Chase Bank, N.A in connection with a three-year extension of the irrevocable direct pay Letter of Credit and approving the form of and authorizing the distribution of a supplement to an official statement in connection therewith; and authorizing certain other related actions to complete the three-year extension to the Water Bond Letter of Credit.

*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-208 (Kenoyer/Grewal; 6/0; Ah You absent)** relating to Water Refunding Revenue Certificates of Participation, 2008 Series A; approving the forms and authorizing the execution and delivery of a fee letter with JPMorgan Chase Bank, N.A in connection with a three-year extension of the irrevocable direct pay Letter of Credit and approving the form of and authorizing the distribution of a supplement to an official statement in connection therewith; and authorizing certain other related actions to complete the three-year extension to the Water Bond Letter of Credit.

Consent

7. Consider approving a renewal of an Agreement with Amano McGann, Inc., Roseville, MN, for the automated parking attendant software for an estimated annual cost of \$17,556, which totals \$52,668 for a three year period. (Funding Source: Parking Fund)
  - Resolution approving a renewal of an Agreement with Amano McGann, Inc., Roseville, MN, for the automated parking attendant software for an estimated annual cost of \$17,556, which totals \$52,668 for a three year period, and authorizing the Acting City Manager, or his designee to execute the Agreement and the Rider to the Agreement.

*Public Works; Patricia Morrison, 342-4578, pmorrison@modestogov.com*

**ACTION: Resolution 2017-209 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a renewal of an Agreement with Amano McGann, Inc., Roseville, MN, for the automated parking attendant software for an estimated annual cost of \$17,556, which totals \$52,668 for a three year period, and authorizing the Acting City Manager, or his designee to execute the

Agreement and the Rider to the Agreement.

Consent

8. Consider approving an Amendment to the Shared Electrical Agreement between the City and the California Department of Transportation, District 10 for traffic signal and street lighting maintenance including electrical power expense. (Funding Source: Surface Transportation Fund)
- Resolution approving an amendment to the Shared Electrical Maintenance Agreement's Exhibit A between the City of Modesto and California Department of Transportation (Caltrans), District 10, and authorizing the Acting City Manager, or his designee, to execute the Amendment.  
*Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Resolution 2017-210 (Kenoyer/Grewal; 6/0; Ah You absent)** approving an amendment to the Shared Electrical Maintenance Agreement's Exhibit A between the City of Modesto and California Department of Transportation (Caltrans), District 10, and authorizing the Acting City Manager, or his designee, to execute the Amendment.

Consent

9. Consider approving the purchase and installation of a large vehicle drying system from J & M Phillips Electrical & Plumbing, Modesto, CA, for a total cost of \$79,000. (Funding Source: State of Good Repair Grant)
- Resolution authorizing the purchase of a large vehicle drying system for the Bus Maintenance Facility from J & M Phillips Electrical & Plumbing, Modesto, CA, to replace the existing deficient system, and authorizing the Acting City Manager, or his designee, to issue a purchase order for a total cost of \$79,000.  
*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-211 (Kenoyer/Grewal; 6/0, Ah You absent)** authorizing the purchase of a large vehicle drying system for the Bus Maintenance Facility from J & M Phillips Electrical & Plumbing, Modesto, CA, to replace the existing deficient system, and authorizing the Acting City Manager, or his designee, to issue a purchase order for a total cost of \$79,000.

Consent

10. Consider approving a two-year Agreement with three one-year extension options for the sole source procurement of Accu-Tab Calcium-Hypochlorite tablets, Accu-Tab PowerPro Chlorination Systems and related equipment, to Axiall Corporation, Pittsburgh, PA, for an annual cost of \$170,000, and \$850,000 over five years. (Funding Source: Water Fund)
- Resolution approving a two-year Agreement with three one-year extension options for the sole source procurement of Accu-Tab Calcium Hypochlorite tablets, Accu-Tab PowerPro Chlorination System and related equipment, to Axiall Corporation, Pittsburgh, PA, at the sole discretion of the City, for an estimated annual cost of \$170,000, and \$850,000 over five years, and authorizing the Acting City Manager, or his designee, to execute a purchasing agreement.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2017-212 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a two-year Agreement with three one-year extension options for the sole source procurement of Accu-Tab Calcium Hypochlorite tablets, Accu-Tab PowerPro Chlorination System and related equipment, to Axiall Corporation, Pittsburgh, PA, at the sole discretion of the City, for an estimated annual cost of \$170,000, and \$850,000 over five years, and authorizing the Acting City Manager, or his designee, to execute a purchasing agreement.

Consent

11. Consider approving the plans and specifications for the 2015-2016 Sanitary Sewer Collection System Replacement Project and awarding a construction contract to Rolfe Construction, Atwater, CA, in the amount of \$1,510,138; authorizing an increase in Director’s change order authority; and amending the Fiscal Year 2016-2017 Capital Improvement Program Budget in the amount of \$1,584,777. (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the 2015-2016 Sanitary Sewer Collection System Replacement Project, accepting the bid, and approving a construction contract with Rolfe Construction, Atwater, CA, in the amount of \$1,510,138 and authorizing the Acting City Manager, or his designee, to execute the contract.
- Resolution authorizing an increase in the Director’s authority to issue change orders for the 2015-2016 Sanitary Sewer Collection System Replacement Project from 8% (\$120,811) to 12% (\$181,217) of the construction contract price of \$1,510,138 with Rolfe Construction, Atwater, CA.
- Resolution amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$1,584,777 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the 2015-2016 Sanitary Sewer Collection System Replacement Project.

*Utilities; Jesse Franco, 271-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-213 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the plans and specifications for the 2015-2016 Sanitary Sewer Collection System Replacement Project, accepting the bid, and approving a construction contract with Rolfe Construction, Atwater, CA, in the amount of \$1,510,138 and authorizing the Acting City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-214 (Kenoyer/Grewal; 6/0; Ah You absent)** authorizing an increase in the Director’s authority to issue change orders for the 2015-2016 Sanitary Sewer Collection System Replacement Project from 8% (\$120,811) to 12% (\$181,217) of the construction contract price of \$1,510,138 with Rolfe Construction, Atwater, CA.

**ACTION: Resolution 2017-215 (Kenoyer/Grewal; 6/0; Ah You absent)** amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$1,584,777 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the

construction, contingency, construction administration, City construction forces, and design support during construction for the 2015-2016 Sanitary Sewer Collection System Replacement Project.

Consent

12. Consider approving a First Amendment to the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for consultant services for the Wastewater Master Plan in the amount of \$35,000; and approving a First Amendment to the Agreement with Horizon Water and Environment, Oakland, CA, for the Wastewater Master Plan Environmental Impact Report in the amount of \$92,153. (Funding Source: Wastewater Fund)
- Resolution approving a First Amendment to the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for consultant services for the 2016 Wastewater Management Plan in an amount not to exceed \$30,000 for the identified scope of services, plus \$5,000 for additional services, if needed, for a maximum total amount of \$35,000, and authorizing the Acting City Manager, or his designee, to execute the First Amendment to the Agreement.
  - Resolution approving a First Amendment to the Agreement with Horizon Water and Environment, Oakland, CA, for consultant services for the 2016 Wastewater Management Plan Environmental Impact Report in an amount not to exceed \$64,376 for the identified scope of services, plus \$27,777 for additional services, if needed, for a maximum total amount of \$92,153, and authorizing the Acting City Manager, or his designee, to execute the First Amendment to the Agreement.

*Utilities; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2017-216 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a First Amendment to the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for consultant services for the 2016 Wastewater Management Plan in an amount not to exceed \$30,000 for the identified scope of services, plus \$5,000 for additional services, if needed, for a maximum total amount of \$35,000, and authorizing the Acting City Manager, or his designee, to execute the First Amendment to the Agreement.

**ACTION: Resolution 2017-217 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a First Amendment to the Agreement with Horizon Water and Environment, Oakland, CA, for consultant services for the 2016 Wastewater Management Plan Environmental Impact Report in an amount not to exceed \$64,376 for the identified scope of services, plus \$27,777 for additional services, if needed, for a maximum total amount of \$92,153, and authorizing the Acting City Manager, or his designee, to execute the First Amendment to the Agreement.

Consent

13. Consider accepting the Annual Sewer Rates Update, and maintaining the City Council-adopted 6% rate increase for Fiscal Year 2017-18 as recommended by the Effective Government Committee. (Funding Source: Wastewater Fund)
- Resolution approving Annual Sewer Rate Review and maintaining previous City Council adopted sewer rate increases to be effective September 1, 2017, for Fiscal Year 2017-18.

*Utilities; William Wong, 571-5105, wwong@modestogov.com*

**ACTION: Resolution 2017-218 (Kenoyer/Grewal; 6/0; Ah You absent)** approving Annual Sewer Rate Review and maintaining previous City Council adopted sewer rate increases to be effective September 1, 2017, for Fiscal Year 2017-18.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer attended an event 98 BoBa Tee; she also attended Boys and Girls Fundraising event at King-Kennedy Center on Saturday.

Councilmember Madrigal co-presented Certificate of Recognition to Ms. Cle Moore-Bell of the King-Kennedy Collaborative.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **WRITTEN COMMUNICATIONS**

14. Accept a written communication from Rickey McGill regarding the Modesto City Schools Trustee Maps and Election Cycles, and the Modesto City Charter. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Madrigal/Kenoyer; 6/0; Ah You absent)** directing staff to return to next Council meeting with information requested by Council and citizens regarding Modesto City Schools Board district elections.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 7:01 p.m.

### **CLOSED SESSION**

*All Closed Session Matters heard prior to the meeting*

- 1. Consider appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 105-032-001
  - Motion appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 105-032-001  
City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

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

Property: APN: 105-032-001, Located at 1024 Needham St  
 Property Owners: City of Modesto  
 Negotiating Parties:  
     For City: Jon Yuriar, Property Agent for City of Modesto  
                   Adam U. Lindgren, City Attorney for City of Modesto  
 For Buyers: Tammy & Michael Cunha  
 Under Negotiation: Approve sale of surplus property and appraised value

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)  
 Case No. 667396

Newman v. City of Modesto, et al.  
 Case No. 2015780

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

Attest: \_\_\_\_\_  
 Stephanie Lopez, City Clerk

**MINUTES**

**City of Modesto  
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP  
Second Floor, Room 2008  
Tenth Street Place, 1010 10th Street  
Modesto, California**

**Thursday, June 8th, 2017, at 4:30 p.m.**

Roll Call: Present: Chair Madrigal and Member Brandvold

Member Grewal

**PUBLIC COMMENTS**

None

**CONSENT ITEMS**

None

**UNFINISHED BUSINESS**

1. Consider interviewing and recommending a prospective candidate for appointment to fill one vacancy on the City of Modesto Board of Zoning Adjustment and forwarding to City Council for approval. (Funding Source: Not Applicable)

*Community & Economic Development; Patrick Kelly, 577-5267,  
pkelly@modestogov.com*

The Committee interviewed Normansen Goriel for consideration to fill one vacancy on the Board of Zoning Adjustment.

**ACTION: Motion (Mayor Brandvold/Madrigal; 3/0)** for Appointments committee to reconvene to review and consider all candidates for appointment to the City of Modesto Board of Zoning Adjustment.

2. Consider and interview Rebecca Harrington and Audra Steagall as prospective candidates to fill one (1) vacancy on the City of Modesto Culture Commission and forward the recommendation to City Council for approval. (Funding Source: Not Applicable)

*Community & Economic Development; Cynthia Birdsill, 571-5566,  
cbirdsill@modestogov.com*

**ACTION: Motion (Grewal/Mayor Brandvold; 2/1; Madrigal no)** recommending the appointment of Audra Steagall to the City of Modesto Culture Commission.

**MATTERS TOO LATE FOR THE AGENDA**

New candidate, Anthony Borroel, was interviewed and considered for appointment to the City of Modesto Culture Commission.

**ADJOURNMENT**

This meeting adjourned at 6:35 p.m.

Attest: \_\_\_\_\_  
Cynthia Birdsill, Director of Community & Economic  
Development

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday June 13, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers \*Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold  
Absent: Councilmember Zoslocki

Pledge of Allegiance to the Flag

Invocation: Rabbi Shalom Bochner, Congregation Beth Shalom

City Clerk's Announcements: Item 16 - to be heard after Consent; Item 5 – removed from Consent

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to United Hands/Manos Unidas, for their work to improve the South Modesto Community. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 577-5396, kespinoza1@modestogov.com*

**ACTION:** Mayor Ted Brandvold and Councilmember Madrigal presented a Certificate of Recognition to United Hands/Manos Unidas, for their work to improve the South Modesto Community.

2. Certificate of Recognition to Mr. T's Donuts which ranks among the 15 best doughnut shops in nation. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Ted Brandvold and Councilmember Grewal presented a Certificate of Recognition to Mr. T's Donuts which ranks among the 15 best doughnut shops in the nation.

### MISCELLANEOUS

Legislation  
Appointments

Other

3. Consider accepting the resignation of Samuel Gonzalez from the City Equal Opportunity Commission and Human Relations Commission. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Samuel Gonzalez from the City of Modesto Equal Opportunity/Disability and Human Relations Commission, effective April 20, 2017.  
*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2017-219 (Kenoyer/Grewal; 6/0; Zoslocki absent)** accepting the resignation of Samuel Gonzalez from the City of Modesto Equal Opportunity/Disability and Human Relations Commission, effective April 20, 2017.

**PUBLIC COMMENT PERIOD**

- Terhesa Gamboa announced the Woodland West Neighborhood Association community meeting on Thursday at 6:00 p.m.
- John Walker spoke regarding full disclosure and Advocates for Justice.
- John Mataka spoke regarding his Public Records Act request regarding the amount spent by the City of Modesto for Ann Coulter event in Modesto and support for Councilmember Madrigal.
- Dave Pratt spoke regarding the homeless in Modesto.
- Carmen Sabatino spoke regarding the preliminary hearing for Korey Kauffman and the Modesto Police Department.
- Jacque Wilson spoke regarding Advocates for Justice and partnering with the Modesto City Schools Board and Modesto City Council.
- Debbie Berrera spoke regarding students in Modesto City Schools.
- Gena Bowman spoke regarding suspensions and student problems at Modesto City Schools.
- Mark Gregson thanked the City of Modesto for the Graffiti Parade.
- Loretta Carhart spoke regarding bus routes in Modesto on Saturday and Sunday.
- Darius Crosby spoke regarding the community, students in Modesto and living in harmony.
- John Erving spoke regarding working in harmony with Modesto City Schools and

students.

- Cecil Russell, Chamber of Commerce, spoke regarding jobs, new health care facilities and small businesses in Modesto.
- Joceyln Cooper spoke in support of Councilmember Madrigal.
- Sebastian Jones spoke in support of Councilmember Madrigal.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS: 4, 6-13: (Kenoyer/Madrigal; 6/0; Zoslocki 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 June 6, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the June 6, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving the minutes from the June 6, 2017 Council Meeting.

*Removed from Consent*

5. Consider approving Amendments to the following standard Legal Services Agreements in the total amount of \$525,000: a Fourth Amendment to the Outside Counsel Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin, Second Amendment to the Outside Counsel Legal Services Agreement with The Gallagher Law Group, P.C., and Second Amendment to the Outside Counsel Legal Services Agreement with Goldfarb & Lipman, LLP. (Funding Source: Various Funds)
  - Resolution approving a Fourth Amendment to the Legal Services Agreement dated June 24th, 2014 with Arata, Swingle, Van Egmond & Goodwin in an amount not to exceed \$300,000 to continue representing the City of Modesto in tort cases.
  - Resolution approving a Second Amendment to the Legal Services Agreement dated August 25th, 2016 with The Gallagher Group in an amount not to exceed \$150,000 to continue representing the City of Modesto in the Stanislaus County v. City of Modesto (Geer Rd.) case.
  - Resolution approving a Second Amendment to the Legal Services Agreement dated December 16th, 2014 with Goldfarb & Lipman, LLP in an amount not to exceed \$75,000 to continue representing the City of Modesto in preparation of housing projects and other general housing related services.  
*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION: Resolution 2017-220 (Madrigal/Grewal; 6/0; Zoslocki absent)** approving a Fourth Amendment to the Legal Services Agreement dated June 24th, 2014 with Arata, Swingle, Van Egmond & Goodwin in an amount not to exceed \$300,000 to continue representing the City of Modesto in tort cases.

**ACTION: Resolution 2017-221 (Madrigal/Grewal; 6/0; Zoslocki absent)** approving a Second Amendment to the Legal Services Agreement dated August 25th, 2016 with The Gallagher Group in an amount not to exceed \$150,000 to continue representing the City of Modesto in the Stanislaus County v. City of Modesto (Geer Rd.) case.

**ACTION: Resolution 2017-222 (Madrigal/Grewal; 6/0; Zoslocki absent)** approving a Second Amendment to the Legal Services Agreement dated December 16th, 2014 with Goldfarb & Lipman, LLP in an amount not to exceed \$75,000 to continue representing the City of Modesto in preparation of housing projects and other general housing related services.

Consent

6. Consider accepting the Monthly Budget Adjustment Report for April 2017 and amending Fiscal Year 2016-17, Annual Operating and Capital Improvement Budget. (Funding Source: Information Technology Fund)
  - Resolution amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.

*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2017-223 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.

Consent

7. Consider approving a Grant Application for Federal Transit Administration Section 5339 transit funds in the amount of \$3.5 million for electric buses and related infrastructure. (Funding Source: Federal Transit Administration)
  - Resolution approving the submittal of a Grant Application to the Federal Transit Administration (FTA) Requesting \$3.5 million in FTA Section 5339 Funds for electric buses and related infrastructure, and authorizing the Acting City Manager, or his designee, to execute all grant related documents.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-224 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving the submittal of a Grant Application to the Federal Transit Administration (FTA) Requesting \$3.5 million in FTA Section 5339 Funds for electric buses and related infrastructure, and authorizing the Acting City Manager, or his designee, to execute all grant related documents.

Consent

8. Consider accepting the bid and awarding the purchase of Transit bus fareboxes and fare media to SPX Genfare, Elk Grove Village, IL, for a total cost of \$474,738 and approving a budget adjustment in the amount of \$479,450 for the purchase and installation of the fareboxes. (Funding Source: Transit Funds)

- Resolution accepting the bid and awarding a contract to Genfare, a division of SPX Corporation, Elk Grove Village, IL, for the purchase of 31 Genfare Odyssey fareboxes and fare media for the Modesto Area Express (MAX) bus fleet in the amount of \$474,738 and authorizing the Acting City Manager, or his designee, to execute the Purchase Order.
- Resolution approving a budget adjustment in the amount of \$479,450. to fund the purchase and installation of 31 Genfare Odyssey fareboxes for the Modesto Area Express (MAX) bus fleet.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-225 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** accepting the bid and awarding a contract to Genfare, a division of SPX Corporation, Elk Grove Village, IL, for the purchase of 31 Genfare Odyssey fareboxes and fare media for the Modesto Area Express (MAX) bus fleet in the amount of \$474,738 and authorizing the Acting City Manager, or his designee, to execute the Purchase Order.

**ACTION: Resolution 2017-226 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving a budget adjustment in the amount of \$479,450. to fund the purchase and installation of 31 Genfare Odyssey fareboxes for the Modesto Area Express (MAX) bus fleet.

#### Consent

9. Consider approving an amendment to the East Stanislaus Integrated Regional Water Management Memorandum of Understanding; approving a Cost Sharing Agreement for preparation of an Integrated Regional Water Management Plan; and appointing members to serve on the East Stanislaus Integrated Regional Water Management Partnership. (Funding Source: Water Fund - CIP)
  - Resolution approving a First Amendment to the East Stanislaus Integrated Regional Water Management Memorandum of Understanding, and authorizing the Acting City Manager, or his designee, to execute the First Amendment to the Memorandum of Understanding.
  - Resolution approving the Cost Sharing Agreement for preparation of an Integrated Regional Water Management Plan, and authorizing the Acting City Manager, or his designee, to execute the Cost Sharing Agreement.
  - Resolution appointing Councilmember Bill Zoslocki as Primary and Mayor Ted Brandvold as Alternate to serve as City of Modesto members on the East Stanislaus Integrated Regional Water Management Partnership.

*Utilities; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2017-227 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving a First Amendment to the East Stanislaus Integrated Regional Water Management Memorandum of Understanding, and authorizing the Acting City Manager, or his designee, to execute the First Amendment to the Memorandum of Understanding.

**ACTION: Resolution 2017-228 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving the Cost Sharing Agreement for preparation of an Integrated Regional Water Management Plan, and authorizing the Acting City Manager, or his designee, to execute the Cost Sharing

Agreement.

**ACTION: Resolution 2017-229 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** appointing Councilmember Bill Zoslocki as Primary and Mayor Ted Brandvold as Alternate to serve as City of Modesto members on the East Stanislaus Integrated Regional Water Management Partnership.

Consent

10. Consider approving the sole source procurement for the rental of three DV-400c pumps from Rain for Rent, Stockton, CA, in an amount not to exceed \$90,000. (Funding Source: Wastewater Fund)
- Resolution approving the sole source procurement for the rental of three DV-400c pumps from Rain for Rent, Stockton, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost not to exceed \$90,000.  
*Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Resolution 2017-230 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving the sole source procurement for the rental of three DV-400c pumps from Rain for Rent, Stockton, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost not to exceed \$90,000.

Consent

11. Consider approving a Prequalified Consultant List for Hydrogeological Services; and approving two Agreements for On-Call Hydrogeological Services for one year not to exceed amount of \$75,000 each, for a total maximum annual expenditure of \$150,000 for all services. (Funding Source: Various Capital Improvement Program Projects)
- Resolution approving the prequalified consultant list, consisting of Jacobson James & Associates, Roseville, CA, Kennedy/Jenks Consultants, Rancho Cordova, CA, and TODD Groundwater, Alameda, CA for Hydrogeological 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.
  - Resolution approving an agreement with Kleinfelder, Inc., Modesto, CA for On-call Hydrogeological 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 Acting City Manager, or his designee, to execute the agreement, and up to two one-year extension options.
  - Resolution approving an agreement with Kennedy/Jenks Consultants, Rancho Cordova, CA for On-call Hydrogeological 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 Acting City Manager, or his designee, to execute the agreement, and up to two one-year extension options.  
*Utilities; Will Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2017-231 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving the prequalified consultant list, consisting of Jacobson James & Associates, Roseville, CA,

Kennedy/Jenks Consultants, Rancho Cordova, CA, and TODD Groundwater, Alameda, CA for Hydrogeological 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.

**ACTION: Resolution 2017-232 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving an agreement with Kleinfelder, Inc., Modesto, CA for On-call Hydrogeological 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 Acting City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

**ACTION: Resolution 2017-233 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving an agreement with Kennedy/Jenks Consultants, Rancho Cordova, CA for On-call Hydrogeological 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 Acting City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

#### Consent

12. Consider rejecting a bid for the Installation of Flush Lines Well 265 and authorizing staff to re-advertise the project at a future date with an amended scope of work.  
(Funding Source: Water Fund)
- Resolution rejecting all bids for the Installation of Flush Lines Well 265, and authorizing staff to re-advertise the project at a future date with an amended scope of work.
- Utilities; Jeffery F. Cortinas, 577-5215, jcortinas@modestogov.com*

**ACTION: Resolution 2017-234 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** rejecting all bids for the Installation of Flush Lines Well 265, and authorizing staff to re-advertise the project at a future date with an amended scope of work.

#### Consent

13. Consider approving the award of bid for the furnishing of Digester Cleaning Services to Wastewater Solids, Yachats, OR, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$36,350, and over five years of \$181,750. (Funding Source: Wastewater Fund)
- Resolution approving the award of bid and contract for the Furnishing of Digester Cleaning Services to Wastewater Solids, Yachats, OR, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$36,350, and over five years of \$181,750, and authorizing the Acting City Manager, or his designee, to execute a purchasing agreement.
- Utilities; Laura Anhalt, 577-6224, lanhalt@modestogov.com*

**ACTION: Resolution 2017-235 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving the award of bid and contract for the Furnishing of Digester Cleaning Services to Wastewater Solids, Yachats, OR, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$36,350, and over five years of

\$181,750, and authorizing the Acting City Manager, or his designee, to execute a purchasing agreement.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Grewal announced a new business in Vintage Fair Mall named Nestle Toll House Cafe, improving economy in Modesto and the successful Graffiti Parade last weekend.

Councilmember Kenoyer attended Family Resource Center event recognizing volunteers in Modesto.

Councilmember Madrigal attended League of California Cities meeting in Sacramento regarding SB649 for small cell Wi-Fi; he had a meeting with staff and a local franchisee to bring more business to Modesto; he also announced the First Annual Community Service Officer Raschel Johnson Child Safety Seat Check event on June 24, 2017 at Los Amigos Tire and the 3rd Annual Modesto Kiwanis 4th of July All-American Festival at 10th Street Place.

### **CITY MANAGER COMMENTS & REPORTS**

Acting City Manager Lopez thanked staff for their work on this year's budget.

### **UNFINISHED BUSINESS**

14. Report back to City Council from City Attorney and City Manager on City legal jurisdiction regarding Modesto City Schools Trustee maps. Presentation by City Attorney and City Manager. Presentation by Modesto City Schools. Council discussion and possible direction regarding City Council action. (Funding Source: Not Applicable)
  - Receive presentations and provide possible direction.  
*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION:** No reportable action.

*Councilmember Ah You (via teleconference) left meeting at 10:45 p.m.*

*Recess at 11:21 p.m.*

*Reconvened at 11:30 p.m.*

15. Consider, discuss and provide further direction to Staff regarding: (i) a Resolution directing the City Clerk to submit to the qualified voters of the City of Modesto at the next regular municipal election a certain measure relating to a proposed ordinance imposing an excise tax on cannabis businesses of up to 10% of gross receipts for general fund purposes; (ii) a Resolution directing the City Clerk to transmit a copy of the ballot measures entitled "Cannabis Business Tax" to the City Attorney for the purpose of preparing an impartial analysis of said measure; (iii) 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 “Cannabis Business Tax” and (iv) an Ordinance adding Article 11 to Chapter 2 of Title 8 of the Modesto Municipal Code relating to Cannabis Business Tax; and continue the item to the June 27th City Council meeting for possible action. (Funding Source: General Fund)

- Discuss and provide detailed direction, and continue to June 27, 2017 City Council meeting for action.

*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION:** Continue to June 27, 2017 City Council meeting for action.

## HEARINGS

*Published in the Modesto Bee on June 2, 2017*

16. Hearing to consider approving the Final Proposed Budget for Fiscal Year 2017-18 inclusive of the Acting City Manager’s Draft Budget and the Mayor’s Final Budget Modifications, and noticing a public hearing to be held on June 27, 2016 for the first reading of the Final Proposed Budget. (Funding Source: All City Funds)

- Resolution approving the final proposed budget inclusive of the Acting City Manager's Draft Budget and the Mayor's final budget modifications, and noticing a public hearing to be held on June 27, 2017 for the first reading and adoption of the final proposed budget and related actions

*City Manager; Stephan Christensen, 577-5369, schristensen@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 2/4; Madrigal, Ah You, Grewal, Mayor Brandvold no; Zoslocki absent)** approving the final proposed budget inclusive of the Acting City Manager's Draft Budget and the Mayor's final budget modifications, and noticing a public hearing to be held on June 27, 2017 for the first reading and adoption of the final proposed budget and related actions **(excluding Internal City Auditor section for a separate vote).**  
**(MOTION FAILED)**

**ACTION: Resolution 2017-236 (Grewal; Ah You; 4/2; Ridenour, Kenoyer no; Zoslocki absent)** approving the final proposed budget inclusive of the Acting City Manager's Draft Budget and the Mayor's final budget modifications, and noticing a public hearing to be held on June 27, 2017 for the first reading and adoption of the final proposed budget and related actions **(include lifting City-wide hiring freeze, allowing Council authority to fill budgeted positions and returning to Council with recommendations for positions).**

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 12:10 a.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to the meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case:           Dias v. COM  
                                  Case No. 2013360

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

**(Pursuant to Section 54956.8 of the Government Code)**

Property:                Property between 9th and 10th Street, and E Street and F Street,  
                                  located in Modesto, CA; APN: 106-044-005  
Property Owners:       Victor Martinez/Victor & Iris Martinez TRS  
Negotiating Parties:  
For City:                Cynthia Birdsill, Director of Community & Economic Development for City of  
Modesto  
Adam U. Lindgren, City Attorney for City of Modesto  
For Property Owners: Larry Killian, Real Estate Broker  
Under Negotiation:    Possible purchase

Attest: \_\_\_\_\_  
                                  Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

Wednesday, June 14, 2017, at 2:00 p.m.

Roll Call: Present: Mayor Brandvold, Councilmembers Kenoyer and Madrigal (alternate)  
Absent: Councilmember Zoslocki

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider accepting Modesto Area Express and Modesto Area Dial-A-Ride route and fare changes to improve on-time performance, make the system easier to use and enable the system to achieve the farebox recovery requirement and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** accepting Modesto Area Express and Modesto Area Dial-A-Ride route and fare changes to improve on-time performance, make the system easier to use and enable the system to achieve the farebox recovery requirement and forwarding to Council for approval.

2. Consider an informational report, discussion and direction regarding default beverages offered with children's meals. (Funding Source: Not Applicable)  
*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION:** Continued to August 9, 2017 Healthy Economy Committee meeting.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 3:09 p.m.

Attest: \_\_\_\_\_

Joseph Lopez, Acting City Manager

**MINUTES**  
**City of Modesto**  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday, June 20, 2017, at 11:00 a.m.**

Roll Call Present: Mayor Brandvold, Councilmembers Ridenour, Grewal  
Absent: None  
Also Present: Councilmembers Kenoyer (arrived at 11:04 a.m.), Madrigal (arrived at 11:08 a.m.)

**PUBLIC COMMENTS**

None.

**CONSENT**

None.

**NEW BUSINESS**

1. Consider accepting the Federal Transit Administration Triennial Review final report, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** accepting the Federal Transit Administration Triennial Review final report, and forwarding to Council for approval.

2. Consider accepting the Auditor's Internal Audit Status Report through May 31, 2017 prepared by Moss Adams, LLP. (Funding Source: General Fund)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** accepting the Auditor's Internal Audit Status Report through May 31, 2017 prepared by Moss Adams, LLP.

3. Consider accepting the Fraud, Waste, and Abuse (FWA) Program Draft Report, dated May 8, 2017 prepared by Moss Adams, LLP and, if accepted, converting the report to final status and forwarding to Council for approval. (Funding Source: All Funds)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Grewal/Ridenour; 3/0)** accepting the Fraud, Waste, and Abuse (FWA) Program Draft Report, dated May 8, 2017 prepared by Moss Adams, LLP and, if accepted, converting the report to final status and forwarding to Council for approval.

- 4. Consider accepting the Travel Expense Internal Controls Testing Final Report, dated June 5, 2017 prepared by Moss Adams, LLP and forwarding to Council for approval. (Funding Source: General Fund)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** accepting the Travel Expense Internal Controls Testing Final Report, dated June 5, 2017 prepared by Moss Adams, LLP and forwarding to Council for approval.

- 5. Consider accepting the Finance Policy Final Report, dated June 20, 2017 prepared by Moss Adams, LLP and forwarding to Council for approval. (Funding Source: General Fund)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Grewal/Ridenour; 3/0)** accepting the Finance Policy Final Report, dated June 20, 2017 prepared by Moss Adams, LLP and forwarding to Council for approval (**updated information will be heard at the August 28, 2017 Effective Government Committee**).

- 6. Consider accepting City Auditor Moss Adams, LLP Fiscal Year 2017-18 Internal Audit Plan in the amount of \$195,000 and forwarding to Council for approval. (Funding Source: General Fund, Fleet Fund, and other Citywide Funds)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** accepting City Auditor Moss Adams, LLP Fiscal Year 2017-18 Internal Audit Plan in the amount of \$195,000 and forwarding to Council for approval (**Priorities: (i) Accounts Receivable Internal Controls Testing; (ii) Financial Policy Development; and (iii) Ongoing Internal Auditor Services; if funds available - Next Priorities: (i) Permitting Efficiency Study and (ii) Fleet Utilization Study**).

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 12:36 p.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**  
**EFFECTIVE GOVERNMENT COMMITTEE/ COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**

**Monday, June 26, 2017, at 5:00 p.m.**

Roll Call - Present: Councilmembers Grewal, Ah You, and Zoslocki  
Also Present: Councilmember Kenoyer

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

None.

## NEW BUSINESS

1. Consider accepting the Fiscal Year 2015-16 accounts receivable write-off report through June 30, 2016 in the total amount of \$719,153 and forwarding to Council for approval. (Funding Source: Various Funds)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting the Fiscal Year 2015-16 accounts receivable write-off report through June 30, 2016 in the total amount of \$719,153 and forwarding to Council for approval.

2. Consider accepting an Agreement for the purchase and installation of Business Licensing and Tax Collection Software from HDL Software, LLC, Diamond Bar, CA at a cost of \$151,748 over 5 years plus one-time system cost not to exceed \$32,000, and forwarding to Council for approval. (Funding Source: General Fund)  
*Finance; Leslie Curtin, 571-5889, lcurtin@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting an Agreement for the purchase and installation of Business Licensing and Tax Collection Software from HDL Software, LLC, Diamond Bar, CA at a cost of \$151,748 over 5 years plus one-time system cost not to exceed

\$32,000, and forwarding to Council for approval.

3. Consider accepting the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Operation Grants Reimbursable Fund, Various CFD Funds, Worker's Compensation Fund, TSP Building Services Fund and Green Waste Fund)  
*Finance and City Manager; Terri Swearingen, 577-5378,  
tswearingen@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 5:11 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez, Acting City Manager

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday June 27, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Mark Krieger, Modesto Covenant Church

City Clerk's Announcements: Item 2 - Removed from Agenda; Item 7 - Removed from  
Consent; Item 26 - to be heard after City Manager Comments

Declaration of Conflicts of Interest: Grewal - Items 23 and 24; Ridenour - Item 26

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

## MISCELLANEOUS

Legislation  
Appointments  
Other

1. Consider accepting the resignation of Denzil Walker from the City's Landmark Preservation Commission. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Denzil Walker from the City of Modesto Landmark Preservation Commission.  
*Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

**ACTION: Resolution 2017-237 (Kenoyer/Ah You; 7/0)** accepting the resignation of Denzil Walker from the City of Modesto Landmark Preservation Commission.

*Removed from Agenda*

2. Consider appointing Audra Steagall to the City's Culture Commission as a Stanislaus County resident who does not live in the City of Modesto with a term expiration of January 1, 2021. (Funding Source: Not Applicable)
  - Resolution appointing Audra Steagall to the Modesto Culture Commission as a Stanislaus County resident who does not live in the City of Modesto, with a term

expiration of January 1, 2021.  
*Community & Economic Development; Cynthia Birdsill, 341-2938,  
cbirdsill@modestogov.com*

**ACTION:** Item removed from Agenda.

### **PUBLIC COMMENT PERIOD**

- Jeremiah Williams announced the Kiwanis 4th of July Parade in Modesto; he also announced a dinner on Saturday for sponsors of the Parade.
- Beverly Trujillo spoke regarding employees with Transdev and the City's recent Agreement with National Express Transit Corporation.
- Jeremy Wilds spoke regarding employees with Transdev and the City's Agreement with National Express Transit Corporation.
- Michael Cunha, Infinite Creations, spoke regarding the sale of property at 1024 Needham Street (Pump Station #9) in Modesto.
- Lee Neves, California Consulting, spoke regarding grants awarded on behalf of the City of Modesto.
- Stephen Sanger, California Consulting, spoke regarding grants awarded on behalf of the City of Modesto.
- Roy Spears spoke regarding employees with Transdev Transportation and the City's new Agreement with National Express Transit Corporation.

### **CONSENT ITEMS – ROLL CALL VOTE REQUIRED ACTION CONSENT ITEMS 3-6; 8-18: (Kenoyer/Ah You; 7/0)**

### **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 June 13, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the June 13, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the minutes from the June 13, 2017 Council Meeting.

Consent

4. Consider appointing a voting delegate and alternates for the 2017 League of California Cities Annual Conference to be held in Sacramento, CA on September 13-15, 2017. (Funding Source: Not Applicable)
  - Motion approving Mayor Ted Brandvold as a voting delegate and Councilmembers Tony Madrigal and Douglas Ridenour, Sr. as alternates for the 2017 League of California Cities Annual Conference to be held in Sacramento on September 13-15, 2017.

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

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving Mayor Ted Brandvold as a voting delegate and Councilmembers Tony Madrigal and Douglas Ridenour, Sr. as alternates for the 2017 League of California Cities Annual Conference to be held in Sacramento on September 13-15, 2017.

Consent

5. Consider approving an Amendment to the Joint Powers Agreement with the Stanislaus Council of Governments related to the oversight, levy and collection of Measure L tax revenues. (Funding Source: Measure L Revenues)
  - Resolution approving the Amended and Restated Joint Powers Agreement of the Stanislaus Council of Governments.

*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

**ACTION: Resolution 2017-238 (Kenoyer/Ah You; 7/0)** approving the Amended and Restated Joint Powers Agreement of the Stanislaus Council of Governments.

Consent

6. Consider approving an Agreement with Goodwin Consulting Group, in an amount not to exceed \$58,500, for a Comprehensive Capital Facilities Fees Program Update. (Funding Source: Capital Facilities Fees – Administration)
  - Resolution approving an agreement with Goodwin Consulting Group, in an amount not to exceed \$58,500, for a Comprehensive Capital Facilities Fee Program Update, and authorizing the Acting City Manager, or his designee, to execute the agreement.

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

**ACTION: Resolution 2017-239 (Kenoyer/Ah You; 7/0)** approving an agreement with Goodwin Consulting Group, in an amount not to exceed \$58,500, for a Comprehensive Capital Facilities Fee Program Update, and authorizing the Acting City Manager, or his designee, to execute the agreement.

*Removed from Consent*

7. Consider approving an Agreement with O'Dell Engineering of Modesto, CA in an amount not to exceed \$800,000 for engineering design services for the Claratina

Avenue Widening-McHenry to Coffee Phase 2 Project plus \$80,000 for additional services, if needed. (Funding Source: Streets Capital Facilities Fund)

- Resolution approving an agreement with O'Dell Engineering of Modesto, CA for professional engineering design services for the Claratina Avenue Widening - McHenry to Coffee Phase 2 Project, in an amount not to exceed \$800,000 for the identified scope of services, plus \$80,000 for additional services (if needed) for a total amount of \$880,000 and authorizing the Acting City Manager or his designee to execute the agreement.

*Community & Economic Development; Vickey Dion, 571-5542,  
vdion@modestogov.com*

**ACTION: Resolution 2017-240 (Ridenour/Ah You; 5/2; Grewal, Madrigal no)** approving an agreement with O'Dell Engineering of Modesto, CA for professional engineering design services for the Claratina Avenue Widening - McHenry to Coffee Phase 2 Project, in an amount not to exceed \$800,000 for the identified scope of services, plus \$80,000 for additional services (if needed) for a total amount of \$880,000 and authorizing the Acting City Manager or his designee to execute the agreement.

Consent

8. Consider approving the Landmark Preservation Commission Annual Report for Fiscal Year 2016–17. (Funding Source: Not Applicable)

- Motion approving the Landmark Preservation Commission Annual Report for Fiscal Year 2016-17.

*Community & Economic Development; Patrick Kelly, 577-5267,  
pkelly@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the Landmark Preservation Commission Annual Report for Fiscal Year 2016-17.

Consent

9. Consider accepting the updated Americans with Disabilities Act Self-Evaluation and Transition Plan. (Funding Source: Fleet Management Fund, Bus Fixed Route Fund, Transportation CTR Fund, Airport Operating Fund, Surface Transportation Fund, Water Fund, Wastewater Operating Fund and Regional Surface Transportation Program Fund, General Fund)

- Motion accepting the 2017 Self-Evaluation and Transition Plan.

*Community & Economic Development; Patrick Kelly, 577-5267,  
pkelly@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** accepting the 2017 Self-Evaluation and Transition Plan.

Consent

10. Consider accepting the Monthly Investment Report for March, 2017. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for March, 2017.

*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** accepting the Monthly Investment Report for March, 2017.

Consent

11. Consider accepting the Monthly Investment Report for April, 2017. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for April, 2017.  
*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** accepting the Monthly Investment Report for April, 2017.

Consent

12. Consider approving an amendment to an Agreement with Public Financial Management Asset Management LLC, Baltimore, MD, to reduce their fees for service by a total cost of up to \$13,000 annually. (Funding Source: All Funds)
- Resolution approving an amendment to the Agreement with Public Financial Management Asset Management LLC (PFMAM), Baltimore, MD, to reduce their fees for service by a total of up to \$13,000 annually and authorizing the Acting City Manager, or his designee, to execute the amended Agreement.  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-241 (Kenoyer/Ah You; 7/0)** approving an amendment to the Agreement with Public Financial Management Asset Management LLC (PFMAM), Baltimore, MD, to reduce their fees for service by a total of up to \$13,000 annually and authorizing the Acting City Manager, or his designee, to execute the amended Agreement.

Consent

13. Consider approving the 2017-2018 Fiscal Year Appropriation Limit (Gann 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 2017-2018 annual budget.  
*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2017-242 (Kenoyer/Ah You; 7/0)** establishing the calculation for the appropriation limit for the Fiscal Year 2017-2018 annual budget.

Consent

14. Consider approving an Agreement with PerfectMind Inc, Burnaby, BC at an initial cost of \$47,242, and an estimated cost of \$100,210 over 5 years for the purchase, installation, and maintenance of a Recreation Course Registration and Facility Management Software system and authorizing the purchase of certain hardware

upgrades and software integration costs not to exceed \$22,758. (Funding Source: General Fund)

- Resolution approving award of proposal and agreement with PerfectMind Inc, Burnaby, BC for the purchase and installation of a Recreation Course Registration and Facility Management Software for the Parks, Recreation, and Neighborhoods Department (PRND) and authorizing the Acting City Manager or his designee, to execute a five year contract at an estimated cost of \$100,210 and authorizing the PRND to purchase certain hardware upgrades and software integration costs in an amount not to exceed \$22,758.
- Resolution amending the fiscal year 2016/2017 operating budget to appropriate funding in the amount of \$70,000 to be transferred into a project from various PRN cost centers within the General Fund in order to fully fund the first year of the agreement with PerfectMind Inc, Burnaby, BC, purchase hardware upgrades and software integration costs.

*Parks, Recreation & Neighborhoods; David Paladini, 577-5339, dpaladini@modestogov.com*

**ACTION: Resolution 2017-243 (Kenoyer/Ah You; 7/0)** approving award of proposal and agreement with PerfectMind Inc, Burnaby, BC for the purchase and installation of a Recreation Course Registration and Facility Management Software for the Parks, Recreation, and Neighborhoods Department (PRND) and authorizing the Acting City Manager or his designee, to execute a five year contract at an estimated cost of \$100,210 and authorizing the PRND to purchase certain hardware upgrades and software integration costs in an amount not to exceed \$22,758.

**ACTION: Resolution 2017-244 (Kenoyer/Ah You; 7/0)** amending the fiscal year 2016/2017 operating budget to appropriate funding in the amount of \$70,000 to be transferred into a project from various PRN cost centers within the General Fund in order to fully fund the first year of the agreement with PerfectMind Inc, Burnaby, BC, purchase hardware upgrades and software integration costs.

#### Consent

15. Consider approving angled parking along the west side of 15th Street between F Street and G Street in the City, and rescinding Resolution No. 2016-265. (Funding Source: Surface Transportation Fund – Traffic Operations)
- Resolution approving the installation of angled parking along the west side of 15th Street between F Street and G Street in the City of Modesto, and rescinding Resolution No. 2016-265.

*Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Resolution 2017-245 (Kenoyer/Ah You; 7/0)** approving the installation of angled parking along the west side of 15th Street between F Street and G Street in the City of Modesto, and rescinding Resolution No. 2016-265.

#### Consent

16. Consider approving an agreement with Moore and Associates, Valencia, CA, for marketing services for the Modesto Area Express transit system at an annual cost of

\$75,000 and totaling \$375,000 over the term of the agreement. (Funding Source: Transit Funds)

- Resolution approving a two year agreement with three, 1-year extension options with Moore and Associates, Valencia, CA, to provide marketing services for the Modesto Area Express (MAX) transit system, for a total of \$375,000 over the entire term of the agreement and extension options and authorizing the Acting City Manager, or his designee, to execute the agreement.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-246 (Kenoyer/Ah You; 7/0)** approving a two year agreement with three, 1-year extension options with Moore and Associates, Valencia, CA, to provide marketing services for the Modesto Area Express (MAX) transit system, for a total of \$375,000 over the entire term of the agreement and extension options and authorizing the Acting City Manager, or his designee, to execute the agreement.

Consent

17. Consider approving an Agreement with O'Dell Engineering, Inc., Modesto, CA, for design services for the Jennings Plant Entrance Improvements Project in the amount of \$169,824. (Funding Source: Wastewater Fund)

- Resolution approving an Agreement with O'Dell Engineering, Inc., Modesto, CA, for Design Services for the Jennings Plant Entrance Improvements Project, in an amount not to exceed \$154,385 for the identified scope of services, plus \$15,439 for additional services, if needed, for a maximum total amount of \$169,824, and authorizing the Acting City Manager, or his designee, to execute the agreement.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-247 (Kenoyer/Ah You; 7/0)** approving an Agreement with O'Dell Engineering, Inc., Modesto, CA, for Design Services for the Jennings Plant Entrance Improvements Project, in an amount not to exceed \$154,385 for the identified scope of services, plus \$15,439 for additional services, if needed, for a maximum total amount of \$169,824, and authorizing the Acting City Manager, or his designee, to execute the agreement.

Consent

18. Consider approving plans and specifications for the Bus Maintenance Facility Improvements Canopy Structure Project and awarding a construction contract to Docon Inc., Ceres, CA, in the amount of \$530,000. (Funding Source: State of Good Repair Grant Fund)

- Resolution approving the contract documents for the Bus Maintenance Facility Improvements Canopy Structure Project, accepting the bid, awarding a construction contract to Docon, Inc., of Ceres, CA in the amount of \$530,000, and authorizing the Acting City Manager, or designee, to execute the contract.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-248 (Kenoyer/Ah You; 7/0)** approving the contract documents for the Bus Maintenance Facility Improvements Canopy Structure Project, accepting the bid,

awarding a construction contract to Docon, Inc., of Ceres, CA in the amount of \$530,000, and authorizing the Acting City Manager, or designee, to execute the contract.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer spoke regarding Small World Christian School established in 1956; she attended the following events: 8th Annual Khmur Graduation; a documentary film "Near Normal Man"; and the Tuz Chi Organization event that assists with a medical clinic for people in need.

Councilmember Zoslocki spoke regarding former Utilities Director Larry Parlin and a Resolution he received from Del Puerto Water District.

Councilmember Madrigal spoke regarding events he attended: the 45th Annual Juneteenth Celebration on Saturday, June 17, 2017; he also met with the FAST Club from Modesto High students and staff, the Community Unity Rally at Graceada Park; ACE Train celebration on Thursday at the Gallo Center; and the 4th Annual Child Safety Seat event in honor of Community Service Officer Raschel Johnson.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **UNFINISHED BUSINESS**

19. Consider approving the hiring of certain vacant positions essential to the operations of the City and rescinding Council Resolution No. 2017-86 lifting the citywide hiring and purchasing freeze. (Funding Source: General Fund and Other Citywide Impacted Funds)
  - Resolution approving the hiring of certain vacant positions essential to the operations of the City as contained in Attachment A and rescinding Council Resolution No. 2017-86.

*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

**ACTION: Resolution 2017-249 (Ridenour/Kenoyer; 7/0)** approving the hiring of certain vacant positions essential to the operations of the City as contained in Attachment A and rescinding Council Resolution No. 2017-86.

20. Consider: (i) directing the City Clerk to submit to the qualified voters of the City of Modesto at the next regular municipal election a certain measure relating to a proposed ordinance allowing for the imposition of a cannabis businesses tax of up to 10% on gross receipts of cannabis businesses within the City of Modesto; (ii) directing the City Clerk to transmit a copy of the ballot measure entitled "Cannabis Business Tax" to the City Attorney for the purpose of preparing an impartial analysis of said measure; (iii) authorizing the Mayor, or his designated member of the City Council, to file written arguments in favor of or in opposition to the ballot measure entitled "Cannabis Business Tax"; and (iv) introduce by title only and waive the first reading of an

ordinance amending the Modesto Municipal Code by adding Article 11, “Cannabis Business Tax” to Chapter 2, “Taxation,” of Title 8, “Finance, Revenue, and Taxation,” of the Modesto Municipal Code. (Funding Source: General Fund)

- Resolution directing the City Clerk to submit to the qualified voters of the City of Modesto at the next regular municipal election a certain measure relating to a proposed ordinance allowing for the imposition of a Cannabis Business Tax of up to 10% on gross receipts of cannabis businesses within the City of Modesto.
- Resolution directing the City Clerk to transmit a copy of the ballot measures entitled “Cannabis Business Tax” to the City Attorney for the purpose of preparing an impartial analysis of said measure.
- Resolution authorizing the Mayor, or his designated member of the City Council, to file written arguments in favor of or in opposition to the ballot measure entitled “Cannabis Business Tax”.
- Introduce by title only and waive the first reading of an ordinance amending the Modesto Municipal Code by adding Article 11, “Cannabis Business Tax” to Chapter 2, “Taxation” of Title 8, “Finance, Revenue and Taxation”.

*City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com*

**ACTION: Resolution 2017-250 (Kenoyer/Grewal; 5/2; Ridenour, Zoslocki no)** directing the City Clerk to submit to the qualified voters of the City of Modesto at the next regular municipal election a certain measure relating to a proposed ordinance allowing for the imposition of a Cannabis Business Tax of up to 10% on gross receipts of cannabis businesses within the City of Modesto.

**ACTION: Resolution 2017-251 (Kenoyer/Grewal; 5/2; Ridenour, Zoslocki no)** directing the City Clerk to transmit a copy of the ballot measures entitled “Cannabis Business Tax” to the City Attorney for the purpose of preparing an impartial analysis of said measure.

**ACTION: Resolution 2017-252 (Kenoyer/Grewal; 5/2; Ridenour, Zoslocki no)** authorizing the Mayor, or his designated member of the City Council, to file written arguments in favor of or in opposition to the ballot measure entitled “Cannabis Business Tax”.

**ACTION: Motion (Kenoyer/Grewal; 5/2; Ridenour, Zoslocki no)** to introduce by title only and waive the first reading of **Ordinance No. 3672-C.S.** amending the Modesto Municipal Code by adding Article 11, “Cannabis Business Tax” to Chapter 2, “Taxation” of Title 8, “Finance, Revenue and Taxation”.

*Recess at 8:15 p.m.*

*Reconvened at 8:30 p.m.*

## HEARINGS

*Published in the Modesto Bee on June 17, 2017.*

21. Hearing to consider the Final Proposed Fiscal Year 2017-18 Operating and Multi-Year Budget and Capital Improvement Program for the City inclusive of the Mayor’s Final Budget Modifications and related Resolutions. (Funding Source: All City Funds)

- Motion introducing and waiving the first reading of an Ordinance adopting the FY 2017-2018 Annual and Multi-Year Operating Budgets and the 2017-2018 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.
- Resolution approving the Mayor's Final Budget Modifications, Budget Principles, and Financial Policies as outlined in the Mayor's Modification Message for Fiscal Year 2017-2018.
- Resolution amending the Position Allocation for Fiscal Year 2017-18 as adopted in the Operating Budget.
- Resolution amending the class range table for general non-sworn classes.
- Resolution amending the class range table for represented management and confidential non-sworn classes.
- Resolution amending the class range table for public safety non-sworn classes.
- Resolution amending the classification plan for the City of Modesto to create the classification of Electrician Crewleader and Survey Party Chief; amend the title of Business Center Manager to Business Manager; and to amend the title of Police Cadet to Police Cadet I/II to create a "flex" classification.

*City Manager; Stephan Christensen, 577-5369, schristensen@modestogov.com*

**ACTION: Motion (Ah You/Grewal; 6/1; Kenoyer no)** introducing and waiving the first reading of **Ordinance No. 3673-C.S.** adopting the FY 2017-2018 Annual and Multi-Year Operating Budgets and the 2017-2018 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.

**ACTION: Resolution 2017-253 (Ah You/Grewal; 6/1; Kenoyer no)** approving the Mayor's Final Budget Modifications, Budget Principles, and Financial Policies as outlined in the Mayor's Modification Message for Fiscal Year 2017-2018.

**ACTION: Resolution 2017-254 (Ah You/Grewal; 6/1; Kenoyer no)** amending the Position Allocation for Fiscal Year 2017-18 as adopted in the Operating Budget.

**ACTION: Resolution 2017-255 (Ah You/Grewal; 6/1; Kenoyer no)** amending the class range table for general non-sworn classes.

**ACTION: Resolution 2017-256 (Ah You/Grewal; 6/1; Kenoyer no)** amending the class range table for represented management and confidential non-sworn classes.

**ACTION: Resolution 2017-257 (Ah You/Grewal; 6/1; Kenoyer no)** amending the class range table for public safety non-sworn classes.

**ACTION: Resolution 2017-258 (Ah You/Grewal; 6/1; Kenoyer no)** amending the classification plan for the City of Modesto to create the classification of Electrician Crewleader and Survey Party Chief; amend the title of Business Center Manager to Business Manager; and to amend the title of Police Cadet to Police Cadet I/II to create a "flex" classification.

*Published in the Modesto Bee on March 28, 2017 and Vida en el Valle on March 29, 2017;*

*continued from the May 2, May 9, and May 23, 2017 City Council Meetings*

22. Hearing to consider closing the 30 day public comment period and conduct a public hearing to consider approving the City of Modesto Program Year 2017-2018 Annual Action Plan. (Funding Source: Community Development Block Grant, HOME Investment Partnerships and Emergency Solutions Grant Funds)

- Resolution approving the closure of the 30 day public comment period and conduct a public hearing and approving the City of Modesto Program Year 2017-2018 Annual Action Plan for use of Community Development Block Grant Programs, Emergency Solutions Grant, and HOME Investment Partnership Program funding received from the U.S. Department of Housing and Urban Development and authorizing the Acting City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation required for implementation of the Program Year 2017-2018 Annual Action Plan, authorization to submit applicable documentation and provide technical alterations, as required by HUD, incorporate comments received prior to the close of the public comment period, and to make the necessary steps to implement the provision of this resolution.
- Resolution amending the City of Modesto's Annual Operating, Multi-Year and Capital Improvement Project Budgets to align budgets with the U.S. Department of Housing and Urban Development Online Integrated Disbursement and Information (IDIS) System and authorizing the Finance Director, or her designee, to execute any related documentation required to take the necessary steps to implement the provisions of this resolution.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-259 (Madrigal/Grewal; 7/0)** approving the closure of the 30 day public comment period and conduct a public hearing and approving the City of Modesto Program Year 2017-2018 Annual Action Plan for use of Community Development Block Grant Programs, Emergency Solutions Grant, and HOME Investment Partnership Program funding received from the U.S. Department of Housing and Urban Development and authorizing the Acting City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation required for implementation of the Program Year 2017-2018 Annual Action Plan, authorization to submit applicable documentation and provide technical alterations, as required by HUD, incorporate comments received prior to the close of the public comment period, and to make the necessary steps to implement the provision of this resolution.

**ACTION: Resolution 2017-260 (Madrigal/Grewal; 7/0)** amending the City of Modesto's Annual Operating, Multi-Year and Capital Improvement Project Budgets to align budgets with the U.S. Department of Housing and Urban Development Online Integrated Disbursement and Information (IDIS) System and authorizing the Finance Director, or her designee, to execute any related documentation required to take the necessary steps to implement the provisions of this resolution.

*Councilmembers Grewal and Ridenour left meeting at 9:05 p.m.*

*Published in the Modesto Bee on June 7, 2017; Councilmember Grewal Conflict of Interest*

23. Hearing to consider approving the Fiscal Year 2017-18 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 2017-18 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-261 (Kenoyer/Ah You; 5/0; Grewal, Ridenour absent)**

confirming the Fiscal Year 2017-18 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

*Published in the Modesto Bee on June 7, 2017; Councilmember Grewal Conflict of Interest*

24. Hearing to consider approving the Fiscal Year 2017-18 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 2017-18 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-262 (Kenoyer/Zoslocki; 5/0; Grewal; Ridenour absent)**

confirming the Fiscal Year 2017-18 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2.

*Published in the Modesto Bee on June 7, 2017*

25. Hearing to consider approving the Fiscal Year 2017-18 annual assessment for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)

- Resolution confirming the Fiscal Year 2017-18 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-263 (Kenoyer/Zoslocki; 5/0; Grewal, Ridenour absent)** confirming the Fiscal Year 2017-18 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

*Published in the Modesto Bee on June 6, 2017; Councilmember Ridenour absent due to conflict of interest*

26. Hearing to consider an Ordinance amending Precise Plan No. 23 of the Village One Specific Plan, to change the configuration of 57 single-family residential lots with alley access to 59 street-accessed single-family residential lots, for property located west of Claus Road and north of Floyd Avenue. (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance amending Precise Plan No. 23 of the Village One Specific Plan, to amend the configuration of 57 single-family residential lots with alley access to 59 street-accessed single-family residential lots, property located west of Claus Road and north of Floyd Avenue.
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Precise Plan Area No. 23 in the Village One Specific Plan Area, to amend the configuration of 57 single-family residential lots with alley access to 59 street-accessed single-family residential lots, property located west of Claus Road and north of Floyd Avenue.

*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Motion (Madrigal/Zoslocki; 6/0; Ridenour absent due to conflict of interest)** introducing and waiving the first reading of **Ordinance No. 3674-C.S.** amending Precise Plan No. 23 of the Village One Specific Plan, to amend the configuration of 57 single-family residential lots with alley access to 59 street-accessed single-family residential lots, property located west of Claus Road and north of Floyd Avenue.

**ACTION: Resolution 2017-264 (Madrigal/Zoslocki; 6/0; Ridenour 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 (State Clearinghouse No. 2007072023): Amendment to Precise Plan Area No. 23 in the Village One Specific Plan Area, to amend the configuration of 57 single-family residential lots with alley access to 59 street-accessed single-family residential lots, property located west of Claus Road and north of Floyd Avenue.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 9:15 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)**

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – MCEA**  
Negotiator: Joseph P. Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – MCMA**  
Negotiator: Joseph P. Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – MPOA**  
Negotiator: Joseph P. Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – MPNSA**  
Negotiator: Joseph P. Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) –MPMA**  
Negotiator: Joseph P. Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – MCFFA**  
Negotiator: Joseph P. Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**  
Agency Negotiators: Joseph P. Lopez, Acting City Manager, Adam U. Lindgren, City Attorney  
Employee Organization: Unrepresented Management and Confidential Employees

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

### City of Modesto **SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP**

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

**Wednesday, July 5, 2017, at 12:00 p.m.**

Roll Call: Present: Councilmembers Madrigal, Ah You (alternate), Mayor Brandvold  
Absent: Councilmember Grewal  
Also Present: Councilmembers Kenoyer, Zoslocki, Ridenour

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider applications for the StanCOG Measure L Citizens Oversight Committee and recommend one member to represent the City to Council for approval. (Funding Source: Not Applicable)  
*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

**ACTION: Motion (Ah You/Mayor Brandvold; 3/0)** appointing Craig Lewis to the StanCOG Measure L Citizens Oversight Committee (City of Modesto representative) and forwarding to Council for approval.

2. Consider applications for the City Measure L Citizens' Transportation Sales Tax Commission and recommend 11 members to Council for approval. (Funding Source: Not Applicable)  
*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Ah You; 3/0)** appointing the following to the City of Modesto Measure L Citizens' Transportation Sales Tax Commission and recommending 9 members to Council for approval:

- Randy Clark – 1 member from any association representing business such as Chamber of Commerce

- Theodore Mills and Mike Rego – 2 members from Modesto Neighborhood Associations or organizations with similar purposes with tax-exempt status
- David Thomas and Allan James – 2 members from any local taxpayer’s association with tax exempt status
- Audrey Mills – 1 member from large business located within the City of Modesto
- Janice Keating – 1 member from small business located within the City of Modesto
- James Aja – 1 **member from labor union with members residing in the City of Modesto (1 seat vacant)**
- Patricia Brazelton – 1 members from a former Stanislaus County Civil Grand Jury served within previous five years of appointment
- **1 seat vacant – 1 member from any local nonpartisan political organization with tax-exempt status**

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 12:44 p.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Wednesday July 05, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk’s Announcements: Item 11 - continued to July 11, 2017 Council meeting

Declaration of Conflicts of Interest: Ridenour - Item 3

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

## PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding a structure on Bronson Avenue.

## CONSENT ITEMS – ROLL CALL VOTE REQUIRED

**ACTION CONSENT ITEMS 1-2; 4-8: (Kenoyer/Zoslocki; 7/0)**

**ACTION CONSENT ITEM 3: (Kenoyer/Zoslocki; 6/0; Ridenour 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 June 27, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the June 27, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0) approving the minutes from the June 27, 2017 Council Meeting.**

Consent

- 2. Consider final adoption of **Ordinance No. 3673-C.S.** adopting the Fiscal Year 2017-2018 Annual and Multi-Year Operating Budgets and the 2017-2018 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers. (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3673-C.S.** adopting the Fiscal Year 2017-2018 Annual and Multi-Year Operating Budgets and the 2017-2018 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.

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

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving final adoption of **Ordinance No. 3673-C.S.** adopting the Fiscal Year 2017-2018 Annual and Multi-Year Operating Budgets and the 2017-2018 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.

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

- 3. Consider final adoption of **Ordinance No. 3674-C.S.** amending Precise Plan No. 23 of the Village One Specific Plan, to amend the configuration of 57 single-family residential lots with alley access to 59 street-accessed single-family residential lots, property located west of Claus Road and north of Floyd Avenue. (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3674-C.S.** amending Precise Plan No. 23 of the Village One Specific Plan, to amend the configuration of 57 single-family residential lots with alley access to 59 street-accessed single-family residential lots, property located west of Claus Road and north of Floyd Avenue.

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

**ACTION: Motion (Kenoyer/Zoslocki; 6/0; Ridenour absent due to conflict of interest)** approving final adoption of Ordinance No. 3674-C.S. amending Precise Plan No. 23 of the Village One Specific Plan, to amend the configuration of 57 single-family residential lots with alley access to 59 street-accessed single-family residential lots, property located west of Claus Road and north of Floyd Avenue.

Consent

- 4. Consider approving the Appointment of Joseph P. Lopez as Interim City Manager and amending Resolution 2017-164 to reflect the new title. (Funding Source: Not Applicable)
  - Resolution appointing Joseph P. Lopez as Interim City Manager and amending Resolution 2017-164 to reflect the new title.

*City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Resolution 2017-265 (Kenoyer/Zoslocki; 7/0)** appointing Joseph P. Lopez as Interim City Manager and amending Resolution 2017-164 to reflect the new title.

Consent

5. Consider an Ordinance amending Municipal Code Section 3-2.1401.1 to determine and designate speed limit changes. (Funding Source: Traffic Operations - Surface Transportation Fund – 1700)
- Motion introducing and waiving the first reading of an Ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.
- Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** introducing and waiving the first reading of **Ordinance No. 3675-C.S.** amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

Consent

6. Consider approving an Amendment to a Service Agreement for the Supply and Acceptance of Solid Waste dated July 1, 2012 between Covanta Stanislaus, Inc., the County of Stanislaus and the City effective July 5, 2017. (Funding Source: Not Applicable)
- Resolution approving the First Amendment to the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste between Covanta Stanislaus, Inc. and the Contracting Communities, the City of Modesto and the County of Stanislaus with an effective date of July 5, 2017, and authorizing the Acting City Manager, or his designee, to execute the First Amendment.
- Public Works; Karin Rodriguez, 577-5453, krodriquez@modestogov.com*

**ACTION: Resolution 2017-266 (Kenoyer/Zoslocki; 7/0)** approving the First Amendment to the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste between Covanta Stanislaus, Inc. and the Contracting Communities, the City of Modesto and the County of Stanislaus with an effective date of July 5, 2017, and authorizing the Acting City Manager, or his designee, to execute the First Amendment.

Consent

7. Consider approving the purchase of pipe saddles to Ferguson Waterworks, Modesto, CA, and Pace Supply Corporation, Stockton, CA, for a two-year agreement with three one-year extension options, for an estimated annual cost of \$70,000, and \$350,000 over five years. (Funding Source: Water Funds 4180 & 4100)
- Resolution approving the purchase of pipe saddles to Ferguson Waterworks, Modesto, CA, and Pace Supply Corporation, Stockton, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$70,000 and \$350,000 over five years, and authorizing the Acting City Manager, or his designee, to issue a purchasing agreement.
- Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2017-267 (Kenoyer/Zoslocki; 7/0)** approving the purchase of pipe saddles to Ferguson Waterworks, Modesto, CA, and Pace Supply Corporation, Stockton, CA, for a two-year agreement with three one-year extension options at the sole discretion of the

City, for an estimated annual cost of \$70,000 and \$350,000 over five years, and authorizing the Acting City Manager, or his designee, to issue a purchasing agreement.

Consent

8. Consider approving a First Amendment to the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Final Design Report for the River Trunk Rehabilitation (Gallo) and the Cannery Segregation Diversion Structure Projects in the amount of \$41,676. (Funding Source: Wastewater Fund)

- Resolution approving a First Amendment to the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Final Design Report for the River Trunk Rehabilitation (Gallo) and the Cannery Segregation Diversion Structure Projects in the amount of \$41,676, and authorizing the Acting City Manager, or his designee, to execute the First Amendment to the Agreement.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-268 (Kenoyer/Zoslocki; 7/0)** approving a First Amendment to the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Final Design Report for the River Trunk Rehabilitation (Gallo) and the Cannery Segregation Diversion Structure Projects in the amount of \$41,676, and authorizing the Acting City Manager, or his designee, to execute the First Amendment to the Agreement.

**COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer spoke regarding opening day for Junior Giants at Enslen Park; she attended the 4th of July Parade and clean-up after the parade by citizens.

Councilmember Zoslocki spoke regarding State Route 132 and Senate Bill 1 funding.

Councilmember Madrigal spoke regarding the Third Annual Downtown All-American Festival after the 4th of July Parade; he also spoke regarding the disposal of illegal fireworks.

Councilmember Ah You thanked Assemblyman Adam Grey and Supervisor Terry Withrow for obtaining a \$2.5 million grant to assist with homelessness in our community.

**CITY MANAGER COMMENTS & REPORTS**

None.

**UNFINISHED BUSINESS**

9. Consider approving a list of projects to be funded with Measure L tax proceeds in Fiscal Year 2017-2018, including certain projects in the Fiscal Year 2017-2018 Capital Improvement Program and approving the related budget adjustments. (Funding Source: City of Modesto Measure L Funds)

- Resolution approving a list of projects to be funded with Measure L tax proceeds in Fiscal Year 2017-2018, including certain projects in the Fiscal Year 2017-2018

Capital Improvement Program and approving the budget adjustment for each project.

*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2017-269 (Zoslocki/Madrigal; 7/0)** approving a list of projects to be funded with Measure L tax proceeds in Fiscal Year 2017-2018, including certain projects in the Fiscal Year 2017-2018 Capital Improvement Program and approving the budget adjustment for each project.

10. Consider accepting the update report of the emergency flood repairs to the River Trunk sewer system. (Funding Source: Grants-Operation Grants Reimbursed Fund)
- Resolution accepting an update report of emergency flood repairs to the River Trunk sewer system.
- Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-270 (Madrigal/Ah You; 7/0)** accepting an update report of emergency flood repairs to the River Trunk sewer system.

### HEARINGS

*Published in the Modesto Bee on June 24 and July 1, 2017; continued to July 11, 2017*

11. Hearing to consider approving a Debit and Credit Card Service Fee of 2.4% for all debit and credit card transactions excluding utility services and parking garage fees. (Funding Source: General Fund, Capital Facility Funds and Golf Funds)
- Item continued to July 11, 2017 Council Meeting.
- Finance; Leslie Curtin, 571-5889, lcurtin@modestogov.com*

**ACTION:** Item continued to July 11, 2017 Council Meeting.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 6:30 p.m.

### CLOSED SESSION

*All Closed Session Matters heard prior to meeting*

**CONSENT**

- 1. Consider appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 105-032-001
  - Motion appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 105-032-001  
City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**  
 Agency Negotiator: Adam U. Lindgren, City Attorney  
 Employee: Interim City Manager

**PUBLIC EMPLOYEE APPOINTMENT**  
**(Pursuant to Section 54957(b)(1) Government Code)**  
 Title: Interim City Manager

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**  
**(Pursuant to Section 54956.8 of the Government Code)**  
 Property: APN: 105-032-001, Located at 1024 Needham St  
 Property Owners: City of Modesto  
 Negotiating Parties:  
 For City: Jon Yuriar, Property Agent for City of Modesto  
 Adam U. Lindgren, City Attorney for City of Modesto  
 For Buyers: Tammy & Michael Cunha  
 Under Negotiation: Approve sale of surplus property and appraised value

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**  
 Name of case: Montelongo v. COM  
 Case No. 1:15-cv-01605-BAM

Attest: \_\_\_\_\_  
 Stephanie Lopez, City Clerk

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday July 11, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Kevin Carroll, Modesto Gospel Mission

City Clerk's Announcements: Items 24, 25 and 26 - continued to future Council meeting

Declaration of Conflicts of Interest: None

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Johnny Matthews in honor of the 60th Anniversary of Modesto's A&W Drive-In. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Council presented a Proclamation to Johnny Matthews in honor of the 60th Anniversary of Modesto's A&W Drive-In.

2. Presentation of Proclamation declaring August 1, 2017, as "National Night Out" in the City of Modesto. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Council presented a Proclamation declaring August 1, 2017, as "National Night Out" in the City of Modesto.

3. Recognition of staff who have reached 20, 30 and 40 year milestones as employees of the City of Modesto. (Funding Source: Not Applicable)  
*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION:** Human Resources Director Norma Santoyo, Mayor Brandvold, and Council

recognized staff who have reached 20, 30 and 40 year milestones as employees of the City of Modesto.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

4. Consider appointing Joseph Cahill to the City Landmark Preservation Commission with a term expiration of January 1, 2021. (Funding Source: Not Applicable)
- Resolution appointing Joseph Cahill to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2021.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-271 (Kenoyer/Madrigal; 7/0)** appointing Joseph Cahill to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2021.

**PUBLIC COMMENT PERIOD**

- David Pratt spoke regarding City of Merced Measure V regarding bus routes.
- Adrian Harrell spoke regarding Modesto Sister Cities 30th Anniversary and delegation travelling to Khmelnytsky, Ukraine in August and concerns regarding their website.
- Terhesa Gamboa spoke regarding home hash oil labs and legalization of marijuana.
- Loretta Carhart spoke regarding bus routes in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 5-20: (Kenoyer/Zoslocki; 7/0)**

**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 July 5, 2017 Council Meeting. (Funding Source: Not Applicable)
- Motion approving the minutes from the July 5, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving the minutes from the July 5, 2017

Council Meeting.

Consent

6. Consider final adoption of **Ordinance No. 3675-C.S.** amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits. (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3675-C.S.** amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

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

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving final adoption of **Ordinance No. 3675-C.S.** amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

Consent

7. Consider approving a Fourth Amendment to the Outside Counsel Legal Services Agreement with Borton Petrini, LLP, in the amount of \$17,200 to finalize billing. (Funding Source: General Liability Insurance Fund)
  - Resolution approving a Fourth Amendment to the Legal Services Agreement dated July 3rd, 2014 with Borton Petrini, LLP in an amount not to exceed \$17,200 to finalize billing.

*City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Resolution 2017-272 (Kenoyer/Zoslocki; 7/0)** approving a Fourth Amendment to the Legal Services Agreement dated July 3rd, 2014 with Borton Petrini, LLP in an amount not to exceed \$17,200 to finalize billing.

Consent

8. Consider approving a Second Amendment to the Outside Counsel Legal Services Agreement with Liebert Cassidy Whitmore, in the amount of \$47,500 for continued representation in labor and employment law matters. (Funding Source: General Liability Insurance Fund)
  - Resolution approving a Second Amendment to the Legal Services Agreement dated August 8th, 2016 with Liebert Cassidy Whitmore in an amount not to exceed \$47,500 to continue representing the City of Modesto in labor and employment matters.

*City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Resolution 217-273 (Kenoyer/Zoslocki; 7/0)** approving a Second Amendment to the Legal Services Agreement dated August 8th, 2016 with Liebert Cassidy Whitmore in an amount not to exceed \$47,500 to continue representing the City of Modesto in labor and employment matters.

Consent

9. Consider adopting the StanCOG State Route 99 Corridor Enhancement Plan as the

official landscape and architecture guidance document for future projects implemented on State Route 99. (Funding Source: Not Applicable)

- Resolution adopting the StanCOG State Route 99 Corridor Enhancement Plan as the official landscape and architecture guidance document for future projects implemented on State Route 99.

*Community & Economic Development; Patrick Kelly, 577-5267,  
pkelly@modestogov.com*

**ACTION: Resolution 2017-274 (Kenoyer/Zoslocki; 7/0)** adopting the StanCOG State Route 99 Corridor Enhancement Plan as the official landscape and architecture guidance document for future projects implemented on State Route 99.

Consent

10. Consider accepting an informational report for the May 2017 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)

- Motion accepting an informational report for the May 2017 Accounts Payable Payment Register and Void report.

*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting an informational report for the May 2017 Accounts Payable Payment Register and Void report.

Consent

11. Consider accepting the Monthly Budget Adjustment Report for April 2017 and amending Fiscal Year 2016-17, Annual Operating and Capital Improvement Budget. (Funding Source: Operation Grants Reimbursable Fund, Various CFD Funds, Worker's Compensation Fund, TSP Building Services Fund, Green Waste Fund, Water and Wastewater Funds)

- Resolution amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.

*Finance and City Manager; Terri Swearingen, 577-5378,  
tswearingen@modestogov.com*

**ACTION: Resolution 2017-275 (Kenoyer/Zoslocki; 7/0)** amending Fiscal Year 2016-17 Annual Operating and Capital Improvement Budget.

Consent

12. Consider approving a Memorandum of Understanding between the Modesto Sunrise Rotary and the City regarding the installation and maintenance of a donated pre-cast concrete monument park sign in Garrison Park. (Funding Source: Community Donations and General Fund)

- Resolution approving a Memorandum of Understanding between the Modesto Sunrise Rotary and the City of Modesto regarding the installation and maintenance of a park sign in Garrison Neighborhood Park and authorizing the Interim City Manager, or his designee, to execute the MOU.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526,*

*nhoux@modestogov.com*

**ACTION: Resolution 2017-276 (Kenoyer/Zoslocki; 7/0)** approving a Memorandum of Understanding between the Modesto Sunrise Rotary and the City of Modesto regarding the installation and maintenance of a park sign in Garrison Neighborhood Park and authorizing the Interim City Manager, or his designee, to execute the MOU.

Consent

13. Consider approving the purchase of automatic vehicle location equipment and installation to Avail Technologies, Inc., State College, PA, for a total cost of \$367,509. (Funding Source: Existing Transit Funds)
- Resolution accepting the bid and awarding a Contract to Avail Technologies, Inc., State College, PA, for the purchase of 18 AVL equipment upgrades and installation for the Modesto Area Express (MAX) bus fleet in the amount of \$367,509, and authorizing the Interim City Manager, or his designee, to execute the Agreement.  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-277 (Kenoyer/Zoslocki; 7/0)** accepting the bid and awarding a Contract to Avail Technologies, Inc., State College, PA, for the purchase of 18 AVL equipment upgrades and installation for the Modesto Area Express (MAX) bus fleet in the amount of \$367,509, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving an Agreement with SCS Engineers, Modesto, CA for the preparation of a Solid Waste Rate and Fee Study in an amount not to exceed \$51,750. (Funding Source: Solid Waste Fund, Compost Fund, Green Waste Diversion Fund)
- Resolution approving an Agreement with SCS Engineers, Modesto, CA for the preparation of the Solid Waste Rate and Fee Study in an amount not to exceed \$45,000 for the identified scope of services, plus \$6,750 for additional services (if needed) for a maximum total amount of \$51,750, and authorizing the Interim City Manager, or his designee, to execute the Agreement.  
*Public Works; Karin Rodriguez, 577-5453, krodriquez@modestogov.com*

**ACTION: Resolution 2017-278 (Kenoyer/Zoslocki; 7/0)** approving an Agreement with SCS Engineers, Modesto, CA for the preparation of the Solid Waste Rate and Fee Study in an amount not to exceed \$45,000 for the identified scope of services, plus \$6,750 for additional services (if needed) for a maximum total amount of \$51,750, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

Consent

15. Consider approving the quarterly fuel adjustments to the maximum rate schedule for City solid waste collection services for an increase of \$0.08 per month for residential services and \$0.07 per cubic yard per month for commercial services, retroactive to July 1, 2017, and rescinding Resolution No. 2017-13. (Funding Source: General Fund, Streets Fund, Solid Waste Funds)

- Resolution approving the quarterly fuel adjustments to the maximum rate schedule for City solid waste collection services of \$0.08 per month for residential services, and \$0.07 per cubic yard per month for commercial services, retroactive to July 1, 2017, and rescinding Resolution No. 2017-13.

*Public Works; Karin Rodriguez, 577-5453, krodriquez@modestogov.com*

**ACTION: Resolution 2017-279 (Kenoyer/Zoslocki; 7/0)** approving the quarterly fuel adjustments to the maximum rate schedule for City solid waste collection services of \$0.08 per month for residential services, and \$0.07 per cubic yard per month for commercial services, retroactive to July 1, 2017, and rescinding Resolution No. 2017-13.

Consent

16. Consider authorizing staff to increase an existing purchase agreement with Central Valley Electric, Modesto, CA from \$350,000 to \$575,000. (Funding Source: General Fund and other funds)

- Resolution authorizing increasing the existing purchase agreement with Central Valley Electric, Modesto, California from \$350,000 to \$575,000.

*Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Resolution 2017-280 (Kenoyer/Zoslocki; 7/0)** authorizing increasing the existing purchase agreement with Central Valley Electric, Modesto, California from \$350,000 to \$575,000.

Consent

17. Consider approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for on-call hydraulic wastewater collection system modeling support services for a term of one year with two one-year extensions, not to exceed \$75,000 per year for a total cost of \$225,000 over the term of the Agreement. (Funding Source: Various CIP's)

- Resolution approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for on-call hydraulic wastewater collection system modeling support services for a term of one year with two one-year extensions at the sole discretion of the City, not to exceed \$75,000 per year for a total cost of \$225,000 over the term of the Agreement, and authorizing the Interim City Manager, or his designee, to execute the Agreement, and up to two, one-year extensions.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2017-281 (Kenoyer/Zoslocki; 7/0)** approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for on-call hydraulic wastewater collection system modeling support services for a term of one year with two one-year extensions at the sole discretion of the City, not to exceed \$75,000 per year for a total cost of \$225,000 over the term of the Agreement, and authorizing the Interim City Manager, or his designee, to execute the Agreement, and up to two, one-year extensions.

Consent

18. Consider approving an Amendment to the Agreement with Bartkiewicz, Kronick & Shanahan, P.C., Sacramento, CA, to provide legal services for the State Water

Resources Control Board Substitute Environmental Document in an amount not to exceed \$35,000. (Funding Source: Water Fund)

- Resolution approving a First Amendment to the Agreement with Bartkiewicz, Kronick & Shanahan, P.C., Sacramento, CA, to provide legal services for the State Water Resources Control Board Substitute Environmental Document in an amount not to exceed \$35,000, and authorizing the Interim City Manager, or his designee, to execute the First Amendment to the Agreement.

*Utilities; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2017-282 (Kenoyer/Zoslocki; 7/0)** approving a First Amendment to the Agreement with Bartkiewicz, Kronick & Shanahan, P.C., Sacramento, CA, to provide legal services for the State Water Resources Control Board Substitute Environmental Document in an amount not to exceed \$35,000, and authorizing the Interim City Manager, or his designee, to execute the First Amendment to the Agreement.

Consent

19. Consider rejecting all bids for rental equipment services and authorizing staff to re-bid at a future date with an amended scope of services. (Funding Source: Water Fund)
- Resolution rejecting all bids received for RFB No. 1617-14 for Rental Equipment Services and authorizing the Interim City Manager, or his designee, to re-release the RFB at a future date, with an amended Scope of Services and an updated bidder notification process, for Rental Equipment Services.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2017-283 (Kenoyer/Zoslocki; 7/0)** rejecting all bids received for RFB No. 1617-14 for Rental Equipment Services and authorizing the Interim City Manager, or his designee, to re-release the RFB at a future date, with an amended Scope of Services and an updated bidder notification process, for Rental Equipment Services.

Consent

20. Consider approving a Water Support Services Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for support services to Well #274 and Well #295 within the Grayson community water system, for a one-year Agreement with four one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$125,500 and \$627,500 over five years. (Funding Source: Water Fund)
- Resolution approving a Water Support Services Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for support services to Well #274 and Well #295 within the Grayson community water system, for a one-year Agreement with four one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$125,500 and \$627,500 over five years, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2017-284 (Kenoyer/Zoslocki; 7/0)** approving a Water Support Services Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for support services to Well #274 and Well #295 within the Grayson community water system, for a one-

year Agreement with four one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$125,500 and \$627,500 over five years, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer attended the swearing-in ceremony in Modesto of 157 new citizens to the United States.

Councilmember Zoslocki also attended the swearing-in ceremony in Modesto of 157 new citizens to the United States.

Councilmember Madrigal attended: first Measure L funding public project celebration "Salida Pavement Preservation" on Saturday; Neighborhood Watch meeting in South Modesto; and Celtic Festival in Graceada Park.

Councilmember Ridenour announced Pickleball Games at Beyer High School.

Councilmember Ah You spoke in support of Stanislaus State University.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **HEARINGS**

*Published in the Modesto Bee on June 26, 2017*

21. Hearing to consider annexing 1303 Mable Avenue to the City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2); authorizing the levy of special taxes therein; calling a special election; and declaring the results of the July 11, 2017 special election. (Funding Source: CFD No. 2007-1 (North Beyer Park #2))
- Resolution calling a special election for the City of Modesto to Annex Territory to City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2).
  - Resolution declaring the results of the July 11, 2017 special election and ordering the annexation of the additional territory to City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2)

*Community & Economic Development; Tina Rocha, 577-5211,  
trocha@modestogov.com*

**ACTION: Resolution 2017-285 (Madrigal/Kenoyer; 7/0)** calling a special election for the City of Modesto to Annex Territory to City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2).

**ACTION: Resolution 2017-286 (Madrigal/Kenoyer; 7/0)** declaring the results of the July 11, 2017 special election and ordering the annexation of the additional territory to City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2)

*Published in the Modesto Bee on June 24 and July 1, 2017; continued from July 5, 2017*

22. Hearing to consider approving a Debit and Credit Card Service Fee of 2.4% for all debit and credit card transactions excluding utility services and parking garage fees. (Funding Source: General Fund, Capital Facility Funds and Golf Funds)
- Resolution approving a Debit and Credit Card Service Fee of 2.4% for all debit and credit card transactions, excluding utility services and parking garage fees to be effective September 1, 2017.
- Finance; Leslie Curtin, 571-5889, lcurtin@modestogov.com*

**ACTION: Motion (Zoslocki/NO SECOND)** approving a Debit and Credit Card Service Fee of 2.4% for all debit, credit card transactions, **golf and bus passes**, excluding utility services and parking garage fees to be effective September 1, 2017. **(MOTION FAILED)**

**ACTION: Resolution 2017-287 (Grewal/Ah You; 6/1; Zoslocki no)** approving a Debit and Credit Card Service Fee of 2.4% for all debit, credit card transactions, and **transit fare media**, excluding utility services and parking garage fees to be effective September 1, 2017.

### NEW BUSINESS

23. Consider designating the Stanislaus Community System of Care Collaborative / Continuum of Care as the planning and coordinating body to address homelessness in Stanislaus County; authorizing the City to serve as the Collaborative Applicant and Homeless Management Information System Administrator; and adding the positions of Homeless Management Information System Program Coordinator and Technician to City Classification Plan. (Funding Source: Homeless Management Information Systems Grant)
- Resolution designating the Stanislaus Community System of Care Collaborative / Continuum of Care as the planning and coordinating body to address homelessness in Stanislaus County.
  - Resolution authorizing the City of Modesto to serve as the Collaborative Applicant and Homeless Management Information System Administrator for Stanislaus Community System of Care Collaborative/Continuum of Care.
  - Resolution amending the Classification Plan for the City of Modesto to create the classification of Homeless Management Information System (HMIS) Technician and Homeless Management Information System (HMIS) Program Coordinator.
- Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Resolution 2017-288 (Kenoyer/Zoslocki; 7/0)** designating the Stanislaus Community System of Care Collaborative / Continuum of Care as the planning and coordinating body to address homelessness in Stanislaus County.

**ACTION: Resolution 2017-289 (Kenoyer/Zoslocki; 7/0)** authorizing the City of Modesto to serve as the Collaborative Applicant and Homeless Management Information System Administrator for Stanislaus Community System of Care Collaborative/Continuum of Care.

**ACTION: Resolution 2017-290 (Kenoyer/Zoslocki; 7/0)** amending the Classification Plan for the City of Modesto to create the classification of Homeless Management Information System (HMIS) Technician and Homeless Management Information System (HMIS) Program Coordinator.

*Continued to future Council meeting*

24. Consider approving the Fiber Network Infrastructure Master Plan as developed by Kimley-Horn and Associates of Oakland, CA. (Funding Source: Not Applicable)
- Resolution approving the Fiber Network Infrastructure Master Plan as developed by Kimley-Horn and Associates of Oakland, CA.
- Information Technology; John Dickey, 577-5229, jdickey@modestogov.com*

**ACTION:** Continued to future Council meeting.

*Continued to future Council meeting*

25. Consider approving a Land Exchange Agreement and a License and Street Closure Agreement between the City and Stanislaus Food Products, Modesto, CA. (Funding Source: General Fund)
- Resolution approving a Land Exchange Agreement between City of Modesto and Stanislaus Food Products (SFP), and authorizing the Interim City Manager, or his designee to execute the Agreement.
  - Resolution approving a License and Street Closure Agreement between City of Modesto and Stanislaus Food Products (SFP), and authorizing the Interim City Manager, or his designee to execute the Agreement.
- Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION:** Continued to future Council meeting.

*Continued to future Council meeting*

26. Consider approving a Master Storm Drainage License Agreement between Modesto Irrigation District and the City with an annual cost of \$1.2 Million. (Funding Source: Water Fund)
- Resolution approving a Master Storm Drainage License Agreement between Modesto Irrigation District and the City with an annual cost of \$1.2 million, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
- Utilities; William Wong, 571-5801, wwong@modestogov.com*

**ACTION:** Continued to future Council meeting.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 8:15 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)**

Negotiating Parties:

For the City: Bill Sandhu, Public Works Director

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Stanislaus Food Products

Under Negotiation: Price and terms of purchase

1. Property: 134 12th Street – APN 106-023-014

Property Owner: Stanislaus Food Products

2. Property: PO Box 3951 (12th Street) – APN 106-023-011

Property Owner: Stanislaus Food Products

3. Property: PO Box 3951 (Morton Boulevard) – APN 106-033-006

Property Owner: Stanislaus Food Products

4. Property: PO Box 3951 (Morton Boulevard) – APN 106-033-007

Property Owner: Stanislaus Food Products

5. Property: 110 11th Street – APN 106-330-014

Property Owner: Stanislaus Food Products

6. Property: 1202 D Street – APN 106-032-010

Property Owner: Stanislaus Food Products

7. Property: PO Box 3951 (B Street) – APN 106-023-009

Property Owner: Stanislaus Food Products

8. Property: PO Box 3951 (11th Street) – APN 106-037-004

Property Owner: Stanislaus Food Products

9. Property: 231 11th Street – APN 106-036-004

Property Owner: Stanislaus Food Products

10. Property: PO Box 3951 (11th Street) – APN 106-036-003

Property Owner: Stanislaus Food Products

11. Property: PO Box 1113 (12th Street) – APN 106-023-015

Property Owner: Stanislaus Food Products

12. Property: 132 10th Street – APN 106-035-003

Property Owner: Stanislaus Food Products

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Three Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: Patrick Green v. COM  
Case No. 2020908

Michael Beidleman v. COM  
Case No. 1:16-cv-01100-DAD-SKO

Civic Partners Modesto v. COM, Redevelopment Successor  
Agency (RDA)  
Case No. 9000266

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**  
Negotiator: Joseph P. Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**  
Negotiator: Joseph P. Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**  
Negotiator: Joseph P. Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**  
Negotiator: Joseph P. Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**  
Negotiator: Joseph P. Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**  
Negotiator: Joseph P. Lopez  
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai  
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**

Agency Negotiators: Joseph P. Lopez, Interim City Manager, Adam U. Lindgren, City Attorney

Employee Organization: Unrepresented Management and Confidential Employees

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk



\* Via Conference Call  
Councilman Grewal  
Disney Aulani Resort & Spa  
92-1185 Aliinui Drive  
Kapolei, HI 96707

# MODESTO CITY COUNCIL

[www.modestogov.com](http://www.modestogov.com)

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Wednesday August 02, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal\*, Kenoyer, Madrigal, Ridenour,  
Zoslocki, Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk’s Announcements: None.

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to John Sanders in recognition of his outstanding volunteer work for the City of Modesto. (Funding Source: Not Applicable)  
*Community & Economic Development; Bob Kimball, 571-5540, rkimball@modestogov.com*

**ACTION:** Mayor Ted Brandvold and City Councilmembers presented a Proclamation to John

Sanders in recognition of his outstanding volunteer work for the City of Modesto.

## MISCELLANEOUS

Legislation  
Appointments  
Other

2. Consider appointing nine members to the City of Modesto Measure L Citizens' Transportation Sales Tax Commission. (Funding Source: Not Applicable)
  - Resolution appointing Randy Clark, Theodore Mills, Mike Rego, David Thomas, Allan James, Audrey Mills, Janice Keating, James Aja, and Patricia Brazelton to the City of Modesto Measure L Citizens' Transportation Sales Tax Commission.  
*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

**ACTION: Resolution 2017-291 (Ah You/Madrigal; 6/1; Ridenour no)** appointing Randy Clark, Theodore Mills, Mike Rego, David Thomas, Allan James, Audrey Mills, Janice Keating, James Aja, and Patricia Brazelton to the City of Modesto Measure L Citizens' Transportation Sales Tax Commission.

3. Consider appointing Craig Lewis to the StanCOG Measure L Citizens Oversight Committee. (Funding Source: Not Applicable)
  - Resolution appointing Craig Lewis to the StanCOG Measure L Citizens Oversight Committee.  
*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

**ACTION: Resolution 2017-292 (Madrigal/Ah You; 7/0)** appointing Craig Lewis to the StanCOG Measure L Citizens Oversight Committee.

4. Consider approving the reappointments of Susie Fagundes and Brad Morad to the Downtown Improvement Advisory Board for a four-year term to expire January 1, 2021. (Funding Source: Not Applicable)
  - Resolution approving the reappointments of Susie Fagundes and Brad Morad to the Downtown Improvement Advisory Board for a four-year term to expire January 1, 2021.  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION: Resolution 2017-293 (Kenoyer/Zoslocki; 7/0)** approving the reappointments of Susie Fagundes and Brad Morad to the Downtown Improvement Advisory Board for a four-year term to expire January 1, 2021.

5. Consider accepting the resignation of Rosie Arce from the City's Culture Commission. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Rosie Arce from the City of Modesto Culture Commission.  
*Community & Economic Development; Cynthia Birdsill, 341-2938,*

*cbirdsill@modestogov.com*

**ACTION: Resolution 2017-294 (Kenoyer/Zoslocki; 7/0)** accepting the resignation of Rosie Arce from the City of Modesto Culture Commission.

**PUBLIC COMMENT PERIOD**

- Loretta Carhart spoke regarding neighborhood meetings.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 6-17: (Kenoyer/Zoslocki; 7/0)**

**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 July 11, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the July 11, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving the minutes from the July 11, 2017 Council Meeting.

Consent

7. Consider approving Will Serve Letters and Outside Service Agreements for water and sewer service for City owned property located at Litt Road (APN: 084-003-005). (Funding Source: Sewer and Water Funds)
  - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and the City of Modesto Utilities Department to connect to the City of Modesto’s existing water system for the property located at Litt Road (APN: 084-003-005) and authorizing the Interim City Manager or his designee to execute the Will Serve Letter and authorizing the Utilities Department Director and the Interim City Manager, or his designee, to execute the Outside Service Agreement.
  - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and the City of Modesto Utilities Department to connect to the City of Modesto’s existing sewer system for the property located at Litt Road (APN: 084-003-005) and authorizing the Interim City Manager or his designee to execute the Will Serve Letter and authorizing the Utilities Department Director and the Interim City Manager, or his designee, to execute the Outside Service Agreement.  
*Community & Economic Development; Vickey Dion, 577-5542, vdion@modestogov.com*

**ACTION: Resolution 2017-295 (Kenoyer/Zoslocki; 7/0)** approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and the City of Modesto Utilities Department to connect to the City of Modesto's existing water system for the property located at Litt Road (APN: 084-003-005) and authorizing the Interim City Manager or his designee to execute the Will Serve Letter and authorizing the Utilities Department Director and the Interim City Manager, or his designee, to execute the Outside Service Agreement.

**ACTION: Resolution 2017-296 (Kenoyer/Zoslocki; 7/0)** approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and the City of Modesto Utilities Department to connect to the City of Modesto's existing sewer system for the property located at Litt Road (APN: 084-003-005) and authorizing the Interim City Manager or his designee to execute the Will Serve Letter and authorizing the Utilities Department Director and the Interim City Manager, or his designee, to execute the Outside Service Agreement.

Consent

8. Consider accepting the Monthly Investment Report for May 2017. (Funding Source: Not Applicable)
  - Motion accepting the Monthly Investment Report for May, 2017.  
*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting the Monthly Investment Report for May, 2017.

Consent

9. Consider approving an agreement for the new Business Licensing and Tax Collection Software from HDL Software, LLC, Diamond Bar, CA for an estimated five year cost of \$151,748 and an additional estimated \$21,000 for one-time professional services and \$11,000 for hardware necessary to complete the implementation. (Funding Source: General Fund)
  - Resolution approving award of proposal and agreement with HDL Software, LLC, Diamond Bar, CA for the purchase and installation of a new Business Licensing and Tax Collection Software for the Finance Department and authorizing the Interim City Manager or his designee to execute a five (5) year contract at an estimated cost of \$151,748 and an additional estimated \$21,000 for one-time professional services and \$11,000 for hardware necessary to complete the implementation.  
*Finance; Leslie Curtin, 571-5889, lcurtin@modestogov.com*

**ACTION: Resolution 2017-297 (Kenoyer/Zoslocki; 7/0)** approving award of proposal and agreement with HDL Software, LLC, Diamond Bar, CA for the purchase and installation of a new Business Licensing and Tax Collection Software for the Finance Department and authorizing the Interim City Manager or his designee to execute a five (5) year contract at an estimated cost of \$151,748 and an additional estimated \$21,000 for one-time professional services and \$11,000 for hardware necessary to complete the implementation.

Consent

10. Consider accepting the Accounts Receivable write-off reports from the Interim City Manager and Finance Director through June 30, 2016 totaling \$719,153, and approve a report of disposition be filed with the City Clerk. (Funding Source: General Fund, Water Fund, Sewer Fund, and other City Funds)
- Resolution accepting the Accounts Receivable write-off reports from the Interim City Manager and Finance Director through June 30, 2016 totaling \$719,153, and approve a report of disposition be filed with the City Clerk.
- Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-298 (Kenoyer/Zoslocki; 7/0)** accepting the Accounts Receivable write-off reports from the Interim City Manager and Finance Director through June 30, 2016 totaling \$719,153, and approve a report of disposition be filed with the City Clerk.

Consent

11. Consider accepting an informational report on the creation of a new Policy on Open Data and the inclusion of Open Data language into the current Web Privacy Policy. (Funding Source: Not Applicable)
- Motion accepting an informational report on a new Policy on Open Data for the City of Modesto and adding Open Data language to the current Web Privacy Policy.
- Information Technology; John Dickey, 577-5229, jdickey@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting an informational report on a new Policy on Open Data for the City of Modesto and adding Open Data language to the current Web Privacy Policy.

Consent

12. Consider rejecting all bids for the Dennett Dam Removal Project. (Funding Source: Grant Funding - Department of Water Resources - Urban Streams)
- Resolution rejecting all bids for the Dennett Dam Removal Project.
- Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-299 (Kenoyer/Zoslocki; 7/0)** rejecting all bids for the Dennett Dam Removal Project.

Consent

13. Consider accepting the Federal Transit Administration Triennial Review final report. (Funding Source: Not applicable.)
- Resolution accepting the Federal Transit Administration Triennial Review final report.
- Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-300 (Kenoyer/Zoslocki; 7/0)** accepting the Federal Transit

Administration Triennial Review final report.

Consent

14. Consider authorizing the submittal of two grant applications under Proposition 1B for the California Transit Security Grant Program – California Transit Assistance Fund for a combined total of \$546,091 for transit security projects. (Funding Source: Transit Funds)
- Resolution authorizing submittal of a grant application to the California Governor’s Office of Emergency Services requesting California Transit Assistance Funds for transit security projects for \$435,985 of Fiscal Year 2015-16 funds under the California Transit Security Grant Program for transit security projects and authorizing the Interim City Manager, or his designee, to execute all grant documents.
  - Resolution authorizing submittal of a grant application to the California Governor’s Office of Emergency Services requesting California Transit Assistance Funds for transit security projects for \$110,106 of Fiscal Year 2016-17 funds under the California Transit Security Grant Program for transit security projects and authorizing the Interim City Manager, or his designee, to execute all grant documents.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-301 (Kenoyer/Zoslocki; 7/0)** authorizing submittal of a grant application to the California Governor’s Office of Emergency Services requesting California Transit Assistance Funds for transit security projects for \$435,985 of Fiscal Year 2015-16 funds under the California Transit Security Grant Program for transit security projects and authorizing the Interim City Manager, or his designee, to execute all grant documents.

**ACTION: Resolution 2017-302 (Kenoyer/Zoslocki; 7/0)** authorizing submittal of a grant application to the California Governor’s Office of Emergency Services requesting California Transit Assistance Funds for transit security projects for \$110,106 of Fiscal Year 2016-17 funds under the California Transit Security Grant Program for transit security projects and authorizing the Interim City Manager, or his designee, to execute all grant documents.

Consent

15. Consider approving a First Amendment to the Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for design and construction services for Replacement Well 226 Project in the amount of \$107,847. (Funding Source: Water Fund)
- Resolution approving a First Amendment to the Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for Design and Construction Services for the Replacement Well 226 Project in the amount of \$107,847, and authorizing the Interim City Manager, or his designee, to execute the First Amendment to the Agreement.

*Utilities; Jeff Cortinas, 571-5181, jcortinas@modestogov.com*

**ACTION: Resolution 2017-303 (Kenoyer/Zoslocki; 7/0)** approving a First Amendment to the Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for Design and

Construction Services for the Replacement Well 226 Project in the amount of \$107,847, and authorizing the Interim City Manager, or his designee, to execute the First Amendment to the Agreement.

Consent

16. Consider approving the award of bid and contract for pump efficiency testing to Pumping Efficiency Testing Services, Sebastopol, CA, for a two-year agreement with three one-year extension options for an estimated annual cost of \$30,000, or a total of up to \$150,000 over five years. (Funding Source: Water Fund)

- Resolution approving the award of bid and contract for pump efficiency testing to Pumping Efficiency Testing Services, Sebastopol, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$30,000, or a total of up to \$150,000 over five years, and authorizing the Interim City Manager, or his designee, to execute a purchasing agreement.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2017-304 (Kenoyer/Zoslocki; 7/0)** approving the award of bid and contract for pump efficiency testing to Pumping Efficiency Testing Services, Sebastopol, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$30,000, or a total of up to \$150,000 over five years, and authorizing the Interim City Manager, or his designee, to execute a purchasing agreement.

Consent

17. Consider approving plans and specifications for the Bowen, Johansen, Naraghi, and Orchard Storm Lift Stations Improvements Project and awarding a construction contract to Tri-Technic, Inc., Sonora, CA, in the amount of \$1,126,510; and amending the Fiscal Year 2017-2018 Capital Improvement Program Budget in the amount of \$1,154,140. (Funding Source: Storm Drain Fund)

- Resolution approving plans and specifications for the Bowen, Johansen, Naraghi, and Orchard Storm Lift Stations Improvements Project, accepting the bid, and awarding a construction contract with Tri-Technic, Inc., of Sonora, CA, in the amount of \$1,126,510 and authorizing the Interim City Manager, or his designee, to execute the contract.
- Resolution amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of \$1,154,140 to be transferred into the project from Storm Drain Fund Reserves to fully fund the construction, contingency, construction administration, and design support during construction for the Bowen, Johansen, Naraghi, and Orchard Storm Drain Lift Stations Improvements Project.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-305 (Kenoyer/Zoslocki; 7/0)** approving plans and specifications for the Bowen, Johansen, Naraghi, and Orchard Storm Lift Stations Improvements Project, accepting the bid, and awarding a construction contract with Tri-Technic, Inc., of Sonora, CA, in the amount of \$1,126,510 and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-306 (Kenoyer/Zoslocki; 7/0)** amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of \$1,154,140 to be transferred into the project from Storm Drain Fund Reserves to fully fund the construction, contingency, construction administration, and design support during construction for the Bowen, Johansen, Naraghi, and Orchard Storm Drain Lift Stations Improvements Project.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Madrigal attended the following events: opening of the new Smart and Final Store yesterday, the Access Center opening yesterday, National Night Out Neighborhood Watch parties throughout the City yesterday, and many other events throughout the City of Modesto; he also thanked Public Works staff for the installation of a crosswalk in West Modesto.

Councilmember Ridenour announced a recent Pickleball Contest; he also spoke regarding the Porchfest event held last Sunday; he requested update on Council Committees Policy; he spoke regarding the Juneteenth event.

Councilmember Kenoyer spoke regarding a Pickleball Contest; she attended the following events: the Parent Resource 25th Anniversary event, San Joaquin JPA meeting in support of trains to Sacramento, the grand opening of new Smart and Final store in Modesto; she also was a speaker at the opening of the Access Center and thanked Lt. Martha Delgado who escorted her to 10 National Night Out events last night.

Councilmember Ah You spoke regarding the PorchFest Event on Sunday; she also attended the opening of the Access Center in Modesto; she also attended Legal Pathways event; the recent passing of David Cogdill, Sr.

Councilmember Zoslocki spoke regarding a recent Pickleball Contest; he also recognized Chief Galen Carroll and National Night Out at Lakewood Park.

### **CITY MANAGER COMMENTS & REPORTS**

Interim City Manager Lopez thanked Police and Fire Department staff for National Night Out last night.

*Councilmember Grewal left meeting at 7:00 p.m.*

### **NEW BUSINESS**

18. Consider authorizing Interim City Manager, or his designee, to pay relocation benefits pursuant to Modesto Municipal Code section 4-12.501 et seq. if necessary, up to a maximum of \$60,000, to the legal tenants of property located at 624 9th Street, Modesto, which funds shall be secured by a lien. (Funding Source: Abatement Fund)
  - Resolution authorizing Interim City Manager, or his designee, to pay relocation benefits pursuant to Modesto Municipal Code 4-12.501 et seq. if necessary, up to a maximum of \$60,000, to the legal tenants of property located at 624 9th Street,

Modesto, which funds shall be secured by a lien.  
*Community & Economic Development; Tim Trimberger, 577-5242,  
ttrimberger@modestogov.com*

**ACTION: Resolution 2017-307 (Ah You/Madrigal; 6/0; Grewal absent)** authorizing Interim City Manager, or his designee, to pay relocation benefits pursuant to Modesto Municipal Code 4-12.501 et seq. **and State law**, if necessary, up to a maximum of \$60,000, to the legal tenants of property located at 624 9th Street, Modesto, which funds shall be secured by a lien.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:50 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

CONSENT

1. Consider appointing Real Property Negotiators Bill Sandhu, Public Works Director for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 009-001-025

- Motion appointing Real Property Negotiators Bill Sandhu, Public Works Director for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 009-001-025  
City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: Patrick Green v. COM  
Case No. 2020908

COM v. Dias  
Case No. 2013360

**PUBLIC EMPLOYEE DISCIPLINE  
Pursuant to Government Code section 54957(b)**

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

Property: Real property located at Sutton Community Park (Claus Rd. & Yosemite Meadows Drive) located in Modesto, CA; APN: 009-001-025

Property Owners: City of Modesto

Negotiating Parties:

For City: Bill Sandhu, Public Works Director for City of Modesto  
Adam U. Lindgren, City Attorney for City of Modesto

For PG&E: Ruben A. Perez, Right of Way Agent

Under Negotiation: Rental Agreement terms with PG&E

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

### City of Modesto **SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP**

**Second Floor, Room 2008  
Tenth Street Place, 1010 10th Street  
Modesto, California**

**Tuesday, August 8, 2017, at 3:00 p.m.**

Roll Call: Present: Councilmember Madrigal, Mayor Brandvold, Councilmember Grewal  
Also Present: Councilmembers Kenoyer, Ridenour

#### PUBLIC COMMENTS

None.

#### CONSENT ITEMS

None.

#### NEW BUSINESS

1. Consider and review applications from prospective candidates to fill two vacancies on the City of Modesto Culture Commission, and forward recommendations to Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Cynthia Birdsill, 571-5566,  
cbirdsill@modestogov.com*

**ACTION: Motion (Madrigal/Grewal; 3/0)** appointing Joseph Sanchez (City of Modesto resident) to the City of Modesto Culture Commission, and forwarding to Council for approval.

**ACTION: Motion (Grewal/Mayor Brandvold; 3/0)** appointing Rebecca Harrington (non-resident) to the City of Modesto Culture Commission, and forwarding to Council for approval.

2. Consider interviewing and recommending a prospective candidate for appointment to fill one vacancy on the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5267,  
pkelly@modestogov.com*

**ACTION: Motion (Grewal/Mayor Brandvold; 3/0)** appointing David Roddick to the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval.

3. Consider recommending appointment for one vacancy on the Equal

Opportunity/Disability and Human Relations Commission and forwarding to Council for approval. (Funding Source: Not Applicable)

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Grewal; 3/0)** appointing Joanna Esparza to the Equal Opportunity/Disability and Human Relations Commission and forwarding to Council for approval.

- 4. Consider applications for the City Measure L Citizens’ Transportation Sales Tax Commission and recommending 2 members to Council for approval. (Funding Source: Not Applicable)

*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

**ACTION: Motion (Grewal/Mayor Brandvold; 3/0)** appointing Jane Manley (local nonpartisan political organization with tax-exempt status) and Mark Freitas (labor union with member residing in the City of Modesto) to the City Measure L Citizens’ Transportation Sales Tax Commission and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 3:54 p.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday August 08, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Cheryl Birch, Cheryl Birch Ministries

City Clerk’s Announcements: Item 7 – Removed from Consent

Declaration of Conflicts of Interest: Grewal - Items 7 and 25

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of Kurume Cultural Exchange Students by Modesto Sister Cities.  
(Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Modesto Sister Cities introduced the Kurume Cultural Exchange Students.

2. Presentation of Proclamation to Golden Valley Health Centers proclaiming August 7-13, 2017 as National Health Center Week. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Ted Brandvold presented a Proclamation to the Golden Valley Health Centers proclaiming August 7-13, 2017 as National Health Center Week.

## PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding the trees in Modesto.
- Barbara Hayes spoke regarding the cell tower at Davis Park; she was referred to Parks staff.

- Emerson Drake spoke regarding Public Records Act requests.
- Loretta Carhart spoke regarding visits to the hospital.
- Gaetana Drake spoke regarding Public Comment Period.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 3-6; 8-24: (Kenoyer/Madrigal; 7/0)**

**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 2, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the August 2, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving the minutes from the August 2, 2017 Council Meeting.

Consent

4. Consider approving a First Amendment to the Outside Counsel Legal Services Agreement with Norton Rose Fulbright US LLP, in the amount of \$47,500 for continued representation in relation to financing matters. (Funding Source: Redevelopment Successor Agency, Water, and Golf Fund)
  - Resolution approving a First Amendment to the Legal Services Agreement dated December 21st, 2016 with Norton Rose Fulbright US LLP in an amount not to exceed \$47,500 to continue representing the City of Modesto in finance matters, and authorizing the Interim City Manager or his designee to execute the agreement.  
*City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Resolution 2017-308 (Kenoyer/Madrigal; 7/0)** approving a First Amendment to the Legal Services Agreement dated December 21st, 2016 with Norton Rose Fulbright US LLP in an amount not to exceed \$47,500 to continue representing the City of Modesto in finance matters, and authorizing the Interim City Manager or his designee to execute the agreement.

Consent

5. Consider approving Fiscal Year 2017-18 Internal Audit Program and Fiscal Year 2017-18 Internal Audit Plan. (Funding Source: General Fund, Fleet Fund and various other funds)
  - Motion approving Fiscal Year 2017-18 Internal Audit Program and Fiscal Year

2017-18 Internal Audit Plan.

*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Kenoyer/Madrigan; 7/0)** approving Fiscal Year 2017-18 Internal Audit Program and Fiscal Year 2017-18 Internal Audit Plan.

Consent

6. Consider introducing and waiving the first reading of an Ordinance amending Modesto Municipal Code Section 2-1.18 to change the names of the Standing Committees. (Funding Source: Not applicable)

- Motion introducing and waiving the first reading of an Ordinance amending Article 18 of Title 2, Chapter 1, "Standing Committees" of the Modesto Municipal Code to change the names of the Standing Committees.

*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigan; 7/0)** introducing and waiving the first reading of **Ordinance No. 3676-C.S.** amending Article 18 of Title 2, Chapter 1, "Standing Committees" of the Modesto Municipal Code to change the names of the Standing Committees.

*Removed from Consent; Councilmember Grewal absent due to conflict of interest*

7. Consider approving an amended boundary map of City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2). (Funding Source: Kiernan Business Park East #2 CFD)

- Resolution approving an amended boundary map of City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2)

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-309 (Ridenour/Kenoyer; 6/0; Grewal absent due to conflict of interest)** approving an amended boundary map of City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2)

Consent

8. Consider approving a Capital Facilities Fees Public Improvement Reimbursement Agreement with Findlay Shack Prop LLC, of Henderson, NV, for public improvements identified in the Capital Facilities Fees program in the amount of \$957,975 that the developer will construct in connection with the new Audi Dealership at the intersection of McHenry and Pelandale Avenues. (Funding Source: Capital Facilities Fees - Streets)

- Resolution approving a Capital Facilities Fees Public Improvement Reimbursement Agreement between the City of Modesto and Findlay Shack Prop, LLC, for public improvements identified in the Capital Facilities Fees Program that the developer will construct in connection with the new Audi Dealership on McHenry Avenue (south of the McHenry/Pelandale intersection) and on Pelandale Avenue (west of McHenry), not to exceed \$957,975 and authorizing the Interim City Manager to execute the Agreement.

*Community & Economic Development; Tina Rocha, 577-5211,  
trocha@modestogov.com*

**ACTION: Resolution 2017-310 (Kenoyer/Madrigal; 7/0)** approving a Capital Facilities Fees Public Improvement Reimbursement Agreement between the City of Modesto and Findlay Shack Prop, LLC, for public improvements identified in the Capital Facilities Fees Program that the developer will construct in connection with the new Audi Dealership on McHenry Avenue (south of the McHenry/Pelandale intersection) and on Pelandale Avenue (west of McHenry), not to exceed \$957,975 and authorizing the Interim City Manager to execute the Agreement.

Consent

9. Consider approving an Acquisition and Shortfall Agreement between the City of Modesto, City of Modesto Community Facilities District No. 2004-1, and Berberian Holdings, LP, in an amount not to exceed \$2,635,322, for construction of certain public improvements completed by the developer as part of the development of the 18-acre neighborhood shopping center known as The Marketplace. (Funding Source: City of Modesto Community Facilities District No. CFD 2004-1)

- Resolution approving an Acquisition and Shortfall Agreement between the City of Modesto, City of Modesto Community Facilities District No. 2004-1, and Berberian Holdings, LP, in the amount not to exceed \$2,635,322, for construction of certain public improvements completed by the developer as part of development of an 18-acre neighborhood shopping center known as The Marketplace and authorizing the Interim City Manager to execute the Agreement in both the capacity of Interim City Manager and as District Administrator.

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

**ACTION: Resolution 2017-311 (Kenoyer/Madrigal; 7/0)** approving an Acquisition and Shortfall Agreement between the City of Modesto, City of Modesto Community Facilities District No. 2004-1, and Berberian Holdings, LP, in the amount not to exceed \$2,635,322, for construction of certain public improvements completed by the developer as part of development of an 18-acre neighborhood shopping center known as The Marketplace and authorizing the Interim City Manager to execute the Agreement in both the capacity of Interim City Manager and as District Administrator.

Consent

10. Consider amending Section 4 (Home Investment Partnerships Program) and adding Section 13 (Neighborhood Stabilization Program Subrecipient Management) and Section 14 (Environmental Review Plan) to the Housing and Urban Development Policies & Procedures Manual. (Funding Source: Community Development Block Grant, HOME, ESG and NSP Funds)

- Resolution amending Section 4 (Home Investment Partnerships Program) and adding Section 13 (Neighborhood Stabilization Program Subrecipient Management) and Section 14 (Environmental Review Plan) to the Housing and Urban Development Policies & Procedures Manual.

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

**ACTION: Resolution 2017-312 (Kenoyer/Madrigal; 7/0)** amending Section 4 (Home Investment Partnerships Program) and adding Section 13 (Neighborhood Stabilization Program Subrecipient Management) and Section 14 (Environmental Review Plan) to the Housing and Urban Development Policies & Procedures Manual.

Consent

11. Consider approving a professional services agreement with TranSystems of Lake Forest, CA in an amount not to exceed \$375,458 to provide quality assurance plan checking of the Plans, Specifications and Estimates for the State Route 132 West Freeway/Expressway – Phase 1 Project plus \$37,550 for additional services, if needed. (Funding Source: Streets Capital Facilities Fee and Regional Measure L funds)
- Resolution approving an agreement with TranSystems of Lake Forest, CA for consultant services for the Engineering Plan Check and Design Review of the plans, specifications and estimates (PS&E) for the SR-132 West Freeway/Expressway – Phase 1 Project in an amount not to exceed \$375,459 for the identified scope of services, plus \$37,550 for additional services (if needed) for a total amount of \$413,009; and authorizing the Interim City Manager or his designee to execute the contract.

*Community & Economic Development; Vickey Dion, 577-5542,  
vdion@modestogov.com*

**ACTION: Resolution 2017-313 (Kenoyer/Madrigal; 7/0)** approving an agreement with TranSystems of Lake Forest, CA for consultant services for the Engineering Plan Check and Design Review of the plans, specifications and estimates (PS&E) for the SR-132 West Freeway/Expressway – Phase 1 Project in an amount not to exceed \$375,459 for the identified scope of services, plus \$37,550 for additional services (if needed) for a total amount of \$413,009; and authorizing the Interim City Manager or his designee to execute the contract.

Consent

12. Consider approving a professional services agreement with CPSI of Fresno, CA in an amount not to exceed \$735,000 to provide Right of Way Consultant Services for State Route 132 West Freeway/Expressway Phase 1 Project plus \$73,500 for additional services, if needed. (Funding Source: Streets Capital Facilities Fee and Regional Measure L funds)
- Resolution approving an agreement with CPSI of Fresno, CA for Right of Way Consultant Services for State Route 132 West Freeway/Expressway Phase 1 Project in an amount not to exceed \$734,947 for the identified scope of services, plus \$73,500 for additional services (if needed) for a total amount of \$808,447; and authorizing the Interim City Manager, or his designee, to execute the contract.

*Community & Economic Development; Vickey Dion, 577-5542,  
vdion@modestogov.com*

**ACTION: Resolution 2017-314 (Kenoyer/Madrigal; 7/0)** approving an agreement with CPSI of Fresno, CA for Right of Way Consultant Services for State Route 132 West

Freeway/Expressway Phase 1 Project in an amount not to exceed \$734,947 for the identified scope of services, plus \$73,500 for additional services (if needed) for a total amount of \$808,447; and authorizing the Interim City Manager, or his designee, to execute the contract.

Consent

13. Consider accepting the Destination Modesto Report for the Third & Fourth Quarter – Fiscal Year 2016-17. (Funding Source: Transient Occupancy Tax)
- Resolution accepting the Destination Modesto Report for the Third & Fourth Quarter – Fiscal Year 2016-17.
- Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2017-315 (Kenoyer/Madrigan; 7/0)** accepting the Destination Modesto Report for the Third & Fourth Quarter – Fiscal Year 2016-17.

Consent

14. Consider accepting an informational report for the June 2017 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the June 2017 Accounts Payable Payment Register and Void report.
- Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigan; 7/0)** accepting an informational report for the June 2017 Accounts Payable Payment Register and Void report.

Consent

15. Consider approving an application to the California Urban Rivers Grant Program for removal of the Remnant Dennett Dam in the amount of \$368,183, effectively making the City of Modesto the grant applicant in place of the Tuolumne River Trust. (Funding Source: Grants - Operation Grants Reimbursed - 1341)
- Resolution approving the application for grant funds for the California Urban Rivers Grant Program under the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) for removal of the Remnant Dennett Dam project in the amount of \$368,183 and authorizing the Interim City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, payment requests, which may be necessary for the completion of the aforementioned project.
- Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-316 (Kenoyer/Madrigan; 7/0)** approving the application for grant funds for the California Urban Rivers Grant Program under the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) for removal of the Remnant Dennett Dam project in the amount of \$368,183 and authorizing the Interim City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, payment requests, which may be necessary for the completion of the aforementioned project.

Consent

16. Consider approving an application for Outdoor Environmental Education Facilities Grant Funds for the Tuolumne River Regional Park River Center Pavilion and Learning Theater in the amount of \$500,000. (Funding Source: California Outdoor Environmental Education Facilities Grant Program Funds and TRRP Operating Funds)
- Resolution approving an application for Outdoor Environmental Education Facilities Grant Funds from the State of California Department of Parks and Recreation for the Tuolumne River Regional Park (TRRP) River Center Pavilion and Learning Theater in the amount of \$500,000 and authorizing the Interim City Manager, or his designee, to conduct all negotiations, sign and submit documents, including, but not limited to applications, agreement, amendments, and payment requests, which may be necessary for the completion of the Grant Scope.
- Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-317 (Kenoyer/Madrigal; 7/0)** approving an application for Outdoor Environmental Education Facilities Grant Funds from the State of California Department of Parks and Recreation for the Tuolumne River Regional Park (TRRP) River Center Pavilion and Learning Theater in the amount of \$500,000 and authorizing the Interim City Manager, or his designee, to conduct all negotiations, sign and submit documents, including, but not limited to applications, agreement, amendments, and payment requests, which may be necessary for the completion of the Grant Scope.

Consent

17. Consider approving a Memorandum of Understanding with the ShadowChase Running Club regarding the installation and maintenance of six fitness equipment stations along the Virginia Corridor Trail. (Funding Source: Community Donations and General Fund)
- Resolution approving a Memorandum of Understanding between the ShadowChase Running Club (SCRC) and the City regarding the installation of six fitness equipment stations along the Virginia Corridor Trail and authorizing the Interim City Manager, or his designee, to execute the MOU.
- Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-318 (Kenoyer/Madrigal; 7/0)** approving a Memorandum of Understanding between the ShadowChase Running Club (SCRC) and the City regarding the installation of six fitness equipment stations along the Virginia Corridor Trail and authorizing the Interim City Manager, or his designee, to execute the MOU.

Consent

18. Consider approving the terms and conditions of the Non-Exclusive Non-Consensual Franchise Towing Services Agreement, accepting the Interim City Manager's recommendation for award to 11 applicants and scheduling a public hearing to consider the award of contracts. (Funding Source: 1610 - MPD Traffic Offender Fund)

- Resolution approving the terms and conditions of the Non-Exclusive No-Consensual Franchise Towing Services agreement.
- Resolution accepting the Interim City Manager's recommendation for award of the Non-Exclusive Non-Consensual Franchise Towing Services contract to eleven (11) applicants; declaring City Council's intention to consider the applications at the September 5, 2017, City Council meeting; and directing the City Clerk to publish notice of the hearing in accordance with Modesto Municipal Code Section 11-2.05 et seq.

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

**ACTION: Resolution 2017-319 (Kenoyer/Madrigal; 7/0)** approving the terms and conditions of the Non-Exclusive No-Consensual Franchise Towing Services agreement.

**ACTION: Resolution 2017-320 (Kenoyer/Madrigal; 7/0)** accepting the Interim City Manager's recommendation for award of the Non-Exclusive Non-Consensual Franchise Towing Services contract to eleven (11) applicants; declaring City Council's intention to consider the applications at the September 5, 2017, City Council meeting; and directing the City Clerk to publish notice of the hearing in accordance with Modesto Municipal Code Section 11-2.05 et seq.

#### Consent

19. Consider approving a Rental Agreement with Pacific Gas & Electric Company, a California Corporation, in the amount of \$3,400 for use of an undeveloped 2.07 acres parcel of land at Sutton Community Park for a term of four months. (Funding Source: General Fund, Parks Operations)
- Resolution approving a four month Rental Agreement with Pacific Gas & Electric Company (PG&E), for the rental of real property at Sutton Community Park consisting of 2.07 acres for an area to store and stage construction materials, located at Claus Road and Yosemite Meadows Drive (APN: 009-001-025), in the amount of \$3,400 for a PG&E gas line relocation project, and authorizing the Interim City Manager, or his designee, to execute the agreement.

*Public Works; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2017-321 (Kenoyer/Madrigal; 7/0)** approving a four month Rental Agreement with Pacific Gas & Electric Company (PG&E), for the rental of real property at Sutton Community Park consisting of 2.07 acres for an area to store and stage construction materials, located at Claus Road and Yosemite Meadows Drive (APN: 009-001-025), in the amount of \$3,400 for a PG&E gas line relocation project, and authorizing the Interim City Manager, or his designee, to execute the agreement.

#### Consent

20. Consider approving a grant application for Federal Transit Administration Section 5339 transit funds in the amount of \$300,000 for bus stop shelters and related bus stop improvements. (Funding Source: Federal Transit Administration Section 5339 funding)
- Resolution approving the submittal of a Grant Application to the Federal Transit Administration (FTA) Requesting \$300,000 in FTA Section 5339 Funds for bus stop shelters and related bus stop improvements and authorizing the Interim City

Manager, or his designee, to execute all grant agreement documents.  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-322 (Kenoyer/Madrigal; 7/0)** approving the submittal of a Grant Application to the Federal Transit Administration (FTA) Requesting \$300,000 in FTA Section 5339 Funds for bus stop shelters and related bus stop improvements and authorizing the Interim City Manager, or his designee, to execute all grant agreement documents.

Consent

21. Consider accepting the award from the California Department of Transportation for \$255,849 in local and regional funding under the Low Carbon Transit Operations Program for improvements to the downtown Transit Center and approving a budget adjustment in the amount of \$307,019. (Funding Source: Transit Funds)
- Resolution accepting the grant from the California Department of Transportation (Caltrans) for \$255,849 in Fiscal Year 2016-17 local and regional funding under the Low Carbon Transit Operations Program (LCTOP) for improvements and upgrades to the downtown Transit Center, and authorizing the Interim City Manager, or his designee, to execute all grant agreement documents.
  - Resolution approving a budget adjustment in the amount of \$307,019 to fund the improvements and upgrades to the downtown Transit Center.
- Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-323 (Kenoyer/Madrigal; 7/0)** accepting the grant from the California Department of Transportation (Caltrans) for \$255,849 in Fiscal Year 2016-17 local and regional funding under the Low Carbon Transit Operations Program (LCTOP) for improvements and upgrades to the downtown Transit Center, and authorizing the Interim City Manager, or his designee, to execute all grant agreement documents.

**ACTION: Resolution 2017-324 (Kenoyer/Madrigal; 7/0)** approving a budget adjustment in the amount of \$307,019 to fund the improvements and upgrades to the downtown Transit Center.

Consent

22. Consider approving an increase of \$547,823 over a five year period to the purchasing agreement with DC Frost Associates, Walnut Creek, CA, to include parts for the Phase 2 tertiary treatment plant for a total agreement amount of \$1,069,205. (Funding Source: Wastewater Fund)
- Resolution approving an increase of \$547,823 over a five year period to the purchasing agreement with DC Frost Associates, Walnut Creek, CA., to include parts for the Phase 2 tertiary treatment plant, for a total agreement amount of \$1,069,205.
- Utilities; Laura Anhalt, 577-6224, lanhalt@modestogov.com*

**ACTION: Resolution 2017-325 (Kenoyer/Madrigal; 7/0)** approving an increase of \$547,823 over a five year period to the purchasing agreement with DC Frost Associates, Walnut Creek, CA., to include parts for the Phase 2 tertiary treatment plant, for a total agreement amount of \$1,069,205.

Consent

23. Consider approving the purchase of Ferric Chloride from Kemira Water Solutions, Lawrence, KS, for a two-year agreement with three one-year extensions, for an annual cost of \$32,276, and over five years of \$161,381. (Funding Source: Wastewater Fund)
- Resolution approving the award of bid for the purchase of Ferric Chloride from Kemira Water Solutions, Lawrence, KS, for a two-year agreement with three one-year extension options, at an annual cost of \$32,276 and over five years of \$161,381, and authorizing the Interim City Manager, or his designee, to execute a purchasing agreement.

*Utilities; Laura Anhalt, 577-6224, lanhalt@modestogov.com*

**ACTION: Resolution 2017-326 (Kenoyer/Madriral; 7/0)** approving the award of bid for the purchase of Ferric Chloride from Kemira Water Solutions, Lawrence, KS, for a two-year agreement with three one-year extension options, at an annual cost of \$32,276 and over five years of \$161,381, and authorizing the Interim City Manager, or his designee, to execute a purchasing agreement.

Consent

24. Consider approving a License Agreement and a Common Use Agreement between the Modesto Irrigation District and the City for the Codoni Transmission Mains Project. (Funding Source: Not Applicable)
- Resolution approving a License Agreement and a Common Use Agreement between the Modesto Irrigation District and the City for the Codoni Transmission Mains Project and authorizing the Interim City Manager, or his designee, to execute the agreements, in a form approved by the City Attorney.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-327 (Kenoyer/Madriral; 7/0)** approving a License Agreement and a Common Use Agreement between the Modesto Irrigation District and the City for the Codoni Transmission Mains Project and authorizing the Interim City Manager, or his designee, to execute the agreements, in a form approved by the City Attorney.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the recent grand opening for affordable housing for veterans on Glendale Drive in Modesto.

Councilmember Ridenour spoke regarding Modesto Sister Cities Japanese students from Karume; he also attended the Police Clergy Council event today.

Councilmember Madriral spoke regarding a walking tour of alleyways in South Modesto and a voucher program for dumping trash in alleyways; he attended the First Annual Kids Connect Community Celebration today.

## CITY MANAGER COMMENTS & REPORTS

None.

**UNFINISHED BUSINESS**

*Councilmember Grewal absent due to conflict of interest*

25. Consider rescinding direction to staff regarding boundaries for a General Plan Amendment, and returning to the 1995 adopted General Plan and Sphere of Influence boundaries for finalization of the General Plan Amendment analysis; provided that the residential land use designation at the northeast corner of Oakdale Road and Floyd Avenue be maintained. (Funding Source: General Fund)

- Resolution rescinding the direction to staff regarding boundaries for a General Plan Amendment by prior City Council actions of January 28 and March 25, 2014, and authorizing a return to the 1995 adopted General Plan and Sphere of Influence boundaries for finalization of the General Plan Amendment analysis except for the residential land use designation at the northeast corner of Oakdale Road and Floyd Avenue.

*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Motion (Madrigal/Ah You; 2/4; Zoslocki, Kenoyer, Ridenour, Mayor Brandvold no; Grewal absent due to conflict of interest) approving staff recommendations, and directing staff to bring back options to exclude sections from General Plan Amendment: Wood Colony, Salida and the Beckwith Triangle. (MOTION FAILED)**

**ACTION: Resolution 2017-328 (Ridenour/Kenoyer; 5/1; Ah You no, Grewal absent due to conflict of interest) rescinding the direction to staff regarding boundaries for a General Plan Amendment by prior City Council actions of January 28 and March 25, 2014, and authorizing a return to the 1995 adopted General Plan and Sphere of Influence boundaries for finalization of the General Plan Amendment analysis, **provided that the residential land use designation at the northeast corner of Oakdale Road and Floyd Avenue be maintained.****

**HEARINGS**

*Published in the Modesto Bee on July 18, 2017*

26. Consider rezoning 1.1 acres of property located at 1192 Norwegian Avenue from Planned Development Zone P-D(237) to Planned Development Zone P-D(602) to allow for a senior assisted and independent living housing project. (Funding Source: Developer Funded)

- Motion introducing and waiving the first reading of an Ordinance amending Section 16-3-9 of the Zoning Map to rezone from Planned Development Zone P-D(237) to Planned Development Zone P-D(602), property located at 1192 Norwegian Avenue.
- Resolution approving a Development Plan for Planned Development Zone P-D(602).

- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 16-3-9 of the City of Modesto Zoning Map to rezone from Planned Development Zone P-D(237) to Planned Development Zone P-D(602) to allow for senior assisted and independent living housing, property located at 1192 Norwegian Avenue (Harless Properties Inc.).

*Community & Economic Development; Patrick Kelly, 577-5267,  
pkelly@modestogov.com*

**ACTION: Motion (Grewal/Kenoyer; 7/0)** introducing and waiving the first reading of **Ordinance No. 3677-C.S.** amending Section 16-3-9 of the Zoning Map to rezone from Planned Development Zone P-D(237) to Planned Development Zone P-D(602), property located at 1192 Norwegian Avenue.

**ACTION: Resolution 2017-329 (Grewal/Kenoyer; 7/0)** approving a Development Plan for Planned Development Zone P-D(602).

**ACTION: Resolution 2017-330 (Grewal/Kenoyer; 7/0)** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 16-3-9 of the City of Modesto Zoning Map to rezone from Planned Development Zone P-D(237) to Planned Development Zone P-D(602) to allow for senior assisted and independent living housing, property located at 1192 Norwegian Avenue (Harless Properties Inc.).

**ACTION: Motion (Grewal/Kenoyer; 7/0)** approving staff recommendations with condition that developer/property owners would include a condition to disclose current levels of church activities (with respect to noise) to purchasers and hold The House harmless from complaints of residents about The House activities at current levels (to be disclosed in Purchase and Sale documents and Homeowners Association documents)

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

**ACTION:** This meeting adjourned at 10:00 p.m.

*Removed from Agenda*

27. COUNCIL WORKSHOP - Fiber Master Plan (Funding Source: Not Applicable)  
*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

*Removed from Agenda*

28. COUNCIL WORKSHOP - Long Range Agenda (Funding Source: Not Applicable)  
*City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONSENT**

1. 1. Consider appointing Real Property Negotiators Cynthia Birdsill, Director of Community & Economic Development for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 105-048-011
  - Motion appointing Real Property Negotiators Cynthia Birdsill, Director of Community & Economic Development for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 105-048-011  
City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com
  
2. Consider appointing Real Property Negotiators Cynthia Birdsill, Director of Community & Economic Development for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 106-044-005
  - Motion appointing Real Property Negotiators Cynthia Birdsill, Director of Community & Economic Development for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 106-044-005  
City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

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

Property: Centre Plaza 1000 L Street, Modesto, CA 95354  
 APN: 105-048-011  
 Property Owners: City of Modesto  
 Negotiating Parties:  
 For City: Cynthia Birdsill, Director of Community & Economic Development for City of Modesto  
 Adam U. Lindgren, City Attorney for City of Modesto  
 For User: Peter Schuerman, UC Merced  
 Under Negotiation: Use of Centre Plaza facilities

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

Property: Property between 9th and 10th Street, and E Street and F Street, located in Modesto, CA; APN: 106-044-005  
 Property Owners: Victor Martinez/Victor & Iris Martinez TRS  
 Negotiating Parties:  
 For City: Cynthia Birdsill, Director of Community & Economic Development for City of Modesto  
 Adam U. Lindgren, City Attorney for City of Modesto  
 For Property Owners: Larry Killian, Real Estate Broker

Under Negotiation: Possible purchase

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

Wednesday, August 9, 2017, at 2:00 p.m.

Roll Call: Present: Councilmember Zoslocki, Mayor Brandvold, and Councilmember Kenoyer  
Absent: None  
Also Present: Councilmembers Madrigal, Ridenour

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### UNFINISHED BUSINESS

1. Consider adding Ygrene Energy Fund as an administrator to the City's PACE program; amending the agreement with California Statewide Communities Development Authority to allow Open PACE administrators; and forwarding to Council for approval. (Funding Source: Not Applicable)

*City Manager; Gloriette Genereux, 571-5809, ggenereux@modestogov.com*

**ACTION: Motion (Kenoyer, Mayor Brandvold; 3/0)** continuing item to September 13, 2017 Healthy Economy Committee meeting.

2. Consider an informational update from staff regarding the Modesto City Schools Board of Education and the City Charter. (Funding Source: Not Applicable)

*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION:** Item continued to a later date after November 7, 2017 election.

3. Consider an informational update from staff regarding default beverages offered with children's meals. (Funding Source: Not Applicable)

*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** directing staff to draft Resolution for approval by Council.

#### **NEW BUSINESS**

4. Consider accepting an informational update on the Mayor's 100 Day Committee status.  
(Funding Source: Not Applicable)

*Community & Economic Development; Cynthia Birdsill, 571-2938,  
cbirdsill@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** continuing item.

5. Consider accepting changing the parking fee structure for single space vehicles from \$1 per hour to \$1.25 per hour, 24 hours per day, and forwarding to Council for approval.  
(Funding Source: Parking Services Enterprise Fund)

*Public Works; Patricia Morrison, 652-9882, pmorrison@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** continuing item.

*Councilmember Kenoyer left meeting at 3:00 p.m.*

6. Consider approving a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2017-18, and forwarding to Council for approval.  
(Funding Source: Senate Bill 1 funds)

*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 2/0)** approving a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2017-18, and forwarding to Council for approval.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 4:09 p.m.

Attest: \_\_\_\_\_

Joseph Lopez, Acting City Manager

## MINUTES

City of Modesto  
**GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL  
WORKSHOP**

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

**Monday, August 14, 2017, at 5:00 p.m.**

Roll Call – Present: Councilmembers Ah You, Ridenour, and Madrigal  
Absent: None  
Also Present: Councilmember Kenoyer

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider accepting an informational report on the HEART program. (Funding Source: Not Applicable)

*Fire; Alan Ernst, 572-9590, aernst@modestofire.com*

**ACTION:** No reportable action.

2. Consider accepting an informational report from the Modesto Fire Department on the Mayor's 100 Day Committee recommendations. (Funding Source: Not Applicable)

*Fire; Alan Ernst, 572-9590, aernst@modestofire.com*

**ACTION:** No reportable action.

3. Consider accepting an informational update from the Modesto Police Department on the Mayor's 100 Day Committee status. (Funding Source: Not Applicable)

*Police; Rick Armendariz, 577-5228, armendarizr@modestopd.com*

**ACTION:** No reportable action.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:43 p.m.

Attest: \_\_\_\_\_  
Rick Armendariz, Acting Deputy City Manager

## MINUTES

City of Modesto  
**CITY COUNCIL WORKSHOP**  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday August 15, 2017, at 9:00 a.m.

City of Modesto  
**SPECIAL CITY COUNCIL MEETING**  
Council Conference Room, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday August 15, 2017, at 11:30 a.m.

### CITY COUNCIL WORKSHOP

Roll Call – Present: Councilmembers Ah You (arrived at 9:45 a.m.), Grewal, Kenoyer,  
Madrigal, Ridenour, Zoslocki, Mayor Brandvold  
Absent: None

### PUBLIC COMMENT PERIOD

- Emerson Drake spoke regarding private emails, an email to him dated March 22, 2017 regarding 14,000 “hits” in response to his Public Records Act request, and cameras in parking lots.

1. **AB1234 Ethics Training Workshop** (Funding Source: Not Applicable)  
*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION:** City Attorney Lindgren and Assistant City Attorney Sanchez conducted the AB 1234 Ethics Training Workshop.

### MATTERS TOO LATE FOR THE AGENDA

None.

### CLOSED SESSION

### CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

**(Pursuant to Section 54956.8 of the Government Code)**

Property: Property between 9th and 10th Street, and E Street and F Street,  
located in Modesto, CA; APN: 106-044-005

Property Owners: Victor Martinez/Victor & Iris Martinez TRS

Negotiating Parties:

For City: Cynthia Birdsill, Director of Community & Economic Development for City of  
Modesto

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Larry Killian, Real Estate Broker

Under Negotiation: Possible purchase

**ADJOURNMENT**

**ACTION:** This meeting adjourned at 11:10 a.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

**City of Modesto**  
**EFFECTIVE GOVERNMENT COMMITTEE/ COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**

**Monday, August 28, 2017, at 2:00 p.m.**

Roll Call - Present: Councilmembers Grewal, Ridenour (alternate), and Zoslocki  
Absent: Councilmember Ah You

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

None.

## NEW BUSINESS

1. Consider accepting an informational report on the status of the grant writing services agreement with California Consulting LLC and Administrative Directive 7.2 Grant Management policy. (Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** accepting an informational report on the status of the grant writing services agreement with California Consulting LLC and Administrative Directive 7.2 Grant Management policy.

2. Consider accepting an agreement with Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for 3 years with 2 one-year extension options at an anticipated annual cost of up to \$75,000 and a total cost of \$375,000 and forwarding to Council for approval. (Funding Source: General Fund, Redevelopment Successor Agency, Water, Wastewater, and Golf)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Zoslocki/Ridenour; 3/0)** accepting an agreement with Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for 3 years with 2 one-

year extension options at an anticipated annual cost of up to \$75,000 and a total cost of \$375,000 and forwarding to Council for approval.

3. Consider accepting an informational status update report on the revised Administrative Directive 1.2 Reimbursement of Conference and Business Expenses for City Employees. (Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** accepting an informational status update report on the revised Administrative Directive 1.2 Reimbursement of Conference and Business Expenses for City Employees.

4. Consider accepting an informational status report on a tentative working plan for updating City-wide Policies. (Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Zoslocki/Ridenour; 3/0)** accepting an informational status report on a tentative working plan for updating City-wide Policies.

5. Consider amending Chapter 1 of Title 11 of the Modesto Municipal Code relating to Backflow Testing Procedures for Compliance and forwarding to Council for approval. (Funding Source: Water Fund)  
*Utilities; David Savidge, 572-2217, dsavidge@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** amending Chapter 1 of Title 11 of the Modesto Municipal Code relating to Backflow Testing Procedures for Compliance and forwarding to Council for approval.

*Councilmember Grewal left meeting at 2:55 p.m.*

6. Consider accepting the recommended budget adjustments to the Fiscal Year 2016-17 and Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budgets and forwarding to Council for approval. (Funding Source: Wastewater PCE Mitigation Fund, Various Capital Facilities District Funds, Air Quality Facility Fees Fund, Worker's Compensation Fund, General Fund, Capital Grants Streets CIP Fund, Bus Fixed Route Fund, Building Services Fund, Tenth Street Place JPA Fund, Police Grants Fund, Compost Fund, Fleet Fund, Surface Transportation Fund, Supplemental Law Enforcement Services Fund, County Aircraft Tax Fund and Various other City Funds.)  
*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting the recommended budget adjustments to the Fiscal Year 2016-17 and Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budgets and forwarding to Council for approval.

7. Consider accepting an informational update on the Mayor's 100 Day Committee status.  
(Funding Source: Not Applicable)  
*City Manager; Gloriette Genereux, 571-5809, ggenereux@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting an informational update on the Mayor's 100 Day Committee status.

8. Consider accepting a report on City sponsored events, reviewing a draft administrative directive requiring any additional sponsored events be approved by Council, and forwarding to Council for approval. (Funding Source: General Fund)  
*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** continuing item to September 23, 2017 Effective Government Committee meeting.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 4:14 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez, Interim City Manager

**MINUTES**  
**City of Modesto**  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday, September 05, 2017, at 11:00 a.m.**

Roll Call Present: Mayor Brandvold, Councilmembers Ridenour, Grewal  
Absent: None  
Also Present: Councilmembers Kenoyer (arrived at 11:15 a.m.)

**PUBLIC COMMENTS**

None.

**CONSENT**

None.

**NEW BUSINESS**

1. Consider accepting the Auditor's Internal Audit Status Report through August 31, 2017 prepared by Moss Adams, LLP. (Funding Source: General Fund)  
*City Auditor; Mark Steranka, (206) 302-6409, mark.steranka@mossadams.com*

**ACTION: Motion (Ridenour/Mayor Brandvold; 2/0; Councilmember Grewal absent)** accepting the Auditor's Internal Audit Status Report through August 31, 2017 prepared by Moss Adams, LLP.

2. Consider accepting City Auditor Moss Adams, LLP P-Card Internal Controls Testing Final Report dated August 30, 2017, and forwarding to Council for approval. (Funding Source: General Fund)  
*City Auditor; Mark Steranka, (206) 302-6409, mark.steranka@mossadams.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** accepting City Auditor Moss Adams, LLP P-Card Internal Controls Testing Final Report dated August 30, 2017, and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:40 a.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday September 05, 2017, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

1. **COUNCIL WORKSHOP - Workshop on City owned Golf Courses.** (Funding Source: Not Applicable)  
*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

**Motion (Kenoyer/Grewal; 7/0)** approving staff recommendations (with more involvement of citizens and Golf Courses Advisory Committee).

*Continued to future meeting*

2. **COUNCIL WORKSHOP - Long Range Agenda.** (Funding Source: Not Applicable)  
*City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com*

**ACTION:** Continued to future meeting.

### ADJOURNMENT OF COUNCIL WORKSHOP

This Council workshop adjourned at 4:50 p.m.; returned to Closed Session at 4:50 p.m.

## CITY COUNCIL MEETING

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour,  
Zoslocki, Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Carl Bryant, True Light Community Church

City Clerk's Announcements: Item 21 - continued to September 12, 2017 Council meeting

Declaration of Conflicts of Interest: Grewal and Mayor Brandvold - Item 14

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters; will return to Closed Session after Council meeting

### ACKNOWLEDGEMENTS AND PRESENTATIONS

3. Proclamation declaring September 2017 as National Senior Center Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Ted Brandvold presented a Proclamation declaring September 2017 as National Senior Center Month.

4. Presentation of Certificate of Recognition to Zachery Ramos for creating a Traveling Library. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Ted Brandvold presented a Certificate of Recognition to Zachery Ramos for creating a Traveling Library.

5. Presentation by Modesto Sister Cities regarding the 30th Anniversary with Sister City Khmelnytsky, Ukraine. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Modesto Sister Cities gave a Presentation regarding the 30th Anniversary with Sister City Khmelnytsky, Ukraine.

### MISCELLANEOUS

Legislation  
Appointments  
Other

6. Consider appointing two members to the City of Modesto Measure L Citizens' Transportation Sales Tax Commission. (Funding Source: Not Applicable)
  - Resolution appointing Mark Freitas and Jane Manley to the City of Modesto Measure L Citizens' Transportation Sales Tax Commission.  
*City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com*

**ACTION: Resolution 2017-331 (Madrigal/Kenoyer; 7/0)** appointing Mark Freitas and Jane Manley to the City of Modesto Measure L Citizens' Transportation Sales Tax Commission.

7. Consider appointing Joseph Sanchez to the City's Culture Commission as a Modesto resident and Rebecca Harrington as a Stanislaus County resident who does not live in the City with a term expiration of January 1, 2021. (Funding Source: Not Applicable)

- Resolution appointing Joseph Sanchez to the City of Modesto Culture Commission as a City of Modesto resident and Rebecca Harrington as a Stanislaus County resident who does not live in the City of Modesto, with a term expiration of January 1, 2021.

*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

**ACTION: Resolution 2017-332 (Madrigal/Kenoyer; 7/0)** appointing Joseph Sanchez to the City of Modesto Culture Commission as a City of Modesto resident and Rebecca Harrington as a Stanislaus County resident who does not live in the City of Modesto, with a term expiration of January 1, 2021.

8. Consider appointing David Roddick to the Modesto Board of Zoning Adjustment (BZA) with a term expiration of January 1, 2022. (Funding Source: Not Applicable)

- Resolution appointing David Roddick to the City of Modesto Board of Zoning Adjustment with a term expiration of January 1, 2022.

*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-333 (Kenoyer/Zoslocki; 7/0)** appointing David Roddick to the City of Modesto Board of Zoning Adjustment with a term expiration of January 1, 2022.

9. Consider appointing Joanna Esparza to complete a previous incumbent's term on the Equal Opportunity/Disability and Human Relations Commission. (Funding Source: Not Applicable)

- Resolution appointing Joanna Esparza to the Equal Opportunity/Disability Commission and the Human Relations Commission to complete a term set to expire on January 1, 2021.

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2017-334 (Madrigal/Zoslocki; 7/0)** appointing Joanna Esparza to the Equal Opportunity/Disability Commission and the Human Relations Commission to complete a term set to expire on January 1, 2021.

### **PUBLIC COMMENT PERIOD**

- Carmen Sabatino spoke regarding the City Auditor position.
- Susan Arnett spoke in support of AB 249 regarding disclosure of top contributors for fundraising.

### **CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 10-13; 15-20; 22-24: (Kenoyer/Grewal; 7/0)**

**ACTION CONSENT ITEM 14: (Kenoyer/Ridenour; 5/0; Grewal, Mayor Brandvold 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

10. Consider approving the minutes from the August 8, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the August 8, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving the minutes from the August 8, 2017 Council Meeting.

### Consent

11. Consider final adoption of **Ordinance No. 3676-C.S.** amending Modesto Municipal Code Section 2-1.18 to change the names of the Standing Committees. (Funding Source: Not applicable)
  - Motion approving final adoption of **Ordinance No. 3676-C.S.** amending Article 18 of Title 2, Chapter 1, “Standing Committees” of the Modesto Municipal Code to change the names of the Standing Committees.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving final adoption of **Ordinance No. 3676-C.S.** amending Article 18 of Title 2, Chapter 1, “Standing Committees” of the Modesto Municipal Code to change the names of the Standing Committees.

### Consent

12. Consider final adoption of **Ordinance No. 3677-C.S.** amending Section 16-3-9 of the Zoning Map to rezone from Planned Development Zone P-D(237) to Planned Development Zone P-D(602), property located at 1192 Norwegian Avenue. (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3677-C.S.** amending Section 16-3-9 of the Zoning Map to rezone from Planned Development Zone P-D(237) to Planned Development Zone P-D(602), property located at 1192 Norwegian Avenue.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving final adoption of **Ordinance No. 3677-C.S.** amending Section 16-3-9 of the Zoning Map to rezone from Planned Development Zone P-D(237) to Planned Development Zone P-D(602), property located at 1192 Norwegian Avenue.

### Consent

13. Consider approving the Sixth Amendment to the Master Agreement for auditing services between the City and Moss-Adams, LLP in an amount not to exceed

\$100,000. (Funding Source: General Fund)

- Resolution approving a sixth amendment to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP in an amount not to exceed \$100,000; and authorizing the Mayor, or his designee, to execute the amendment to the agreement.

*City Auditor; Mark Steranka, (206) 302-6409, mark.steranka@mossadams.com*

**ACTION: Resolution 2017-335 (Kenoyer/Grewal; 7/0)** approving a sixth amendment to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP in an amount not to exceed \$100,000; and authorizing the Mayor, or his designee, to execute the amendment to the agreement.

Consent – *Councilmember Grewal, Mayor Brandvold absent due to conflict of interest*

14. Consider approving Annexation Map #1 to City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) and authorizing the levy of the special tax on the property located within the annexation map. (Funding Source: City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2))

- Resolution approving annexation map related to Annexation No. 1 to Community Facilities District No. 2016-1 (Kiernan Business Park East #2), authorizing and directing recording thereof and levying special tax.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-336 (Kenoyer/Ridenour; 5/0; Grewal, Mayor Brandvold absent due to conflict of interest)** approving annexation map related to Annexation No. 1 to Community Facilities District No. 2016-1 (Kiernan Business Park East #2), authorizing and directing recording thereof and levying special tax.

Consent

15. Consider accepting the 2016 General Plan Annual Report for submission to the Governor's Office of Planning and Research and to the California Department of Housing and Community Development. (Funding Source: General Fund)
- Resolution accepting the 2016 General Plan Annual Report for submission to the Governor's Office of Planning and Research and to the California Department of Housing and Community Development.

*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-337 (Kenoyer/Grewal; 7/0)** accepting the 2016 General Plan Annual Report for submission to the Governor's Office of Planning and Research and to the California Department of Housing and Community Development.

Consent

16. Consider accepting the recommended budget adjustments to the Fiscal Year 2016-17 and Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budgets.

(Funding Source: Funding Source: Wastewater PCE Mitigation Fund, Various Capital Facilities District Funds, Air Quality Facility Fees Fund, Worker's Compensation Fund, General Fund, Capital Grants Streets CIP Fund, Bus Fixed Route Fund, Building Services Fund, Tenth Street Place JPA Fund, Police Grants Fund, Compost Fund, Fleet Fund, Surface Transportation Fund, Supplemental Law Enforcement Services Fund, County Aircraft Tax Fund and Various other City Funds)

- Resolution amending Fiscal Year 2016-17 and Fiscal Year 2017-18 Annual Operating and Capital Improvement Budgets.

*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2017-338 (Kenoyer/Grewal; 7/0)** amending Fiscal Year 2016-17 and Fiscal Year 2017-18 Annual Operating and Capital Improvement Budgets.

Consent

17. Consider accepting an informational report for the July 2017 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the July 2017 Accounts Payable Payment Register and Void report.

*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** accepting an informational report for the July 2017 Accounts Payable Payment Register and Void report.

Consent

18. Consider approving a Donation Agreement with Mr. and Mrs. Bill Spidell to acquire a 1919 Seagrave Pumper. (Funding Source: General Fund)
- Resolution accepting donation of 1919 Seagrave Pumper from Mr. and Mrs. Bill Spidell, and authorizing the Interim City Manager, or his designee, to execute the donation agreement.

*Fire; Alan Ernst, 572-9590, aernst@modestofire.com*

**ACTION: Resolution 2017-339 (Kenoyer/Grewal; 7/0)** accepting donation of 1919 Seagrave Pumper from Mr. and Mrs. Bill Spidell, and authorizing the Interim City Manager, or his designee, to execute the donation agreement.

Consent

19. Consider authorizing payment to Pacific Gas & Electric, Sacramento, CA for emergency work performed on the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, for an amount of \$56,179. (Funding Source: CIP 100786-CED.Land Development Engineering – State Route 99 Proposition 1B Bond Savings)
- Resolution authorizing the Interim City Manager, or his designee, to issue payment to Pacific Gas and Electric (PG&E), Sacramento, CA for emergency work performed on the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, contract ID #1207145, for an amount of \$56,179.

*Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Resolution 2017-340 (Kenoyer/Grewal; 7/0)** authorizing the Interim City Manager, or his designee, to issue payment to Pacific Gas and Electric (PG&E), Sacramento, CA for emergency work performed on the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, contract ID #1207145, for an amount of \$56,179.

Consent

20. Consider approving a Fourth Amendment to the Agreement with SCS Engineers, Inc., Modesto, CA, for mitigation site work, monitoring, and reporting for the Carpenter Road Landfill in accordance with the Central Valley Regional Water Quality Control Board Compliance Abatement Order R5-2015-0700, in an amount not to exceed \$92,349 through December 31, 2018, and for a total Agreement amount of \$924,349 from June 2007 through December 2018. (Funding Source: Carpenter Road Landfill Fund)

- Resolution approving a Fourth Amendment to the Agreement with SCS Engineers, Inc. for mitigation site work, monitoring, and reporting for the Carpenter Road Landfill in accordance with the Central Valley Regional Water Quality Control Board (CVRWQCB) Compliance Abatement Order R5-2015-0700, in an amount not to exceed \$92,349 through December 31, 2018, and authorizing the Interim City Manager, or his designee, to execute the agreement.

*Public Works; Karin Rodriguez, 577-5453, krodriguez@modestogov.com*

**ACTION: Resolution 2017-341 (Kenoyer/Grewal; 7/0)** approving a Fourth Amendment to the Agreement with SCS Engineers, Inc. for mitigation site work, monitoring, and reporting for the Carpenter Road Landfill in accordance with the Central Valley Regional Water Quality Control Board (CVRWQCB) Compliance Abatement Order R5-2015-0700, in an amount not to exceed \$92,349 through December 31, 2018, and authorizing the Interim City Manager, or his designee, to execute the agreement.

Consent – *Continued to September 12, 2017 Council meeting*

21. Consider approving a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2017-2018. (Funding Source: Senate Bill 1 funds)

- Resolution approving a list of projects to be funded with Senate Bill (SB) 1, the Road Repair and Accountability Act tax proceeds in Fiscal Year 2017-2018.

*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION:** Continued to September 12, 2017 Council meeting.

Consent

22. Consider awarding a Purchasing Agreement with Jim Brisco Enterprises, Inc., Atwater, CA, for Bio-Solids Removal and Land Application services for a two-year agreement with three one-year extension options for an estimated annual cost of \$145,600, or a total of up to \$728,000 over five years. (Funding Source: Wastewater Fund)

- Resolution approving the award of bid for Bio-Solids Removal and Land Application services to Jim Brisco Enterprises, Inc., Atwater, CA, for a two-year agreement with three one-year extension options, for an estimated annual cost of \$145,600, or a total of up to \$728,000 over five years, and authorizing the Interim

City Manager, or his designee, to issue a purchase agreement.  
*Utilities; Laura Anhalt, 577-6224, lanhalt@modestogov.com*

**ACTION: Resolution 2017-342 (Kenoyer/Grewal; 7/0)** approving the award of bid for Bio-Solids Removal and Land Application services to Jim Brisco Enterprises, Inc., Atwater, CA, for a two-year agreement with three one-year extension options, for an estimated annual cost of \$145,600, or a total of up to \$728,000 over five years, and authorizing the Interim City Manager, or his designee, to issue a purchase agreement.

Consent

23. Consider approving the purchase of Sodium Hypochlorite – Liquid Chlorine to Olin Alkali, Tracy, CA, for a two-year agreement with three one-year extension options, for an initial annual cost of \$39,397, or a total of up to \$225,000 over five years. (Funding Source: Water Fund)
- Resolution approving the award of bid for the purchase of Sodium Hypochlorite – Liquid Chlorine to Olin Alkali, Tracy, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$45,000, or a total of up to \$225,000 over five years, and authorizing the Interim City Manager, or his designee, to issue a purchasing agreement.  
*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2017-343 (Kenoyer/Grewal; 7/0)** approving the award of bid for the purchase of Sodium Hypochlorite – Liquid Chlorine to Olin Alkali, Tracy, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$45,000, or a total of up to \$225,000 over five years, and authorizing the Interim City Manager, or his designee, to issue a purchasing agreement.

Consent

24. Consider approving plans and specifications for the Airport Hangar 1S Roof Replacement Project; awarding a construction contract to Best Contracting Services, Inc, in the amount of \$353,631; and amending the Fiscal Year 2017-2018 Capital Improvement Project #100985 Budget in the amount of \$454,955. (Funding Source: County Aircraft Tax Fund - 4330)
- Resolution approving plans and specifications for the Airport Hangar 1S Roof Replacement Project, accepting the bid, and awarding a construction contract to Best Contracting Services, Inc of Gardena, CA, in the amount of \$353,631 and authorizing the Interim City Manager, or his designee, to execute the contract.
  - Resolution amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of \$454,955 of which \$92,557 will be from the existing encumbrance and the remaining from County Aircraft Tax Fund Reserves to fully fund the construction, contingency, construction administration, and design support during construction for the Airport Hangar 1S Roof Replacement Project #100985.  
*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2017-344 (Kenoyer/Grewal; 7/0)** approving plans and specifications for the Airport Hangar 1S Roof Replacement Project, accepting the bid, and awarding a

construction contract to Best Contracting Services, Inc. of Gardena, CA, in the amount of \$353,631 and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-345 (Kenoyer/Grewal; 7/0)** amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of \$454,955 of which \$92,557 will be from the existing encumbrance and the remaining from County Aircraft Tax Fund Reserves to fully fund the construction, contingency, construction administration, and design support during construction for the Airport Hangar 1S Roof Replacement Project #100985.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Zoslocki thanked the City's Utility Department staff for their assistance with a citizen's water issues.

Councilmember Kenoyer thanked City staff for their exceptional work.

Councilmember Ridenour spoke regarding the Modesto Nuts Baseball team and playoff games this week; he announced Thursday night's game would honor Modesto Police Department Officer Mike Pershall's 39th birthday.

Councilmember Madrigal thanked business owner Mary Nguyen, Saigon Sandwich Shop, who raised almost \$500 in support of Modesto Police Officer Mike Pershall; he also thanked Pastor Carl Bryant for tonight's invocation regarding Dreamers (DACA); he also thanked Lt. Steve Stanfield for meeting with business owners regarding public safety issues in his District; he also met with the Manager of Vintage Faire Mall about expanding businesses.

Mayor Brandvold thanked City and County staff for their relocation efforts at the 924 - 9th Street apartment complex; he also announced a joint City of Modesto Council meeting with City of Riverbank Council at 7:00 p.m. at the Riverbank Community Center (after regular City Council meeting).

### **CITY MANAGER COMMENTS & REPORTS**

Interim City Manager Lopez spoke regarding the apartment complex at 924 - 9th Street.

### **HEARINGS**

*Published in the Modesto Bee on August 18, 2017*

25. Hearing to consider awarding Non-Exclusive Non-Consensual Franchise Towing Services contracts to 10 applicants pursuant to the Modesto Municipal Code. (Funding Source: General Fund/Franchise Tow)
- Resolution awarding Non-Exclusive Non-Consensual Franchise Towing service contracts to ten (10) towing companies pursuant to Modesto Municipal Code Sections 11-2.01 et seq, and authorizing the Interim City Manager, or his designee, to execute the contracts.

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

**ACTION: Motion (Ah You/ Madrigal; 3/4; /Zoslocki, Kenoyer, Ridenour, Mayor Brandvold no) approving Resolution (with modification of Exhibit B of approved towing companies to add Stanislaus Tow pending submission of a full and complete background check within 72 hours). (MOTION FAILED)**

*Recess at 7:00 p.m.*

*Reconvened at 7:15 p.m.*

**ACTION: Resolution 2017-346 (Ridenour/Zoslocki; 7/0)** awarding Non-Exclusive Non-Consensual Franchise Towing service contracts to ten (10) towing companies pursuant to Modesto Municipal Code Sections 11-2.01 et seq, and authorizing the Interim City Manager, or his designee, to execute the contracts (**with corrected Exhibit A**).

*Published in the Modesto Bee on August 22, 2017*

26. Hearing to consider certifying the Environmental Impact Report for the Del Rio Tank and Wells Project making certain findings concerning environmental impacts, mitigation measures and alternatives, adopting a mitigation monitoring and reporting program, approving the proposed Del Rio Tank and Wells project, and directing staff to file a Notice of Determination for the Environmental Impact Report. (Funding Source: Water Fund)

- Resolution certifying the Environmental Impact Report for the Del Rio Tank and Wells Project (SCH # 2015072055) in accordance with the California Environmental Quality Act; along with making certain findings regarding Significant Impacts, findings supporting Rejection of Alternatives, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program, and approving the Del Rio Tank and Wells Project.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2017-347 (Ridenour/Madrigal; 7/0)** certifying the Environmental Impact Report for the Del Rio Tank and Wells Project (SCH # 2015072055) in accordance with the California Environmental Quality Act; along with making certain findings regarding Significant Impacts, findings supporting Rejection of Alternatives, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program, and approving the Del Rio Tank and Wells Project. (**City staff to work with Del Rio Neighborhood Association for appropriate design for landscaping**)

## **NEW BUSINESS**

27. Consider approving an Agreement with Victor and Iris L. Martinez as Trustees of the 2008 Martinez Revocable Trust for acquisition of approximately 2.75 acres of real property at 500 9th Street in Modesto, California, in the amount of \$3.1 million; amending the Fiscal Year 2017-2018 Capital Improvement Budget and Multi-Year Operating Budget; and approving a 20 year loan of \$3 million from the Fleet Operating

Fund for the Project entitled “Cook Market Project” to be paid back from future rental income from the current and future tenants of the property. (Funding Source: Fleet Services, Courthouse Project 100859, & General Fund 0100-14110-53300 / CED Administration)

- Resolution approving a Purchase and Sale Agreement with Escrow Instructions with Victor Martinez and Iris L. Martinez, Trustees of the 2008 Martinez Revocable Trust under Declaration of Trust dated May 21, 2008, for acquisition of approximately 2.75 acres located at 500 9th Street in Modesto, California (APN: 106-044-005), in the amount of \$3,100,000 and authorizing the Interim City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.
- Resolution amending the Fiscal Year 2017-2018 Capital Improvement Budget and Multi-Year Operating Budget to appropriate a \$3,000,000 interfund loan transfer from the Fleet Operating Fund to the new Cook Market Project and transfer \$100,000 from the Courthouse Project 100859 for the remaining amount of the purchase price.
- Resolution approving a loan of \$3,000,000 from the Fleet Operating Fund to the Special Fund for Capital Outlay for the Project titled “Cook Market Project” and establishing a repayment schedule, amortized over 20 years to be paid back from future rental income received from the current and future tenants of the property.

*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

**ACTION: Resolution 2017-348 (Ridenour/Grewal; 6/1; Mayor Brandvold no)** approving a Purchase and Sale Agreement with Escrow Instructions with Victor Martinez and Iris L. Martinez, Trustees of the 2008 Martinez Revocable Trust under Declaration of Trust dated May 21, 2008, for acquisition of approximately 2.75 acres located at 500 9th Street in Modesto, California (APN: 106-044-005), in the amount of \$3,100,000 and authorizing the Interim City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**ACTION: Resolution 2017-349 (Ridenour/Grewal; 6/1; Mayor Brandvold no)** amending the Fiscal Year 2017-2018 Capital Improvement Budget and Multi-Year Operating Budget to appropriate a \$3,000,000 interfund loan transfer from the Fleet Operating Fund to the new Cook Market Project and transfer \$100,000 from the Courthouse Project 100859 for the remaining amount of the purchase price.

**ACTION: Resolution 2017-350 (Ridenour/Grewal; 6/1; Mayor Brandvold no)** approving a loan of \$3,000,000 from the Fleet Operating Fund to the Special Fund for Capital Outlay for the Project titled “Cook Market Project” and establishing a repayment schedule, amortized over 20 years to be paid back from future rental income received from the current and future tenants of the property.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 9:07 p.m. and returned to Closed Session.

**CLOSED SESSION**

*All Closed Session Matters heard prior to and after meeting*

**CONSENT ITEMS**

1. Consider appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 133-016-007
  - Motion appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 133-016-007. City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com
  
2. Consider appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 110-003-070
  - Motion appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 110-003-070. City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of case: Patrick Green v. COM  
Case No. 2020908

Newman v. City of Modesto, et al.  
Case No. 2015780

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

(Pursuant to Section 54957(b)(1) of the Government Code)

Title: City Clerk

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

(Pursuant to Section 54956.8 of the Government Code)

Property: 119 G Street, Empire, CA APN: 133-016-007

Property Owners: City of Modesto

Negotiating Parties:

For City: Jon Yuriar, Property Agent for City of Modesto

Adam U. Lindgren, City Attorney for City of Modesto

Under Negotiation: Approve sale of surplus property and appraisal value

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

(Pursuant to Section 54956.8 of the Government Code)

Property: 207 Stoddard Ave. APN: 110-003-070

Property Owners: Richard W. Jacobs and Linda A. Walden Trust

Negotiating Parties:

For City: Jon Yuriar, Property Agent for City of Modesto

Adam U. Lindgren, City Attorney for City of Modesto  
For Buyers: Richard W. Jacobs and Linda A. Walden Trust  
Under Negotiation: Terms of purchase for a sewer easement and temporary construction  
easement

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL  
WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

**Monday, September 11, 2017, at 5:00 p.m.**

Roll Call – Present: Councilmembers Ah You, Ridenour, and Madrigal (arrived at 5:05 p.m.)  
Absent: None  
Also Present: Councilmember Kenoyer

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider amending Section 4-2.06 and Section 10-4.406 of the Modesto Municipal Code to allow electrified fences in the M-1 and M-2 zones and forwarding to the Planning Commission for recommendation to Council. (Funding Source: General Fund)

*Community & Economic Development; Patrick Kelly, 577-5267,  
pkelly@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** amending Section 4-2.06 and Section 10-4.406 of the Modesto Municipal Code to allow electrified fences in the M-1 and M-2 zones (**Option 4, with permitted by right**) and forwarding to the Planning Commission for recommendation to Council.

2. Consider accepting an informational report regarding Modesto's Crime Statistics for January through June 2017, as compared to January through June 2016. (Funding Source: Not Applicable)

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

**ACTION: Motion (Madrigal/Ridenour; 3/0)** accepting an informational report regarding

Modesto's Crime Statistics for January through June 2017, as compared to January through June 2016.

3. Consider accepting the application of Murphy Medical Transportation, Inc., Modesto, CA, to operate as a non-emergency medical transport service and forwarding to Council for approval. (Funding Source: General Fund)  
*Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** accepting the application of Murphy Medical Transportation, Inc., Modesto, CA, to operate as a non-emergency medical transport service and forwarding to Council for approval.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 5:31 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez, Interim City Manager

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday September 12, 2017, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, The Carpenter's House

City Clerk's Announcements; Item 3 - continued to September 26, 2017 Council meeting;  
Item 11 - removed from Consent

Declaration of Conflicts of Interest: None

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Library Director Diane McDonnell regarding the Stanislaus County Library and Measure S. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Library Director Diane McDonnell gave a presentation regarding the Stanislaus County Library and Measure S.

## PUBLIC COMMENT PERIOD

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 2; 3-10: (Kenoyer/Ah You; 7/0)**

## CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the September 5, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the September 5, 2017 Council Meeting. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the minutes from the September 5, 2017 Council Meeting.

*Continued to September 26, 2017 Council meeting*

3. Consider accepting the public improvements of Health Care Way and Dale Road as complete and release securities upon expiration of statutory periods. (Funding Source: No City Money Expended, Improvements Made By Developer)
  - Resolution accepting the public improvements for Health Care Way and Dale Road, located just north and east of the Kaiser Hospital on Dale Road, 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. *Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com*

**ACTION:** Continued to September 26, 2017 Council meeting

Consent

4. Consider approving the plans and specifications, bid and contract with George Reed Inc. Modesto, CA, for the Tully Road & 9th Street Pavement Rehabilitation Project for a contract amount of \$579,526. (Funding Source: Regional Surface Transportation Program Funds (RSTP))
  - Resolution approving the plans and specifications for the Tully Road & 9th Street Pavement Rehabilitation Project, accepting the bid, and awarding a contract to George Reed Inc., of Modesto, California in the amount of \$579,526, and authorizing the Interim City Manager, or his designee, to execute the agreement. *Community & Economic Development; Michael Sacuskie, 577-5552, msacuskie@modestogov.com*

**ACTION: Resolution 2017-351 (Kenoyer/Ah You; 7/0)** approving the plans and specifications for the Tully Road & 9th Street Pavement Rehabilitation Project, accepting the bid, and awarding a contract to George Reed Inc., of Modesto, California in the amount of \$579,526, and authorizing the Interim City Manager, or his designee, to execute the agreement.

Consent

5. Consider approving the plans and specifications, bid and awarding the contract to McFadden Construction Inc., Stockton, CA, for the Modesto Junior College Bicycle Path Phase II Project for a contract amount of \$474,622. (Funding Source: Active Transportation Program and Measure L)
  - Resolution approving the plans and specifications for the Modesto Junior College

Bicycle Path Phase II, accepting the bid, and awarding a contract to McFadden Construction Inc., of Stockton, California in the amount of \$474,622 and authorizing the Interim City Manager, or his designee, to execute the agreement.  
*Community & Economic Development; Michael Sacuskie, 577-5552, msacuskie@modestogov.com*

**ACTION: Resolution 2017-352 (Kenoyer/Ah You; 7/0)** approving the plans and specifications for the Modesto Junior College Bicycle Path Phase II, accepting the bid, and awarding a contract to McFadden Construction Inc., of Stockton, California in the amount of \$474,622 and authorizing the Interim City Manager, or his designee, to execute the agreement.

Consent

6. Consider accepting a Federal Aviation Administration Grant in an amount not to exceed \$350,000 for the Airport Layout Plan Update at the Modesto City-County Airport which includes a mandatory 10% local match or \$35,000. (Funding Source: Special Aviation Fund, with City local match of 10% using Stanislaus County Aircraft Tax Funds)
- Resolution accepting a Federal Aviation Administration Grant offer in an amount not to exceed \$350,000 for the Airport Layout Plan Update at the Modesto City-County Airport, and authorizing the Interim City Manager, or his designee, to execute all grant related documents.
  - Resolution approving the creation of an airport capital project, for the Federal Aviation Administration (FAA) grant 3-06-0153-041-2017 (AIP 41), and amending the Fiscal Year 2017-2018 operating and capital improvement budget in an amount not to exceed \$385,000, which includes \$350,000 of grant funding and \$35,000 of local match funding via transfer from the Stanislaus County Aircraft Tax fund (fund 4330) to the Special Aviation fund (fund 4320).

*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-353 (Kenoyer/Ah You; 7/0)** accepting a Federal Aviation Administration Grant offer in an amount not to exceed \$350,000 for the Airport Layout Plan Update at the Modesto City-County Airport, and authorizing the Interim City Manager, or his designee, to execute all grant related documents.

**ACTION: Resolution 2017-354 (Kenoyer/Ah You; 7/0)** approving the creation of an airport capital project, for the Federal Aviation Administration (FAA) grant 3-06-0153-041-2017 (AIP 41), and amending the Fiscal Year 2017-2018 operating and capital improvement budget in an amount not to exceed \$385,000, which includes \$350,000 of grant funding and \$35,000 of local match funding via transfer from the Stanislaus County Aircraft Tax fund (fund 4330) to the Special Aviation fund (fund 4320).

Consent

7. Consider approving a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2017-2018. (Funding Source: Senate Bill 1 funds)
- Resolution approving a list of projects to be funded with Senate Bill (SB) 1, the Road Repair and Accountability Act tax proceeds in Fiscal Year 2017-2018.

*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-355 (Kenoyer/Ah You; 7/0)** approving a list of projects to be funded with Senate Bill (SB) 1, the Road Repair and Accountability Act tax proceeds in Fiscal Year 2017-2018.

Consent

8. Consider approving the sole source procurement of Flow Meters and parts from APG-Neuros, Blainville, Quebec, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$150,000 and \$750,000 over five years. (Funding Source: Wastewater Fund)
- Resolution approving the sole source procurement of Flow Meters and parts from APG-Neuros, Blainville, Quebec, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$150,000 and \$750,000 over five years, and authorizing the Interim City Manager, or his designee, to execute a purchasing agreement.
- Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Resolution 2017-356 (Kenoyer/Ah You; 7/0)** approving the sole source procurement of Flow Meters and parts from APG-Neuros, Blainville, Quebec, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$150,000 and \$750,000 over five years, and authorizing the Interim City Manager, or his designee, to execute a purchasing agreement.

Consent

9. Consider approving and certifying the City's Sanitary Sewer Management Plan update. (Funding Source: Wastewater Fund)
- Resolution approving and certifying the City 's Sanitary Sewer Management Plan update.
- Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Resolution 2017-357 (Kenoyer/Ah You; 7/0)** approving and certifying the City 's Sanitary Sewer Management Plan update.

Consent

10. Consider an Ordinance amending Chapter 1 of Title 11 of the Modesto Municipal Code Ordinance relating to Backflow Testing Procedures for Compliance. (Funding Source: Water Fund)
- Motion introducing and waiving the first reading of an ordinance amending sections 11-1.01, 11-1.02, 11-1.03, 11-1.04, 11-1.05, 11-1.06, 11-1.14, 11-1.15 and 11-1.16 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Rates and Regulations.
- Utilities; David Savidge, 572-2217, dsavidge@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** introducing and waiving the first reading of **Ordinance No. 3678-C.S.** amending sections 11-1.01, 11-1.02, 11-1.03, 11-1.04, 11-1.05,

11-1.06, 11-1.14, 11-1.15 and 11-1.16 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Rates and Regulations.

*Removed from Consent*

- 11. Consider approving an increase of \$2,850,000 to the annual purchasing agreement for hot patch work with Garrett Thompson Construction, Inc., Modesto, CA, for an agreement total of \$9,698,500. (Funding Source: Water Services Fund)
  - Resolution approving an increase to the annual purchasing agreement for hot patch work with Garrett Thompson Construction, Inc., Modesto, CA, for \$2,850,000 for an agreement total of \$9,698,500, and authorizing the Interim City Manager, or his designee, to increase the annual purchase agreement.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Ah You/Madrigal; 6/1; Kenoyer no)** continuing item to September 26, 2017 Council meeting.

**COUNCIL COMMENTS & REPORTS**

None.

**CITY MANAGER COMMENTS & REPORTS**

Interim City Manager Lopez announced appointment of new Fire Chief Alan Ernst.

**HEARINGS**

*Published in the Modesto Bee on September 1, 2017.*

- 12. Hearing to consider denying the appeal of Felipe and Jennifer Casalduc from a decision made by the Planning Commission determining that the 3,832 square foot two story structure being constructed at 2260 Mable Avenue is not a legally permissible accessory structure and denying their appeal of the decision by the Director of Community and Economic Development dated April 24, 2017. (Funding Source: General Fund, Applicant Fee)
  - Resolution denying the appeal of Felipe and Jennifer Casalduc and affirming the decision of the Planning Commission determination that the 3,832 square foot, two story structure being constructed at 2260 Mable Avenue is not a legally permissible accessory structure.

*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION:** Continued to September 26, 2017 Council meeting.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)  
Case No. 667396

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

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

Name of case(s): Joseph Carravelli v. City of Modesto  
California Workers Compensation Appeals Board  
Nos. ADJ8866569, ADJ10215843, ADJ10046104 and ADJ10215952

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**One Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

**(Pursuant to Section 54956.8 of the Government Code)**

Negotiating Parties:

For the City: Bill Sandhu, Public Works Director

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Stanislaus Food Products

Under Negotiation: Price and terms of purchase

- 1. Property: 134 12th Street – APN 106-023-014  
Property Owner: Stanislaus Food Products
- 2. Property: PO Box 3951 (12th Street) – APN 106-023-011  
Property Owner: Stanislaus Food Products
- 3. Property: PO Box 3951 (Morton Boulevard) – APN 106-033-006  
Property Owner: Stanislaus Food Products
- 4. Property: PO Box 3951 (Morton Boulevard) – APN 106-033-007  
Property Owner: Stanislaus Food Products
- 5. Property: 110 11th Street – APN 106-330-014  
Property Owner: Stanislaus Food Products
- 6. Property: 1202 D Street – APN 106-032-010  
Property Owner: Stanislaus Food Products
- 7. Property: PO Box 3951 (B Street) – APN 106-023-009  
Property Owner: Stanislaus Food Products
- 8. Property: PO Box 3951 (11th Street) – APN 106-037-004  
Property Owner: Stanislaus Food Products
- 9. Property: 231 11th Street – APN 106-036-004  
Property Owner: Stanislaus Food Products
- 10. Property: PO Box 3951 (11th Street) – APN 106-036-003  
Property Owner: Stanislaus Food Products
- 11. Property: PO Box 1113 (12th Street) – APN 106-023-015  
Property Owner: Stanislaus Food Products
- 12. Property: 132 10th Street – APN 106-035-003  
Property Owner: Stanislaus Food Products

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:00 p.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto

## SPECIAL CITY COUNCIL MEETING

Riverbank Community Center

3600 Santa Fe Street

Riverbank, California

Tuesday, September 12, 2017, at 7:00 p.m.\*

\*meeting started at 7:45 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour,  
Zoslocki (arrived at 7:55 p.m.), Mayor Brandvold

Also Present: Councilmembers Fosi, Barber Martinez, Campbell, Vice Mayor/Chair  
Jones Cruz, Mayor O'Brien

Absent: None

Pledge of Allegiance to the Flag

### PUBLIC COMMENT PERIOD

None.

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

### NEW BUSINESS

1. A joint special City Council workshop meeting of City of Riverbank City Council with the City of Modesto City Council to discuss and explore opportunities for coordination and collaboration on major planning and infrastructure issues of significance to both cities: including, general plan boundaries, spheres of influence, other planning boundaries, major planning projects and growth issues, major infrastructure and roads. The meeting is for information gathering and sharing, no action will be taken. (Funding Source: Not Applicable)  
*City Council; Mayor Ted Brandvold, 571-5597, tbrandvold@modestogov.com*

**ACTION:** Mayor Brandvold, Mayor O'Brien and Councilmembers from Modesto and Riverbank discussed opportunities for coordination and collaboration on major planning and

infrastructure issues of significance to both cities: including, general plan boundaries, spheres of influence, other planning boundaries, major planning projects and growth issues, major infrastructure and roads. There was no reportable action.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 8:45 p.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

Wednesday, September 13, 2017, at 1:00 p.m.

Roll Call: Present: Councilmember Zoslocki, Mayor Brandvold, and Councilmember Kenoyer  
Absent: None

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### UNFINISHED BUSINESS

1. Consider adding Ygrene Energy Fund as an administrator to the City's PACE program; amending the agreement with California Statewide Communities Development Authority to allow Open PACE administrators; and forwarding to Council for approval (continued from August 9, 2017 Healthy Economy Committee meeting). (Funding Source: Not Applicable)

*City Manager; Gloriette Genereux, 571-5809, ggenereux@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** adding Ygrene Energy Fund as an administrator to the City's PACE program; amending the agreement with California Statewide Communities Development Authority to allow Open PACE administrators; and forwarding to Council for approval

### NEW BUSINESS

2. Consider accepting changing the parking fee structure for single space vehicles from \$1 per hour to \$1.25 per hour, 24 hours per day, and forwarding to Council for approval. (Funding Source: Parking Services Enterprise Fund)

*Public Works; Patricia Morrison, 652-9882, pmorrison@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** accepting changing the parking fee structure for single space vehicles from \$1 per hour to \$1.25 per hour, 24 hours per day, and forwarding to Council for approval.

3. Consider receiving an informational report on establishing an ordinance and associated

fee schedule for still and motion photography sessions conducted on City-owned property, with specific consideration for the McHenry Mansion, the McHenry Museum, McClatchy Square and reservation-based City Parks and Recreation facilities; and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Robert Kimball, 571-5540, rkimball@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** directing staff to return to Committee before Council.

4. Consider a Letter of Intent with AEG Cycling, LLC, to host the Men's and Women's Time Trials of the 2018 Amgen Tour of California, appropriating \$180,000 to fund the Host City requirements and forwarding to Council for approval. (Funding Source: General Fund & Sponsorships)  
*Community & Economic Development; Director of Community & Economic Development, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** approving a Letter of Intent with AEG Cycling, LLC, to host the Men's and Women's Time Trials of the 2018 Amgen Tour of California, appropriating \$180,000 to fund the Host City requirements and forwarding to Council for approval.

5. Consider granting an exception to the Village One Specific Plan to allow construction by Westurf Nursery at 1612 Claus Road, Modesto, CA 95355 without annexing to the City of Modesto Community Facilities District No. 2004-1 (Village One CFD #2); and forwarding to Council for approval. (Funding Source: Village One #2 CFD)  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** granting an exception to the Village One Specific Plan to allow construction by Westurf Nursery at 1612 Claus Road, Modesto, CA 95355 without annexing to the City of Modesto Community Facilities District No. 2004-1 (Village One CFD #2); and forwarding to Council for approval.

6. Consider accepting adjustments to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport, effective January 1, 2018, and rescinding Resolution No. 2016-213, and forwarding to Council for approval. (Funding Source: Airport Operating Revenue, Fund 4310)  
*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 2/0; Councilmember Zoslocki absent due to conflict of interest)** accepting adjustments to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport, effective January 1, 2018, and rescinding Resolution No. 2016-213, and forwarding to Council for approval.

7. Consider accepting a five-year lease agreement with three additional five-year extension options with Greyhound Lines, Inc., Dallas, TX, for the lease of space at the

City Transportation Center for total annual revenue of \$63,000 and total revenues of \$321,363 for the initial five-year term of the agreement, and forwarding to Council for approval. (Funding Source: Transit Funds)

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** accepting a five-year lease agreement with three additional five-year extension options with Greyhound Lines, Inc., Dallas, TX, for the lease of space at the City Transportation Center for total annual revenue of \$63,000 and total revenues of \$321,363 for the initial five-year term of the agreement (**clarifying the annual review of 1% annually and City has ability to terminate**), and forwarding to Council for approval.

8. Consider accepting Modesto Area Express and Modesto Area Dial-A-Ride route and fare changes to improve on-time performance, make the system easier to use and enable the system to achieve the farebox recovery requirement and forwarding to Council for approval. (Funding Source: Transit Funds)

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** accepting Modesto Area Express and Modesto Area Dial-A-Ride route and fare changes to improve on-time performance, make the system easier to use and enable the system to achieve the farebox recovery requirement and forwarding to Council for approval.

9. Consider accepting angled parking along the south side of J Street between 6th Street and 7th Street, rescinding Resolution No. 2017-245, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund – Traffic Operations)

*Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** accepting angled parking along the south side of J Street between 6th Street and 7th Street, rescinding Resolution No. 2017-245, and forwarding to Council for approval.

10. Consider giving direction to Staff regarding negotiations of a Land Exchange Agreement and a License and Street Closure Agreement between the City and Stanislaus Food Products, Modesto, CA, and forwarding to Council for approval. (Funding Source: General Fund)

*Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** giving direction to Staff regarding negotiations of a Land Exchange Agreement and a License and Street Closure Agreement between the City and Stanislaus Food Products, Modesto, CA, and forwarding to Council for approval.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 4:04 p.m.

Attest: \_\_\_\_\_

Joseph Lopez, Interim City Manager

# MINUTES

**City of Modesto**  
**EFFECTIVE GOVERNMENT COMMITTEE/ COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**

**Monday, September 25, 2017, at 2:00 p.m.**

Roll Call - Present: Councilmembers Grewal (arrived at 2:25 p.m.), Ah You, and Zoslocki  
Absent: None  
Also Present: Councilmember Ridenour (alternate)

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

None.

## NEW BUSINESS

1. Consider receiving a report on a Venture Lab at the Modesto Centre Plaza operated by the University of California Merced and forwarding to Council for approval. (Funding Source: General Fund)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** No reportable action.

2. Consider receiving a report on the 2018 list of Capital Improvement Priorities for John Thurman Field and appropriating \$120,000 from the General Fund for the 2018 improvements and forwarding to Council for approval. (Funding Source: CIP Project 101019)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Zoslocki/Ridenour; 3/0)** receiving a report on the 2018 list of Capital Improvement Priorities for John Thurman Field and appropriating \$120,000 from the General Fund for the 2018 improvements and forwarding to Council for approval.

3. Consider accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2016-17 and forwarding to Council for approval. (Funding Source: General Fund, Surface Transportation Replacement Fund, Housing Development Replacement Fund, Water Replacement Fund, Wastewater Replacement Fund, Airport Replacement Fund, Bus Replacement Fund, Solid Waste Replacement Fund, and Fleet Replacement Fund)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 2/0; Ah You absent)** accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2016-17 and forwarding to Council for approval.

4. Consider accepting a report on Fiscal Year 2016-2017 unclaimed funds of \$27,094 that can be transferred to the General Fund and forwarding to Council for approval. (Funding Source: General Fund)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting a report on Fiscal Year 2016-2017 unclaimed funds of \$27,094 that can be transferred to the General Fund and forwarding to Council for approval.

5. Consider accepting an informational report of potential net present value savings ranging from \$1.2 million to \$1.6 million on a refunding of the outstanding Modesto Wastewater Revenue Bonds, Series 2006A in the amount of \$14,735,000 and forwarding to Council. (Funding Source: Wastewater Fund)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting an informational report of potential net present value savings ranging from \$1.2 million to \$1.6 million on a refunding of the outstanding Modesto Wastewater Revenue Bonds, Series 2006A in the amount of \$14,735,000 and forwarding to Council.

6. Consider amending the Classification Plan, Class Range Table for Represented Management and Confidential Non-Sworn Classes, and the Position Allocation for the City Manager's Office to change the title of Public Information Coordinator to Community and Media Relations Officer and to create the classification of Public Safety Information Coordinator; and forwarding to Council for approval. (Funding Source: General Fund)  
*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** amending the Classification Plan, Class Range Table for Represented Management and Confidential Non-Sworn Classes, and the Position Allocation for the City Manager's Office to change the title of Public Information Coordinator to Community and Media Relations Officer and to create the classification of Public Safety Information Coordinator; and forwarding to Council for approval.

7. Consider accepting a report on the North Valley Regional Recycled Water Program. (Funding Source: Wastewater Fund)  
*Utilities; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting a report on the North Valley Regional Recycled Water Program.

8. Consider two days a week outdoor water use for surface water customers from November 1, 2017 through March 31, 2018 (Winter Schedule) and three days a week April 1, 2018 through October 31, 2018 (Summer Schedule) and continuing this schedule year around; and two days a week for all groundwater customers effective November 1, 2017 and continuing this schedule year around and forwarding to Council for approval. (Funding Source: Water Fund)  
*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** approving two days a week outdoor water use for surface water customers from November 1, 2017 through March 31, 2018 (Winter Schedule) and three days a week April 1, 2018 through October 31, 2018 (Summer Schedule) and continuing this schedule year around; and two days a week for all groundwater customers effective November 1, 2017 and continuing this schedule year around and forwarding to Council for approval.

9. Consider accepting a report on a draft Record of Violation from the Central Valley Regional Water Quality Control Board; recommending the City pay the Mandatory Minimum Penalties of \$165,000.00 and waive the right to a hearing relating to an unallowable discharge into the San Joaquin River in March 2017; and forwarding to Council for approval. (Funding Source: Wastewater Fund)  
*Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting a report on a draft Record of Violation from the Central Valley Regional Water Quality Control Board; recommending the City pay the Mandatory Minimum Penalties of \$165,000.00 and waive the right to a hearing relating to an unallowable discharge into the San Joaquin River in March 2017; and forwarding to Council for approval.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 3:29 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez, Interim City Manager

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday, September 26, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Reverend Michael Schefelbein, College Avenue United Church of Christ

City Clerk's Announcements; Items 19 and 20 continued to a future Council meeting

Declaration of Conflicts of Interest: Ridenour Items 5, 9 and 17; Grewal and Mayor  
Brandvold Item 8

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a Proclamation proclaiming September 25-30, 2017 as Adult Education and Family Literacy Week. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Ted Brandvold presented a Proclamation proclaiming September 25-30, 2017 as Adult Education and Family Literacy Week.

### MISCELLANEOUS

Legislation  
Appointments  
Other

2. Consider appointing Mani Grewal - Chair, Ted Brandvold - Member, and Douglas Ridenour, Sr. - Member to the City Auditor Recruitment Ad Hoc Committee. (Funding Source: Not Applicable)
  - Motion appointing Mani Grewal - Chair, Ted Brandvold - Member, and Douglas Ridenour, Sr. - Member to the City Auditor Recruitment Ad Hoc Committee.  
*City Council; Mayor Ted Brandvold, 571-5597, mayor@modestogov.com*

**ACTION: Motion (Kenoyer/Madriral; 7/0)** appointing Mani Grewal - Chair, Ted Brandvold - Member, and Douglas Ridenour, Sr. - Member to the City Auditor Recruitment Ad Hoc Committee.

### **PUBLIC COMMENT PERIOD**

- Debra Harper spoke regarding an incident she experienced.
- Susan Beasley spoke about the International Heritage Festival being held on Saturday, October 7, 2017.
- Carmen Sabatino spoke regarding the three minute time limit for public comments, street work, and the Downtown Partners Assessment District.
- Rhonda Allen invited the Council to the ribbon cutting for the LaLoma Native Plant Garden on November 19, 2017.
- Loretta Carhart spoke about tree diseases.

### **CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 3-4; 6-7; 10-16; 18: (Kenoyer/Ridenour; 7/0)**

**ACTION CONSENT ITEMS 5; 9; 17: (Kenoyer/Grewal 6/0; Ridenour absent due to conflict of interest)**

**ACTION CONSENT ITEM 8: (Kenoyer/Ridenour 5/0; Grewal, Mayor Brandvold 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**

3. Consider approving the minutes from the September 12, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the September 12, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** approving the minutes from the September 12, 2017 Council Meeting.

#### **Consent**

4. Consider final adoption of **Ordinance No. 3678-C.S.** amending Chapter 1 of Title 11 of the Modesto Municipal Code Ordinance relating to Backflow Testing Procedures for Compliance. (Funding Source: Water Fund)
  - Motion approving final adoption of **Ordinance 3678-C.S.** amending sections 11-1.01, 11-1.02, 11-1.03, 11-1.04, 11-1.05, 11-1.06, 11-1.14, 11-1.15 and 11-1.16 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Rates and Regulations.

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

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** approving final adoption of **Ordinance No. 3678-C.S.** amending sections 11-1.01, 11-1.02, 11-1.03, 11-1.04, 11-1.05, 11-1.06, 11-1.14, 11-1.15 and 11-1.16 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Rates and Regulations.

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

5. Consider granting an exception to the Village One Specific Plan to allow construction by Westurf Nursery at 1612 Claus Road, Modesto, CA 95355 without annexing to the Village One #2 CFD. (Funding Source: Village One #2 CFD)
  - Resolution granting an exception to the Village One Specific Plan to allow construction by Westurf Nursery at 1612 Claus Road, Modesto, CA 95355 without annexing to the Village One #2 CFD.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-358 (Kenoyer/Grewal; 6/0; Ridenour absent due to conflict of interest)** granting an exception to the Village One Specific Plan to allow construction by Westurf Nursery at 1612 Claus Road, Modesto, CA 95355 without annexing to the Village One #2 CFD.

Consent

6. Consider accepting the State Systemic Safety Analysis Report Program Grant in the amount of \$225,000 and amending the Fiscal Year 2017-18 Capital Improvement Program budget. (Funding Source: State SSPARP Grant and Local Measure L Funds (\$25,000))
  - Resolution accepting the State Systemic Safety Analysis Report Program (SSARP) Grant in the amount of \$225,000, and authorizing the Interim City Manager, or his designee to execute all necessary funding and grant documents.
  - Resolution amending the Fiscal Year 2017-18 Capital Improvement Program (CIP) budget, Project #100990 in the amount of \$225,000 for the Systemic Safety Analysis Program (SSARP) grant.

*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2017-359 (Kenoyer/Ridenour;7/0)** accepting the State Systemic Safety Analysis Report Program (SSARP) Grant in the amount of \$225,000, and authorizing the Interim City Manager, or his designee to execute all necessary funding and grant documents.

**ACTION: Resolution 2017-360 (Kenoyer/Ridenour;7/0)** amending the Fiscal Year 2017-18 Capital Improvement Program (CIP) budget, Project #100990 in the amount of \$225,000 for the Systemic Safety Analysis Program (SSARP) grant.

Consent

7. Consider approving the Culture Commission Annual Report for Fiscal Year 2016-

2017. (Funding Source: Not Applicable)

- Motion accepting the Culture Commission Annual Report for Fiscal Year 2016-2017.

*Community & Economic Development; Cynthia Birdsill, 341-2938,  
cbirdsill@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 7/0)** accepting the Culture Commission Annual Report for Fiscal Year 2016-2017.

Consent – *Councilmember Grewal, Mayor Brandvold absent due to conflict of interest*

8. Consider accepting the public improvements of Health Care Way and Dale Road as complete and release securities upon expiration of statutory periods. (Funding Source: No City Money Expended, Improvements Made By Developer)

- Resolution accepting the public improvements for Health Care Way and Dale Road, located just north and east of the Kaiser Hospital on Dale Road, 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.

*Community & Economic Development; Daniel England, 571-5589,  
denland@modestogov.com*

**ACTION: Resolution 2017-361 (Kenoyer/Ridenour; 5/0; Grewal, Mayor Brandvold absent due to conflict of interest)** accepting the public improvements for Health Care Way and Dale Road, located just north and east of the Kaiser Hospital on Dale Road, 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.

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

9. Consider approving plans and specifications for the Sanders and Freedom Neighborhood Parks Renovation Project and awarding a construction contract to DOCON, Inc. of Modesto, CA, in the amount of \$397,101; and amending the Fiscal Year 2017-2018 Capital Improvement Project Budget in the amount of \$182,623. (Funding Source: Village One CFD)

- Resolution approving the plans and specifications for the award of the Sanders and Freedom Neighborhood Parks Renovation Project, accepting the bid, awarding a construction contract to DOCON, INC. of Modesto, CA, in the amount of \$397,101, and authorizing the Interim City Manager, or his designee, to execute the contract.
- Resolution authorizing the Interim City Manager, or his designee, to amend the Fiscal Year 2017/2018 Capital Improvement Program Budget in an amount not to exceed \$182,623 for Project #100892 Sanders and Freedom Neighborhood Parks Renovation Project to budget expenditures as outlined in Attachment A to fully fund the renovation of Sanders and Freedom Neighborhood Parks.

*Parks, Recreation & Neighborhoods; David Paladini, 577-5339,  
dpaladini@modestogov.com*

**ACTION: Resolution 2017-362 (Kenoyer/Grewal; 6/0; Ridenour absent due to conflict of**

**interest)** approving the plans and specifications for the award of the Sanders and Freedom Neighborhood Parks Renovation Project, accepting the bid, awarding a construction contract to DOCON, INC. of Modesto, CA, in the amount of \$397,101, and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-363 (Kenoyer/Grewal; 6/0; Ridenour absent due to conflict of interest)** authorizing the Interim City Manager, or his designee, to amend the Fiscal Year 2017/2018 Capital Improvement Program Budget in an amount not to exceed \$182,623 for Project #100892 Sanders and Freedom Neighborhood Parks Renovation Project to budget expenditures as outlined in Attachment A to fully fund the renovation of Sanders and Freedom Neighborhood Parks.

Consent

10. Consider accepting the Office of Traffic Safety 2018 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$430,000 and amending the Fiscal Year 2017-18 Operating and Multi-Year budget. (Funding Source: Grants - Police)
- Resolution accepting the 2018 Selective Traffic Enforcement Program Grant in the amount of \$430,000 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations; and authorizing the Interim City Manager, or his authorized designee to execute the necessary documents.
  - Resolution amending the Fiscal Year 2017-2018 Operating and Multi-Year Budget to appropriate revenue and expenses in the amount of \$430,000 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Other Special Traffic Enforcement Operations.

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

**ACTION: Resolution 2017-364 (Kenoyer/Ridenour; 7/0)** accepting the 2018 Selective Traffic Enforcement Program Grant in the amount of \$430,000 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations; and authorizing the Interim City Manager, or his authorized designee to execute the necessary documents.

**ACTION: Resolution 2017-365 (Kenoyer/Ridenour; 7/0)** amending the Fiscal Year 2017-2018 Operating and Multi-Year Budget to appropriate revenue and expenses in the amount of \$430,000 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Other Special Traffic Enforcement Operations.

Consent

11. Consider accepting \$697,601 from the Stanislaus Council of Governments to offset the shortfall in State Transit Assistance Funds. (Funding Source: Transportation Development Act Funds)
- Resolution accepting the supplemental payment of the Local Transportation Fund (LTF) for Fiscal Year 2015-16 from the Stanislaus Council of Governments (StanCOG) in the amount of \$697,061 to offset the shortfall in State Transit Assistance Funds (STA).

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-366 (Kenoyer/Ridenour; 7/0)** accepting the supplemental payment of the Local Transportation Fund (LTF) for Fiscal Year 2015-16 from the Stanislaus Council of Governments (StanCOG) in the amount of \$697,061 to offset the shortfall in State Transit Assistance Funds (STA).

Consent

12. Consider approving an Agreement with O'Dell Engineering, Inc., Modesto, CA, for design services for the Modesto Amtrak North Parking Lot Project in an amount not to exceed \$57,600. (Funding Source: Transit Funds)

- Resolution approving an Agreement with O'Dell Engineering, Inc., Modesto, CA, for Design Services for the Modesto Amtrak North Parking Lot Project, in an amount not to exceed \$57,600 for the identified scope of services, and authorizing the Interim City Manager, or his designee, to execute the agreement.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-367 (Kenoyer/Ridenour; 7/0)** approving an Agreement with O'Dell Engineering, Inc., Modesto, CA, for Design Services for the Modesto Amtrak North Parking Lot Project, in an amount not to exceed \$57,600 for the identified scope of services, and authorizing the Interim City Manager, or his designee, to execute the agreement.

Consent

13. Consider approving an agreement with Stantec Consulting Services, Inc. to provide planning services for the Airport Layout Plan Update in an amount not to exceed \$351,314; amending the Fiscal Year 2017-18 Capital Improvement Budget. (Funding Source: Federal Aviation Administration Grant Funds - 90%, City Local Match - 10% using Stanislaus County Aircraft Tax Funds)

- Resolution approving an agreement with Stantec Consulting Services, Inc. to provide planning services for the Airport Layout Plan Update (ALPU) Project, and authorizing the Interim City Manager, or his designee, to execute the Agreement in an amount not to exceed \$351,314.
- Resolution authorizing the creation of Airport Capital Improvement Project (ACIP) #100985 for the Federal Aviation Administration (FAA) Grant 3-06-0153-041-2017 (AIP 41), and amending the Fiscal Year 2017-2018 Capital Improvement Budget to establish a budget in an amount not to exceed \$351,314, of which includes \$316,183 is grant funding and \$35,131 is funded via transfer from Fund 4330-Stanislaus County Aircraft Tax Fund to CIP 100985.

*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-368 (Kenoyer/Ridenour; 7/0)** approving an agreement with Stantec Consulting Services, Inc. to provide planning services for the Airport Layout Plan Update (ALPU) Project, and authorizing the Interim City Manager, or his designee, to execute the Agreement in an amount not to exceed \$351,314.

**ACTION: Resolution 2017-369 (Kenoyer/Ridenour; 7/0)** authorizing the creation of Airport Capital Improvement Project (ACIP) #100985 for the Federal Aviation Administration (FAA) Grant 3-06-0153-041-2017 (AIP 41), and amending the Fiscal Year 2017-2018 Capital

Improvement Budget to establish a budget in an amount not to exceed \$351,314, of which includes \$316,183 is grant funding and \$35,131 is funded via transfer from Fund 4330-Stanislaus County Aircraft Tax Fund to CIP 100985.

Consent

14. Consider authorizing the submittal of a grant application on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency to the Department of Water Resources for the 2017 Groundwater Sustainability Grant Program Funding. (Funding Source: Not Applicable)
- Resolution authorizing the submittal of an application on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency to the California Department of Water Resources, for the 2017 Sustainable Groundwater Planning Grant Program, authorizing the Interim City Manager, or his designee, to execute all grant-related documents and enter into agreements to receive grant funds, if awarded, and authorizing the Interim City Manager, or his designee, to be the signatory of grant invoice forms during requests for reimbursements.

*Utilities; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2017-370 (Kenoyer/Ridenour; 7/0)** authorizing the submittal of an application on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency to the California Department of Water Resources, for the 2017 Sustainable Groundwater Planning Grant Program, authorizing the Interim City Manager, or his designee, to execute all grant-related documents and enter into agreements to receive grant funds, if awarded, and authorizing the Interim City Manager, or his designee, to be the signatory of grant invoice forms during requests for reimbursements.

Consent

15. Consider approving an Agreement with O'Dell Engineering, Inc., Modesto, CA, for engineering design services for the Sutter Trunk Rehabilitation and Reliability project in the amount of \$392,906, plus \$39,291 for additional services, if needed, for an agreement total of \$432,197. (Funding Source: Wastewater Fund)
- Resolution approving an Agreement with O'Dell Engineering, Inc., Modesto, CA, for Engineering Design Services for the Sutter Trunk Rehabilitation Project, in an amount not to exceed \$392,906 for the identified scope of services, plus \$39,291 for additional services, if needed, for a maximum total amount of \$432,197, and authorizing the Interim City Manager, or his designee, to execute the agreement.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-371 (Kenoyer/Ridenour; 7/0)** approving an Agreement with O'Dell Engineering, Inc., Modesto, CA, for Engineering Design Services for the Sutter Trunk Rehabilitation Project, in an amount not to exceed \$392,906 for the identified scope of services, plus \$39,291 for additional services, if needed, for a maximum total amount of \$432,197, and authorizing the Interim City Manager, or his designee, to execute the agreement.

## Consent

16. Consider approving a sole source purchase of \$1,144,814 with Zenon Environmental Corporation, part of General Electric Water & Process Technologies of Oakville, Ontario, Canada for a membrane and cassette replacement for the Phase 1 Tertiary Treatment Plant. (Funding Source: Wastewater Fund)

- Resolution approving a sole source purchase of a membrane and cassette replacement equipment for the Phase 1A Tertiary Treatment Plant from Zenon Environmental Corporation, part of General Electric Water & Process Technologies of Oakville, Ontario Canada, and authorizing the Purchasing Manager, or her designee, to issue a purchase order for a total cost not to exceed \$1,144,814.

*Utilities; Jesse Franco, 577-5314, jfranco@modestogov.com*

**ACTION: Resolution 2017-372 (Kenoyer/Ridenour; 7/0)** approving a sole source purchase of a membrane and cassette replacement equipment for the Phase 1A Tertiary Treatment Plant from Zenon Environmental Corporation, part of General Electric Water & Process Technologies of Oakville, Ontario Canada, and authorizing the Purchasing Manager, or her designee, to issue a purchase order for a total cost not to exceed \$1,144,814.

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

17. Consider approving the plans and specifications for the Grogan Park (Tivoli) Production Well project, accepting the bid, and approving a contract with TNT Industrial Contractors, Inc., of Sacramento, CA, in the amount of \$2,027,645 and amending the Fiscal Year 2017-18 Capital Improvement Program Budget. (Funding Source: Water Fund-CIP)

- Resolution approving the plans and specifications for the Grogan Park (Tivoli) Production Well project, accepting the bid, and approving a contract with TNT Industrial Contractors, Inc., of Sacramento, CA in the amount of \$2,027,645, and authorizing the Interim City Manager, or his designee, to execute the contract.
- Resolution amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of \$2,157,255 to be transferred into Water Fund Reserves from 100785 – UPP Engineering Design “Tivoli Area - Grogan Park Well” in order to close out CIP 100785.
- Resolution amending the Fiscal Year 2017-2018 Capital Improvement Program Budget in the amount of \$2,548,728 to be transferred into the project from Water Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the Grogan Park Production Well project.

*Utilities; Jeffery Cortinas, 577-5181, jcortinas@modestogov.com*

**ACTION: Resolution 2017-373 (Kenoyer/Grewal; 6/0 Councilmember Ridenour absent due to conflict of interest)** approving the plans and specifications for the Grogan Park (Tivoli) Production Well project, accepting the bid, and approving a contract with TNT Industrial Contractors, Inc., of Sacramento, CA in the amount of \$2,027,645, and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-374 (Kenoyer/Grewal; 6/0 Councilmember Ridenour absent due to conflict of interest)** amending the Fiscal Year 2017-18 Capital Improvement Program

Budget in the amount of \$2,157,255 to be transferred into Water Fund Reserves from 100785 – UPP Engineering Design “Tivoli Area - Grogan Park Well” in order to close out CIP 100785.

**ACTION: Resolution 2017-375 (Kenoyer/Grewal; 6/0 Councilmember Ridenour absent due to conflict of interest)** amending the Fiscal Year 2017-2018 Capital Improvement Program Budget in the amount of \$2,548,728 to be transferred into the project from Water Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the Grogan Park Production Well project.

Consent

18. Consider approving an agreement with Tank Industry Consultants, Indianapolis, IN, for tank inspection and evaluation services for the Steel Water Storage Tank Structural Repairs in an amount not to exceed \$71,128 for the identified scope of services, plus \$7,113 for additional services (if needed), for a maximum total amount of \$78,241. (Funding Source: Water Fund-CIP)

- Resolution approving an agreement with Tank Industry Consultants, Inc., of Indianapolis, IN, for inspection and evaluation services for the Steel Water Storage Tank Structural Repairs, in an amount not to exceed \$71,128 for the identified scope of services, plus \$7,113 for additional services (if needed), for a maximum total amount of \$78,241 and authorizing the Interim City Manager, or his designee, to execute the agreement.

*Utilities; Jeffrey Cortinas, 571-5181, jcortinas@modestogov.com*

**ACTION: Resolution 2017-376 (Kenoyer/Ridenour; 7/0)** approving an agreement with Tank Industry Consultants, Inc., of Indianapolis, IN, for inspection and evaluation services for the Steel Water Storage Tank Structural Repairs, in an amount not to exceed \$71,128 for the identified scope of services, plus \$7,113 for additional services (if needed), for a maximum total amount of \$78,241 and authorizing the Interim City Manager, or his designee, to execute the agreement.

Consent – *Continued to a future Council meeting*

19. Consider approving a First Amendment with North Star Engineering Group, Inc., Modesto, CA, for final design services for the Del Rio Tank, Pump Station and New Well project in the amount of \$264,441, for a total agreement amount of \$614,833; and accepting the Preliminary Design Report as complete. (Funding Source: Water Fund)

- Resolution approving a First Amendment to the Agreement with North Star Engineering Group, Inc., for final design services for the Del Rio Tank, Pump Station, and New Well project in an amount of \$264,441, for a total agreement amount of \$614,833 and authorizing the Interim City Manager, or his designee, to execute the Agreement.
- Resolution accepting the Preliminary Design Report dated October 2012 for the Del Rio Tank, Pump Station, and New Well project as complete.

*Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION:** Continued to a future Council meeting.

### **COUNCIL COMMENTS & REPORTS**

Councilwoman Kenoyer complimented the City workers who respond to the Modesto Go App requests.

Councilmember Ridenour congratulated the Modesto Nuts baseball team who won the California Championship with a six game sweep. He also had Public Works Director Bill Sandhu discuss the Best Interchange Award that the City received from the American Council of Consultant Engineers for the Pelandale Avenue Interchange.

### **CITY MANAGER COMMENTS & REPORTS**

Interim City Manager Joseph Lopez discussed the removal of item 20 from the agenda, stating it will be brought forward when all deficiencies are identified. The City will be hiring externally to expedite the review so all information can be provided.

### **UNFINISHED BUSINESS**

*Continued to a future City Council meeting*

20. Consider approving an increase of \$2,850,000 to the annual purchasing agreement for hot patch work with Garrett Thompson Construction, Inc., Modesto, CA, for an Agreement total of \$9,698,500. (Funding Source: Water Services Fund)

- Item continued to future Council meeting.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION:** Item continued to future Council meeting.

### **HEARINGS**

*Published in the Modesto Bee on September 1, 2017; continued from September 12, 2017 Council meeting*

21. Hearing to consider denying the appeal of Felipe and Jennifer Casalduc from a decision made by the Planning Commission determining that the 3,832 square foot two story structure being constructed at 2260 Mable Avenue is not a legally permissible accessory structure and denying their appeal of the decision by the Director of Community and Economic Development dated April 24, 2017. (Funding Source: General Fund, Applicant Fee)

- Resolution denying the appeal of Felipe and Jennifer Casalduc and affirming the decision of the Planning Commission determination that the 3,832 square foot, two story structure being constructed at 2260 Mable Avenue is not a legally permissible accessory structure.

*Community & Economic Development; Patrick Kelly, 577-5267,*

*pkelly@modestogov.com*

**ACTION: Resolution 2017-377 (Ridenour/Kenoyer; 7/0)** denying the appeal of Felipe and Jennifer Casaldue and affirming the decision of the Planning Commission determination that the 3,832 square foot, two story structure being constructed at 2260 Mable Avenue is not a legally permissible accessory structure.

*Published in the Modesto Bee on September 10, 2017 and Vida en el Valle September 13, 2017*

22. Hearing to consider approving the Program Year 2016-17 Consolidated Annual Performance Evaluation Report (CAPER), a summary of the Housing and Urban Development funds spent by the City on projects and programs. (Funding Source: Community Development Block Grant, Emergency Solutions Grant and HOME Investment Partnerships funds)

- Resolution approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2016-2017, reflecting the use of Community Development Block Grant, HOME Investment Partnership Grants and Emergency Solutions Grant Funds; and authorizing the Interim City Manager, or his designee, to sign the required documents for submittal to the U.S. Department of Housing and Urban Development.

*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-378 (Kenoyer/Zoslocki; 7/0)** approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2016-2017, reflecting the use of Community Development Block Grant, HOME Investment Partnership Grants and Emergency Solutions Grant Funds; and authorizing the Interim City Manager, or his designee, to sign the required documents for submittal to the U.S. Department of Housing and Urban Development.

*Published in the Modesto Bee on September 19, 2017 and Vida en el Valle September 20, 2017*

23. Hearing to consider approving a grant application for Federal Transit Administration Section 5307 transit funds in the amount of \$5,172,381. (Funding Source: Federal Transit Administration Section 5307 Fiscal Year 2016-2017 formula apportionment)

- Resolution approving the submittal of a Grant Application to the Federal Transit Administration (FTA) requesting \$5,172,318 in FTA Section 5307 Funds and authorizing the Interim City Manager, or his designee, to execute and file the Annual Certifications and Assurances and all other necessary documents with the FTA.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-379 (Madrigal/Zoslocki; 7/0)** approving the submittal of a Grant Application to the Federal Transit Administration (FTA) requesting \$5,172,318 in FTA Section 5307 Funds and authorizing the Interim City Manager, or his designee, to execute and file the Annual Certifications and Assurances and all other necessary documents with the FTA.

## NEW BUSINESS

24. Consider approving Modesto Area Express and Modesto Area Dial-A-Ride route and fare changes to improve on-time performance, make the system easier to use and enable the system to achieve the farebox recovery requirement. (Funding Source: Transit Funds)
- Resolution approving implementation of modifications to various existing Modesto Area Express (MAX) route schedules effective February 1, 2018, and authorizing the Transit Manager to implement the improvements.
  - Resolution establishing passenger fares for all Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (DAR) services effective February 1, 2018, and authorizing the Transit Manager to implement the changes.
- Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-380 (Madrigal/Kenoyer; 7/0)** approving implementation of modifications to various existing Modesto Area Express (MAX) route schedules effective February 1, 2018, and authorizing the Transit Manager to implement the improvements.

**ACTION: Resolution 2017-381 (Madrigal/Kenoyer; 7/0)** Resolution establishing passenger fares for all Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (DAR) services effective February 1, 2018, and authorizing the Transit Manager to implement the changes.

## MATTERS TOO LATE FOR THE AGENDA

These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.

## CLOSED SESSION

**ACTION:** *All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Two Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**PUBLIC EMPLOYEE APPOINTMENT  
(Pursuant to Section 54957(b)(1) Government Code)**

Title: City Manager  
City Auditor

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

Property: APN: 105-032-001, Located at 1024 Needham St

Property Owners: City of Modesto

Negotiating Parties:

For City: Jon Yuriar, Property Agent & William Wong, Acting Utilities Director  
for City of Modesto  
Adam U. Lindgren, City Attorney for City of Modesto

For Buyers: Tammy & Michael Cunha

Under Negotiation: Price and terms of sale of surplus property

**ADJOURNMENT**

This meeting adjourned at 7:59 p.m.

Attest: \_\_\_\_\_  
Cathi Erbe, Assistant City Clerk

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday October 03, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements: Item 11 - continued to October 10, 2017 Council meeting; Item  
12 - removed from Agenda

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters;  
Mayor Brandvold reported on evaluation of City Attorney

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by David White, CEO Opportunity Stanislaus, regarding the Volt Institute. (Funding Source: Not Applicable)  
*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

**ACTION:** Presentation by David White, CEO Opportunity Stanislaus, regarding the Volt Institute.

## PUBLIC COMMENT PERIOD

- Terhesa Gamboa announced the Woodland West Neighborhood Watch meeting at Church of the Brethern on Tuesday, October 17, 2017 at 6:00 p.m.
- Loretta Carhart spoke regarding bus routes in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 2-9: (Kenoyer/Zoslocki; 7/0)**

## CONSENT ITEMS

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

### Consent

2. Consider approving the minutes from the September 26, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the September 26, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving the minutes from the September 26, 2017 Council Meeting.

### Consent

3. Consider accepting an informational report for the August 2017 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
  - Motion accepting an informational report for the August 2017 Accounts Payable Payment Register and Void report.  
*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting an informational report for the August 2017 Accounts Payable Payment Register and Void report.

### Consent

4. Consider approving an agreement with Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for 3 years with 2 one-year extension options at an annual cost not to exceed \$75,000 and a total cost of \$375,000. (Funding Source: General Fund, Redevelopment Successor Agency, Water, Wastewater, and Golf Funds)
  - Resolution approving an agreement with Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for 3 years with 2 one-year extension options at an annual cost not to exceed \$75,000 and a total cost of \$375,000 and authorizing the Interim City Manager, or his designee, to execute the agreement.  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-382 (Kenoyer/Zoslocki; 7/0)** approving an agreement with Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for 3 years with 2 one-year extension options at an annual cost not to exceed \$75,000 and a total cost of \$375,000 and authorizing the Interim City Manager, or his designee, to execute the agreement.

### Consent

5. Consider amending the Classification Plan, Class Range Table for Represented Management and Confidential Non-Sworn Classes, and the Position Allocation for the

City Manager's Office to change the title of Public Information Coordinator to Community and Media Relations Officer and to create the classification of Public Safety Information Coordinator. (Funding Source: General Fund)

- Resolution amending the Classification Plan for the City of Modesto to amend the title of Public Information Coordinator to Community and Media Relations Officer and create the classification of Public Safety Information Coordinator.
- Resolution amending Class Range Table for Represented Management and Confidential Non-Sworn Classes to amend the title of Public Information Coordinator to Community and Media Relations Officer and add Public Safety Information Coordinator to Salary Range 436.
- Resolution amending the Fiscal Year 2017-18 Position Allocation for the City Manager's Office.

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2017-383 (Kenoyer/Zoslocki; 7/0)** amending the Classification Plan for the City of Modesto to amend the title of Public Information Coordinator to Community and Media Relations Officer and create the classification of Public Safety Information Coordinator.

**ACTION: Resolution 2017-384 (Kenoyer/Zoslocki; 7/0)** amending Class Range Table for Represented Management and Confidential Non-Sworn Classes to amend the title of Public Information Coordinator to Community and Media Relations Officer and add Public Safety Information Coordinator to Salary Range 436.

**ACTION: Resolution 2017-385 (Kenoyer/Zoslocki; 7/0)** amending the Fiscal Year 2017-18 Position Allocation for the City Manager's Office.

#### Consent

6. Consider approving an amendment to the Lease Agreement with Stanislaus Implement and Hardware Company, LTD, Modesto, CA, to increase monthly payments for the use of its parking lot from \$1,000 to \$1,500 on a month-to-month basis and rescinding Resolution No. 2015-138. (Funding Source: General Fund)
  - Resolution approving an amendment to the month-to-month Lease Agreement with Stanislaus Implement and Hardware Company, LTD, for the use of its parking lot for \$1,500 per month; authorizing the Interim City Manager, or his designee, to execute the necessary documents; and rescinding Resolution No. 2015-138.

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

**ACTION: Resolution 2017-386 (Kenoyer/Zoslocki; 7/0)** approving an amendment to the month-to-month Lease Agreement with Stanislaus Implement and Hardware Company, LTD, for the use of its parking lot for \$1,500 per month; authorizing the Interim City Manager, or his designee, to execute the necessary documents; and rescinding Resolution No. 2015-138.

#### Consent

7. Consider approving the sole source procurement for nitrate analyzer equipment and field services to Hach Company, Loveland, CO, for a three-year agreement with an annual cost of \$84,098, or a total of up to \$252,294 over three years. (Funding Source:

Water Fund)

- Resolution approving the sole source procurement of nitrate analyzer equipment and field services, to Hach Company, Loveland, CO, for a three-year agreement with an annual cost of \$84,098, and a total of up to \$252,294 over three years, and authorizing the Interim City Manager, or his designee, to issue a purchasing agreement.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2017-387 (Kenoyer/Zoslocki; 7/0)** approving the sole source procurement of nitrate analyzer equipment and field services, to Hach Company, Loveland, CO, for a three-year agreement with an annual cost of \$84,098, and a total of up to \$252,294 over three years, and authorizing the Interim City Manager, or his designee, to issue a purchasing agreement.

Consent

8. Consider declaring real property at 1024 Needham Street (APN 105-032-001) as exempt surplus property and approving a purchase and sale agreement with Michael Cunha and Tammy Cunha in the amount of \$92,005. (Funding Source: Water Fund)
  - Resolution declaring a City-owned property as surplus property, located on 1024 Needham Street (APN105-032-001).
  - Resolution approving a Purchase and Sale Agreement with Michael Cunha and Tammy Cunha, for City-Owned Real Property located at 1024 Needham Street (APN 105-032-001), in the amount of \$92,005 and authorizing the Interim City Manager, or his designee, to execute the agreement and all necessary documents required to close escrow.

*Utilities; Jesse Franco , 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-388 (Kenoyer/Zoslocki;7/0)** declaring a City-owned property as surplus property, located on 1024 Needham Street (APN105-032-001).

**ACTION: Resolution 2017-389 (Kenoyer/Zoslocki; 7/0)** approving a Purchase and Sale Agreement with Michael Cunha and Tammy Cunha, for City-Owned Real Property located at 1024 Needham Street (APN 105-032-001), in the amount of \$92,005 and authorizing the Interim City Manager, or his designee, to execute the agreement and all necessary documents required to close escrow.

Consent

9. Consider approving a First Amendment with North Star Engineering Group, Inc., Modesto, CA, for final design services for the Del Rio Tank, Pump Station and New Well project in the amount of \$229,402, plus \$35,039 for additional services, if needed, for an agreement total of \$614,833; and accepting the Preliminary Design Report as complete. (Funding Source: Water Fund)
  - Resolution approving a First Amendment to the Agreement with North Star Engineering Group, Inc., for final design services for the Del Rio Tank, Pump Station, and New Well project in an amount not to exceed \$229,402 for the identified scope of services, plus \$35,039 for additional services (if needed), up to a total amount of \$264,441, for an agreement amount of \$614,833 and authorizing

the Interim City Manager, or his designee, to execute the Agreement.

- Resolution accepting the Preliminary Design Report dated October 2012 for the Del Rio Tank, Pump Station, and New Well project as complete.

*Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2017-390 (Kenoyer/Zoslocki; 7/0)** approving a First Amendment to the Agreement with North Star Engineering Group, Inc., for final design services for the Del Rio Tank, Pump Station, and New Well project in an amount not to exceed \$229,402 for the identified scope of services, plus \$35,039 for additional services (if needed), up to a total amount of \$264,441, for an agreement amount of \$614,833 and authorizing the Interim City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2017-391 (Kenoyer/Zoslocki; 7/0)** accepting the Preliminary Design Report dated October 2012 for the Del Rio Tank, Pump Station, and New Well project as complete.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer spoke regarding the Police Memorial Run on Sunday.

Councilmember Ah You announced "Over the Edge" for Community Hospice on October 21, 2017 with Councilmember Kenoyer; Red Shield Basketball Game on October 16, 2017; she observed the fire on 9th Street last night and appreciates the work of the Fire and Police Departments.

Councilmember Madrigal wished his son a happy 3rd birthday; he announced the Hispanic Heritage Month event at Mercardo Dulceria Y Mexico on 9th Street; he also observed the fire on 9th Street last night.

Councilmember Grewal announced a Small Business event tomorrow - 5 businesses will relocate their businesses to Modesto and the Indian Culture Society Festival of Lights event at the Gallo Center for the Arts on Saturday.

### **CITY MANAGER COMMENTS & REPORTS**

Interim City Manager Lopez thanked Police and Fire Departments regarding 9th Street fire last night.

### **NEW BUSINESS**

10. Consider approving an Agreement for the purchase of retired Police Canine Officer Ike by the family of his handler, Sergeant Michael Pershall. (Funding Source: General Fund Revenue)
  - Resolution approving an Agreement between the City of Modesto and the family of Sergeant Michael Pershall, for the purchase of retired City of Modesto Police

canine, Ike, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

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

**ACTION: Resolution 2017-392 (Ridenour/Madriral; 7/0)** approving an Agreement between the City of Modesto and the family of Sergeant Michael Pershall, for the purchase of retired City of Modesto Police canine, Ike, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

11. Consider approving a Measure L Cooperative Agreement with StanCOG for the Plans, Specifications and Estimates Stage of Phase 1 of the State Route 132 Project. (Funding Source: Streets Capital Facilities Fee and Regional Measure L funds)

- Resolution approving the Measure L Cooperative Agreement between the City of Modesto and StanCOG for the Plans, Specifications and Estimates Stage of Phase 1 of the State Route 132 Project and authorizing the Interim City Manager, or his designee, to execute the Agreement.

*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

**ACTION:** Continued to October 10, 2017 Council meeting.

12. Consider approving a Letter of Intent with AEG Cycling, LLC, to host the Men's and Women's Time Trials of the 2018 Amgen Tour of California; appropriating \$125,000 to fund the Host City requirements; and authorizing the Interim City Manager to negotiate and execute the associated agreement. (Funding Source: General Fund & Sponsorships)

- Resolution approving the Letter of Intent between the City of Modesto and AEG Cycling, LLC for the City to host the Men's and Women's Time Trials of the 2018 Amgen Tour of California, and authorizing the Interim City Manager, or his designee, to execute the Letter of Intent.
- Resolution authorizing the Interim City Manager or his designee to negotiate and execute an Agreement with AEG Cycling, LLC. in a form that is approved by the City Attorney.
- Resolution establishing a Multi-Year Operating Budget for the 2018 Amgen Tour of California Men's and Women's Time Trials (Project 101018) and amending the Fiscal Year 2017-2018 Operating Budget to allocate and transfer \$125,000 from the General Fund to the 2018 Amgen Tour of California Men's and Women's Time Trials budget.

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

**ACTION:** Removed from Agenda.

13. Consider amending the parking fee structure for single space vehicles from \$1 per hour to \$1.25 per hour, 24 hours per day, and rescinding Resolution No. 2016-432. (Funding Source: Parking Services Enterprise Fund)

- Resolution amending the parking fee structure for single space vehicles to \$1.25 per hour, 24 hours per day, and rescinding Resolution No. 2016-432.  
*Public Works; Patricia Morrison, 652-9882, pmorrison@modestogov.com*

**ACTION: Resolution 2017-393 (Kenoyer/Zoslocki; 7/0)** amending the parking fee structure for single space vehicles to \$1.25 per hour, 24 hours per day, and rescinding Resolution No. 2016-432.

**ACTION: Motion (Kenoyer/Zoslocki; 7/0) directing staff to analyze numbers for City and County parking spaces and return to Committee.**

### MATTERS TOO LATE FOR THE AGENDA

Mayor Brandvold announced a Matter too Late for the Agenda:

**Motion (Madrigal/Zoslocki; 7/0)** approving Item No. 14 under “Matters Too Late for the Agenda.”

14. Consider approving summary abatement of property at 624 9<sup>th</sup> Street (APN 106-043-010) and authorizing the Interim City Manager, or his designee, to pay necessary costs relating to summary abatement in an amount not to exceed \$150,000. (Funding Source: Abatement Fund)

*City Attorney, Adam Lindgren, 577-5288; [alindgren@modestogov.com](mailto:alindgren@modestogov.com)*

- Resolution approving summary abatement of property at 624 9<sup>th</sup> Street (APN 106-043-010) and authorizing the Interim City Manager, or his designee, to pay necessary costs relating to summary abatement in an amount not to exceed \$150,000.

**ACTION: Resolution No. 2017-394 (Ah You/Zoslocki; 7/0)** approving summary abatement of property at 624 9<sup>th</sup> Street (APN 106-043-010) and authorizing the Interim City Manager, or his designee, to pay necessary costs relating to summary abatement in an amount not to exceed \$150,000.

### ADJOURNMENT

This meeting adjourned at 6:36 p.m.

*All Closed Session Matters heard prior to meeting*

**CLOSED SESSION**

**CONSENT**

- 1. Consider appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 133-016-007
  - Motion appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 133-016-007. City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**CLOSED SESSION**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

(Pursuant to Section 54957 of the Government Code):  
City Attorney

**CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

One Case (Pursuant to Section 54956.9(d)(1) of the Government Code):  
County of Stanislaus v. City of Modesto, Superior Court Stanislaus County Case No. 667396

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

(Pursuant to Section 54956.8 of the Government Code)  
Property: 119 G Street, Empire, CA APN: 133-016-007

Property Owners: City of Modesto  
Negotiating Parties:  
For City: Jon Yuriar, Property Agent for City of Modesto  
Adam U. Lindgren, City Attorney for City of Modesto  
Under Negotiation: Approve sale of surplus property and appraisal value

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday October 10, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Kevin Carroll

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the City of Modesto's Annual Business Recycling Awards. (Funding Source: Not Applicable)  
*Public Works; Vicki Rice, 577-5495, vrice@modestogov.com*

**ACTION:** Recycling Program Coordinator Vicki Rice presented the City of Modesto's Annual Business Recycling Awards.

2. Presentation by Paul Van Konynenberg of the California Transportation Commission on Measure L and SB 1 funding opportunities for the City of Modesto. (Funding Source: Not Applicable)  
*City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com*

**ACTION:** Paul Van Konynenberg of the California Transportation Commission gave a presentation on Measure L and SB 1 funding opportunities for the City of Modesto.

### MISCELLANEOUS

Legislation  
Appointments  
Other

3. Consider accepting the resignation of Kristie Nelson from the Citizen's Housing and Community Development Committee. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Kristie Nelson from the City of Modesto Citizens' Housing and Community Development Committee.  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-395 (Kenoyer/Ridenour; 7/0)** accepting the resignation of Kristie Nelson from the City of Modesto Citizens' Housing and Community Development Committee.

### **PUBLIC COMMENT PERIOD**

- James Pack, from the Modesto tennis community, spoke regarding possible baseball diamonds at Roosevelt Park.

### **CONSENT ITEMS – ROLL CALL VOTE REQUIRED ACTION CONSENT ITEMS 4-8: (Kenoyer/Zoslocki; 7/0)**

#### **CONSENT ITEMS**

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

#### Consent

4. Consider approving the minutes from the October 3, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the October 3, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving the minutes from the October 3, 2017 Council Meeting.

#### Consent

5. Consider accepting the Public Improvements of Rose Villas One and Rose Villas Two Subdivisions and releasing securities upon expiration of statutory periods. (Funding Source: No City Funds)
  - Resolution accepting the public improvements for Rose Villas One Subdivision and Rose Villas Two Subdivision, located at 2101 Mable 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.  
*Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com*

**ACTION: Resolution 2017-396 (Kenoyer/Zoslocki; 7/0)** accepting the public improvements

for Rose Villas One Subdivision and Rose Villas Two Subdivision, located at 2101 Mable 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.

Consent

6. Consider adding Section 15 (Residential Sewer and Water Infrastructure Connection Program Policies) to the Housing and Urban Development Policies & Procedures Manual. (Funding Source: Community Development Block Grant Funds)
  - Resolution adding Section 15 (Residential Sewer and Water Infrastructure Connection Program Policies) to the Housing and Urban Development Policies & Procedures Manual.  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2017-397 (Kenoyer/Zoslocki; 7/0)** adding Section 15 (Residential Sewer and Water Infrastructure Connection Program Policies) to the Housing and Urban Development Policies & Procedures Manual.

Consent

7. Consider accepting a 2016-17 City Law Enforcement Grant from the California Board of State and Community Corrections in the amount of \$90,254 for the purpose of increasing positive outcomes between law enforcement and high risk populations. (Funding Source: Grants - Police)
  - Resolution accepting the 2016-17 City Law Enforcement Grant, from the State of California Board of State and Community Corrections, for a joint award with the City of Ceres and the City of Modesto in the amount of \$272,475; and authorizing the Interim City Manager, or his designee, to execute the necessary program documents.
  - Resolution authorizing the Interim City Manager, or his designee, to amend the Multi-Year 2017-2018 Operating Budget to appropriate revenues and expenditures in the amount of \$90,254 for the City of Modesto's allocation from the State of California Board of State and Community Corrections (BSCC) 2016-17 City Law Enforcement Grant and implement the provisions of this resolution.  
*Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2017-398 (Kenoyer/Zoslocki; 7/0)** accepting the 2016-17 City Law Enforcement Grant, from the State of California Board of State and Community Corrections, for a joint award with the City of Ceres and the City of Modesto in the amount of \$272,475; and authorizing the Interim City Manager, or his designee, to execute the necessary program documents.

**ACTION: Resolution 2017-399 (Kenoyer/Zoslocki; 7/0)** authorizing the Interim City Manager, or his designee, to amend the Multi-Year 2017-2018 Operating Budget to appropriate revenues and expenditures in the amount of \$90,254 for the City of Modesto's allocation from the State of California Board of State and Community Corrections (BSCC) 2016-17 City Law Enforcement Grant and implement the provisions of this resolution.

Consent

8. Consider approving angled parking along the south side of J Street between 6th Street and 7th Street, and rescinding Resolution No. 2017-245. (Funding Source: Surface Transportation Fund – Traffic Operations)
- Resolution approving angled parking along the south side of J Street between 6th Street and 7th Street, and rescinding Resolution No. 2017-245.  
*Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Resolution 2017-400 (Kenoyer/Zoslocki; 7/0)** approving angled parking along the south side of J Street between 6th Street and 7th Street, and rescinding Resolution No. 2017-245.

### COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the Boys and Girls Club breakfast last Saturday and the Joe Butler Equal Rights Award; she also attended the Indian Festival of Lights event at the Gallo Center on Saturday.

Councilmember Madrigal announced the Second Annual Trunk or Treat Car Show on October 27, 2017 at 5:30 p.m. at 10th Street Place.

Councilmember Grewal attended a ribbon cutting at The House in Downtown Modesto on 11th Street.

Councilmember Ridenour spoke regarding the recent passing of former Councilmember Will O'Bryant and Supervisor Nick Blom, and thanked them for their public service.

### CITY MANAGER COMMENTS & REPORTS

None.

### HEARINGS

*Published in the Modesto Bee on September 19, 2017*

9. Consider an amendment to Section 19-3-9 of the Zoning Map to rezone property located at 1240 N. 9th Street from Highway Commercial (C-3) Zone to a Planned Development (P-D) Zone, to allow for Light Industrial (M-1) uses. (Funding Source: Developer Funded)
- Motion introducing and waiving the first reading of an Ordinance amending Section 19-3-9 of the Zoning Map to rezone from Highway Commercial (C-3) to Planned Development Zone P-D(603), property located at 1240 N. 9th Street.
  - Resolution approving a Development Plan for Planned Development Zone P-D(603).
  - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental

Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 19-3-9 of the City of Modesto Zoning Map to rezone from Highway Commercial (C-3) to Planned Development Zone P-D(603) to allow for a 17,000 square foot building to house businesses allowed within the Light Industrial (M-1) Zone.

*Community & Economic Development; Patrick Kelly, 577-5267,  
pkelly@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** introducing and waiving the first reading of **Ordinance No. 3679-C.S.** amending Section 19-3-9 of the Zoning Map to rezone from Highway Commercial (C-3) to Planned Development Zone P-D(603), property located at 1240 N. 9th Street.

**ACTION: Resolution 2017-401 (Kenoyer/Ah You; 7/0)** approving a Development Plan for Planned Development Zone P-D(603).

**ACTION: Resolution 2017-402 (Kenoyer/Ah You; 7/0)** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 19-3-9 of the City of Modesto Zoning Map to rezone from Highway Commercial (C-3) to Planned Development Zone P-D(603) to allow for a 17,000 square foot building to house businesses allowed within the Light Industrial (M-1) Zone.

*Councilmember Ah You left meeting 6:15 p.m.*

## NEW BUSINESS

10. Consider accepting the Annual Investment Report for Fiscal Year 2016-17. (Funding Source: Not Applicable)

- Motion accepting the Annual Investment Report for Fiscal Year 2016-17.  
*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 6/0; Ah You absent)** accepting the Annual Investment Report for Fiscal Year 2016-17.

11. Consider approving a Measure L Cooperative Agreement with StanCOG for the Plans, Specifications and Estimates Stage of Phase 1 of the State Route 132 Project. (Funding Source: Streets Capital Facilities Fee and Regional Measure L funds)

**Staff Recommendations:**

- Resolution approving the Measure L Cooperative Agreement between the City of Modesto and StanCOG for the Plans, Specifications and Estimates Stage of Phase 1 of the State Route 132 Project and authorizing the Interim City Manager, or his designee, to execute the Agreement.

*Community & Economic Development; Cynthia Birdsill, 341-2938,  
cbirdsill@modestogov.com*

**ACTION: Resolution 2017-403 (Zoslocki/Ridenour; 6/0; Ah You absent)** approving the Measure L Cooperative Agreement between the City of Modesto and StanCOG for the Plans, Specifications and Estimates Stage of Phase 1 of the State Route 132 Project and authorizing

the Interim City Manager, or his designee, to execute the Agreement.

*Councilmember Ah You returned to meeting at 7:00 p.m.*

12. Consider approving a Land Exchange Agreement with Stanislaus Food Products, Modesto, CA resulting in a net payment to the City of \$2,550,000. (Funding Source: General Fund)
- Resolution approving a Land Exchange Agreement between City of Modesto and Stanislaus Food Products, Modesto, CA, and authorizing the Interim City Manager, or his designee to execute the agreement.
- Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION: Resolution 2017-404 (Zoslocki/Madrigal; 7/0)** approving a Land Exchange Agreement between City of Modesto and Stanislaus Food Products, Modesto, CA, and authorizing the Interim City Manager, or his designee to execute the agreement.

13. Consider accepting the Mandatory Minimum Penalties of \$165,000, issued by the Central Valley Regional Water Quality Control Board, waiving the right to a hearing relating to an unallowable discharge into the San Joaquin River in March 2017, and appropriating \$165,000 from Wastewater Fund reserves to pay the Mandatory Minimum Penalty. (Funding Source: Wastewater Fund)
- Resolution accepting a report on a draft Record of Violation from the Central Valley Regional Water Quality Control Board, paying the Mandatory Minimum Penalties of \$165,000, waiving the right to a hearing relating to an unallowable discharge into the San Joaquin River in March 2017, and appropriating \$165,000 from Wastewater Fund reserves to pay the Mandatory Minimum Penalty.
- Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Resolution 2017-405 (Ridenour/Ah You; 7/0)** accepting a report on a draft Record of Violation from the Central Valley Regional Water Quality Control Board, paying the Mandatory Minimum Penalties of \$165,000, waiving the right to a hearing relating to an unallowable discharge into the San Joaquin River in March 2017, and appropriating \$165,000 from Wastewater Fund reserves to pay the Mandatory Minimum Penalty.

14. Consider approving two and three days a week outdoor water use for City contiguous water customers and continuing these schedules year-round; and approving two days a week year-round for all customers served by groundwater. (Funding Source: Water Fund)
- Resolution approving two days a week outdoor water use for City of Modesto contiguous water customers (served by surface water and groundwater) from November 1, 2017 through March 31, 2018 and three days a week watering schedule April 1, 2018 through October 31, 2018 and continuing these schedules year around; and approving two days a week outdoor water use for all customers served by groundwater (Del Rio, Grayson, Turlock and Ceres - Walnut Manor), effective November 1, 2017, and continuing this schedule year around, and authorizing the Interim City Manager, or his designee, to execute the necessary

documents related to the implementation of outdoor water use.  
*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2017-406 (Kenoyer/Ah You; 7/0)** approving two days a week outdoor water use for City of Modesto contiguous water customers (served by surface water and groundwater) from November 1, 2017 through March 31, 2018 and three days a week watering schedule April 1, 2018 through October 31, 2018 and continuing these schedules year around; and approving two days a week outdoor water use for all customers served by groundwater (Del Rio, Grayson, Turlock and Ceres - Walnut Manor), effective November 1, 2017, and continuing this schedule year around, and authorizing the Interim City Manager, or his designee, to execute the necessary documents related to the implementation of outdoor water use.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 7:30 p.m.

### **CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONSENT ITEMS**

- 1. Consider appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 133-016-007
  - Motion appointing Real Property Negotiators Jon Yuriar, Property Agent for City of Modesto and Adam U. Lindgren, City Attorney for Property: APN: 133-016-007. City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**Four Cases** (Pursuant to Section 54956.9(d)(2) of the Government Code)

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

(Pursuant to Section 54956.8 of the Government Code)

Property: 119 G Street, Empire, CA APN: 133-016-007

Property Owners: City of Modesto

Negotiating Parties:

For City: Jon Yuriar, Property Agent for City of Modesto

Adam U. Lindgren, City Attorney for City of Modesto

Under Negotiation: Approve sale of surplus property and appraisal value

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

## City of Modesto ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

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

Wednesday, October 11, 2017, at 2:00 p.m.

Roll Call: Present: Councilmember Zoslocki, Mayor Brandvold, and Councilmember Kenoyer  
Absent: None

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider the annexation of Hillglen Parks Subdivision to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and forwarding to Council for approval. (Funding Source: CFD No. 2004-1 (Village One #2))  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** approving the annexation of Hillglen Parks Subdivision to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and forwarding to Council for approval.

2. Consider an updated Acquisition and Shortfall Agreement with Berberian Holdings, LP, Modesto, CA, to reduce performance and payment securities to 50% of the estimated cost of the improvements and forwarding to Council for approval. (Funding Source: City of Modesto Community Facilities District No. CFD 2004-1)  
*Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** approving an updated Acquisition and Shortfall Agreement with Berberian Holdings, LP, Modesto, CA, to reduce performance and payment securities to 50% of the estimated cost of the improvements and forwarding to Council for approval.

3. Consider authorizing a Parking Agreement with The House Downtown and forwarding

to Council for approval. (Funding Source: Parking Services Enterprise Fund)  
*Public Works; Patricia Morrison, 652-9882, pmorrison@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** directing staff to return to next meeting with more information.

4. Consider accepting a change to the Transportation Development Act reporting method to achieve the required farebox revenue ratio performance measurement and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** accepting a change to the Transportation Development Act reporting method to achieve the required farebox revenue ratio performance measurement and forwarding to Council for approval.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 2:57 p.m.

Attest: \_\_\_\_\_

Joseph Lopez, Interim City Manager

# MINUTES

**City of Modesto**  
**FINANCE COMMITTEE/ COUNCIL WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**

**Monday, October 23, 2017, at 3:00 p.m.**

Roll Call - Present: Councilmembers Grewal, Ah You, and Zoslocki (arrived at 3:06 p.m.)  
Absent: None  
Also Present: Councilmember Ridenour (alternate)

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

None.

## NEW BUSINESS

1. Consider amending Agreements with 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group to extend services for Plan Review, Building Inspection and Chief Building Official Services for one year and forwarding to Council for approval. (Funding Source: General Fund – Building Permit Fees)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** approving amending Agreements with 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group to extend services for Plan Review, Building Inspection and Chief Building Official Services for one year and forwarding to Council for approval.

2. Consider accepting the Fiscal Year 2016-17 accounts receivable write-off report through fiscal year-end June 30, 2017 in the total amount of \$746,193 and forwarding to Council for approval. (Funding Source: General Fund, Surface Transportation Replacement Fund, Housing Development Replacement Fund, Water Replacement Fund, Wastewater Replacement Fund, Health Fund, Airport Replacement Fund, Bus Replacement Fund, Solid Waste Fund, Water Fund, Storm Drain Fund, Wastewater Fund, and Fleet Replacement Fund)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting the Fiscal Year 2016-17 accounts receivable write-off report through fiscal year-end June 30, 2017 in the total amount of \$746,193 and forwarding to Council for approval.

3. Consider recommending rejecting all bids received to Request for Bid No. 1718-05 for Hot Patch Work and forwarding to Council for approval. (Funding Source: Water Fund)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** recommending rejecting all bids received to Request for Bid No. 1718-05 for Hot Patch Work and forwarding to Council for approval.

4. Consider an agreement for a sole source procurement with T2 Systems, Inc., Indianapolis, IN for software maintenance and support of the T2 Parking Citation Management System for an estimated annual cost of \$21,667 and over five (5) years of \$103,083 and forwarding to Council for approval. (Funding Source: )  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** approving an agreement for a sole source procurement with T2 Systems, Inc., Indianapolis, IN for software maintenance and support of the T2 Parking Citation Management System for an estimated annual cost of \$21,667 and over five (5) years of \$103,083 and forwarding to Council for approval.

5. Consider accepting an informational update on the Transient Occupancy Tax Audit and forwarding to Council for approval. (Funding Source: General Fund)  
*Finance; Gina Brown, 577-5381, gbrown@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting an informational update on the Transient Occupancy Tax Audit and forwarding to Council for approval.

6. Consider accepting the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Capital Grants Streets CIP Fund and various other City funds)  
*Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval.

7. Consider accepting an informational update on the feasibility of implementing convenience fees for credit card payments of utility bills and at the parking garage and forwarding to Council for approval. (Funding Source: Water, Wastewater, and Parking

Funds)

*Finance; Leslie Curtin, 571-5889, lcurtin@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting an informational update on the feasibility of implementing convenience fees for credit card payments of utility bills and at the parking garage and forwarding to Council for approval.

**ACTION: Motion (Ah You/Zoslocki; 3/0)** directing staff to bring report back regarding credit card fees to mid-year budget report for further decision.

8. Consider extending the Agreement with Final Cut Media for one year in the amount of \$202,070 for management services of the Education and Government television master control room and forwarding to Council for approval. (Funding Source: Education & Government Cable Fund)

*Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** extending the Agreement with Final Cut Media for one year in the amount of \$202,070 for management services of the Education and Government television master control room and forwarding to Council for approval.

9. Consider recommending an Ordinance amending Section 5-6.301 of the Modesto Municipal Code to require sewer easements for private sewer laterals/sewer mains and further amend Section 5-6.103 to update definitions and forwarding to Council for approval. (Funding Source: Wastewater Fund)

*Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** recommending an Ordinance amending Section 5-6.301 of the Modesto Municipal Code to require sewer easements for private sewer laterals/sewer mains and further amend Section 5-6.103 to update definitions and forwarding to Council for approval.

10. Consider accepting an Agreement with EMA, Inc., Tucson, AZ, for consultant services for the planning of the Supervisory Control and Data Acquisition System Replacement for Water and Wastewater Utility Operations, in an amount not to exceed \$217,186 for the identified scope of services, plus \$21,179 for additional services (if needed), for a maximum total amount of \$238,365 and forwarding to Council for approval. (Funding Source: Water and Wastewater Funds)

*Utilities; Glenn Prasad, 571-5149, gprasad@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting an Agreement with EMA, Inc., Tucson, AZ, for consultant services for the planning of the Supervisory Control and Data Acquisition System Replacement for Water and Wastewater Utility Operations, in an amount not to exceed \$217,186 for the identified scope of services, plus \$21,179 for additional services (if needed), for a maximum total amount of \$238,365 and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 4:17 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez, Interim City Manager

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday October 24, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Rabbi Shalom Bochner, Congregation Beth Shalom

City Clerk's Announcements: Item 19 - Removed from Consent

Declaration of Conflicts of Interest: Ridenour – Item 21

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Recognition of staff who have reached 20 and 40 year milestones as employees of the City of Modesto. (Funding Source: Not Applicable)  
*City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com*

**ACTION:** Human Resources Manager Jim Arnold recognized staff who have reached 20 and 40 year milestones as employees of the City of Modesto.

## MISCELLANEOUS

Legislation  
Appointments  
Other

2. Consider appointing Joseph "Joe" Muratore (term expiration January 1, 2020) and Lauren Trevino (term expiration January 1, 2018) to fill two vacancies on the Downtown Improvement District Advisory Board. (Funding Source: Not Applicable)
  - Resolution appointing Joseph "Joe" Muratore (term expiration January 1, 2020) and Lauren Trevino (term expiration January 1, 2018) to fill two vacancies on the Downtown Improvement District Advisory Board.  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION: Resolution 2017-407 (Zoslocki/Ridenour; 7/0)** appointing Joseph "Joe" Muratore (term expiration January 1, 2020) and Lauren Trevino (term expiration January 1, 2018) to fill two vacancies on the Downtown Improvement District Advisory Board.

3. Consider accepting the resignation of Karlha Davies from the City's Culture Commission (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Karlha Davies from the City of Modesto Culture Commission.  
*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

**ACTION: Resolution 2017-408 (Kenoyer/Zoslocki; 7/0)** accepting the resignation of Karlha Davies from the City of Modesto Culture Commission.

4. Consider accepting the resignation of Jonathan Bruno from the City's Landmark Preservation Commission. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Jonathan Bruno from the City of Modesto Landmark Preservation Commission.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-409 (Kenoyer/Zoslocki; 7/0)** accepting the resignation of Jonathan Bruno from the City of Modesto Landmark Preservation Commission.

5. Consider accepting the resignation of Samuel Gonzalez from the City's Landmark Preservation Commission. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Samuel Gonzalez from the City of Modesto Landmark Preservation Commission.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-410 (Kenoyer/Zoslocki; 7/0)** accepting the resignation of Samuel Gonzalez from the City of Modesto Landmark Preservation Commission.

6. Consider accepting the resignation of Micah Rapier from the City Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Micah Rapier from the City of Modesto Housing Rehabilitation Loan Committee.  
*Community & Economic Development; Aaron Farnon, 577-5211, afarnon@modestogov.com*

**ACTION: Resolution 2017-411 (Kenoyer/Zoslocki; 7/0)** accepting the resignation of Micah Rapier from the City of Modesto Housing Rehabilitation Loan Committee.

## **PUBLIC COMMENT PERIOD**

- Clint Raymer spoke regarding leadership at the Modesto Police Department.
- Dave Pratt spoke regarding the Veterans Stand Down 2017 at the Modesto Ag Center on October 26, 2017.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 7-18; 20: (Kenoyer/Madrigal; 7/0)**

**ACTION CONSENT ITEM 21: (Kenoyer/Ah You; 6/0; Ridenour 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

7. Consider approving the minutes from the October 10, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the October 10, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving the minutes from the October 10, 2017 Council Meeting.

Consent

8. Consider approving the 2018 Calendar of regularly scheduled City Council and Council Standing Committee meetings. (Funding Source: Not Applicable)
  - Resolution approving the 2018 City Calendar of regularly scheduled City Council and Council Standing Committee meetings.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2017-412 (Kenoyer/Madrigal; 7/0)** approving the 2018 City Calendar of regularly scheduled City Council and Council Standing Committee meetings.

Consent

9. Consider final adoption of **Ordinance No. 3679-C.S.** amending Section 19-3-9 of the Zoning Map to rezone property located at 1240 N. 9th Street from Highway Commercial (C-3) Zone to a Planned Development (P-D) Zone, to allow for Light Industrial (M-1) uses. (Funding Source: Developer Funded)
  - Motion approving final adoption of **Ordinance No. 3679-C.S.** amending Section 19-3-9 of the Zoning Map to rezone from Highway Commercial (C-3) to Planned Development Zone P-D(603), property located at 1240 N. 9th Street.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving final adoption of **Ordinance No. 3679-C.S.** amending Section 19-3-9 of the Zoning Map to rezone from Highway Commercial

(C-3) to Planned Development Zone P-D(603), property located at 1240 N. 9th Street.

Consent

10. Consider receiving a report on the 2018 list of Capital Improvement Priorities for John Thurman Field and amending the Fiscal Year 2017-2018 Capital Improvement Program Budget to appropriate \$120,000 from the General Fund for the 2018 improvements. (Funding Source: CIP Project 101019/General Fund)
- Resolution amending the Fiscal Year 2017-2018 Capital Improvement Program Budget to appropriate \$120,000 from the General Fund to the John Thurman Field Capital Improvement Fund (Project 101019).
- Community & Economic Development; Laurie Smith, 577-5347,  
lsmith@modestogov.com*

**ACTION: Resolution 2017-413 (Kenoyer/Madriral; 7/0)** amending the Fiscal Year 2017-2018 Capital Improvement Program Budget to appropriate \$120,000 from the General Fund to the John Thurman Field Capital Improvement Fund (Project 101019).

Consent

11. Consider the annexation of Hillglen Parks Subdivision to City of Modesto Community Facilities District No. 2004-1 (Village One #2). (Funding Source: CFD No. 2004-1 (Village One #2))
- Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of a Special Tax Within the Territory Proposed to be Annexed (Annexation #16).
- Community & Economic Development; Jessica Narayan, 577-5211,  
jnarayan@modestogov.com*

**ACTION: Resolution 2017-414 (Kenoyer/Madriral; 7/0)** of Intention to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of a Special Tax Within the Territory Proposed to be Annexed (Annexation #16).

Consent

12. Consider approving an updated Acquisition and Shortfall Agreement with Berberian Holdings, LP, Modesto, CA, to reduce performance and payment securities to 50% of the estimated cost of the improvements and rescinding Resolution No. 2017-311. (Funding Source: City of Modesto Community Facilities District No. CFD 2004-1)
- Resolution approving an updated Acquisition and Shortfall Agreement with Berberian Holdings, LP, Modesto, CA, to reduce performance and payment securities to 50% of the estimated cost of the improvements; rescinding resolution No. 2017-311; and authorizing the Interim City Manager, or his designee, to execute the Agreement in both the capacity of form of Interim City Manager and as District Administrator.
- Community & Economic Development; Jessica Narayan, 577-5211,  
jnarayan@modestogov.com*

**ACTION: Resolution 2017-415 (Kenoyer/Madriral; 7/0)** approving an updated Acquisition

and Shortfall Agreement with Berberian Holdings, LP, Modesto, CA, to reduce performance and payment securities to 50% of the estimated cost of the improvements; rescinding resolution No. 2017-311; and authorizing the Interim City Manager, or his designee, to execute the Agreement in both the capacity of form of Interim City Manager and as District Administrator.

Consent

13. Consider approving a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2016-17. (Funding Source: General Fund, Surface Transportation Replacement Fund, Housing Development Replacement Fund, Water Replacement Fund, Wastewater Replacement Fund, Airport Replacement Fund, Bus Replacement Fund, Solid Waste Replacement Fund, and Fleet Replacement Fund)
- Motion approving a report detailing all personal property sold, donated, or disposed of during Fiscal Year 2016-17.
- Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving a report detailing all personal property sold, donated, or disposed of during Fiscal Year 2016-17.

Consent

14. Consider claiming Fiscal Year 2016-2017 unclaimed funds of \$27,094 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund. (Funding Source: General Fund)
- Resolution claiming Fiscal Year 2016-17 unclaimed funds of \$27,094 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.
- Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-416 (Kenoyer/Madrigal; 7/0)** claiming Fiscal Year 2016-17 unclaimed funds of \$27,094 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.

Consent

15. Consider approving a Memorandum of Agreement with Stanislaus County for a joint application for funding in the amount of \$169,479 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program. (Funding Source: Grants - Police)
- Resolution approving a Memorandum of Agreement with Stanislaus County for a joint application for funding in the amount of \$165,937 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program and authorizing the Interim City Manager, or his designee, to execute the Memorandum of Agreement.
- Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2017-417 (Kenoyer/Madrigal; 7/0)** approving a Memorandum of Agreement with Stanislaus County for a joint application for funding in the amount of \$165,937 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program and

authorizing the Interim City Manager, or his designee, to execute the Memorandum of Agreement.

Consent

16. Consider accepting the Office of Traffic Safety 2018 Pedestrian and Bicycle Safety Program Grant in the amount of \$30,000 and amending the Fiscal Year 2017-18 Multi-Year budget. (Funding Source: Grants - Police)

- Resolution accepting the 2018 Pedestrian and Bicycle Safety Program Grant in the amount of \$30,000 from the Office of Traffic Safety to increase awareness and education for pedestrian and bicycle safety; and authorizing the Interim City Manager, or his designee to execute the necessary documents.
- Resolution amending the Fiscal Year 2017-2018 Multi-Year Budget to appropriate revenue and expenses in the amount of \$30,000 related to the Pedestrian and Bicycle Safety Program Grant to increase awareness and education for pedestrian and bicycle safety.

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

**ACTION: Resolution 2017-418 (Kenoyer/Madrigal; 7/0)** accepting the 2018 Pedestrian and Bicycle Safety Program Grant in the amount of \$30,000 from the Office of Traffic Safety to increase awareness and education for pedestrian and bicycle safety; and authorizing the Interim City Manager, or his designee to execute the necessary documents.

**ACTION: Resolution 2017-419 (Kenoyer/Madrigal; 7/0)** amending the Fiscal Year 2017-2018 Multi-Year Budget to appropriate revenue and expenses in the amount of \$30,000 related to the Pedestrian and Bicycle Safety Program Grant to increase awareness and education for pedestrian and bicycle safety.

Consent

17. Consider approving an Agreement with Brasco International, Inc., Madison Heights, MI, for bus stop shelters for the Modesto Area Express transit system at a cost of \$95,615 for the first year and totaling \$562,075 over five years. (Funding Source: Transit Funds)

- Resolution approving an agreement with Brasco International, Inc., Madison Heights, MI, to provide bus stop shelters for the Modesto Area Express (MAX) transit system, at a cost of \$95,615 for the first year and totaling \$562,075 over five years, and authorizing the Interim City Manager, or his designee, to execute the agreement.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-420 (Kenoyer/Madrigal; 7/0)** approving an agreement with Brasco International, Inc., Madison Heights, MI, to provide bus stop shelters for the Modesto Area Express (MAX) transit system, at a cost of \$95,615 for the first year and totaling \$562,075 over five years, and authorizing the Interim City Manager, or his designee, to execute the agreement.

Consent

18. Consider accepting an informational report about changing the Transportation

Development Act reporting method to achieve the required farebox recovery requirement. (Funding Source: Transit Funds)

- Motion to accept an informational report about changing the Transportation Development Act reporting method to achieve the required farebox recovery requirement.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Madriral; 7/0)** to accept an informational report about changing the Transportation Development Act reporting method to achieve the required farebox recovery requirement.

*Removed from Consent*

19. Consider approving a five-year lease Agreement with three additional five-year extension options with Greyhound Lines, Inc., Dallas, TX, for the lease of space at the City Transportation Center for total annual revenue of \$63,000 and total revenues of \$321,363 for the initial five-year term of the agreement. (Funding Source: Transit Funds)

- Resolution approving a five-year lease agreement with three additional five-year extension options with Greyhound Lines, Inc., Dallas, TX, for the lease of space at the City Transportation Center for total annual revenue of \$63,000 and total revenues of \$321,363 for the initial five-year term of the agreement and authorizing the Interim City Manager, or his designee, to execute the Agreement.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Zoslocki/Grewal; 7/0)** continuing item to future Council meeting

Consent

20. Consider accepting a grant award of Federal Transit Administration Section 5307 funds in the amount of \$5,172,381 to fund the 2017 Program of Projects approved by Council. (Funding Source: Federal Transit Administration Section 5307 FFY 2016/2017 formula apportionment)

- Resolution accepting the award from the Federal Transit Administration (FTA) of \$5,172,318 in FTA Section 5307 Funds and authorizing the Interim City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with the FTA.

*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2017-421 (Kenoyer/Madriral; 7/0)** accepting the award from the Federal Transit Administration (FTA) of \$5,172,318 in FTA Section 5307 Funds and authorizing the Interim City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with the FTA.

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

21. Consider approving the plans and specifications, accepting the bid, and awarding the construction contract to Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA in the

amount of \$878,860 for new traffic signals at 3 locations and amending the Fiscal Year 2017-2018 Capital Improvement Program Budget. (Funding Source: Congestion Mitigation and Air Quality (CMAQ), CFD Village One No.2, Measure L Fund, and Surface Transportation Funds)

- Resolution approving the plans and specifications for the project titled “New Traffic Signals” at Roselle Avenue at Belharbour Drive, Floyd Avenue at Millbrook Avenue and Prescott Road at Mount Vernon Drive, accepting the bid, and awarding the construction contract to Tim Paxin’s Pacific Excavation, Inc. of Elk Grove, CA in the amount of \$878,860 and authorizing the Interim City Manager, or his designee, to execute the contract.
- Resolution amending the Fiscal Year 2017-2018 Capital Improvement Program (CIP) budget in the amounts as shown in exhibit A in order to fully fund construction administration, construction, contingency, and engineering support for traffic signal projects No. 100719 Roselle at Belharbour and No. 100720 Floyd at Millbrook and Prescott at Mt. Vernon.

*Public Works; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com*

**ACTION: Resolution 2017-422 (Kenoyer/Ah You; 6/0; Ridenour absent due to conflict of interest)** approving the plans and specifications for the project titled “New Traffic Signals” at Roselle Avenue at Belharbour Drive, Floyd Avenue at Millbrook Avenue and Prescott Road at Mount Vernon Drive, accepting the bid, and awarding the construction contract to Tim Paxin’s Pacific Excavation, Inc. of Elk Grove, CA in the amount of \$878,860 and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-423 (Kenoyer/Ah You; 6/0; Ridenour absent due to conflict of interest)** amending the Fiscal Year 2017-2018 Capital Improvement Program (CIP) budget in the amounts as shown in exhibit A in order to fully fund construction administration, construction, contingency, and engineering support for traffic signal projects No. 100719 Roselle at Belharbour and No. 100720 Floyd at Millbrook and Prescott at Mt. Vernon.

### COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the gift shop at the McHenry Mansion; she spoke to first graders on October 13, 2017 regarding the City Council process; she attended the following events: ribbon cutting at Burbank Grammar School, presented a certificate to St. Joseph's Church for their 50th anniversary celebration, Festival Extravaganza at Fourth Street Park, a reception for the California Transportation Commission on October 18, 2017, a ribbon cutting for the Family Justice Center, the Sierra Vista Open House and Over the Edge event in support of Community Hospice on Saturday with Councilmember Ah You.

Councilmember Ridenour spoke regarding the half mile of pipe at the Tertiary Treatment Plant; he also acknowledged Sgt. Hinkley.

Councilmember Madrigal spoke regarding the purchase of additional bus shelters.

### CITY MANAGER COMMENTS & REPORTS

None.

## NEW BUSINESS

22. Consider approving a Joint Powers Agreement with Stanislaus County regarding the right-of-way acquisition for the State Route 132 Project. (Funding Source: Streets Capital Facilities Fee and Regional Measure L funds)
- Resolution approving the Joint Powers Agreement between City of Modesto and Stanislaus County regarding right-of-way acquisitions for the State Route 132 Project and authorizing the Interim City Manager, or his designee, to execute the Agreement.

*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

**ACTION: Resolution 2017-424 (Zoslocki/Ridenour; 7/0)** approving the Joint Powers Agreement between City of Modesto and Stanislaus County regarding right-of-way acquisitions for the State Route 132 Project and authorizing the Interim City Manager, or his designee, to execute the Agreement.

23. Consider approving an amendment to the agreement with ABS Direct, Inc., Modesto, CA, increasing the contract amount for printing services by \$257,579 from \$731,350 to \$988,929, extending the term of the agreement from September 7, 2016 to May 31, 2018. (Funding Source: General Fund, Water Fund, Wastewater Fund, Storm Drain Fund)
- Resolution approving an amendment to the agreement with ABS Direct, Inc., Modesto, CA, increasing the contract amount for printing services by \$257,579 from \$731,350 to \$988,929; extending the term of the agreement from September 7, 2016 to May 31, 2018; and authorizing the Interim City Manager, or his designee, to execute an amendment to the Agreement.

*Finance; Jennifer Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Resolution 2017-425 (Kenoyer/Ridenour; 7/0)** approving an amendment to the agreement with ABS Direct, Inc., Modesto, CA, increasing the contract amount for printing services by \$257,579 from \$731,350 to \$988,929; extending the term of the agreement from September 7, 2016 to May 31, 2018; and authorizing the Interim City Manager, or his designee, to execute an amendment to the Agreement (**with additional amendments to the Agreement**).

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 6:46 p.m.

*Recess at 6:46 p.m.*

*Reconvened at 6:53 p.m.*

24. **COUNCIL WORKSHOP** - Long Range Agenda (Funding Source: Not Applicable)  
*City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com*

This Council workshop adjourned at 7:10 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONSENT ITEM**

- 1. Consider appointing Real Property Negotiator Adam U. Lindgren, City Attorney for Property: APN: 039-010-220
  - Motion appointing Real Property Negotiator Adam U. Lindgren, City Attorney for Property: APN: 039-010-220. City Attorney, Adam Lindgren, 577-5284, alindgren@modestogov.com

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of case: City of Modesto, et al. v. The Dow Chemical Company, et al. (PCE)  
 Court of Appeals of the State of California  
 Appeal Case No: A134419

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Two Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code) – Unrepresented  
 Agency Negotiator: Ted Brandvold, Mayor  
 Employee: City Clerk

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

(Pursuant to Section 54956.8 of the Government Code)  
 Property: 2846 Finch Rd. APN: 039-010-220  
 Property Owners: City of Modesto/Stanslaus County  
 Negotiating Parties:  
 For City: Adam U. Lindgren, City Attorney for City of Modesto  
 Under Negotiation: Possible sale of property

Attest: \_\_\_\_\_  
 Stephanie Lopez, City Clerk

**MINUTES**  
**City of Modesto**  
**SPECIAL AUDIT COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2008**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday, October 31, 2017, at 11:00 a.m.**

Roll Call Present: Mayor Brandvold, Councilmembers Ridenour, Grewal  
Alternate Kenoyer  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT**

None.

**NEW BUSINESS**

1. Consider approving the Auditor's Internal Audit Program Status Report through October 31, 2017 prepared by Moss Adams, LLP. (Funding Source: General Fund)  
*City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com*

**ACTION: Motion (Ridenour/Grewal; 3/0)** accepting the Auditor's Internal Audit Program Status Report through October 31, 2017 prepared by Moss Adams, LLP.

2. Consider an informational update on the Fleet Efficiency Study and provide direction to staff regarding the Fleet Maintenance Building. (Funding Source: Not Applicable)  
*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Motion (Grewal/Ridenour; 3/0)** accepting an informational update on the Fleet Efficiency Study.

3. Consider a permit efficiency study and a fleet utilization study by Moss Adams, LLP for an amount not to exceed \$95,000 and forwarding to Council for approval. (Funding Source: General Fund and Fleet Fund)  
*City Manager; Joseph Lopez, 577-5404, joelopez@modestogov.com*

**ACTION: Motion (Grewal/Ridenour; 3/0)** recommending a permit efficiency study and a fleet utilization study by Moss Adams, LLP for an amount not to exceed \$95,000 and forwarding to Council for approval.

*Member Mani Grewal left meeting at 12:00 PM*

- 4. Consider accepting the audit report issued by the State Controller’s Office on their examination of City Indirect Cost Rates charged to federally funded projects for Fiscal Years 2008-09 through 2014-15 and forwarding to Council for approval. (Funding Source: General Fund and Capital Facility Funds)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting the audit report issued by the State Controller’s Office on their examination of City Indirect Cost Rates charged to federally funded projects for Fiscal Years 2008-09 through 2014-15 and forwarding to Council for approval, **and requesting that staff return to the Audit Committee in three months with an update on the progress of corrections made to the procedures.**

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 12:09 p.m.

Attest: \_\_\_\_\_  
Cathi Erbe, Assistant City Clerk

## MINUTES

### City of Modesto **SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP**

**Second Floor, Room 2008  
Tenth Street Place, 1010 10th Street  
Modesto, California**

**Thursday, November 2, 2017, at 10:00 a.m.**

Roll Call: Present: Councilmember Madrigal, Mayor Brandvold, and Councilmember Grewal  
(arrived at 10:07 a.m.)

Also Present: Councilmembers Kenoyer, Ridenour

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider recommending appointments to fill the Commercial Broker vacancy on the Comprehensive Fees Task Force and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Jessica Narayan, 571-5191,  
jnarayan@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Madrigal; 2/0; Grewal absent due to conflict of interest)** recommending the appointment of Duke Leffler appointments to fill the Commercial Broker vacancy on the Comprehensive Fees Task Force and forwarding to Council for approval.

2. Consider recommending the reappointment of Commissioner Dennis Smith to the City of Modesto Planning Commission and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5267,  
pkelly@modestogov.com*

**ACTION: Motion (Grewal/Mayor Brandvold; 3/0)** recommending the reappointment of Commissioner Dennis Smith to the City of Modesto Planning Commission and forwarding to Council for approval.

3. Consider recommending the reappointment of Board Member Vladimir Rodriguez to the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Motion (Grewal/Mayor Brandvold; 3/0)** recommending the reappointment of Vladimir Rodriguez to the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval.

4. Consider recommending the reappointment of Commissioner Matthew Lippert to the City of Modesto Landmark Preservation Commission and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Motion (Grewal/Mayor Brandvold; 3/0)** recommending the reappointment of Matthew Lippert to the City of Modesto Landmark Preservation Commission and forwarding to Council for approval.

5. Consider interviewing and recommending a prospective candidate for appointment to fill one vacancy on the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Motion (Grewal/Mayor Brandvold; 3/0)** recommending the appointment of Naramsen Goriel to fill one vacancy on the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval.

6. Consider interviewing and recommending three prospective candidates for appointments to fill three vacancies on the City of Modesto Landmark Preservation Commission and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Grewal absent due to conflict of interest)** recommending the appointment of Joanna Esparza to the City of Modesto Landmark Preservation Commission and forwarding to Council for approval.

**ACTION: Motion (Grewal/Mayor Brandvold; 3/0)** recommending the appointments of Joseph Cahill and Joseph Sanchez to the City of Modesto Landmark Preservation Commission and forwarding to Council for approval.

7. Consider recommending the re-appointment of Dick Braner to the Modesto City-County Airport Advisory Committee, and forwarding to Council for approval. (Funding Source: Not Applicable)

*Public Works; Mark Germanowski, 577-5319, mgermanowski@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Grewal; 3/0)** recommending the re-appointment of Dick Braner to the Modesto City-County Airport Advisory Committee and forwarding to Council for approval.

- 8. Consider recommending the re-appointment of Allan Ramsay to the Modesto City-County Airport Advisory Committee, and forwarding to Council for approval.  
(Funding Source: Not Applicable)

*Public Works; Mark Germanowski, 577-5319, mgermanowski@modestogov.com*

**ACTION: Motion (Grewal/Mayor Brandvold; 3/0)** recommending the re-appointment of Allan Ramsay to the Modesto City-County Airport Advisory Committee and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 10:25 a.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Wednesday November 08, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. 2018 Regional Transportation Plan/Sustainable Communities Strategy Update.  
(Funding Source: Not Applicable)  
*Community & Economic Development; Patrick Kelly, 577-5268,*  
*pkelly@modestogov.com*

**ACTION:** Kendall Flint, Director of Communications for Regional Government Services, presented the 2018 Regional Transportation Plan/Sustainable Communities Strategy Update.

2. Presentation of the Stanislaus Animal Services Agency Annual Report. (Funding Source: Not Applicable)  
*Police; Brian Findlen, 342-6158, findlenb@modestopd.com*

**ACTION:** Annette Patton, Executive Director of the Stanislaus Animal Services Agency, presented the Stanislaus Animal Services Agency Annual Report.

3. Presentation regarding the North Valley Regional Recycled Water Project Update.  
(Funding Source: Not Applicable)  
*Utilities; Will Wong, 571-5801, wwong@modestogov.com*

**ACTION:** Will Wong, Acting Director of Utilities, presented the North Valley Regional Recycled Water Project Update.

**MISCELLANEOUS**

- Legislation
- Appointments
- Other

4. Consider accepting the resignation of Charles Austin from the City of Modesto Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Charles Austin from the City of Modesto Housing Rehabilitation Loan Committee.  
*Community & Economic Development; Aaron Farnon, 577-5211, afarnon@modestogov.com*

**ACTION: Resolution 2017-426 (Kenoyer/Ridenour; 7/0)** accepting the resignation of Charles Austin from the City of Modesto Housing Rehabilitation Loan Committee.

**PUBLIC COMMENT PERIOD**

- Eleanor Chase spoke regarding a catch basin and soccer fields at Roosevelt Park.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 5-13: (Kenoyer/Zoslocki; 7/0)**

**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 October 24, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the October 24, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving the minutes from the October 24, 2017 Council Meeting.

Consent

6. Consider approving amendments to Section 3 (Community Development Block Grant Programs), Section 6 (Housing Rehabilitation Program), and Section 13 (Neighborhood Stabilization Program) of the Housing and Urban Development Policies & Procedure Manual. (Funding Source: Community Development Block

Grant Funds, Neighborhood Stabilization Program 3 Funds)

- Resolution approving amendments to Section 3 (Community Development Block Grant Programs), Section 6 (Housing Rehabilitation Program), and Section 13 (Neighborhood Stabilization Program) of the Housing and Urban Development Policies & Procedures Manual.

*Community & Economic Development; Aaron Farnon, 577-5211, afarnon@modestogov.com*

**ACTION: Resolution 2017-427 (Kenoyer/Zoslocki; 7/0)** approving amendments to Section 3 (Community Development Block Grant Programs), Section 6 (Housing Rehabilitation Program), and Section 13 (Neighborhood Stabilization Program) of the Housing and Urban Development Policies & Procedures Manual.

Consent

7. Consider approving the addition of Section 16 (Four Factor Analysis for Limited English Proficient Persons and Language Assistance Plan) to the Housing and Urban Development Policies & Procedures Manual. (Funding Source: Community Development Block Grant Program Funds)

- Resolution approving the addition of Section 16 to the Housing and Urban Development Policies & Procedures Manual (Four Factor Analysis for Limited English Proficient Persons- Language Assistance Plan Policy).

*Community & Economic Development; Aaron Farnon, 577-5211, afarnon@modestogov.com*

**ACTION: Resolution 2017-428 (Kenoyer/Zoslocki; 7/0)** approving the addition of Section 16 to the Housing and Urban Development Policies & Procedures Manual (Four Factor Analysis for Limited English Proficient Persons- Language Assistance Plan Policy).

Consent

8. Consider accepting an informational report for the September 2017 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)

- Motion accepting an informational report for the September 2017 Accounts Payable Payment Register and Void report.

*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting an informational report for the September 2017 Accounts Payable Payment Register and Void report.

Consent

9. Consider approving an Agreement with EMA, Inc., Tucson, AZ, for consultant services for the planning of the Supervisory Control and Data Acquisition System Replacement for Water and Wastewater Utility Operations in an amount not to exceed \$217,186 for the identified scope of services, plus \$21,178.60 for additional services (if needed), for a maximum total amount of \$238,364.60. (Funding Source: Water and Wastewater Funds)

- Resolution approving an Agreement with EMA, Inc., Tucson, AZ, for consultant services for the SCADA System Replacement, in an amount not to exceed

\$217,186 for the identified scope of services, plus \$21,178.60 for additional services (if needed), for a maximum total amount of \$238,364.60 and authorizing the Interim City Manager, or his designee to execute the Agreement.

*Utilities; Glenn Prasad, 571-5149, gprasad@modestogov.com*

**ACTION: Resolution 2017-429 (Kenoyer/Zoslocki; 7/0)** approving an Agreement with EMA, Inc., Tucson, AZ, for consultant services for the SCADA System Replacement, in an amount not to exceed \$217,186 for the identified scope of services, plus \$21,178.60 for additional services (if needed), for a maximum total amount of \$238,364.60 and authorizing the Interim City Manager, or his designee to execute the Agreement.

#### Consent

10. Consider approving the plans and specifications for the La Loma Phase 2B Strengthen and Replace Water Mains project, accepting the bid, and awarding a contract with D.A. Wood Construction, Inc., of Modesto, CA, in the amount of \$3,749,000; and amending the Fiscal Year 2017-18 Capital Improvement Program Budget. (Funding Source: Water Fund - CIP)

- Resolution approving the plans and specifications for the La Loma Phase 2B Strengthen and Replace Water Mains Project, accepting the bid, approving a contract with D.A. Wood Construction, Inc., of Modesto, CA in the amount of \$3,749,000, and authorizing the Interim City Manager, or his designee, to execute the contract.
- Resolution amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of \$2,058,140 to be transferred into Water Fund Reserves from 100797 – UPP Engineering Design “La Loma Phase 2B Strengthen and Replace Water Mains”.
- Resolution amending the Fiscal Year 2017-2018 Capital Improvement Program Budget in the amount of \$2,058,140 to establish the budget of 101057 – UPP Engineering Design “La Loma Phase 2C Strengthen and Replace Water Mains” from Water Fund Reserves in order to fund the construction, contingency, construction administration, city construction forces, and engineering design and administration.

*Utilities; Robert Davalos, 591-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2017-430 (Kenoyer/Zoslocki; 7/0)** approving the plans and specifications for the La Loma Phase 2B Strengthen and Replace Water Mains Project, accepting the bid, approving a contract with D.A. Wood Construction, Inc., of Modesto, CA in the amount of \$3,749,000, and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-431 (Kenoyer/Zoslocki; 7/0)** amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of \$2,058,140 to be transferred into Water Fund Reserves from 100797 – UPP Engineering Design “La Loma Phase 2B Strengthen and Replace Water Mains”.

**ACTION: Resolution 2017-432 (Kenoyer/Zoslocki; 7/0)** amending the Fiscal Year 2017-2018 Capital Improvement Program Budget in the amount of \$2,058,140 to establish the

budget of 101057 – UPP Engineering Design “La Loma Phase 2C Strengthen and Replace Water Mains” from Water Fund Reserves in order to fund the construction, contingency, construction administration, city construction forces, and engineering design and administration.

Consent

11. Consider accepting the Strengthen & Replace Water System South 9th Street Industrial Area Project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling \$2,483,590 to DSS Company, dba Knife River Construction, of Stockton, CA. (Funding Source: Water Fund- CIP)
- Resolution accepting the Strengthen & Replace Water System South 9th Street Industrial Area Project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling \$2,483,590 to DSS Company, dba Knife River Construction, of Stockton, CA.
- Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2017-433 (Kenoyer/Zoslocki; 7/0)** accepting the Strengthen & Replace Water System South 9th Street Industrial Area Project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling \$2,483,590 to DSS Company, dba Knife River Construction, of Stockton, CA.

Consent

12. Consider accepting the Santa Rosa Sewer Trunk Line Emergency Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling \$439,555 to D.A. Wood Construction, Inc., of Modesto, CA. (Funding Source: Wastewater Fund)
- Resolution accepting the Santa Rosa Sewer Trunk Line Emergency Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling \$439,555 to D.A. Wood Construction, Inc., of Modesto, CA.
- Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2017-434 (Kenoyer/Zoslocki; 7/0)** accepting the Santa Rosa Sewer Trunk Line Emergency Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling \$439,555 to D.A. Wood Construction, Inc., of Modesto, CA.

Consent

13. Consider approving an Agreement with RMC, a Woodard and Curran Company, Sacramento, CA, for Clean Water State Revolving Fund Application Services for the River Trunk Realignment project in an amount not to exceed \$49,546 for the identified scope of services, plus \$4,955 for additional services, if needed, for a maximum total amount of \$54,501. (Funding Source: Wastewater Fund)
- Resolution approving an agreement with RMC, a Woodard and Curran Company, for Clean Water State Revolving Fund Application services for River Trunk Realignment project in an amount not to exceed \$49,546 for the identified scope of services, plus \$4,955 for additional services (if needed), for a maximum total

amount of \$54,501, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-435 (Kenoyer/Zoslocki; 7/0)** approving an agreement with RMC, a Woodard and Curran Company, for Clean Water State Revolving Fund Application services for River Trunk Realignment project in an amount not to exceed \$49,546 for the identified scope of services, plus \$4,955 for additional services (if needed), for a maximum total amount of \$54,501, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer thanked constituents in supporting her for re-election.

Councilmember Grewal congratulated re-elected Councilmembers Kenoyer, Madrigal and Zoslocki; he also thanked voters for the passage of Measure T.

Councilmember Ridenour spoke regarding a tour of the real time crime center at the Police Department and the HEART program with the Police and Fire Departments.

Councilmember Madrigal thanked the voters in District 2 for their support.

Councilmember Zoslocki thanked the voters in District 5 and looking forward to the future.

Mayor Brandvold congratulated re-elected Councilmembers Kenoyer, Madrigal and Zoslocki.

### **CITY MANAGER COMMENTS & REPORTS**

Interim City Manager Lopez congratulated re-elected Councilmembers Kenoyer, Madrigal and Zoslocki.

### **HEARINGS**

*Published in the Modesto Bee on October 28, 2017*

14. Hearing to consider approving the application of Murphy Medical Transportation, Inc. and issue a permit to operate as a non-emergency medical transport service in the City. (Funding Source: General Fund)

- Resolution approving the application of Murphy Medical Transportation, Inc. and issuing a permit to operate as a non-emergency medical transport company in the City of Modesto.

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

**ACTION: Resolution 2017-436 (Ridenour/Zoslocki; 7/0)** approving the application of Murphy Medical Transportation, Inc. and issuing a permit to operate as a non-emergency

medical transport company in the City of Modesto.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:40 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
One Case (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**PUBLIC EMPLOYEE APPOINTMENT  
(Pursuant to Section 54957(b)(1) Government Code)  
Title: City Manager**

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

# MINUTES

## City of Modesto ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

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

Wednesday, November 8, 2017, at 1:00 p.m.

Roll Call: Present: Councilmember Zoslocki, Mayor Brandvold, and Councilmember Kenoyer  
Absent: None

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider accepting the State Active Transportation Program Grant in the amount of \$3,943,022 for Paradise Road Area Pedestrian and Bicycle Safety Improvements and forwarding to Council for approval. (Funding Source: State of California ATP Grant and Local Funds – Measure L)  
*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** continuing item to January 2018 Economic Development Committee meeting.

2. Consider accepting the pre-qualified consultant list for Civil Engineering Services for various Capital Improvement Program projects for a period of two years, with two one-year extension options and forwarding to Council for approval. (Funding Source: Various CIPs)  
*Community & Economic Development; Chuck Covolo, 571-5537, ccovolo@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** accepting the pre-qualified consultant list for Civil Engineering Services for various Capital Improvement Program projects for a period of two years, with two one-year extension options and forwarding to Council for approval.

3. Consider accepting the North McHenry Annexation Cost-Benefit Analysis, directing staff to initiate annexation and prezone of the North McHenry area, and forwarding to Council for approval. (Funding Source: General Fund)

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

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** accepting the North McHenry Annexation Cost-Benefit Analysis, directing staff to initiate annexation and prezone of the North McHenry area, and forwarding to Council for approval.

4. Consider accepting staff's report on Landmark Preservation (Mills Act) Contract Application and Submittal Requirements and forwarding to Council for approval.

(Funding Source: General Fund)

*Community & Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** accepting staff's report on Landmark Preservation (Mills Act) Contract Application and Submittal Requirements and forwarding to Council for approval.

5. Consider accepting the Final Map of Hillglen Parks Subdivision located in Village One at the south-east corner of the intersection of Hillglen Avenue and Caden Drive and forwarding to Council for approval. (Funding Source: Developer Fees)

*Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com*

**ACTION: Motion (Kenyer/Mayor Brandvold; 3/0)** accepting the Final Map of Hillglen Parks Subdivision located in Village One at the south-east corner of the intersection of Hillglen Avenue and Caden Drive and forwarding to Council for approval.

6. Consider accepting the Final Map of Hillglen Roselle Subdivision located in Village One at the south-east corner of the intersection of Hillglen Avenue and Roselle Avenue and forwarding to Council for approval. (Funding Source: Developer fees)

*Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** accepting the Final Map of Hillglen Roselle Subdivision located in Village One at the south-east corner of the intersection of Hillglen Avenue and Roselle Avenue and forwarding to Council for approval.

7. Consider accepting the Fiscal Year 2016-17 Annual Report of Funds Held for Future Improvements and making findings related to each security on file and forwarding to Council for approval. (Funding Source: Developer Deposits)

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** accepting the Fiscal Year 2016-17

Annual Report of Funds Held for Future Improvements and making findings related to each security on file and forwarding to Council for approval.

- 8. Consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2016-17 and making findings related to each of the fee categories and forwarding to Council for approval. (Funding Source: Capital Facilities Fees)  
*Community & Economic Development; Jessica Narayan , 577-5211, jnarayan@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** accepting the Capital Facilities Fees Annual Report for Fiscal Year 2016-17 and making findings related to each of the fee categories and forwarding to Council for approval.

- 9. Consider receiving an informational report on the J Street Corridor Design Concept Plan on improvements between 9th and 16th Street including reduced lanes, increased angled parking, ADA upgrades, pedestrian curb extensions and additional traffic calming elements and a DoMo Downtown Improvement update. (Funding Source: Federal Regional Surface Transportation Program)  
*Community & Economic Development; Michael Sacuskie, 571-5552, msacuskie@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** directing staff to return to Economic Development Committee at a later date with additional information.

- 10. Consider the deferral of Fire Prevention Development User Fees for plan checks on new construction of large warehouses categorized as S-1 and S-2 occupancies and forward to Council for approval. (Funding Source: General Fund)  
*Fire; Michael Payton, 571-5876, mpayton@modestofire.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** accepting the deferral of Fire Prevention Development User Fees for plan checks on new construction of large warehouses categorized as S-1 and S-2 occupancies and forwarding to Council for approval

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 3:29 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez, Interim City Manager

## MINUTES

City of Modesto  
**SPECIAL CITY COUNCIL WORKSHOP**  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Monday November 13, 2017, at 1:00 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

### PUBLIC COMMENT PERIOD

None.

### NEW BUSINESS

1. Council Discussion and Direction on Commercial Cannabis Uses and Personal Cannabis Cultivation Regulations (Funding Source: Not Applicable)  
*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**DIRECTION:** City of Modesto to limit concentration of businesses? (3/4; Kenoyer, Grewal, Madrigal, Mayor Brandvold - no; Ridenour, Ah You, Zoslocki - yes)

**DIRECTION:** Prohibition on commercial cannabis in Downtown Modesto to be removed from Ordinance, and subject to further consideration? (4/3; Ridenour, Zoslocki, Mayor - no; Kenoyer, Grewal, Madrigal, Ah You - yes)

**ACTION: Motion (Kenoyer/Ah You; 5/2; Ridenour, Zoslocki no)** directing staff to move forward with recommendations as written with schedule for Commercial Cannabis Ordinance.

*Recess at 3:25 p.m.*

*Reconvened at 3:35 p.m.*

**ACTION: Motion (Madrigal/Kenoyer; 7/0)** directing staff to move forward with recommendations for Personal Cannabis Cultivation Ordinance.

2. Council Discussion and Direction Regarding Options for Consolidating Regular City Elections with Statewide General Elections (Moving to Even-Year Elections) (Funding Source: Not Applicable)  
*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION:** Continued to November 28, 2017 Council Workshop.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This workshop adjourned at 4:27 p.m.

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**SAFETY AND COMMUNITIES COMMITTEE / COUNCIL  
WORKSHOP**

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

**Monday, November 13, 2017, at 5:00 p.m.**

Roll Call – Present: Councilmembers Ah You, Ridenour, and Madrigal  
Absent: None  
Also Present: Councilmember Kenoyer and Mayor Brandvold

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider accepting a Memorandum of Understanding with the College Area Neighborhood Alliance and Modesto Neighborhoods, Inc. regarding the design and installation of various Graceada & Enslin Park Improvement Projects and forwarding to Council for approval. (Funding Source: Community Donations and Parks Fund)  
*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** accepting a Memorandum of Understanding with the College Area Neighborhood Alliance and Modesto Neighborhoods, Inc. regarding the design and installation of various Graceada & Enslin Park Improvement Projects and forwarding to Council for approval.

2. Consider accepting a gas pipeline easement at Beardbrook Park for Pacific Gas & Electric, San Francisco, CA, and forwarding to Council for approval. (Funding Source: Parks Fund)  
*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526,*

*nhoux@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** accepting a gas pipeline easement at Beardbrook Park for Pacific Gas & Electric, San Francisco, CA, and forwarding to Council for approval.

3. Consider accepting a grant award from the California State Parks - Youth Soccer and Recreation Development Program in an amount of \$1 million to fund the Carpenter Road Area Soccer Complex and amending the Fiscal Year 2017-2018 Capital Improvement Program Budget and forwarding to Council for approval. (Funding Source: Youth Soccer and Recreation Development Grant Funds and Parks Fund)  
*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** accepting a grant award from the California State Parks - Youth Soccer and Recreation Development Program in an amount of \$1 million to fund the Carpenter Road Area Soccer Complex and amending the Fiscal Year 2017-2018 Capital Improvement Program Budget and forwarding to Council for approval.

4. Consider an addendum to the agreement with Yosemite Community College District and the County of Stanislaus for the continued operations of the Regional Fire Science Training Center in Fiscal Year 2017-18 and forwarding to Council for approval. (Funding Source: General Fund)  
*Fire; Tim Tietjen, 572-9869, ttietjen@modestofire.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** accepting an addendum to the agreement with Yosemite Community College District and the County of Stanislaus for the continued operations of the Regional Fire Science Training Center in Fiscal Year 2017-18 and forwarding to Council for approval.

5. Consider the purchase of mobile data computers (MDCs) for the Modesto Fire Department from Dell Inc. Santa Clara, CA, for an estimated total cost of \$113,900 and forwarding to Council for approval. (Funding Source: Fleet Fund)  
*Fire; Michael Lillie, 572-9891, mlillie@modestofire.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** accepting the purchase of mobile data computers (MDCs) for the Modesto Fire Department from Dell Inc. Santa Clara, CA, for an estimated total cost of \$113,900 and forwarding to Council for approval.

6. Consider staff's recommendation to establish a Capital Improvement Project for the roof replacement and exterior painting of Station 1, and appropriating \$337,850 to said project from the Fire Department General Fund Operating Budget and forwarding to Council for approval. (Funding Source: General Fund)  
*Fire; Tim Tietjen, 572-9869, ttietjen@modestofire.com*

**ACTION: Motion (Ridenour/Madriral; 3/0)** accepting staff's recommendation to establish a Capital Improvement Project for the roof replacement and exterior painting of Station 1, and appropriating \$337,850 to said project from the Fire Department General Fund Operating Budget and forwarding to Council for approval.

7. Consider a Fire Prevention Inspector II position allocation, amending the City's position allocation, amending the Fiscal Year 2017-2018 Operating Budget for the Fire Department, and forwarding to Council for approval. (Funding Source: General Fund )  
*Fire; Michael Payton, 571-5876, mpayton@modestofire.com*

**ACTION: Motion (Ridenour/Madriral; 3/0)** accepting a Fire Prevention Inspector II position allocation, amending the City's position allocation, amending the Fiscal Year 2017-2018 Operating Budget for the Fire Department, and forwarding to Council for approval.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 6:03 p.m.

Attest: \_\_\_\_\_  
Rick Armendariz, Interim Deputy City Manager

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday November 14, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Craig Bagley, Celebration Center

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Ridenour - Item 13; Zoslocki - Item 17

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the City of Modesto's 2nd Chance Week Baby Clothes Collection for local charities in partnership with Stanislaus County. (Funding Source: Not Applicable)  
*Public Works; Vicki Rice, 577-5495, vrice@modestogov.com*

**ACTION:** Public Works Recycling Program Coordinator Vicki Rice presented the City of Modesto's 2nd Chance Week Baby Clothes Collection for local charities in partnership with Stanislaus County.

2. Presentation of Proclamation to the Modesto Chamber of Commerce proclaiming November 25, 2017 as Small Business Saturday. (Funding Source: Not Applicable)  
*City Manager; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Ted Brandvold presented a Proclamation to the Modesto Chamber of Commerce proclaiming November 25, 2017 as Small Business Saturday.

### MISCELLANEOUS

Legislation  
Appointments  
Other

3. Consider accepting the resignation of Brian Velthoen from the Commercial Broker seat of the Comprehensive Fees Task Force. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Brian Velthoen from the Commercial Broker Seat on the Comprehensive Fees Task Force.  
*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2017-437 (Kenoyer/Zoslocki; 7/0)** accepting the resignation of Brian Velthoen from the Commercial Broker Seat on the Comprehensive Fees Task Force.

### **PUBLIC COMMENT PERIOD**

- D. Munn spoke regarding being homeless in Modesto.
- Maggie Countryman spoke regarding permits with the Modesto Police Department and Neighborhood Preservation Unit and a recent Public Records Act request.
- Rebecca Harrington thanked Dana Hawn, City of Modesto staff and all sponsors for the assistance with Dia de los Muertos and also about problems with electricity at the event; she also spoke regarding Mancini Park and a possible Kaboom Grant.
- Gilbert Minjares spoke regarding a 70 year old security guard killed in the 10th Street Parking Garage and the lack of lighting in the downtown parking garages; he also spoke regarding the cash machines at the parking garages.
- Sebastian Jones spoke regarding the eviction of seniors and disabled persons from rental properties in Modesto.
- Mary Sedgeman spoke regarding the eviction of tenants at Sherwood Manor and Houser Glen Senior Apartments in Modesto.
- Eric Reimer spoke regarding Roosevelt Park, Roosevelt School and a possible catch basin at Roosevelt Park.
- Charolotte Shepherd spoke regarding being served with an eviction notice yesterday from Sherwood Manor.
- Jill Reyna spoke regarding evictions at Sherwood Manor.
- Dave Pratt spoke regarding the homeless in Modesto and parking garages in Modesto.
- Phyllis Ashton spoke regarding handicapped parking spaces and parking on J Street.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 4-12; 14: (Kenoyer/Ah You; 7/0)**

**ACTION CONSENT ITEM 13: (Kenoyer/Ah You; 6/0; Ridenour 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 November 8, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the November 8, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the minutes from the November 8, 2017 Council Meeting.

Consent

5. Consider amending the Agreements with 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group to extend services for Plan Review, Building Inspection, Chief Building Official and Code Enforcement Services for one year and to increase the agreement amount with Interwest Consulting Group by \$200,000. (Funding Source: General Fund - Building Permit Fees)
  - Resolution approving amending Agreements with 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group to extend services for Plan Review, Building Inspection, Chief Building Official and Code Enforcement Services for one year and authorizing the Interim City Manager or his designee to execute the amendments.  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2017-438 (Kenoyer/Ah You; 7/0)** approving amending Agreements with 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group to extend services for Plan Review, Building Inspection, Chief Building Official and Code Enforcement Services for one year and authorizing the Interim City Manager or his designee to execute the amendments.

Consent

6. Consider approving the pre-qualified consultant list for Civil Engineering Services for various Capital Improvement Program projects for a period of two years, with two one-year extension options. (Funding Source: Various CIPs)
  - Resolution approving the prequalified consultant list, consisting of Alta Design + Design, Oakland, CA, Drake Haglan and Associates, Modesto, CA, Mark Thomas, Fresno, CA, and O'Dell Engineering, Modesto, CA for Civil Engineering Services for various Capital Improvement Program (CIP) projects for a period of two years, with two additional one-year extensions at the written approval of the Interim City

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

**ACTION: Resolution 2017-439 (Kenoyer/Ah You; 7/0)** approving the prequalified consultant list, consisting of Alta Design + Design, Oakland, CA, Drake Haglan and Associates, Modesto, CA, Mark Thomas, Fresno, CA, and O'Dell Engineering, Modesto, CA for Civil Engineering Services for various Capital Improvement Program (CIP) projects for a period of two years, with two additional one-year extensions at the written approval of the Interim City Manager.

Consent

7. Consider accepting the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budgets. (Funding Source: Capital Grants Streets CIP Fund and Various other City Funds)
  - Resolution amending Fiscal Year 2017-18 Annual Operating and Capital Improvement Budget.*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2017-440 (Kenoyer/Ah You; 7/0)** amending Fiscal Year 2017-18 Annual Operating and Capital Improvement Budget.

Consent

8. Consider accepting an informational update on the Transient Occupancy Tax Audit. (Funding Source: General Fund)
  - Motion accepting an informational update on the Transient Occupancy Tax Audit.*Finance; Gina Brown, 577-5381, gbrown@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** accepting an informational update on the Transient Occupancy Tax Audit.

Consent

9. Consider approving the Accounts Receivable write-off reports from the City Manager and Finance Director through June 30, 2017 totaling \$746,193, and directing a report of disposition be filed with the City Clerk. (Funding Source: General Fund, Water Fund, Sewer Fund, and other City Funds)
  - Resolution approving the Accounts Receivable write-off reports through June 30, 2017 totaling \$746,193, and directing a report of disposition be filed with the City Clerk.*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-441 (Kenoyer/Ah You; 7/0)** approving the Accounts Receivable write-off reports through June 30, 2017 totaling \$746,193, and directing a report of disposition be filed with the City Clerk.

Consent

10. Consider approving an agreement for a sole source procurement with T2 Systems, Inc., Indianapolis, IN, for software maintenance and support of the T2 Parking Citation Management System for an estimated annual cost of \$21,667 and over five years of \$103,083. (Funding Source: General Fund)

- Resolution approving the sole source procurement with T2 Systems, Inc., Indianapolis, IN to secure the cost for software maintenance and support of the T2 Parking Citation Management System over five years for a two (2) year agreement with three (3) one year extension options for an annual estimated cost of \$21,667 and over five (5) years of \$103,038, and authorizing the Interim City Manager, or his designee, to execute the agreement.

*Finance; Jennifer Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Resolution 2017-442 (Kenoyer/Ah You; 7/0)** approving the sole source procurement with T2 Systems, Inc., Indianapolis, IN to secure the cost for software maintenance and support of the T2 Parking Citation Management System over five years for a two (2) year agreement with three (3) one year extension options for an annual estimated cost of \$21,667 and over five (5) years of \$103,038, and authorizing the Interim City Manager, or his designee, to execute the agreement.

Consent

11. Consider authorizing a merit increase of \$6,176 per year plus benefits for a total annual salary of \$129,686 for the City Clerk, effective October 24, 2017 and approving Amendment Number Three to the Employment Agreement with Stephanie Lopez, City Clerk, dated April 8, 2008. (Funding Source: General Fund)

- Resolution authorizing a merit increase of \$6,176 for the City Clerk, effective October 24, 2017.
- Resolution approving Amendment Number Three to the Employment Agreement with Stephanie Lopez, City Clerk, dated April 8, 2008.

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2017-443 (Kenoyer/Ah You; 7/0)** authorizing a merit increase of \$6,176 for the City Clerk, effective October 24, 2017.

**ACTION: Resolution 2017-444 (Kenoyer/Ah You; 7/0)** approving Amendment Number Three to the Employment Agreement with Stephanie Lopez, City Clerk, dated April 8, 2008.

Consent

12. Consider extending the agreement with Final Cut Media for one year in the amount of \$202,070 for the management services of the Education and Government television master control room. (Funding Source: Education & Government Cable Fund)

- Resolution approving the extension of the agreement with Final Cut Media for one year in the amount of \$202,070 for the management services of the Education and Government master control room and authorizing the Interim City Manager, or his designee, to execute the agreement.

*Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Resolution 2017-445 (Kenoyer/Ah You; 7/0)** approving the extension of the

agreement with Final Cut Media for one year in the amount of \$202,070 for the management services of the Education and Government master control room and authorizing the Interim City Manager, or his designee, to execute the agreement.

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

13. Consider accepting the Grogan Park Well - Tivoli Project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling \$496,222 to Hydro Resources - West, Inc., of Winnemucca, NV. (Funding Source: Water Fund - CIP)

- Resolution accepting the Grogan Park Well Tivoli Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and payments totaling \$496,222 to Hydro Resources - West, Inc., of Winnemucca, Nevada.

*Utilities; Glenn Prasad, 571-5149, gprasad@modestogov.com*

**ACTION: Resolution 2017-446 (Kenoyer/Ah You; 6/0; Ridenour absent due to conflict of interest)** accepting the Grogan Park Well Tivoli Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and payments totaling \$496,222 to Hydro Resources - West, Inc., of Winnemucca, Nevada.

Consent

14. Consider approving payment of Invoice 1019-17, from Wastewater Solids Management Company of Yachats, OR, in the amount of \$41,700 for additional cleaning of Digester outside the contracted amount. (Funding Source: Wastewater Fund)

- Resolution approving payment of Invoice 1019-17, from Wastewater Solids Management Company of Yachats, OR, in the amount of \$41,700 for additional cleaning of Digester outside the contracted amount.

*Utilities; Laura Anhalt, 577-6224, lanhalt@modestogov.com*

**ACTION: Resolution 2017-447 (Kenoyer/Ah You; 7/0)** approving payment of Invoice 1019-17, from Wastewater Solids Management Company of Yachats, OR, in the amount of \$41,700 for additional cleaning of Digester outside the contracted amount.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Veterans Day Parade on Saturday with Mayor Brandvold and Councilmember Ah You; she also attended Better Together Musical event.

Councilmember Madrigal thanked Utilities Director Will Wong and staff for a tour of the wastewater facility this morning.

Councilmember Ridenour acknowledged former City employee Linda Boston who passed away on Saturday; he also made Motion:

**ACTION: Motion (Ridenour/Kenoyer; 7/0) directing staff to place an item on a future**

**Council Agenda for discussion regarding the duties and responsibilities in the Ordinance for the City of Modesto Measure L Transportation Sale Tax Commission.**

8:30 p.m.

**ACTION: Motion (Ah You/Madriral; 4/3; Kenoyer, Ridenour, Zoslocki no) to reconsider directing staff to place an item on a future Council Agenda for discussion regarding the duties and responsibilities in the Ordinance for the City of Modesto Measure L Transportation Sale Tax Commission.**

**ACTION: Motion (Ridenour/Kenoyer; 4/3; Madriral, Ah You, Mayor Brandvold no) directing staff to place an item on a future Council Agenda for discussion regarding the duties and responsibilities in the Ordinance for the City of Modesto Measure L Transportation Sale Tax Commission.**

**CITY MANAGER COMMENTS & REPORTS**

None.

**UNFINISHED BUSINESS**

15. Consider approving amendments to annual purchasing agreements for hot patch work with Garrett Thompson Construction, Inc., Modesto, CA, to increase the amount by \$2,533,893 for an agreement total of \$9,061,000; and an increase of \$9,504 for an agreement total of \$256,517 with United Pavement Maintenance, Hughson, CA. (Funding Source: Storm Drain Fund, Wastewater Fund, and Water Services Fund)
- Resolution approving an amendment to the annual purchasing agreement for hot patch work with Garrett Thompson Construction, Inc., Modesto, CA, to increase the amount by \$2,533,893 for an agreement total of \$9,061,000; and an amendment increase of \$9,504 to the annual purchasing agreement for hot patch work with United Pavement Maintenance, Hughson, CA, for an agreement total of \$256,517, and authorizing the Interim City Manager, or his designee, to increase the annual purchase agreements.

*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-448 (Ridenour/Madriral; 7/0) approving an amendment to the annual purchasing agreement for hot patch work with Garrett Thompson Construction, Inc., Modesto, CA, to increase the amount by \$2,533,893 for an agreement total of \$9,061,000; and an amendment increase of \$9,504 to the annual purchasing agreement for hot patch work with United Pavement Maintenance, Hughson, CA, for an agreement total of \$256,517, and authorizing the Interim City Manager, or his designee, to increase the annual purchase agreements.**

**HEARINGS**

*Published in the Modesto Bee on November 3, 2017*

16. Hearing to consider accepting the Fiscal Year 2017/18 State Supplemental Law Enforcement Service Fund allocation of at least \$100,000 for police overtime, training, technology, and equipment, approving the expenditure plan for grant funds and amending the Fiscal Year 2017/18 Multi-Year budget. (Funding Source: 1342 - Grants - Police)
- Resolution accepting the State Supplemental Law Enforcement Grant, in the amount of at least \$100,000, from the State Supplemental Law Enforcement Services Fund to be used for police overtime, training, technology, and equipment and authorizing the Interim City Manager, or his designee, to execute the necessary program documents.
  - Resolution approving the expenditure plan and authorizing the Interim City Manager, or his designee, to amend the Fiscal Year 2017/2018 Multi-Year Operating 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.

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

**ACTION: Resolution 2017-449 (Grewal/Ah You; 6/0; Ridenour absent)** accepting the State Supplemental Law Enforcement Grant, in the amount of at least \$100,000, from the State Supplemental Law Enforcement Services Fund to be used for police overtime, training, technology, and equipment and authorizing the Interim City Manager, or his designee, to execute the necessary program documents.

**ACTION: Resolution 2017-450 (Grewal/Ah You; 6/0; Ridenour absent)** approving the expenditure plan and authorizing the Interim City Manager, or his designee, to amend the Fiscal Year 2017/2018 Multi-Year Operating 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.

## **NEW BUSINESS**

*Councilmember Zoslocki absent due to conflict of interest*

17. Consider approving adjustments to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport, effective January 1, 2018, and rescinding Resolution No. 2016-213. (Funding Source: Airport Operating Revenue, Fund 4310)
- Resolution approving adjustments to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport (Airport), effective January 1, 2018, and rescinding Resolution No. 2016-213.

*Public Works; Mark Germanowski, 577-5319, mgermanowski@modestogov.com*

**ACTION: Resolution 2017-451 (Kenoyer/Madrigan; 6/0; Zoslocki absent due to conflict of interest)** approving adjustments to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport (Airport), effective January 1, 2018, and rescinding Resolution No. 2016-213.

*Recess at 7:53 p.m.*

*Reconvened at 8:08 p.m.*

18. Consider rejecting all bids received to Request for Bid No. 1718-05 for Hot Patch work. (Funding Source: Storm Drain Fund, Wastewater Fund, and Water Fund)
- Resolution rejecting all bids received to Request for Bid No. 1718-05 for Hot Patch work.
- Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-452 (Ridenour/Madrigan; 7/0)** rejecting all bids received to Request for Bid No. 1718-05 for Hot Patch work.

19. Consider approving a two-year agreement for polygraph services with TTI Polygraph, Benicia, CA, with three one-year extension options, for a not to exceed annual cost of \$93,750, and \$468,750 over five years. (Funding Source: General Fund)
- Resolution approving the award for proposal for polygraph screenings to TTI Polygraph, Benicia, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an annual cost not to exceed \$93,750, and \$468,750 over five years, and authorizing the Interim City Manager, or his designee, to issue a purchasing agreement.
- Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2017-453 (Zoslocki/Madrigan; 7/0)** approving the award for proposal for polygraph screenings to TTI Polygraph, Benicia, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an annual cost not to exceed \$93,750, and \$468,750 over five years, and authorizing the Interim City Manager, or his designee, to issue a purchasing agreement.

20. Consider retroactively approving purchasing agreements with Noonan and Hart Investigative Services, Inc., Pleasanton, CA, and STI Investigations, Benicia, CA, for \$184,136 and \$116,377, respectively, for a term of 5 years ending September 22, 2019; and retroactively increasing purchasing agreement with Simpson Investigative Services Group, Pleasant Hill, CA, by \$150,353, for a total of \$800,866 over 5 years with all four companies, including Rank Investigations with whom no change is required, and authorizing the Finance Director, or designee, to adjust agreement totals based on the work capacity for the vendors, ensuring the overall agreement total between the four vendors will not change. (Funding Source: General Fund)
- Resolution retroactively approving purchasing agreements with Noonan and Hart Investigative Services, Inc., Pleasanton, CA, and STI Investigations, Benicia, CA, for \$184,136 and \$116,377, respectively, for a term of 5 years ending September 22, 2019; and retroactively increasing purchasing agreements with Simpson Investigative Services Group, Pleasant Hill, CA, by \$150,353, respectively, for total agreements of \$800,866 over 5 years with all four companies, including Rank Investigations with whom no change is required, and authorizing the Finance Director, or designee, to adjust agreement totals based on the work capacity for the

vendors, ensuring the overall agreement total between the four vendors will not change.

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

**ACTION: Resolution 2017-454 (Ridenour/Ah You; 7/0)** retroactively approving purchasing agreements with Noonan and Hart Investigative Services, Inc., Pleasanton, CA, and STI Investigations, Benicia, CA, for \$184,136 and \$116,377, respectively, for a term of 5 years ending September 22, 2019; and retroactively increasing purchasing agreements with Simpson Investigative Services Group, Pleasant Hill, CA, by \$150,353, respectively, for total agreements of \$800,866 over 5 years with all four companies, including Rank Investigations with whom no change is required, and authorizing the Finance Director, or designee, to adjust agreement totals based on the work capacity for the vendors, ensuring the overall agreement total between the four vendors will not change.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 9:05 p.m.

### **CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)

Name of case: Dorado v. City of Modesto  
Case No. 2017930

Wright v. City of Modesto  
Case No. 9000282

**PUBLIC EMPLOYEE APPOINTMENT**

(Pursuant to Section 54957(b)(1) Government Code)

Title: City Manager

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

(Pursuant to Section 54956.8 of the Government Code)

Property: Property between 9th and 10th Street, and E Street and F Street,  
located in Modesto, CA; APN: 106-044-005

Property Owners: Victor Martinez/Victor & Iris Martinez TRS

Negotiating Parties:

For City: Cynthia Birdsill, Director of Community & Economic Development for City of Modesto

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Larry Killian, Real Estate Broker

Under Negotiation: Possible purchase

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**FINANCE COMMITTEE / COUNCIL WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

Monday, November 27, 2017, at 1:00 p.m.

Roll Call: Present: Councilmembers Ah You, Zoslocki and Madrigal (alternate)  
Absent: Grewal  
Also Present: Councilmember Ridenour

### PUBLIC COMMENTS

None.

### CONSENT ITEMS

None.

### NEW BUSINESS

1. Consider accepting a report on the annual review of approved water rate increases for Fiscal Years 2017-18 through 2020-21 and forwarding to Council for approval.  
(Funding Source: Water Fund)  
*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Motion (Madrigal/Ah You; 3/0)** accepting a report on the annual review of approved water rate increases for Fiscal Years 2017-18 through 2020-21 and forwarding to Council for approval.

2. Consider an amendment to an agreement to recognize BrightView Golf Maintenance (formerly known as ValleyCrest Golf Maintenance, Inc.), in partnership with KemperSports Management, for golf course management and maintenance services; to extend the agreement term for one year to December 31, 2018; and to increase annual compensation by \$127,738, in an amount not to exceed \$2,529,443 for the one year extension; and forwarding to Council for approval. (Funding Source: Golf Fund and General Fund)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Ah You/Madrigal; 3/0)** accepting an amendment to an agreement to recognize BrightView Golf Maintenance (formerly known as ValleyCrest Golf Maintenance, Inc.), in partnership with KemperSports Management, for golf course management and

maintenance services; to extend the agreement term for one year to December 31, 2018; and to increase annual compensation by \$127,738, in an amount not to exceed \$2,529,443 for the one year extension; and forwarding to Council for approval

3. Consider a two year agreement for forms printing and mailing services for City billings with InfoSend, Inc., Anaheim, CA. for an annual cost not to exceed \$118,456 with three one-year extension options for a maximum total of \$621,475 for five years; the optional printing of envelopes and miscellaneous services for an annual cost not to exceed \$52,050; and an estimated annual cost for postage of \$432,070 for a maximum total of \$2,203,992 for five years; for a grand total of all components over five years of \$3,085,717; and forwarding to Council for approval. (Funding Source: General Fund, Water, Wastewater, Storm Drain Funds)  
*Finance; Jennifer Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Motion (Ah You/Madrigan; 3/0)** accepting a two year agreement for forms printing and mailing services for City billings with InfoSend, Inc., Anaheim, CA. for an annual cost not to exceed \$118,456 with three one-year extension options for a maximum total of \$621,475 for five years; the optional printing of envelopes and miscellaneous services for an annual cost not to exceed \$52,050; and an estimated annual cost for postage of \$432,070 for a maximum total of \$2,203,992 for five years; for a grand total of all components over five years of \$3,085,717; and forwarding to Council for approval.

4. Consider accepting a two-year purchasing agreement for rental equipment services to Herc Rentals, Modesto, CA, and United Rentals, Modesto, CA, for an annual cost not to exceed \$350,000 and \$150,000, respectively, with three one-year extension options for a total annual cost of \$2.5 million over five years and authorizing the Acting Finance Director to adjust agreement totals between vendors based on equipment availability ensuring the overall total between vendors does not change, and forwarding to Council for approval. (Funding Source: Water, Wastewater, Solid Waste, Electrical, Streets, Curb, Gutter & Sidewalks Funds)  
*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Motion (Ah You/Madrigan; 3/0)** accepting a two-year purchasing agreement for rental equipment services to Herc Rentals, Modesto, CA, and United Rentals, Modesto, CA, for an annual cost not to exceed \$350,000 and \$150,000, respectively, with three one-year extension options for a total annual cost of \$2.5 million over five years and authorizing the Acting Finance Director to adjust agreement totals between vendors based on equipment availability ensuring the overall total between vendors does not change, and forwarding to Council for approval.

5. Consider a contract with Benefitfocus, Charleston, SC, for the establishment of an online benefits portal in the amount not to exceed \$53,805 during the first year and \$202,833 over 5 years; amending the Fiscal Year 2017-18 Operating Budget in the amount of \$53,805; and forwarding to Council for approval. (Funding Source: Employee Benefits Fund Reserves)  
*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Motion (Ah You/Madrigan; 3/0)** accepting a contract with Benefitfocus,

Charleston, SC, for the establishment of an online benefits portal in the amount not to exceed \$53,805 during the first year and \$202,833 over 5 years; amending the Fiscal Year 2017-18 Operating Budget in the amount of \$53,805; and forwarding to Council for approval.

6. Consider accepting a cooperative agreement with San Joaquin Joint Powers Authority, Stockton, CA, for the planning, funding and construction of the Modesto Amtrak North Parking Lot Project in an amount not to exceed \$291,000; amending the Fiscal Year 2017-18 operating budget in the amount of \$141,849; and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Madrigal/Ah You; 3/0)** accepting a cooperative agreement with San Joaquin Joint Powers Authority, Stockton, CA, for the planning, funding and construction of the Modesto Amtrak North Parking Lot Project in an amount not to exceed \$291,000; amending the Fiscal Year 2017-18 operating budget in the amount of \$141,849; and forwarding to Council for approval.

7. Consider submission of a Clean Water State Revolving Fund loan application for the River Trunk Realignment project. (Funding Source: Wastewater Fund)  
*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Madrigal/Ah You; 3/0)** accepting submission of a Clean Water State Revolving Fund loan application for the River Trunk Realignment project.

8. Consider a Clean Water State Revolving Fund grant application for the Grayson Water System project and forwarding to Council for approval. (Funding Source: Water Fund)  
*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Motion (Madrigal/Ah You; 3/0)** accepting a Clean Water State Revolving Fund grant application for the Grayson Water System project and forwarding to Council for approval.

9. Consider a funding agreement with the State Water Resources Control Board for Proposition 1 Groundwater Grant Program funding for up to \$943,985 for the Destruction of Wells Project, and forwarding to Council for approval. (Funding Source: Water Fund)  
*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Motion (Madrigal/Ah You; 3/0)** accepting a funding agreement with the State Water Resources Control Board for Proposition 1 Groundwater Grant Program funding for up to \$943,985 for the Destruction of Wells Project, and forwarding to Council for approval.

10. Consider a sole source agreement with HSQ Technology, Hayward, CA, for procurement of Remote Terminal Units, circuit boards, and parts for the Miser and Supervisor Control and Data Acquisition System (SCADA), for two years, with three one-year extension options, for an estimated annual cost not to exceed \$60,000 and for a total of \$300,000 over five years, and forwarding to Council for approval. (Funding Source: Wastewater and Water Funds)  
*Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com*

**ACTION: Motion (Ah You/Madrigal; 3/0)** accepting a sole source agreement with HSQ Technology, Hayward, CA, for procurement of Remote Terminal Units, circuit boards, and parts for the Miser and Supervisor Control and Data Acquisition System (SCADA), for two years, with three one-year extension options, for an estimated annual cost not to exceed \$60,000 and for a total of \$300,000 over five years, and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 2:08 p.m.

Attest: \_\_\_\_\_

Joseph Lopez, Interim City Manager

## MINUTES

City of Modesto

### CITY COUNCIL MEETING

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

Tuesday November 28, 2017, at 5:30 p.m.

### CITY COUNCIL WORKSHOP

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold

Absent: None

### CITY COUNCIL WORKSHOP

### PUBLIC COMMENT PERIOD

1. **COUNCIL WORKSHOP:** Council Discussion and Direction Regarding Options for Consolidating Regular City Elections with Statewide General Elections (Moving to Even-Year Elections). (Funding Source: Not Applicable)  
*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

*Recess at 3:23 p.m.*

*Reconvened at 3:35 p.m.*

**ACTION: Motion (Ah You/Grewal; 4/3; Kenoyer, Ridenour, Zoslocki no)** directing staff to bring forward **Option 2 “Place proposal on November 2018 ballot to consider one-time extension of four year Council terms to five years beginning in 2015 and 2017”** to Council for consideration.

### ADJOURNMENT OF COUNCIL WORKSHOP

This Council workshop adjourned at 4:00 p.m.

### CITY COUNCIL MEETING

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour,  
Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Reverend Michael Schefelbein, College Avenue United Church of Christ

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Grewal - Item 5

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

## ELECTION ITEMS

2. Certification of canvass of votes from the November 7, 2017 Election. (Funding Source: Not Applicable)
  - Resolution of the Council of the City of Modesto Confirming the canvass of the Regular Municipal Election which was held in the City of Modesto on November 7, 2017 and declaring the results of said election.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2017-455 (Madrigal/Kenoyer; 7/0)** of the Council of the City of Modesto Confirming the canvass of the Regular Municipal Election which was held in the City of Modesto on November 7, 2017 and declaring the results of said election.

3. Oath of Office of re-elected City Councilmembers and 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 re-elected City Councilmembers and Modesto City School Board Members.

4. Seating of re-elected City Councilmembers at the dais. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** The re-elected City Councilmembers were seated at the dais and thanked everyone for their support.

*Recess at 5:48 p.m.*

*Reconvened at 6:18 p.m.*

## MISCELLANEOUS

Legislation  
Appointments  
Other

*Councilmember Grewal absent due to conflict of interest*

- 5. Consider appointing Duke Leffler to the Commercial Broker seat of the Comprehensive Fees Task Force. (Funding Source: Not Applicable)
  - Resolution appointing Duke Leffler to the Commercial Broker Seat on the Comprehensive Fees Task Force.  
*Community & Economic Development; Jessica Narayan , 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2017-456 (Madrigal/Kenoyer; 6/0; Grewal absent due to conflict of interest)** appointing Duke Leffler to the Commercial Broker Seat on the Comprehensive Fees Task Force.

**PUBLIC COMMENT PERIOD**

- John Gunderson spoke regarding Highway 132 name change to John Muir Highway and the John Muir Geotourism Center.
- Rhonda Allen and members of the La Loma Neighborhood Association presented Certificate of Recognition to the City Council from Congressman Jeff Denham for the La Loma Neighborhood Native Garden.
- Dave Pratt spoke regarding assisting homeless people.
- Carmen Sabatino spoke regarding the City's Oracle financial system.
- Sebastian Jones congratulated Councilmembers Madrigal, Kenoyer and Zoslocki.
- Emerson Drake spoke regarding the appointment of Interim City Manager Joe Lopez as property negotiator for today's Closed Session, today's Council workshop, and the Comprehensive Fee Task Force.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED  
ACTION CONSENT ITEMS 6-19: (Kenoyer/Madrigal; 7/0)**

**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 14, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the November 14, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving the minutes from the November 14, 2017 Council Meeting.

## Consent

7. Consider approving the audit report issued by the State Controller's Office on their examination of City Indirect Cost Rates charged to federally funded projects for Fiscal Years 2008-09 through 2014-15; authorizing the full repayment to the Department of Transportation (Caltrans); and amending the Fiscal Year 2017-18 Operating and Capital Improvement program budgets. (Funding Source: General Fund and Capital Facility Funds)
- Resolution approving the audit report issued by the State Controller's Office on their examination of City Indirect Cost Rates charged to federally funded projects for Fiscal Years 2008-09 through 2014-15.
  - Resolution amending the Fiscal Year 2017-2018 Operating and Capital Improvement Program budget to appropriate and transfer \$28,821 from the Streets Capital Facility Fee Fund and \$162,837 from the General Fund to various capital improvement projects in order to fully repay the Department of Transportation (Caltrans) for the difference between the proposed and audited indirect rates from Fiscal Year 2008-09 through 2014-15.

*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-457 (Kenoyer/Madrigan; 7/0)** approving the audit report issued by the State Controller's Office on their examination of City Indirect Cost Rates charged to federally funded projects for Fiscal Years 2008-09 through 2014-15.

**ACTION: Resolution 2017-458 (Kenoyer/Madrigan; 7/0)** amending the Fiscal Year 2017-2018 Operating and Capital Improvement Program budget to appropriate and transfer \$28,821 from the Streets Capital Facility Fee Fund and \$162,837 from the General Fund to various capital improvement projects in order to fully repay the Department of Transportation (Caltrans) for the difference between the proposed and audited indirect rates from Fiscal Year 2008-09 through 2014-15.

## Consent

8. Consider approving the deferral of Fire Prevention Development User Fees on plan checks for S1 and S2 occupancies in the categories of Complete Building; Shell Building; Tenant Improvements; Fire Sprinkler Systems and Fire Alarm Systems. (Funding Source: General Fund)
- Resolution approving deferral of Fire Prevention Development User Fees for S1 and S2 occupancies in the categories of Complete Building; Shell Building; Tenant Improvements; Fire Sprinkler Systems and Fire Alarm Systems until either an Occupancy Permit is issued by the Building Official or until new Plan Check Fees are established.

*Fire; Michael Payton, 571-5876, mpayton@modestofire.com*

**ACTION: Resolution 2017-459 (Kenoyer/Madrigan; 7/0)** approving deferral of Fire Prevention Development User Fees for S1 and S2 occupancies in the categories of Complete Building; Shell Building; Tenant Improvements; Fire Sprinkler Systems and Fire Alarm Systems until either an Occupancy Permit is issued by the Building Official or until new Plan Check Fees are established.

Consent

9. Consider approving a Fire Prevention Inspector II position, amending the City's Fiscal Year 2017-2018 position allocation, and amending the Fiscal Year 2017-2018 Operating Budget for the Fire Department. (Funding Source: General Fund)
- Resolution approving a fourth Fire Prevention Inspector II position allocation for the Fire Department.
  - Resolution amending the Fiscal Year 2017-2018 position allocation for the Fire Department.
  - Resolution amending the Fiscal Year 2017-2018 Operating Expense Budget for the Fire Department in the amount of \$83,118 for the creation of a fourth Fire Prevention Inspector II position in the Fire Prevention Division as well as an increase to the revenue budget for the fire inspection fees in the amount of \$24,198.
- Fire; Michael Payton, 571-5876, mpayton@modestofire.com*

**ACTION: Resolution 2017-460 (Kenoyer/Madrigal; 7/0)** approving a fourth Fire Prevention Inspector II position allocation for the Fire Department.

**ACTION: Resolution 2017-461 (Kenoyer/Madrigal; 7/0)** amending the Fiscal Year 2017-2018 position allocation for the Fire Department.

**ACTION: Resolution 2017-462 (Kenoyer/Madrigal; 7/0)** amending the Fiscal Year 2017-2018 Operating Expense Budget for the Fire Department in the amount of \$83,118 for the creation of a fourth Fire Prevention Inspector II position in the Fire Prevention Division as well as an increase to the revenue budget for the fire inspection fees in the amount of \$24,198.

Consent

10. Consider authorizing the purchase of Mobile Data Computers (MDCs) for the Modesto Fire Department from Dell Inc. Santa Clara, CA, for an estimated total cost of \$113,900. (Funding Source: Fleet Fund)
- Resolution authorizing award of bid for the purchase of Mobile Data Computers (MDCs) for the Modesto Fire Department from Dell Inc., Santa Clara, CA, for an estimated total cost of \$113,900 and authorizing the Interim City Manager, or his designee, to execute a purchase order.
- Fire; Michael Lillie, 572-9891, mlillie@modestofire.com*

**ACTION: Resolution 2017-463 (Kenoyer/Madrigal; 7/0)** authorizing award of bid for the purchase of Mobile Data Computers (MDCs) for the Modesto Fire Department from Dell Inc., Santa Clara, CA, for an estimated total cost of \$113,900 and authorizing the Interim City Manager, or his designee, to execute a purchase order.

Consent

11. Consider approving an amendment to the Agreement with Yosemite Community College District and the County of Stanislaus for the continued operations of the Regional Fire Science Training Center in Fiscal Year 2017-18. (Funding Source: General Fund)
- Resolution approving an amendment to the Agreement with Yosemite Community

College District and the County of Stanislaus for the continued operations of the Regional Fire Science Training Center in Fiscal Year 2017-18 and authorizing the Interim City Manager, or his designee, to execute the amendment.

*Fire; Tim Tietjen, 572-9869, ttietjen@modestofire.com*

**ACTION: Resolution 2017-464 (Kenoyer/Madrigal; 7/0)** approving an amendment to the Agreement with Yosemite Community College District and the County of Stanislaus for the continued operations of the Regional Fire Science Training Center in Fiscal Year 2017-18 and authorizing the Interim City Manager, or his designee, to execute the amendment.

Consent

12. Consider approving the establishment of a Capital Improvement Project for the roof replacement and exterior painting of Station 1 and appropriating \$337,850 from the Fire Department General Fund Operating Budget. (Funding Source: General Fund)
- Resolution approving the establishment of a Capital Improvement Project for the roof replacement and exterior painting of Station 1, and appropriating \$337,850 to said project from the Fire Department General Fund Operating Budget.

*Fire; Tim Tietjen, 572-9869, ttietjen@modestofire.com*

**ACTION: Resolution 2017-465 (Kenoyer/Madrigal; 7/0)** approving the establishment of a Capital Improvement Project for the roof replacement and exterior painting of Station 1, and appropriating \$337,850 to said project from the Fire Department General Fund Operating Budget.

Consent

13. Consider accepting the California State Parks - Youth Soccer and Recreation Development Program grant in an amount of \$1 million to fund the Carpenter Road Area Soccer Complex and amending the Fiscal Year 2017/2018 Capital Improvement Program Budget. (Funding Source: Youth Soccer and Recreation Development Grant Funds and Parks Fund)
- Resolution accepting the California State Parks - Youth Soccer and Recreation Development Program grant funds to fund the Carpenter Road Area Soccer Complex in an amount of \$1million and authorizing the Interim City Manager, or his designee, to accept and utilize the grant award.
  - Resolution authorizing the Interim City Manager, or his designee, to amend the Fiscal Year 2017-18 Capital Improvement Program Budget to establish a new capital project #101061 for the Carpenter Road Area Soccer Complex in an amount not to exceed \$1,035,000 in revenue and to budget expenditures as outlined in Attachment A to fully fund the project.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-466 (Kenoyer/Madrigal; 7/0)** accepting the California State Parks - Youth Soccer and Recreation Development Program grant funds to fund the Carpenter Road Area Soccer Complex in an amount of \$1million and authorizing the Interim City Manager, or his designee, to accept and utilize the grant award.

**ACTION: Resolution 2017-467 (Kenoyer/Madrigal; 7/0)** authorizing the Interim City Manager, or his designee, to amend the Fiscal Year 2017-18 Capital Improvement Program Budget to establish a new capital project #101061 for the Carpenter Road Area Soccer Complex in an amount not to exceed \$1,035,000 in revenue and to budget expenditures as outlined in Attachment A to fully fund the project.

Consent

14. Consider granting a 5,829 square foot gas pipeline easement to Pacific Gas & Electric Company, San Francisco, for property located 400 South Morton Boulevard, (Beardbrook Park, APN 106-034-001). (Funding Source: Parks Fund)
- Resolution approving the grant of an easement deed to Pacific Gas & Electric Company for a fifteen feet (15') wide gas pipeline easement located 400 South Morton Boulevard, Modesto, CA (Beardbrook Park, APN 106-034-001), containing approximately 5,829 square feet and authorizing the Interim City Manager, or his designee, to execute the Easement Deed.
- Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-468 (Kenoyer/Madrigal; 7/0)** approving the grant of an easement deed to Pacific Gas & Electric Company for a fifteen feet (15') wide gas pipeline easement located 400 South Morton Boulevard, Modesto, CA (Beardbrook Park, APN 106-034-001), containing approximately 5,829 square feet and authorizing the Interim City Manager, or his designee, to execute the Easement Deed.

Consent

15. Consider approving the plans and specifications for the Ceres Trunk Rehabilitation Project; awarding a contract with Rolfe Construction Company, of Atwater, CA, in the amount of \$5,743,485; approving an Agreement with Brown and Caldwell, Walnut Creek, CA, for design support in an amount not to exceed \$191,031, plus \$19,103 for additional services (if needed), for a total amount not to exceed \$210,134; and amending the Fiscal Year 2017-2018 Capital Improvement Project Program Budget in the amount of \$2,535,167. (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the Ceres Trunk Rehabilitation Project, accepting the bid, and approving a contract with Rolfe Construction Company of Atwater, CA, in the amount of \$5,743,485, and authorizing the Interim City Manager, or his designee, to execute the contract.
  - Resolution approving an agreement with Brown and Caldwell, Walnut Creek, CA, for Design Support During Construction for the Ceres Trunk Rehabilitation Project, in an amount not to exceed \$191,031 for the identified scope of services, plus \$19,103 for additional services (if needed), for a maximum total amount of \$210,134, and authorizing the Interim City Manager, or his designee, to execute the agreement.
  - Resolution amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of \$2,535,167 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the Ceres Trunk Rehabilitation Project.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-469 (Kenoyer/Madrigal; 7/0)** approving the plans and specifications for the Ceres Trunk Rehabilitation Project, accepting the bid, and approving a contract with Rolfe Construction Company of Atwater, CA, in the amount of \$5,743,485, and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-470 (Kenoyer/Madrigal; 7/0)** approving an agreement with Brown and Caldwell, Walnut Creek, CA, for Design Support During Construction for the Ceres Trunk Rehabilitation Project, in an amount not to exceed \$191,031 for the identified scope of services, plus \$19,103 for additional services (if needed), for a maximum total amount of \$210,134, and authorizing the Interim City Manager, or his designee, to execute the agreement.

**ACTION: Resolution 2017-471 (Kenoyer/Madrigal; 7/0)** amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of \$2,535,167 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the Ceres Trunk Rehabilitation Project.

Consent

16. Consider an Ordinance amending Section 5-6.301 of the Modesto Municipal Code to require sewer easements for private sewer laterals/sewer mains and further amend Section 5-6.103 to update definitions. (Funding Source: Wastewater Fund)
- Motion introducing and waiving the first reading of an Ordinance amending Section 5-6.301 of the Modesto Municipal Code pertaining to definitions and Section 5-6.103 of the Modesto Municipal Code pertaining to Sewer Easements.
- Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** introducing and waiving the first reading of **Ordinance No. 3680-C.S.** amending Section 5-6.301 of the Modesto Municipal Code pertaining to definitions and Section 5-6.103 of the Modesto Municipal Code pertaining to Sewer Easements.

Consent

17. Consider approving a Purchase and Sale Agreement in the amount of \$2,171 with the Jacobs-Walden Family Trust to acquire real property interests at 207 Stoddard Ave. (APN: 110-003-070) for permanent sewer and temporary construction easements. (Funding Source: Wastewater CIP 100790)
- Resolution approving a Purchase and Sale Agreement with Jacobs-Walden Family Trust, for the acquisition of a total of 800 square feet of easement area, located at 207 Stoddard Avenue (APN: 110-003-070) for a Permanent Sewer Easement and Temporary Construction Easement, and authorizing the Interim City Manager, or his designee, to execute the Purchase and Sale Agreement and all related documents required to complete the sale and close escrow.
  - Resolution authorizing the Interim City Manager, or his designee, to sign the Certificate of Acceptance for a Permanent Sewer Easement and Temporary

Construction Easement, located at 207 Stoddard Avenue, in Modesto owned by Jacobs-Walden Family Trust (APN 110-003-070), to be purchased by the City of Modesto for the 2015-2016 Sanitary Sewer Collection System Replacement Project.

*Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2017-472 (Kenoyer/Madrigal; 7/0)** approving a Purchase and Sale Agreement with Jacobs-Walden Family Trust, for the acquisition of a total of 800 square feet of easement area, located at 207 Stoddard Avenue (APN: 110-003-070) for a Permanent Sewer Easement and Temporary Construction Easement, and authorizing the Interim City Manager, or his designee, to execute the Purchase and Sale Agreement and all related documents required to complete the sale and close escrow.

**ACTION: Resolution 2017-473 (Kenoyer/Madrigal; 7/0)** authorizing the Interim City Manager, or his designee, to sign the Certificate of Acceptance for a Permanent Sewer Easement and Temporary Construction Easement, located at 207 Stoddard Avenue, in Modesto owned by Jacobs-Walden Family Trust (APN 110-003-070), to be purchased by the City of Modesto for the 2015-2016 Sanitary Sewer Collection System Replacement Project.

#### Consent

18. Consider authorizing an increase in the Director's authority to issue change orders from 10% (\$36,979) to approximately 19.5% (\$72,000) for the new traffic signal at McHenry Avenue and Grecian Avenue. (Funding Source: Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP)).
- Resolution authorizing an increase in the Director's Authority to issue change orders on the New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue project from 10 percent (\$36,979) to approximately 19.5 percent (\$72,000) of the original construction contract price of \$369,786 with Tim Paxin's Pacific Excavation Inc., of Elk Grove, CA.

*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2017-474 (Kenoyer/Madrigal; 7/0)** authorizing an increase in the Director's Authority to issue change orders on the New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue project from 10 percent (\$36,979) to approximately 19.5 percent (\$72,000) of the original construction contract price of \$369,786 with Tim Paxin's Pacific Excavation Inc., of Elk Grove, CA.

#### Consent

19. Consider accepting the River Trunk Rehabilitation Project (Gallo Section) as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling \$1,609,888 to Con-Quest Ebert, a Joint Venture of San Francisco, CA. (Funding Source: Wastewater Fund – CIP)
- Resolution accepting the River Trunk Rehabilitation Project (Gallo Section) as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and payments totaling \$1,609,888 to Con-Quest Ebert, a Joint Venture of San Francisco, CA.

*Utilities; Glenn Prasad, 571-5149, gprasad@modestogov.com*

**ACTION: Resolution 2017-475 (Kenoyer/Madrigal; 7/0)** accepting the River Trunk Rehabilitation Project (Gallo Section) as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and payments totaling \$1,609,888 to Con-Quest Ebert, a Joint Venture of San Francisco, CA.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer went on a tour of the Tuolumne River today and spoke about a grant for a possible boat ramp.

Councilmember Madrigal attended Christmas Tree lighting at South Modesto Business United; he toured the Tuolumne River today with Councilmember Kenoyer, and he thanked his mother, son and sister for attending today's meeting.

### **CITY MANAGER COMMENTS & REPORTS**

City Manager Lopez announced the retirement of Finance Director Gloriette Genereaux and thanked her for her service.

### **NEW BUSINESS**

20. Consider increasing an annual purchase Agreement with Rank Investigation and Protection, Inc., Modesto, California, by \$61,000 for a term of 6 months ending June 30, 2018 with a not to exceed total agreement of \$111,000 for security guard services for Modesto Centre Plaza, City Parks and City Parking Garages. (Funding Source: Parks, Modesto Centre Plaza and Public Works)
  - Resolution approving an increase to the annual purchase Agreement with Rank Investigation and Protection, Inc., Modesto, California, by \$61,000 for a term of 6 months ending June 30, 2018 with a not to exceed total agreement of \$111,000 for security guard services for Modesto Centre Plaza, City Parks and City Parking Garages and authorizing the Interim City Manager to increase the purchase agreement.

*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2017-476 (Ridenour/Ah You; 7/0)** approving an increase to the annual purchase Agreement with Rank Investigation and Protection, Inc., Modesto, California, by \$61,000 for a term of 6 months ending June 30, 2018 with a not to exceed total agreement of \$111,000 for security guard services for Modesto Centre Plaza, City Parks and City Parking Garages and authorizing the Interim City Manager to increase the purchase agreement.

21. Consider approving an increase of \$115,000 to Blanket Purchase Order 121044 with Safe-T-Lite, Modesto, CA, for safety tools, signage, equipment, field supplies and barricade rentals for emergency preparations, road closures and annual special events, for a blanket Purchase Order total amount not to exceed \$165,000. (Funding Source: General Fund, Bus Fund, Solid Waste Fund, Compost Fund, Water Services Fund and Wastewater Fund)

- Resolution approving an increase of \$115,000 to Blanket Purchase Order 121044 with Safe-T-Lite, Modesto, CA, for safety tools, signage, equipment, field supplies and barricade rentals for emergency preparations, road closures and annual special events, for a total amount not to exceed \$165,000, and authorizing the Interim City Manager, or his designee, to increase the annual Blanket Purchase Order.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2017-477 (Madrigal/Ah You; 7/0)** approving an increase of \$115,000 to Blanket Purchase Order 121044 with Safe-T-Lite, Modesto, CA, for safety tools, signage, equipment, field supplies and barricade rentals for emergency preparations, road closures and annual special events, for a total amount not to exceed \$165,000, and authorizing the Interim City Manager, or his designee, to increase the annual Blanket Purchase Order.

22. Consider approving the retroactive addition of Aquatic Bioassay & Consulting Labs, Inc., Ventura, CA, to the purchasing agreement approved by Resolution No. 2013-66. (Funding Source: Wastewater Fund)

- Resolution approving the retroactive addition of Aquatic Bioassay & Consulting Laboratories, Inc., Ventura, CA, to the purchasing agreement approved by Resolution No. 2013-66.

*Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com*

**ACTION: Resolution 2017-478 (Ridenour/Ah You; 7/0)** approving the retroactive addition of Aquatic Bioassay & Consulting Laboratories, Inc., Ventura, CA, to the purchasing agreement approved by Resolution No. 2013-66.

23. Consider discussing the duties and responsibilities in the Ordinance for the City of Modesto Measure L Transportation Sale Tax Commission. (Funding Source: General Fund)

- This item is for Council discussion and possible direction to staff.

*Community and Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

ACTION: No reportable action.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 9:20 p.m.

## **CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONSENT ITEMS**

- 1. Consider appointing Real Property Negotiator Adam U. Lindgren, City Attorney for Property: APN: 039-010-220
  - Motion appointing Real Property Negotiator Adam U. Lindgren, City Attorney for Property: APN: 039-010-220. City Attorney, Adam Lindgren, 577-5284, [alindgren@modestogov.com](mailto:alindgren@modestogov.com)

**ACTION: Motion (Madrigal/Ah You; 7/0)** appointing Real Property Negotiators Adam U. Lindgren, City Attorney and Joseph P. Lopez, Interim City Manager, for Property: APN: 039-010-220.

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)  
Case No. 667396

COM v. Dias  
Case No. 2013360

**PUBLIC EMPLOYEE APPOINTMENT  
(Pursuant to Section 54957(b)(1) Government Code)**

Title: City Manager

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

Property: 2846 Finch Rd. APN: 039-010-220  
Property Owners: City of Modesto/Stanislaus County  
Negotiating Parties:  
For City: Adam U. Lindgren, City Attorney for City of Modesto  
Under Negotiation: Possible sale of property

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday December 05, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

Absent: Councilmember Zoslocki

Pledge of Allegiance to the Flag

Invocation: Cindy Marks, City Ministry Network

City Clerk's Announcements: Item 11 - continued to December 12, 2017 Council meeting;  
Item 16 - Removed from Consent

Declaration of Conflicts of Interest: Ridenour - Item 22

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

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a construction status update on the McHenry Avenue Corridor Improvements project by the San Joaquin County Department of Public Works.  
(Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Staff members from San Joaquin County Department of Public Works presented a construction status update on the McHenry Avenue Corridor Improvements Project.

### MISCELLANEOUS

Legislation  
Appointments  
Other

2. Consider appointing Joseph Sanchez to the Modesto Landmark Preservation

Commission with a term expiration of January 1, 2022. (Funding Source: Not Applicable)

- Resolution appointing Joseph Sanchez to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2022.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-479 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** appointing Joseph Sanchez to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2022.

3. Consider appointing Joanna Esparza to the Modesto Landmark Preservation Commission with a term expiration of January 1, 2022. (Funding Source: Not Applicable)

- Resolution appointing Joanna Esparza to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2022.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-480 (Madrigal/Kenoyer; 6/0; Zoslocki absent)** appointing Joanna Esparza to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2022.

4. Consider appointing Naramsen Goriel to the Modesto Board of Zoning Adjustment with a term expiration of January 1, 2022. (Funding Source: Not Applicable)

- Resolution appointing Naramsen Goriel to the City of Modesto Board of Zoning Adjustment with a term expiration of January 1, 2022.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-481 (Grewal/Ah You; 6/0; Zoslocki absent)** appointing Naramsen Goriel to the City of Modesto Board of Zoning Adjustment with a term expiration of January 1, 2022.

5. Consider reappointing Dennis Smith to the City's Planning Commission with a term expiration of January 1, 2022. (Funding Source: Not Applicable)

- Resolution reappointing Dennis Smith to the City of Modesto Planning Commission with a term expiration of January 1, 2022.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-482 (Kenoyer/Ah You; 6/0; Zoslocki absent)** reappointing Dennis Smith to the City of Modesto Planning Commission with a term expiration of January 1, 2022.

6. Consider reappointing Matthew Lippert to the City Landmark Preservation

Commission with a term expiration of January 1, 2022. (Funding Source: Not Applicable)

- Resolution reappointing Matthew Lippert to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2022.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-483 (Kenoyer/Ah You; 6/0; Zoslocki absent)** reappointing Matthew Lippert to the City of Modesto Landmark Preservation Commission with a term expiration of January 1, 2022.

7. Consider reappointing Vladimir Rodriguez to the City's Board of Zoning Adjustment with a term expiration of January 1, 2022. (Funding Source: Not Applicable)
  - Resolution reappointing Vladimir Rodriguez to the City of Modesto Board of Zoning Adjustment with a term expiration of January 1, 2022.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2017-484 (Kenoyer/Ah You; 6/0; Zoslocki absent)** reappointing Vladimir Rodriguez to the City of Modesto Board of Zoning Adjustment with a term expiration of January 1, 2022.

8. Consider approving the reappointment of Allan Ramsay and Dick Braner to the Modesto City-County Airport Advisory Committee. (Funding Source: Not Applicable)
  - Resolution approving the reappointment of Allan Ramsay and Dick Braner to the Modesto City-County Airport Advisory Committee for a two year term.  
*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-485 (Madrigal/Ah You; 6/0; Zoslocki absent)** approving the reappointment of Allan Ramsay and Dick Braner to the Modesto City-County Airport Advisory Committee for a two year term.

### **PUBLIC COMMENT PERIOD**

- Ray Pefferini spoke regarding trees in Modesto.
- John Carvalho spoke regarding the homeless on 9th Street.
- Keith Callaway spoke regarding the homeless in Modesto.
- Louis Levin requested stopping the sale of fireworks sales on the 4th of July in Modesto.
- Maggie Countryman spoke regarding her Public Records Act requests.
- Carmen Sabatino spoke regarding his radio show "The Back Story", City spending

without Council approval and he requested names of staff members involved, City Manager recruiting, and off-year elections to even-year elections.

- Raymond Guerrero spoke regarding the condition of Leon Avenue and a request for a football stadium for Modesto High School.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 9-10, 12-15; 17-18: (Kenoyer/Madrigal; 6/0; Zoslocki absent)**

**CONSENT ITEMS**

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

Consent

9. Consider approving the minutes from the November 28, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the November 28, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving the minutes from the November 28, 2017 Council Meeting.

Consent

10. Consider final adoption of **Ordinance No. 3680-C.S.** amending Section 5-6.301 of the Modesto Municipal Code to require sewer easements for private sewer laterals/sewer mains and further amend Section 5-6.103 to update definitions. (Funding Source: Wastewater Fund)
  - Motion approving final adoption of **Ordinance No. 3680-C.S.** amending Section 5-6.301 of the Modesto Municipal Code pertaining to definitions and Section 5-6.103 of the Modesto Municipal Code pertaining to Sewer Easements.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving final adoption of **Ordinance No. 3680-C.S.** amending Section 5-6.301 of the Modesto Municipal Code pertaining to definitions and Section 5-6.103 of the Modesto Municipal Code pertaining to Sewer Easements.

Consent – *Continued to December 12, 2017 Council meeting*

11. Consider approving the Final Map of Hillglen Roselle Subdivision located in Village One at the south-east corner of the intersection of Hillglen Avenue and Roselle Avenue. (Funding Source: Developer Fees)
  - Resolution approving the Final Map of Hillglen Roselle Subdivision, authorizing the City Manager, or his designee, to execute a Subdivision Agreement with Modesto Roselle, 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.  
*Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com*

**ACTION:** Continued to December 12, 2017 Council meeting.

Consent

12. Consider approving a Homeowner's Rehabilitation Program loan to Sandra Starn not to exceed \$91,770 at 139 Lee Street Modesto, CA 95354. (Funding Source: Community Development Block Grant Revolving Loan Fund and Community Development Block Grant Entitlement Fund)
- Resolution approving a Homeowner Rehabilitation Program Loan to Sandra Starn for health and safety concerns of the property at 139 Lee Street Modesto, Ca 95354 not to exceed \$91,770, and authorizing the Interim City Manager to execute the Agreement and loan documents.  
*Community & Economic Development; Aaron Farnon, 577-5211, afarnon@modestogov.com*

**ACTION: Resolution 2017-486 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving a Homeowner Rehabilitation Program Loan to Sandra Starn for health and safety concerns of the property at 139 Lee Street Modesto, Ca 95354 not to exceed \$91,770, and authorizing the Interim City Manager to execute the Agreement and loan documents.

Consent

13. Consider accepting the Monthly Investment Report for July, 2017. (Funding Source: Various Funds)
- Motion accepting the Monthly Investment Report for July, 2017.  
*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 6/0; Zoslocki absent)** accepting the Monthly Investment Report for July, 2017.

Consent

14. Consider accepting an informational report for the October 2017 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the October 2017 Accounts Payable Payment Register and Void report.  
*Finance; Ryan Blackerby, 577-5219, rblackerby@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 6/0; Zoslocki absent)** accepting an informational report for the October 2017 Accounts Payable Payment Register and Void report.

Consent

15. Consider approving a contract with Benefitfocus, Charleston, SC, for the establishment of an online benefits portal in the amount not to exceed \$53,805 during the first year

and \$202,833 over 5 years; and amending the Fiscal Year 2017-18 Operating Budget in the amount of \$53,805. (Funding Source: Employee Benefits Fund Reserves)

- Resolution approving a contract with Benefitfocus for the establishment of an online benefits portal in the amount not to exceed \$53,805 during the first year and \$202,833 over five years, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2017-18 Operating Budget in Human Resources Department in the amount of \$53,805.

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2017-487 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving a contract with Benefitfocus for the establishment of an online benefits portal in the amount not to exceed \$53,805 during the first year and \$202,833 over five years, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2017-488 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** amending the Fiscal Year 2017-18 Operating Budget in Human Resources Department in the amount of \$53,805.

*Removed from Consent*

16. Consider a resolution approving and authorizing the Mayor or his designee to negotiate and execute an agreement with CPS HR Consulting, Sacramento, CA , a professional firm, to provide Executive Recruitment services for the City Manager for a not to exceed amount of \$23,500, effective December 5, 2017. (Funding Source: General Fund)

- Resolution approving and authorizing the Mayor or his designee to execute an agreement with CPS HR Consulting, Sacramento, CA , a professional firm, to provide executive recruitment services for the position of City Manager for a not to exceed amount of \$23,500, effective December 5, 2017.

*Human Resources; Norma Santoyo, 571-5126, nsantoyo@modestogov.com*

**ACTION: Resolution 2017-489 (Ah You/Madrigal; 6/0; Zoslocki absent)** approving and authorizing the Mayor or his designee to execute an agreement with CPS HR Consulting, Sacramento, CA , a professional firm, to provide executive recruitment services for the position of City Manager for a not to exceed amount of \$23,500, **plus \$11,500 in costs and expenses**, effective December 5, 2017.

Consent

17. Consider approving a two-year Purchasing Agreement for rental equipment services to Herc Rentals, Modesto, CA, and United Rentals, Modesto, CA, for an annual cost not to exceed \$350,000 and \$150,000, respectively, with three one-year extension options for a total annual cost of \$2.5 million over five years and authorizing the Acting Finance Director, or her designee, to adjust Agreement totals between vendors based on equipment availability ensuring the overall total between vendors does not change. (Funding Source: Water, Wastewater, Solid Waste, Electrical, Streets, Curb, Gutter & Sidewalks Funds)

- Resolution approving the award of bids for rental equipment services to Herc

Rentals, Modesto, CA and United Rentals, Modesto, CA; for a two-year Agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$500,000, and \$2,500,000 over five years, and authorizing the Acting Finance Director, or her designee, to adjust Agreement totals based on the work capacity for the vendors, ensuring the overall Agreement total between the two vendors will not change, and authorizing the Interim City Manager, or his designee, to issue the Purchase Agreements.

*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2017-490 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** approving the award of bids for rental equipment services to Herc Rentals, Modesto, CA and United Rentals, Modesto, CA; for a two-year Agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$500,000, and \$2,500,000 over five years, and authorizing the Acting Finance Director, or her designee, to adjust Agreement totals based on the work capacity for the vendors, ensuring the overall Agreement total between the two vendors will not change, and authorizing the Interim City Manager, or his designee, to issue the Purchase Agreements.

#### Consent

18. Consider accepting a preliminary award, authorizing a funding agreement with the State Water Resources Control Board for Proposition 1 Groundwater Grant Program funding for up to \$943,985 for the Destruction of Wells Project, and amending the fiscal year 2017-2018 Capital Improvement Program Budget to fully fund the Destruction of Wells 2017 project. (Funding Source: Water Fund)

- Resolution accepting a preliminary award, entering into a funding Agreement with the State Water Resources Control Board and authorizing and designating a representative for the Destruction of Water Supply Wells Project, authorizing the Interim City Manager, or his designee, to execute all grant-related documents and enter into an Agreement to receive grant funds, if awarded, and any Amendments of changes thereto.
- Resolution amending the fiscal year 2017-2018 Capital Improvement Program Budget as shown in Exhibit A to fully fund the Destruction of Wells 2017 project.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2017-491 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** accepting a preliminary award, entering into a funding Agreement with the State Water Resources Control Board and authorizing and designating a representative for the Destruction of Water Supply Wells Project, authorizing the Interim City Manager, or his designee, to execute all grant-related documents and enter into an Agreement to receive grant funds, if awarded, and any Amendments of changes thereto.

**ACTION: Resolution 2017-492 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** amending the fiscal year 2017-2018 Capital Improvement Program Budget as shown in Exhibit A to fully fund the Destruction of Wells 2017 project.

### COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked everyone who helped with and attended the Christmas Parade and other events on Saturday.

Councilmember Madrigal also thanked staff and volunteers and sponsors with the Christmas Parade and events on Saturday; he invited the public to a community input meeting on proposed cannabis regulations tomorrow at 9:00 a.m. at Don Juan Foods on Crows Landing Road; he also invited the public to the Christmas Posada at 6:00 pm tomorrow at Los Amigos Tire on Crows Landing Road; he thanked the Public Works staff who fixed a sidewalk on Hatch Road.

Councilmember Ah You also thanked the sponsors for the Christmas Parade; she also announced a homicide victims memorial tree lighting on Thursday.

Councilmember Grewal announced a North Modesto Neighborhood Alliance event tomorrow.

### **CITY MANAGER COMMENTS & REPORTS**

None.

### **HEARINGS**

*Published in the Modesto Bee on November 24, 2017*

19. Hearing to consider an Ordinance amending Title 4, "Public Welfare, Safety And Health" Chapter 2, "Misdemeanors," Section 4-2.06, "Electrified Fences Prohibited" and amending Title 10 "Zoning Regulations," Chapter 4, "Development Standards," Article 4 "General Development Standards," Section 10-4.406, "Walls And Fences," Subsection G, "Security Fencing" (Funding Source: General Fund)
- Motion introducing and waiving the first reading of an Ordinance amending Title 4, "Public Welfare, Safety And Health" Chapter 2, "Misdemeanors," Section 4-2.06, "Electrified Fences Prohibited" and amending Title 10 "Zoning Regulations," Chapter 4, "Development Standards," Article 4 "General Development Standards," Section 10-4.406, "Walls And Fences," Subsection G, "Security Fencing."
- Community & Economic Development; Paul Liu, 577-5267, pliu@modestogov.com*

**ACTION: Motion (Grewal/Ah You; 6/0; Zoslocki absent)** introducing and waiving the first reading of **Ordinance No. 3681-C.S.** amending Title 4, "Public Welfare, Safety And Health" Chapter 2, "Misdemeanors," Section 4-2.06, "Electrified Fences Prohibited" and amending Title 10 "Zoning Regulations," Chapter 4, "Development Standards," Article 4 "General Development Standards," Section 10-4.406, "Walls And Fences," Subsection G, "Security Fencing."

*Published in the Modesto Bee on November 25, 2017*

20. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2016-17 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 2016-2017 and making findings related to each of the fee categories.

*Community & Economic Development; Jessica Narayan, 577-5211,  
jnarayan@modestogov.com*

**ACTION: Resolution 2017-493 (Ridenour/Grewal; 6/0; Zoslocki absent)** accepting the Capital Facilities Fees Annual Report for Fiscal Year 2016-2017 and making findings related to each of the fee categories.

*Published in the Modesto Bee on November 25, 2017*

21. Consider accepting the Fiscal Year 2016-17 Annual Report of Funds Held for Future Improvements and making findings related to each security on file. (Funding Source: Developer Deposits)

- Resolution accepting the Fiscal Year 2016-17 Annual Report of Funds Held for Future Improvements, and making findings related to each security on file.

*Community & Economic Development; Jessica Narayan, 577-5211,  
jnarayan@modestogov.com*

**ACTION: Resolution 2017-494 (Ah You/Kenoyer; 6/0; Zoslocki absent)** accepting the Fiscal Year 2016-17 Annual Report of Funds Held for Future Improvements, and making findings related to each security on file.

*Published in the Modesto Bee on November 25, 2017- Councilmember Ridenour absent due to conflict of interest*

22. Hearing to consider the annexation of Hillglen Parks Subdivision to City of Modesto Community Facilities District No. 2004-1 (Village One #2), authorizing the levy of special taxes therein; calling a special election; and declaring the results of the December 5, 2017 special election. (Funding Source: City of Modesto Community Facilities District No. 2004-1)

- Resolution calling a special election for the City of Modesto to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).
- Resolution declaring the results of the December 5, 2017 special election and ordering the annexation of the additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2)

*Community & Economic Development; Jessica Narayan, 577-5211,  
jnarayan@modestogov.com*

**ACTION: Resolution 2017-495 (Grewal/Ah You; 4/0; Madrigal, Zoslocki absent; Ridenour absent due to conflict of interest)** calling a special election for the City of Modesto to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

**ACTION: Resolution 2017-496 (Grewal/Ah You; 4/0; Madrigal, Zoslocki absent; Ridenour absent due to conflict of interest)** declaring the results of the December 5, 2017 special election and ordering the annexation of the additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2)

## NEW BUSINESS

23. Consider selecting and adopting Alternative 1B as the preferred alternative route for the Route Alignment for the North County Corridor Project (Tully Road to State Route 12). (Funding Source: Not Applicable)

- Resolution selecting and adopting Alternative 1B as the preferred alternative route for the Route Alignment for the North County Corridor Project (Tully Road to State Route 12).

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

**ACTION: Resolution 2017-497 (Kenoyer/Madrigal; 6/0; Zoslocki absent)** selecting and adopting Alternative 1B as the preferred alternative route for the Route Alignment for the North County Corridor Project (Tully Road to State Route 12).

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 7:46 p.m.

### **CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**Two Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)  
Case No. 667396

COM v. Dias  
Case No. 2013360

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**Two Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)**

**PUBLIC EMPLOYEE APPOINTMENT**

**(Pursuant to Section 54957(b)(1) Government Code)**

Title: City Manager

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

**(Pursuant to Section 54956.8 of the Government Code)**

Property: Property between 9th and 10th Street, and E Street and F Street,  
located in Modesto, CA; APN: 106-044-005

Property Owners: Victor Martinez/Victor & Iris Martinez TRS

Negotiating Parties:

For City: Cynthia Birdsill, Director of Community & Economic Development  
for City of Modesto

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Larry Killian, Real Estate Broker

Under Negotiation: Possible purchase

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

**(Pursuant to Section 54956.8 of the Government Code)**

Property: 2846 Finch Rd. APN: 039-010-220

Property Owners: City of Modesto/Stanislaus County

Negotiating Parties:

For City: Adam U. Lindgren, City Attorney for City of Modesto

Under Negotiation: Possible sale of property

Attest: \_\_\_\_\_

Stephanie Lopez, City Clerk

# MINUTES

## City of Modesto ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

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

Wednesday, December 6, 2017, at 2:00 p.m.

Roll Call: Present: Mayor Brandvold, Councilmembers Kenoyer (arrived at 2:15 p.m.) and Madrigal (alternate)  
Absent: Councilmember Zoslocki

### PUBLIC COMMENTS

None.

### NEW BUSINESS

1. Consider accepting an agreement with Drake Haglan and Associates, Modesto, CA., in an amount not to exceed \$239,726, for professional engineering design services for the Carpenter Road Street Improvements project, and forward to Council for approval.  
(Funding Source: Measure L)  
*Community & Economic Development; Chuck Covolo, 571-5537, ccovolo@modestogov.com*

**ACTION: Motion (Madrigal/Mayor Brandvold; 2/0; Kenoyer absent)** accepting an agreement with Drake Haglan and Associates, Modesto, CA., in an amount not to exceed \$239,726, for professional engineering design services for the Carpenter Road Street Improvements project, and forward to Council for approval.

2. Consider accepting the Destination Modesto Report for the First Quarter – Fiscal Year 2017-18 and forwarding to Council for approval. (Funding Source: Transient Occupancy Tax)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Madrigal/Kenoyer; 3/0)** accepting the Destination Modesto Report for the First Quarter – Fiscal Year 2017-18 and forwarding to Council for approval.

### MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

This meeting adjourned at 3:31 p.m.

Attest: \_\_\_\_\_

Joseph Lopez, Interim City Manager

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday December 12, 2017, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer,  
Madrigal, Ridenour, Zoslocki, Mayor Brandvold  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk’s Announcements: Items 4 and 14 – Removed from Consent

Declaration of Conflicts of Interest: Item 13 – Ridenour; Item 24 - Grewal

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters;  
Interim City Manager Lopez reported Council decision not to move forward with purchase of  
property between 9<sup>th</sup> and 10<sup>th</sup> Street, and E Street and F Street, located in Modesto, CA;  
APN106-044-005.

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Acknowledgment to the City of Modesto nationally recognized as a top Digital City in 2017. (Funding Source: Not Applicable)  
*Information Technology; Kevin Harless, , kharless@modestogov.com*

**ACTION:** Information Technology Manager Kevin Harless presented an acknowledgement to the City of Modesto nationally recognized as a top Digital City in 2017.

### PUBLIC COMMENT PERIOD

- Jose Guerrero thanked Public Works staff for their work on Leon Street in Modesto; he also spoke regarding cameras at stop lights in Modesto.
- Loretta Carhart spoke regarding the audio system in the Council Chambers.

### CONSENT ITEMS – ROLL CALL VOTE REQUIRED

**ACTION CONSENT ITEMS: 2-3; 5-12; 15-21: (Kenoyer/Madrigal; 7/0)**

**ACTION CONSENT ITEM 13: (Kenoyer/Ah You; 6/0; Ridenour 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 December 5, 2017 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the December 5, 2017 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madriral; 7/0)** approving the minutes from the December 5, 2017 Council Meeting.

3. Consider final adoption of **Ordinance No. 3681-C.S.** amending Title 4, “Public Welfare, Safety And Health” Chapter 2, “Misdemeanors,” Section 4-2.06, “Electrified Fences Prohibited” and amending Title 10 “Zoning Regulations,” Chapter 4, “Development Standards,” Article 4 “General Development Standards,” Section 10-4.406, “Walls And Fences,” Subsection G, “Security Fencing.” (Funding Source: General Fund)
  - Motion approving final adoption of Ordinance No. 3681-C.S. amending Title 4, “Public Welfare, Safety And Health” Chapter 2, “Misdemeanors,” Section 4-2.06, “Electrified Fences Prohibited” and amending Title 10 “Zoning Regulations,” Chapter 4, “Development Standards,” Article 4 “General Development Standards,” Section 10-4.406, “Walls And Fences,” Subsection G, “Security Fencing.”  
*City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madriral; 7/0)** approving final adoption of **Ordinance No. 3681-C.S.** amending Title 4, “Public Welfare, Safety And Health” Chapter 2, “Misdemeanors,” Section 4-2.06, “Electrified Fences Prohibited” and amending Title 10 “Zoning Regulations,” Chapter 4, “Development Standards,” Article 4 “General Development Standards,” Section 10-4.406, “Walls And Fences,” Subsection G, “Security Fencing.”

4. Consider appointing a new Vice Mayor for calendar year 2018. (Funding Source: Not Applicable)
  - Resolution designating Councilmember Tony Madriral to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2017-498 (Kenoyer/Madriral; 7/0)** designating Councilmember Tony Madriral to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

5. Consider approving the 2018 City of Modesto Standing Committees and City Council Committees. (Funding Source: Not Applicable)
- Motion approving the 2018 City of Modesto Standing Committees and City Council Committees.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving the 2018 City of Modesto Standing Committees and City Council Committees.

6. Consider approving a Second Amendment to the Outside Counsel Legal Services Agreement with Norton Rose Fulbright US LLP, in the amount of \$240,000, for continued representation in relation to financing matters. (Funding Source: Redevelopment Successor Agency, Wastewater, Water, and Golf Fund)
- Resolution approving a Second Amendment to the Legal Services Agreement dated December 21st, 2016 with Norton Rose Fulbright US LLP in an amount not to exceed \$240,000, for a total agreement amount not to exceed \$335,000, to continue representing the City in finance matters, and authorizing the Interim City Manager, or his designee, to execute the agreement.
- City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Resolution 2017-499 (Kenoyer/Madrigal; 7/0)** approving a Second Amendment to the Legal Services Agreement dated December 21st, 2016 with Norton Rose Fulbright US LLP in an amount not to exceed \$240,000, for a total agreement amount not to exceed \$335,000, to continue representing the City in finance matters, and authorizing the Interim City Manager, or his designee, to execute the agreement.

7. Consider approving a Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin in the amount of \$130,000, and a Third Amendment to the Outside Counsel Legal Services Agreement with Liebert, Cassidy Whitmore in the amount of \$75,000, for continued representation. (Funding Source: General Liability Insurance Fund)
- Resolution approving a Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin in an amount not to exceed \$130,000 to continue representing the City of Modesto in tort cases, and authorizing the Interim City Manager or his designee, to execute the agreement.
  - Resolution approving a Third Amendment to the Legal Services Agreement dated August 8th, 2016 with Liebert Cassidy Whitmore in an amount not to exceed \$75,000 to continue representing the City of Modesto in labor and employment matters, and authorizing the Interim City Manager or his designee, to execute the agreement.
- City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Resolution 2017-500 (Kenoyer/Madrigal; 7/0)** approving a Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin in an amount not to exceed \$130,000 to continue representing the City of Modesto in tort cases, and authorizing

the Interim City Manager or his designee, to execute the agreement.

**ACTION: Resolution 2017-501 (Kenoyer/Madrigal; 7/0)** approving a Third Amendment to the Legal Services Agreement dated August 8th, 2016 with Liebert Cassidy Whitmore in an amount not to exceed \$75,000 to continue representing the City of Modesto in labor and employment matters, and authorizing the Interim City Manager or his designee, to execute the agreement.

8. Consider approving an agreement with Drake Haglan and Associates, Modesto, CA, in an amount not to exceed \$239,726, for professional engineering design services for the Carpenter Road Street Improvements project. (Funding Source: Measure L)
  - Resolution approving an Agreement with Drake Haglan and Associates, Modesto, CA., in an amount not to exceed \$239,726, for professional engineering design services for the Carpenter Road Street Improvements project, and authorizing the Interim City Manager, or his designee, to execute the Agreement.  
*Community & Economic Development; Chuck Covolo, 571-5537, ccovolo@modestogov.com*

**ACTION: Resolution 2017-502 (Kenoyer/Madrigal; 7/0)** approving an Agreement with Drake Haglan and Associates, Modesto, CA., in an amount not to exceed \$239,726, for professional engineering design services for the Carpenter Road Street Improvements project, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

9. Consider approving the Landmark Preservation (Mills Act) Contract Application and Submittal Requirements. (Funding Source: General Fund)
  - Resolution approving the submittal requirements for the processing of Landmark Preservation (Mills Act) Contract applications.  
*Community & Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com*

**ACTION: Resolution 2017-503 (Kenoyer/Madrigal; 7/0)** approving the submittal requirements for the processing of Landmark Preservation (Mills Act) Contract applications.

10. Consider approving an Amendment to the Agreement with BrightView Golf Maintenance, Calabasas, CA, (formerly known as ValleyCrest Golf Maintenance, Inc.), in partnership with KemperSports Management, for golf course management and maintenance services; to extend the Agreement term for one year to December 31, 2018; and to increase the annual compensation by \$127,738, in an amount not to exceed \$2,529,443 for the one year extension. (Funding Source: Golf Fund and General Fund Operating Subsidy)
  - Resolution approving an Amendment to the Agreement with BrightView Golf Maintenance, Calabasas, CA (formerly known as ValleyCrest Golf Maintenance, Inc.), in partnership with KemperSports Management, for golf course management and maintenance services; to extend the Agreement term for one year to December 31, 2018; to increase annual compensation by \$127,738, in an amount not to exceed \$2,529,443 for the one year extension; and authorizing the Interim City

Manager, or his designee, to execute the Amendment.  
*Community & Economic Development; Laurie Smith, 577-5347,  
lsmith@modestogov.com*

**ACTION: Resolution 2017-504 (Kenoyer/Madrigal; 7/0)** approving an Amendment to the Agreement with BrightView Golf Maintenance, Calabasas, CA (formerly known as ValleyCrest Golf Maintenance, Inc.), in partnership with KemperSports Management, for golf course management and maintenance services; to extend the Agreement term for one year to December 31, 2018; to increase annual compensation by \$127,738, in an amount not to exceed \$2,529,443 for the one year extension; and authorizing the Interim City Manager, or his designee, to execute the Amendment.

11. Consider approving a Measure L Master Funding Agreement with the Stanislaus Council of Governments (StanCOG). (Funding Source: General Fund/Measure L)
  - Resolution approving the Measure L Master Funding Agreement with the Stanislaus Council of Governments (StanCOG) and authorizing the Interim City Manager, or his designee, to execute the Agreement.  
*Community & Economic Development; Vickey Dion, 571-5542,  
vdion@modestogov.com*

**ACTION: Resolution 2017-505 (Kenoyer/Madrigal; 7/0)** approving the Measure L Master Funding Agreement with the Stanislaus Council of Governments (StanCOG) and authorizing the Interim City Manager, or his designee, to execute the Agreement.

12. Consider approving an eighteen month Use Agreement with The Regents of the University of California, with (3) one-year automatic extension options ending June 30, 2022 to locate a Venture Lab at the Modesto Centre Plaza resulting in annual payment to the City of \$23,377 and a total of \$105,197 over the term of the agreement. (Funding Source: General Fund)
  - Resolution approving an eighteen month Use Agreement with The Regents of the University of California, with (3) one-year automatic extension options ending June 30, 2022 to locate a Venture Lab at the Modesto Centre Plaza resulting in annual payment to the City of \$23,377 and a total of \$105,197 over the term of the agreement.  
*Community & Economic Development; Laurie Smith, 577-5347,  
lsmith@modestogov.com*

**ACTION: Resolution 2017-506 (Kenoyer/Madrigal; 7/0)** approving an eighteen month Use Agreement with The Regents of the University of California, with (3) one-year automatic extension options ending June 30, 2022 to locate a Venture Lab at the Modesto Centre Plaza resulting in annual payment to the City of \$23,377 and a total of \$105,197 over the term of the agreement.

*Councilmember Ridenour absent due to conflict of interest*

13. Consider approving the Final Map of Hillglen Roselle Subdivision located in Village

One at the south-east corner of the intersection of Hillglen Avenue and Roselle Avenue. (Funding Source: Developer Fees)

- Resolution approving the Final Map of Hillglen Roselle Subdivision, authorizing the Interim City Manager, or his designee, to execute a subdivision agreement with Modesto Roselle, 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.

*Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com*

**ACTION: Resolution 2017-507 (Kenoyer/Ah You; 6/0; Ridenour absent due to conflict of interest)** approving the Final Map of Hillglen Roselle Subdivision, authorizing the Interim City Manager, or his designee, to execute a subdivision agreement with Modesto Roselle, 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.

*Removed from Consent*

14. Consider approving a Memorandum of Understanding with the College Area Neighborhood Alliance and Modesto Neighborhoods, Inc. regarding the design and installation of various Graceada & Enslin Park Improvement Projects. (Funding Source: Community Donations and Parks Fund)
  - Resolution approving a Memorandum of Understanding between the College Area Neighborhood Alliance, Modesto Neighborhoods, Inc. and the City of Modesto regarding the design and installation of various Graceada & Enslin Park Improvement Projects and authorizing the Interim City Manager, or his designee, to execute the MOU.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2017-508 (Ah You/Zoslocki; 7/0)** approving a Memorandum of Understanding between the College Area Neighborhood Alliance, Modesto Neighborhoods, Inc. and the City of Modesto regarding the design and installation of various Graceada & Enslin Park Improvement Projects and authorizing the Interim City Manager, or his designee, to execute the MOU (**AS AMENDED: REMOVAL OF ONE-WAY STREET COMPONENTS AND PARKING**).

15. Consider approving a Settlement Agreement with Ronald Dias for the purchase and sale of real property located at 2847 River Road (APN 039-008-005) in the amount of \$339,000 with additional attorneys' fees and costs of \$75,000 and accepting the Grant Deed from Ronald Edwin Dias relating to the real property. (Funding Source: Aircraft Tax Fund)
  - Resolution approving a Settlement Agreement and Release with Ronald Dias for the purchase and sale of real property located at 2847 River Road (APN 039-008-005) in the amount of \$339,000 and payment of attorneys' fees and costs in the amount of \$75,000 and authorizing the Interim City Manager, or his designee, to execute the Agreement and all necessary documents required to close escrow.
  - Resolution accepting the Grant Deed from Ronald Dias and authorizing the Interim

City Manager, or his designee, to execute the Certificate of Acceptance for the Grant Deed for the property located at 2847 River Road (APN 039-008-005).

- Resolution authorizing the creation of the Capital Improvement Project #101062 and amending the Fiscal Year 2017-2018 Capital Improvement Budget in the amount of \$414,000 to purchase real property located at 2847 River Road (APN 039-008-005) in the amount of \$339,000 with additional attorneys' fees and costs of \$75,000 to be funded by the County Aircraft Tax (Fund 4330).

*Public Works; Jon Yuriar, 577-5399, jyuriar@modestogov.com*

**ACTION: Resolution 2017-509 (Kenoyer/Madrigal; 7/0)** approving a Settlement Agreement and Release with Ronald Dias for the purchase and sale of real property located at 2847 River Road (APN 039-008-005) in the amount of \$339,000 and payment of attorneys' fees and costs in the amount of \$75,000 and authorizing the Interim City Manager, or his designee, to execute the Agreement and all necessary documents required to close escrow.

**ACTION: Resolution 2017-510 (Kenoyer/Madrigal; 7/0)** accepting the Grant Deed from Ronald Dias and authorizing the Interim City Manager, or his designee, to execute the Certificate of Acceptance for the Grant Deed for the property located at 2847 River Road (APN 039-008-005).

**ACTION: Resolution 2017-511 (Kenoyer/Madrigal; 7/0)** authorizing the creation of the Capital Improvement Project #101062 and amending the Fiscal Year 2017-2018 Capital Improvement Budget in the amount of \$414,000 to purchase real property located at 2847 River Road (APN 039-008-005) in the amount of \$339,000 with additional attorneys' fees and costs of \$75,000 to be funded by the County Aircraft Tax (Fund 4330).

16. Consider approving plans and specifications for the Tertiary Bypass Line Improvements Project and awarding a construction contract to Myers-Rados, a Joint Venture, Santa Ana, CA, in the amount of \$205,000; and amending the Fiscal Year 2017-2018 Capital Improvement Program Budget in the amount of \$117,348. (Funding Source: Wastewater Fund)

- Resolution approving plans and specifications for the Tertiary Bypass Line Improvements Project, accepting the bid, and approving a construction contract with Myers-Rados, a Joint Venture of Santa Ana, CA, in the amount of \$205,000 and authorizing the Interim City Manager, or his designee, to execute the contract.
- Resolution amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of \$117,348 to be transferred into the project from Wastewater Fund Reserves to fully fund the construction, contingency, construction administration, and design support during construction for the Tertiary Bypass Line Improvements Project.

*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2017-512 (Kenoyer/Madrigal; 7/0)** approving plans and specifications for the Tertiary Bypass Line Improvements Project, accepting the bid, and approving a construction contract with Myers-Rados, a Joint Venture of Santa Ana, CA, in the amount of

\$205,000 and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-513 (Kenoyer/Madrigal; 7/0)** amending the Fiscal Year 2017-18 Capital Improvement Program Budget in the amount of \$117,348 to be transferred into the project from Wastewater Fund Reserves to fully fund the construction, contingency, construction administration, and design support during construction for the Tertiary Bypass Line Improvements Project.

17. Consider approving the plans and specifications for the Tank 6 Recoat & Repairs project, accepting the bid, and awarding a contract with West Coast Industrial Coatings, Inc. of Hemet, CA, in the amount of \$823,933, and authorizing an increase in the Director's authority to issue change orders. (Funding Source: Water Fund- CIP)
- Resolution approving the plans and specifications for the Tank 6 Recoat & Repairs Project, accepting the bid, and approving a contract with West Coast Industrial Coatings, Inc., of Hemet, CA in the amount of \$823,933, and authorizing the Interim City Manager, or his designee, to execute the contract.
  - Resolution authorizing an increase in the Director's authority to issue change orders for the Tank 6 Recoat & Repairs Project from 10 percent (\$82,393) to 20 percent (\$164,787) of the construction contract amount.

*Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

**ACTION: Resolution 2017-514 (Kenoyer/Madrigal; 7/0)** approving the plans and specifications for the Tank 6 Recoat & Repairs Project, accepting the bid, and approving a contract with West Coast Industrial Coatings, Inc., of Hemet, CA in the amount of \$823,933, and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-515 (Kenoyer/Madrigal; 7/0)** authorizing an increase in the Director's authority to issue change orders for the Tank 6 Recoat & Repairs Project from 10 percent (\$82,393) to 20 percent (\$164,787) of the construction contract amount.

18. Consider approving the plans and specifications for the New Del Rio Well 68 Project, accepting the bid, and awarding a contract to Roadrunner Drilling & Pump Company, Inc. of Woodland, CA in the amount of \$430,980; approving an Agreement with Kennedy/Jenks Consultants, Inc., of Sacramento, CA, for Design Support During Construction in an amount not to exceed \$120,410 for the identified scope of services, plus \$12,041 for additional services (if needed), for a maximum total amount of \$132,451; and authorizing an increase in the Director's Authority to issue change orders. (Funding Source: Water Fund- CIP)
- Resolution approving the plans and specifications for the New Del Rio Well 68 Project, accepting the bid, and approving a contract with Roadrunner Drilling and Pump Company, Inc., of Woodland, CA in the amount of \$430,980, and authorizing the Interim City Manager, or his designee, to execute the contract.
  - Resolution approving an Agreement with Kennedy/Jenks Consultants, Inc., for hydrogeological and engineering services for the new Del Rio Well 68 project in an amount not to exceed \$120,410 for the identified scope of services, plus \$12,041

for additional services (if needed), up to a total amount of \$132,451, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

- Resolution authorizing an increase in the Director's authority to issue change orders for the New Del Rio Well 68 Project from 10 percent (\$43,098) to 40 percent (\$172,392) of the construction contract amount.

*Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Resolution 2017-516 (Kenoyer/Madriral; 7/0)** approving the plans and specifications for the New Del Rio Well 68 Project, accepting the bid, and approving a contract with Roadrunner Drilling and Pump Company, Inc., of Woodland, CA in the amount of \$430,980, and authorizing the Interim City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2017-517 (Kenoyer/Madriral; 7/0)** approving an Agreement with Kennedy/Jenks Consultants, Inc., for hydrogeological and engineering services for the new Del Rio Well 68 project in an amount not to exceed \$120,410 for the identified scope of services, plus \$12,041 for additional services (if needed), up to a total amount of \$132,451, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2017-518 (Kenoyer/Madriral; 7/0)** authorizing an increase in the Director's authority to issue change orders for the New Del Rio Well 68 Project from 10 percent (\$43,098) to 40 percent (\$172,392) of the construction contract amount.

19. Consider authorizing an increase in the Director's authority related to the Expand ATMS and CCTV along Briggsmore Avenue from Oakdale Road to Claus Road Project, from 10% to 16% percent. (Funding Source: Surface Transportation Fund 1700)

- Resolution authorizing an increase in the Director's authority related to the Expand ATMS and CCTV along Briggsmore Avenue project, from 10% to 16% of the original construction contract price of \$280,350 with Carl Joseph Bartaldo Construction, of Palo Cedro, CA, and increase in construction administration costs from \$28,597 to \$37,150.

*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2017-519 (Kenoyer/Madriral; 7/0)** authorizing an increase in the Director's authority related to the Expand ATMS and CCTV along Briggsmore Avenue project, from 10% to 16% of the original construction contract price of \$280,350 with Carl Joseph Bartaldo Construction, of Palo Cedro, CA, and increase in construction administration costs from \$28,597 to \$37,150.

20. Consider approving the procurement of concrete boxes, covers, valves, hydrants and fittings to Ferguson Waterworks, Modesto, CA, for a two-year Purchasing Agreement with three one-year extension options, for an annual cost not to exceed \$900,000 and an amount not to exceed \$4,500,000 over five years. (Funding Source: Water and Wastewater Funds)

- Resolution approving the procurement of concrete boxes, covers, valves, hydrants

and fittings to Ferguson Waterworks, Modesto, CA, for a two-year Purchasing Agreement with three one-year extension options, for an annual cost not to exceed \$900,000 and an amount not to exceed \$4,500,000 over five years, and authorizing the Interim City Manager, or his designee, to execute a Purchasing Agreement.

*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Resolution 2017-520 (Kenoyer/Madrigal; 7/0)** approving the procurement of concrete boxes, covers, valves, hydrants and fittings to Ferguson Waterworks, Modesto, CA, for a two-year Purchasing Agreement with three one-year extension options, for an annual cost not to exceed \$900,000 and an amount not to exceed \$4,500,000 over five years, and authorizing the Interim City Manager, or his designee, to execute a Purchasing Agreement.

21. Consider accepting the Downstream Water System Improvement Tier 2 Pressure Regulating Valves Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling \$2,303,583 to Hobbs Construction, Inc. of Fresno, CA. (Funding Source: Water Fund - CIP)

- Resolution accepting the Downstream Water System Improvements Pressure Regulating Valves Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, receive credits, and release payments totaling \$2,303,583 to Hobbs Construction, Inc. of Fresno, CA.

*Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

**ACTION: Resolution 2017-521 (Kenoyer/Madrigal; 7/0)** accepting the Downstream Water System Improvements Pressure Regulating Valves Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, receive credits, and release payments totaling \$2,303,583 to Hobbs Construction, Inc. of Fresno, CA.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding emails thanking City staff for cleaning up Moose and Kewin Parks; she also participated in the Spirit of Giving Run on Saturday.

Councilmember Grewal thanked UC Merced for their partnering with the City of Modesto for the venture lab at the Modesto Centre Plaza.

Councilmember Madrigal thanked City staff for cleaning up a property at Madison and California Streets in Modesto; he acknowledged audience members; he also announced a meeting to bring free wi-fi in Downtown Modesto; and he also thanked UC Merced for the venture lab at the Modesto Centre Plaza.

Councilmember Ah You appreciates Public Comment and citizens who attend Council meetings.

## CITY MANAGER COMMENTS & REPORTS

None.

## WRITTEN COMMUNICATIONS

22. Accept a written communication from Ronald Dafford regarding a sign removal.  
(Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** No reportable action.

## UNFINISHED BUSINESS

23. Consider approving the annual water rate review and adopting 9% water rate increases to be effective April 1, 2018 for Fiscal Year 2017-18. (Funding Source: Water Fund)
- Resolution approving the annual water rate review and adopting 9% water rate increases to be effective April 1, 2018 for Fiscal Year 2017-18.  
*Utilities; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2017-522 (Kenoyer/Ridenour; 6/1; Zoslocki no)** approving the annual water rate review and adopting 9% water rate increases to be effective April 1, 2018 for Fiscal Year 2017-18.

## HEARINGS

*Published in the Modesto Bee on November 21, 2017; Councilmember Grewal absent due to conflict of interest*

24. Hearing to consider rezoning 0.89 acres located at 1328 Coffee Road from Low Density Residential Zone, R-1, to Planned Development Zone P-D(604) to allow for a 11,500 square foot dialysis clinic. (Funding Source: Developer Funded)
- Motion introducing and waiving the first reading of an Ordinance amending Section 22-3-9 of the Zoning Map to rezone from Low Density Residential (R-1) Zone to Planned Development Zone P-D(604), property located at 1328 Coffee Road.
  - Resolution approving a Development Plan for Planned Development Zone P-D(604).
  - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 22-3-9 of the Zoning Map to rezone from Low Density Residential (R-1) Zone to Planned Development Zone P-D(604) to allow for an 11,500 square foot office building and on-site parking, property located at 1328 Coffee Road.  
*Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Motion (Zoslocki/Ridenour; 6/0; Grewal absent due to conflict of interest)** introducing and waiving the first reading of **Ordinance No. 3682-C.S.** amending Section 22-3-9 of the Zoning Map to rezone from Low Density Residential (R-1) Zone to Planned

Development Zone P-D(604), property located at 1328 Coffee Road.

**ACTION: Resolution 2017-523 (Zoslocki/Ridenour; 6/0; Grewal absent due to conflict of interest)** approving a Development Plan for Planned Development Zone P-D(604).

**ACTION: Resolution 2017-524 ((Zoslocki/Ridenour; 6/0; Grewal 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 (State Clearinghouse No. 2007072023): Amendment to Section 22-3-9 of the Zoning Map to rezone from Low Density Residential (R-1) Zone to Planned Development Zone P-D(604) to allow for an 11,500 square foot office building and on-site parking, property located at 1328 Coffee Road.

25. Consider introduction and first reading of Ordinances relating to personal cannabis cultivation and commercial cannabis uses in the City; consider approving Resolutions establishing application and permit fees for cannabis businesses and establishing the maximum number of retail cannabis businesses in the City. (Funding Source: General Fund)

- Introduce and waive first reading of Ordinance amending Section 10-3.101, “Land Use Table”; amending Section 10-3.210 (a), “Medical Marijuana Uses”; and adding Title 6, “Personal Cannabis Cultivation” to the Modesto Municipal Code to regulate indoor personal cultivation of cannabis.
- Introduce and waive first reading of Ordinance amending Article 2 of Chapter 3 of Title 10 of the Modesto Municipal Code and adding Article 7 to Chapter 3 of Title 10 to establish standards and regulations for commercial cannabis uses.
- Resolution establishing a maximum number of permitted retail cannabis dispensaries in the City of Modesto, including the Downtown zones.
- Resolution approving adopting application and permit fees for commercial cannabis permits related to cannabis businesses.

*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

**ACTION: Motion (Zoslocki/Grewal; 6/1; Ridenour no)** introducing and waiving the first reading of: **Ordinance Nos. 3683-C.S** amending Section 10-3.101, “Land Use Table”; amending Section 10-3.210 (a), “Medical Marijuana Uses”; and adding Title 6, “Personal Cannabis Cultivation” to the Modesto Municipal Code to regulate indoor personal cultivation of cannabis; **and 3684-C.S.** amending Article 2 of Chapter 3 of Title 10 of the Modesto Municipal Code and adding Article 7 to Chapter 3 of Title 10 to establish standards and regulations for commercial cannabis uses (**with amendments read into the record by the City Attorney and excluding commercial cannabis in Downtown**).

**ACTION: Resolution 2017-525 (Zoslocki/Kenoyer; 7/0)** establishing a maximum number of permitted retail cannabis dispensaries in the City of Modesto, (**maximum number of 10 dispensaries**).

**ACTION: Resolution 2017-526 (Zoslocki/Kenoyer; 7/0)** approving adopting application and permit fees for commercial cannabis permits related to cannabis businesses.

**ACTION: Motion (Zoslocki/Grewal; 7/0) directing City Manager, Staff and Ad Hoc Committee to continue working with Stanislaus County on a Joint Tax Sharing Agreement and regulation of, with annual review of the Ordinance.**

### NEW BUSINESS

26. Consider directing staff to place a Measure on the November 2018 ballot that would amend the City's Charter to ensure that, by a date not later than November 8, 2022, all regular municipal elections of officers will take place in even-numbered years as required by SB 415. (Funding Source: General Fund)
- Resolution directing staff to prepare a ballot measure for voter approval that would propose Charter Amendments sufficient to (i) change the date of the City's regular municipal election to the statewide general election prior to November 8, 2022, and (ii) provide a one-time extension of existing four-year council terms to five years.  
*City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com*

**ACTION: Resolution 2017-527 (Grewal/Ah You; 6/1; Zoslocki no) directing staff to prepare a ballot measure for voter approval that would propose Charter Amendments sufficient to (i) change the date of the City's regular municipal election to the statewide general election prior to November 8, 2022, and (ii) provide a one-time extension of existing four-year council terms to five years.**

**ACTION: Motion (Grewal/Ah You; 6/1; Zoslocki no) directing staff to engage the public in one, if not two, workshops open to the public to inform and educate of the process.**

27. Consider approving an Agreement for forms printing and mailing services for City billings with InfoSend, Inc., Anaheim, CA. for an annual cost not to exceed \$118,456, for two years, with three one-year extension options for a maximum total of \$621,475 for five years; the optional printing of envelopes and miscellaneous services for an annual cost not to exceed \$52,050; and an estimated annual cost for postage of \$432,070 for a maximum total of \$2,203,992 for five years; for a grand total of all components over five years of \$3,085,717. (Funding Source: General Fund, Water, Wastewater, Storm Drain Funds)
- Resolution approving an Agreement for forms printing and mailing services for City billings with InfoSend, Inc., Anaheim, CA. for an annual cost not to exceed \$118,456, for two years, with three one-year extension options for a maximum total of \$621,475 for five years; the optional printing of envelopes and miscellaneous services for an annual cost not to exceed \$52,050; and an estimated annual cost for postage of \$432,070 for a maximum total of \$2,203,992 for five years; for a grand total of all components over five years of \$3,085,717 and authorizing the Interim City Manager, or his designee, to execute the Agreement.  
*Finance; Jennifer Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Resolution 2017-528 (Kenoyer/Zoslocki; 7/0) approving an Agreement for forms printing and mailing services for City billings with InfoSend, Inc., Anaheim, CA. for an annual**

cost not to exceed \$118,456, for two years, with three one-year extension options for a maximum total of \$621,475 for five years; the optional printing of envelopes and miscellaneous services for an annual cost not to exceed \$52,050; and an estimated annual cost for postage of \$432,070 for a maximum total of \$2,203,992 for five years; for a grand total of all components over five years of \$3,085,717 and authorizing the Interim City Manager, or his designee, to execute the Agreement.

28. Consider approving an Amendment increasing the contract amount with Aramark Uniform Services, Modesto, CA, for the furnishing of uniform and laundry services by \$590,000, from \$500,000 to \$1,090,000, and extending the term of the Agreement from August 7, 2017, to June 30, 2018. (Funding Source: General Fund, Water Fund, Wastewater Fund, Storm Drain Fund, Airport Fund, Building Services Fund, Fleet Fund, Green Waste Fund, Parking Fund, Solid Waste, and Surface Transportation Fund)
- Resolution approving an amendment increasing the contract amount with Aramark Uniform Services, Modesto, CA, for the furnishing of uniform and laundry services by \$590,000 from \$500,000 to \$1,090,000, and extending the term of the agreement from August 7, 2017, to June 30, 2018; and authorizing the Interim City Manager, or his designee, to execute an amendment to the Agreement.
- Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2017-529 (Kenoyer/Ridenour; 6/1; Ah You no)** approving an amendment increasing the contract amount with Aramark Uniform Services, Modesto, CA, for the furnishing of uniform and laundry services by **\$350,000 to reflect overspending, plus an additional \$100,000 (to cover expenses through January, 2018)**; and authorizing the Interim City Manager, or his designee, to execute an amendment to the Agreement. **(This item to return to January 16, 2018 Council meeting, including examining alternatives for a new vendor).**

29. Consider approving an annual retail advertising contract with the Modesto Bee in the amount of \$100,000 (McClatchy Newspaper Group). (Funding Source: General Fund, Solid Waste Fund, Water Fund, Wastewater Fund, Community Facility District Funds, Landscaping Districts, Bus Fund and Housing Urban Development Funds)
- Resolution approving an annual retail advertising contract with the Modesto Bee in the amount of \$100,000 (McClatchy Newspaper Group); and authorizing the Interim City Manager, or his designee, to execute the contract.
- Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2017-530 (Grewal/Zoslocki; 6/0; Madrigal absent)** approving an annual retail advertising contract with the Modesto Bee in the amount of \$100,000 (McClatchy Newspaper Group); and authorizing the Interim City Manager, or his designee, to execute the contract.

30. Consider approving an amendment to the contract with Jocelyn E. Roland, Ph.D., ABPP, to provide counseling/therapy for the Modesto Police Department, for an annual cost not to exceed \$58,000, and pre-employment psychological screenings for all

regular and reserve Peace Officer applicants, as well as Animal Control Officer applicants, at a rate of \$450 per screening, for an annual cost not to exceed \$24,750 from July, 2016 to present, for a total contract amount not to exceed \$662,000, for a term of eight years. (Funding Source: General Fund)

- Resolution approving an amendment to the contract with Jocelyn E. Roland, Ph.D., ABPP, to provide counseling/therapy for the Modesto Police Department, for an annual cost not to exceed \$58,000, and pre-employment psychological screenings for all regular and reserve Peace Officer applicants, as well as Animal Control Officer applicants, at a rate of \$450 per screening, for an annual cost not to exceed \$24,750 from July, 2016 to present, for a total eight year contract amount not to exceed \$662,000, and authorizing the Interim City Manager, or his designee, to execute the contract.

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

**ACTION: Resolution 2017-531 (Ridenour/Zoslocki; 7/0)** approving an amendment to the contract with Jocelyn E. Roland, Ph.D., ABPP, to provide counseling/therapy for the Modesto Police Department, for an annual cost not to exceed \$58,000, and pre-employment psychological screenings for all regular and reserve Peace Officer applicants, as well as Animal Control Officer applicants, at a rate of \$450 per screening, for an annual cost not to exceed \$24,750 from July, 2016 to present, for a total eight year contract amount not to exceed \$662,000, and authorizing the Interim City Manager, or his designee, to execute the contract.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 12:55 a.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): Billy Hamilton v. City of Modesto  
California Workers Compensation Appeals Board  
Nos. ADJ9489105

**PUBLIC EMPLOYEE APPOINTMENT**

**(Pursuant to Section 54957(b)(1) Government Code)**

Title: City Manager

**PUBLIC EMPLOYEE APPOINTMENT**

**(Pursuant to Section 54957(b)(1) Government Code)**

Title: City Auditor

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

**(Pursuant to Section 54956.8 of the Government Code)**

Property: Property between 9th and 10th Street, and E Street and F Street,  
located in Modesto, CA; APN: 106-044-005

Property Owners: Victor Martinez/Victor & Iris Martinez TRS

Negotiating Parties:

For City: Cynthia Birdsill, Director of Community & Economic Development for  
City of Modesto

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Larry Killian, Real Estate Broker

Under Negotiation: Possible purchase

Attest: \_\_\_\_\_  
Stephanie Lopez, City Clerk

**MINUTES**

**City of Modesto  
SPECIAL FINANCE COMMITTEE / COUNCIL WORKSHOP  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California**

**Wednesday, December 13, 2017, at 2:00 p.m.**

Roll Call: Present: Councilmembers Grewal and Zoslocki, Mayor Brandvold (alternate)  
Absent: Councilmember Ah You

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS**

None.

**NEW BUSINESS**

- 1. Consider accepting staff update on research and development of scope of purchasing document review. (Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Zoslocki/Mayor Brandvold; 3/0)** accepting staff update on research and development of scope of purchasing document review.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 3:07 p.m.

Attest: \_\_\_\_\_

Joseph Lopez, Interim City Manager

# MINUTES

City of Modesto  
**FINANCE COMMITTEE / COUNCIL WORKSHOP**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

Thursday, December 14, 2017, at 2:00 p.m.

Roll Call: Present: Councilmembers Grewal, Ah You, and Zoslocki  
Absent: None

## PUBLIC COMMENTS

None.

## CONSENT ITEMS

None.

## NEW BUSINESS

1. Consider accepting an informational update on the income levels for the Water Rate Assistance Program and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; Jennifer Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting an informational update on the income levels for the Water Rate Assistance Program and forwarding to Council for approval.

2. Consider accepting an informational report on the September and October 2017 grant application and awards and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting an informational report on the September and October 2017 grant application and awards and forwarding to Council for approval.

3. Consider accepting the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forward to Council for approval. (Funding Source: Capital Grants Streets CIP Fund and Various other City Funds)  
*Finance; Stephan Christensen, 577-5390, schristensen@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting the recommended budget adjustments to Fiscal Year 2017-18 Annual Operating and Capital Improvement Project Budget and forward to Council for approval.

4. Consider accepting an informational report on the City Manager's Five Year Forecast of Expenditures. (Funding Source: General Fund, Airport Fund, Information Technology Fund, Waster Fund, Wastewater Fund, Surface Transportation Fund, and Airport Fund)  
*Finance; Stephan Christensen, 577-5390, schristensen@modestogov.com*

**ACTION: Motion (Ah You/Zoslocki; 3/0)** accepting an informational report on the City Manager's Five Year Forecast of Expenditures.

5. Consider accepting the Fiscal Year 2017-18 Maintenance of Effort related to Measure L and the Road Repair Accountability Act and forwarding on to Council for approval. (Funding Source: General Fund)  
*Finance; Kacey Culbertson, 577-5479, kculbertson@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting the Fiscal Year 2017-18 Maintenance of Effort related to Measure L and the Road Repair Accountability Act and forwarding on to Council for approval.

*Councilmember Zoslocki absent due to conflict of interest*

6. Consider accepting the 2018 – 2023 Airport Capital Improvement Plan as submitted by the Airport and approved by the Federal Aviation Administration and forwarding to Council for approval. (Funding Source: FAA Grant Funding 90%, Local Match 10%)  
*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Motion (Ah You/Grewal; 2/0; Zoslocki absent due to conflict of interest)** accepting the 2018 – 2023 Airport Capital Improvement Plan as submitted by the Airport and approved by the Federal Aviation Administration and forwarding to Council for approval.

7. Consider an increase of \$50,000 per year to the purchasing agreement with Root Tamers, Inc., Brookings, OR, for the furnishing of sewer root control services for an agreement total not to exceed \$82,523 annually or \$362,615 over the term of the agreement and forwarding to Council for approval. (Funding Source: Wastewater Fund)  
*Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting an increase of \$50,000 per year to the purchasing agreement with Root Tamers, Inc., Brookings, OR, for the furnishing of sewer root control services for an agreement total not to exceed \$82,523 annually or \$362,615 over the term of the agreement and forwarding to Council for approval.

8. Consider the sole source procurement of three 25-cubic yard Flow Trend vac truck de-watering bins from Ryan Process, Inc., Benicia, California, in an amount not to exceed \$110,000 and forwarding to Council for approval. (Funding Source: Wastewater Fund)  
*Utilities; Robert Englent, 577-6222, englent@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting the sole source procurement of three 25-cubic yard Flow Trend vac truck de-watering bins from Ryan Process, Inc., Benicia, California, in an amount not to exceed \$110,000 and forwarding to Council for approval.

9. Consider accepting an increase of \$700,000 to the annual purchasing agreement with West Coast Sand & Gravel, Inc., Modesto, CA, for rock, sand and gravel, for an agreement total amount not to exceed \$2,637,070 and forwarding to Council for approval. (Funding Source: Water Services Fund and Wastewater Fund)  
*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Zoslocki/Ah You; 3/0)** accepting an increase of \$700,000 to the annual purchasing agreement with West Coast Sand & Gravel, Inc., Modesto, CA, for rock, sand and gravel, for an agreement total amount not to exceed \$2,637,070 and forwarding to Council for approval.

*Councilmember Zoslocki absent*

10. Consider accepting an Amendment to the Purchasing Agreement with National Meter and Automation, Inc., Santa Rosa, CA, for additional water meters and parts for an annual cost not to exceed \$842,748 for the remaining four years of the Agreement, and a new total amount not to exceed \$4,100,327 over five years and forwarding to Council for approval. (Funding Source: Water Fund)  
*Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

**ACTION: Motion (Ah You/Grewal; 2/0; Zoslocki absent)** accepting an Amendment to the Purchasing Agreement with National Meter and Automation, Inc., Santa Rosa, CA, for additional water meters and parts for an annual cost not to exceed \$842,748 for the remaining four years of the Agreement, and a new total amount not to exceed \$4,100,327 over five years and forwarding to Council for approval.

*Councilmember Zoslocki absent*

11. Consider a purchase agreement with Harold W. Thompson, Inc., Stockton, CA, in an amount not to exceed \$48,000 for the Customer Services Carpet Replacement Project and forwarding to Council for approval. (Funding Source: Wastewater and Water Fund)  
*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Ah You/Grewal; 2/0; Zoslocki absent)** accepting a purchase agreement with Harold W. Thompson, Inc., Stockton, CA, in an amount not to exceed \$48,000 for the Customer Services Carpet Replacement Project and forwarding to Council for approval.

*Councilmember Zoslocki absent*

12. Consider a Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement Program projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the

Utilities Department Director; and On-call Agreements in the amount not to exceed \$75,000 each with NV5 Inc., Consolidated CM Inc., and Vali Cooper and Associates Inc. for Construction Management and Inspection Services for various Capital Improvement Program projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Utilities Department Director and forwarding to Council for approval. (Funding Source: Various CIP's)  
*Utilities; Glenn Prasad, 571-5149, gprasad@modestogov.com*

**ACTION: Motion (Ah You/Grewal; 2/0; Zoslocki absent)** accepting a Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement Program projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Utilities Department Director; and On-call Agreements in the amount not to exceed \$75,000 each with NV5 Inc., Consolidated CM Inc., and Vali Cooper and Associates Inc. for Construction Management and Inspection Services for various Capital Improvement Program projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Utilities Department Director and forwarding to Council for approval.

*Councilmember Zoslocki absent*

13. Consider a purchasing agreement and two Special Waste Services agreements with Republic Services, Inc., and Forward Landfill, of Manteca, CA, for sole source non-hazardous waste disposal for an estimated annual cost not to exceed \$60,000, and not to exceed \$180,000 over three years, and forwarding to Council for approval. (Funding Source: Wastewater Fund)

*Utilities; Laura Anhalt , 342-4502, lanhalt@modestogov.com*

**ACTION: Motion (Ah You/Grewal; 2/0; Zoslocki absent)** accepting a purchasing agreement and two Special Waste Services agreements with Republic Services, Inc., and Forward Landfill, of Manteca, CA, for sole source non-hazardous waste disposal for an estimated annual cost not to exceed \$60,000, and not to exceed \$180,000 over three years, and forwarding to Council for approval.

*Councilmember Zoslocki absent*

14. Consider an amendment to Section 8-3.102 of the Modesto Municipal Code to authorize the use of design-build procurement (a change in the traditional sequence of project work) for the Corporation Yard Project and forward to Council for approval. (Funding Source: Various Funds)

*Utilities; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**ACTION: Motion (Ah You/Grewal; 2/0; Zoslocki absent)** accepting an amendment to Section 8-3.102 of the Modesto Municipal Code to authorize the use of design-build procurement (a change in the traditional sequence of project work) for the Corporation Yard Project and forward to Council for approval.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 3:07 p.m.

Attest: \_\_\_\_\_

Joseph Lopez, Interim City Manager