

# 2020 LEGISLATIVE HISTORY



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## MINUTES

City of Modesto

### **CHARTER REVIEW COMMITTEE/ SPECIAL COUNCIL WORKSHOP**

Conference Room 2005, Second Floor  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Tuesday, January 7, 2020, at 5:30 PM**

Roll Call – Present: Committee Members Chair Cecil Russell, Vice Chair Sam Pierstorff, Aaron Anguiano, Wendy Byrd, Janice Keating, and Chris Tyler

Absent: Mike Moradian

Roll Call – Also Present: Regional Ad Hoc Members George Petrulakis and John Walker

### **PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED – No Consent Items**

### **NEW BUSINESS**

1. Welcome and Introductions

Committee Chair Russell and Committee Members introduced themselves.

2. Mayor Brandvold's Welcome and Charge to Committee

Mayor Brandvold welcomed the Committee members and thanked them for their willingness to serve.

3. Discuss Rules of Procedure

Assistant City Attorney Sanchez gave the Committee members an overview of the Brown Act. He will provide an informational pamphlet to the members.

4. Discuss Approaches to Public Input

Committee members discussed the need for social media and the Modesto Bee for getting the word out to the public for input.

5. Discuss Committee Calendar and Program of Work

Upcoming meetings will be held on: Wednesday, January 22, 2020 at 4:00 p.m. in Conference Room 2001 and Wednesday, February 5, 2020 at 5:30 p.m. in Conference Room 2001. Additional meeting dates will be discussed at a future meeting.

6. Discuss Resource Binder

City Clerk Lopez provided a resource binder for each of the Committee members; additional information will be provided as needed.

7. Review Existing Issues List

Existing Issues List will be brought to the Committee for review at the February 5, 2020 meeting. (This item is going to Council on January 14, 2020.)

8. Invite Committee Questions and Clarifications Regarding Charter

Committee members had various questions regarding the Charter and timing for placement on the November 3, 2020 ballot.

9. Discuss Additional Information/Resources Desired by Committee Members

The Committee expressed an interest in reviewing the 2006-2007 Charter Review Final Report; the Committee also discussed the four (4) additional members to be part of the Committee as voting members and if they should be nominated or go through the application process.

**ACTION: Motion (Keating/Tyler; 5/1; Russell no; Moradian absent)** directing staff to post applications on the City website and social media for 4 additional positions on the Committee and return to the January 22, 2020 meeting for appointments.

**COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

**ACTION: Motion (Byrd/Keating; 6/0; Moradian absent) adjourning meeting at 7:30 p.m.**

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

**MINUTES**  
**City of Modesto**  
**ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL**  
**WORKSHOP**

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

**Wednesday, January 8, 2020, at 2:00 p.m.**

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

**PUBLIC COMMENTS**

None.

Consent

1. Consider authorizing submittal of a Highway Safety Improvement Program (HSIP) grant application to seek funds for development of a Local Roads and Safety Plan (LRSP) and forwarding to Council for approval. (Funding Source: 1700 Surface Transportation Fund)  
*Community & Economic Development; Tamorah Bryant, 577-5328, tbryant@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** authorizing submittal of a Highway Safety Improvement Program (HSIP) grant application to seek funds for development of a Local Roads and Safety Plan (LRSP) and forwarding to Council for approval.

Consent

2. Consider approving the award of bid for the purchase of Irrigation Parts and Fittings to Normac, Inc. of Modesto, CA, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$69,000 in the first year and total amount not to exceed \$370,000 over five years to allow for potential CPI increases for years 3-5 and forwarding to Council for approval. (Funding Source: Various Funds)  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** approving the award of bid for the purchase of Irrigation Parts and Fittings to Normac, Inc. of Modesto, CA, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$69,000 in the first year and total amount not to exceed \$370,000 over five years to allow for potential CPI increases for years 3-5 and forwarding to Council for approval.

Consent

3. Consider approving a new office lease for the Hertz Rent a Car Corporation at the Modesto City-County Airport in the amount of \$6,228 per year for five years, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** approving a new office lease for the Hertz Rent a Car Corporation at the Modesto City-County Airport in the amount of \$6,228 per year for five years, and forwarding to Council for approval.

Consent

4. Consider approving the submission of a grant application for the Volkswagen Mitigation Trust program in the amount of \$180,000 to purchase one battery electric transit bus, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** approving the submission of a grant application for the Volkswagen Mitigation Trust program in the amount of \$180,000 to purchase one battery electric transit bus, and forwarding to Council for approval.

Consent

5. Consider accepting the grant award from the Federal Transit Administration for Congestion Mitigation & Air Quality Program funds in the amount of \$1,200,000 to purchase two 40-foot clean diesel buses for Modesto Area Express, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** accepting the grant award from the Federal Transit Administration for Congestion Mitigation & Air Quality Program funds in the amount of \$1,200,000 to purchase two 40-foot clean diesel buses for Modesto Area Express, and forwarding to Council for approval.

Consent

6. Consider approving the award of Request for Proposal and purchase of three commuter motor coaches to Motor Coach Industries, Inc., Des Plaines, IL., for a total amount not to exceed \$1,897,506, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** approving the award of Request for Proposal and purchase of three commuter motor coaches to Motor Coach Industries, Inc., Des Plaines, IL., for a total amount not to exceed \$1,897,506, and forwarding to Council for approval.

Consent

7. Consider adopting the 2019 Stanislaus Multi-Agency Regional Storm Water Resource Plan and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Utilities; Miguel Alvarez, 577-5348, malvarez@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** adopting the 2019 Stanislaus Multi-Agency Regional Storm Water Resource Plan and forwarding to Council for approval.

Consent

8. Consider approving the Second Amendment to the Purchasing Agreement for the procurement of UV lamps and the sole source Agreement with DC Frost Associates, Walnut Creek, CA, to increase the annual costs from \$213,841 to \$250,000 for the balance of the two years remaining on the Agreement; for a new total Agreement amount not to exceed \$1,141,523. (Funding Source: Wastewater Fund)  
*Utilities; Ben Koehler, 342-4502, bkoehler@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** approving the Second Amendment to the Purchasing Agreement for the procurement of UV lamps and the sole source Agreement with DC Frost Associates, Walnut Creek, CA, to increase the annual costs from \$213,841 to \$250,000 for the balance of the two years remaining on the Agreement; for a new total Agreement amount not to exceed \$1,141,523.

Consent

9. Consider approving First Amendments for On-Call Special Inspection and Material Testing Services with Krazaan & Associates, Inc., and Construction Testing Services, Inc., in the amount of \$60,000 with each firm (\$120,000 total) increasing the not to exceed total amount for Special Inspection and Material Testing Services to \$134,500 per firm (\$269,000 total) and forwarding to Council for approval. (Funding Source: Various CIP's)  
*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** approving First Amendments for On-Call Special Inspection and Material Testing Services with Krazaan & Associates, Inc., and Construction Testing Services, Inc., in the amount of \$60,000 with each firm (\$120,000 total) increasing the not to exceed total amount for Special Inspection and Material Testing Services to \$134,500 per firm (\$269,000 total) and forwarding to Council for approval.

## NEW BUSINESS

10. Consider approving the award of a Request for Proposals (RFP) and Agreement for consultant support with energy and water usage analysis to Sage Energy, with a cost not to exceed \$119,323, and forwarding to Council for approval. (Funding Source: Various Funds)  
*City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** approving the award of a Request for Proposals (RFP) and Agreement for consultant support with energy and water usage analysis to Sage Energy, with a cost not to exceed \$119,323, and forwarding to Council for approval.

11. Consider accepting a report on an upcoming Capital Improvement construction project

and forwarding to Council for approval. (Funding Source: Congestion Mitigation & Air Quality (CMAQ); Road Surface Treatment Program (RSTP))  
*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Motion (Ah You/Kenoyer; 3/0)** accepting a report on an upcoming Capital Improvement construction project and forwarding to Council for approval.

12. Consider accepting the Modesto Traffic Signal System Master Plan, authorizing City staff to apply for grant funding identified in the report, and forwarding to Council for approval. (Funding Source: Measure L Funds)  
*Public Works; Scott Collins, 577-5431, scollins@modestogov.com*

**ACTION: Motion (Ah You/Kenoyer; 3/0)** accepting the Modesto Traffic Signal System Master Plan, authorizing City staff to apply for grant funding identified in the report, and forwarding to Council for approval.

13. Consider approving the updated Transit Asset Management Plan as required by the Federal Transit Administration, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** approving the updated Transit Asset Management Plan as required by the Federal Transit Administration, and forwarding to Council for approval.

14. Consider certifying the Final Environmental Impact Report for the City of Modesto Wastewater Master Plan in accordance with the California Environmental Quality Act, approving the 2016 Wastewater Master Plan, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Utilities; Jim Alves, 571-5557, jalves@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 3/0)** certifying the Final Environmental Impact Report for the City of Modesto Wastewater Master Plan in accordance with the California Environmental Quality Act, approving the 2016 Wastewater Master Plan, and forwarding to Council for approval.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 3:30 p.m.

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

Joseph Lopez, City Manager

**MINUTES**  
**City of Modesto**  
**SAFETY AND COMMUNITIES COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Monday, January 13, 2020, at 5:00 p.m.**

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

**PUBLIC COMMENTS**

None.

**CONSENT**

Consent

1. Consider approving an Agreement with Dr. Robert Donovan for comprehensive medical oversight (direct and indirect) for clinical services delivered by MFD’s personnel, for a one-year Agreement which will automatically renew for subsequent one-year periods thereafter, for an annual estimated cost not to exceed \$24,000, and forwarding to Council for approval. (Funding: General Fund) (Funding Source: General Fund)  
*Fire; Alan Ernst, 572-9590, aernst@modestofire.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** approving an Agreement with Dr. Robert Donovan for comprehensive medical oversight (direct and indirect) for clinical services delivered by MFD’s personnel, for a one-year Agreement which will automatically renew for subsequent one-year periods thereafter, for an annual estimated cost not to exceed \$24,000, and forwarding to Council for approval.

Consent

2. Consider receiving a report on the 2020 list of Capital Improvement Priorities for John Thurman Field and forwarding to Council for approval. (Funding Source: CIP Project 101019)  
*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 3/0)** receiving a report on the 2020 list of Capital Improvement Priorities for John Thurman Field and forwarding to Council for approval.

Consent

3. Consider applying for the Office of Traffic Safety 2021 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$1,200,000 and forwarding to Council for approval. (Funding Source: Office of Traffic Safety Grant)

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

**ACTION: Motion (Ridenour/Madrigan; 3/0)** applying for the Office of Traffic Safety 2021 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$1,200,000 and forwarding to Council for approval.

Consent

4. Consider applying for the Office of Traffic Safety 2021 Pedestrian and Bicycle Safety Program Grant in the amount of \$200,000, and forwarding to Council for approval. (Funding Source: Office of Traffic Safety Grant)

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

**ACTION: Motion (Ridenour/Madrigan; 3/0)** applying for the Office of Traffic Safety 2021 Pedestrian and Bicycle Safety Program Grant in the amount of \$200,000, and forwarding to Council for approval.

#### NEW BUSINESS

5. Consider approving the First Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative (WMCC) and forwarding to City Council for approval. (Funding Source: General Fund)

*Parks, Recreation & Neighborhoods; Ashley Weaver, 577-5428, aweaver@modestogov.com*

**ACTION: Motion (Madrigan/Ridenour; 3/0)** approving the First Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative (WMCC) and forwarding to City Council for approval.

6. Consider authorizing a payment in the amount of \$100,000 to Belfor Property Restoration, Modesto, CA for the Downey Park Restroom Fire Renovation; and amending the Fiscal Year 2019-2020 Capital Improvement Program Budget for project #101225 and #100911 as outlined in Attachment A and forwarding to Council for approval. (Funding Source: Parks Fund)

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

**ACTION: Motion (Madrigan/Ridenour; 3/0)** authorizing a payment in the amount of \$100,000 to Belfor Property Restoration, Modesto, CA for the Downey Park Restroom Fire Renovation; and amending the Fiscal Year 2019-2020 Capital Improvement Program Budget for project #101225 and #100911 as outlined in Attachment A and forwarding to Council for approval.

7. Consider approving a grant application and accepting a grant award for Urban Forest Management Activities from the California Department of Forestry and Fire Protection in the amount of \$1,151,979, and forwarding to Council for approval. (Funding Source: Not Applicable)

*Public Works; Ray Wilson, 342-2231, rwilson@modestogov.com*

**ACTION: Motion (Ridenour/Madrigan; 3/0)** approving a grant application and accepting a grant award for Urban Forest Management Activities from the California Department of Forestry and Fire Protection in the amount of \$1,151,979, and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:26 pm

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

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday January 14, 2020, at 5:30 p.m.**

Roll Call – Present: Councilmembers Grewal, Kenoyer, Madrigal (arrived at 5:35 p.m.),  
Ridenour, Zoslocki, Mayor Brandvold  
Absent: Councilmembers Ah You

Pledge of Allegiance to the Flag

Invocation: Scott Nelson, Covenant Grove Church

City Clerk’s Announcements: Item 5 - Removed from Consent  
Item 10 - Continued to January 28, 2020 Council meeting

Declaration of Conflicts of Interest: Item 11 - Grewal conflict

Reports from Closed Session: Assistant City Attorney Sanchez reported on Closed Session matters

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Poem of the Month. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Nancy Haskett presented the Poem of the Month.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

2. Consider approving the reappointments of Will DeBoard, Middagh Goodwin and Carlos Yamzon to the City of Modesto Entertainment Commission each with a term expiration of December 31, 2023. (Funding Source: Not Applicable)
  - Resolution reappointing Will DeBoard, Middagh Goodwin and Carlos Yamzon to the City of Modesto Entertainment Commission each with a term expiration of December 31, 2023.  
*Community & Economic Development; Margaret James, 571-5566,*

*mbjames@modestogov.com*

**ACTION: Resolution 2020-01 (Madrigal/Kenoyer; 6/0; Ah You absent)** reappointing Will DeBoard, Middagh Goodwin and Carlos Yamzon to the City of Modesto Entertainment Commission each with a term expiration of December 31, 2023.

- 3. Consider approving the appointment of Rosa Escutia-Braaton as the Planning Commission representative to the Citizens Housing and Community Development Committee for 2020, with a term expiration of December 31, 2020. (Funding Source: Not Applicable)
  - Resolution approving the appointment of Rosa Escutia-Braaton as the Planning Commission representative to the Citizens Housing and Community Development Committee (CH&CDC) with a term expiration of December 31, 2020. *Community & Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: Resolution 2020-02 (Madrigal/Grewal; 6/0; Ah You absent)** approving the appointment of Rosa Escutia-Braaton as the Planning Commission representative to the Citizens Housing and Community Development Committee (CH&CDC) with a term expiration of December 31, 2020.

**PUBLIC COMMENT PERIOD**

- Maggie Mejia spoke in support of the appointment of Sebastian Jones to the Board of Building Appeals.
- Sebastian Jones spoke regarding his appointment to the Board of Building Appeals; he requested Councilmembers meet with him.
- Martha, Catholic Charities, introduced herself to the Mayor and Councilmembers.
- Kevin McClarty spoke regarding the ACE train in Modesto.
- Dewey Bedford spoke in support of Sebastian Jones.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS: 4; 6-9; 12-28: (Kenoyer/Grewal; 6/0; Ah You absent)**  
**ACTION CONSENT ITEM 11: (Kenoyer/Ridenour/ 5/0; Grewal absent due to conflict of interest; 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 December 10, 2019 Council Meeting and December 17, 2019 Council Workshop. (Funding Source: Not Applicable)
  - Motion approving the minutes from the December 10, 2019 Council Meeting and December 17, 2019 Council Workshop.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 6/0; Ah You absent)** approving the minutes from the December 10, 2019 Council Meeting and December 17, 2019 Council Workshop.

*Removed from Consent*

5. Consider approving the Charter Review process and provide the Charter Review Committee with suggested topics for consideration as part of the review. (Funding Source: Not Applicable)
  - Motion approving the Charter Review process and provide the Charter Review Committee with suggested topics for consideration as part of the review.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Ridenour/Grewal; 6/0; Ah You absent)** approving the Charter Review process and provide the Charter Review Committee with suggested topics for consideration as part of the review. **(AMENDED TO INCLUDE ADDITIONAL ITEMS SUBMITTED BY COUNCILMEMBERS ZOSLOCKI AND GREWAL)**

Consent

6. Consider approving final adoption of Ordinance No. 3715-C.S. amending Ordinance 3345-C.S. to reduce one-time tax in CFD 2004-1 (Village One #2). (Funding Source: CFD No. 2004-1 (Village One #2))
  - Motion approving final adoption of Ordinance No. 3715-C.S. amending Ordinance No. 3345-C.S. Entitled “An Ordinance of the City Council of the City of Modesto authorizing the levy of special taxes within City of Modesto Community Facilities District No. 2004-1 (Village One #2)” as amended by Ordinance No. 3392-C.S.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 6/0; Ah You absent)** approving final adoption of **Ordinance No. 3715-C.S. amending Ordinance No. 3345-C.S.** Entitled “An Ordinance of the City Council of the City of Modesto authorizing the levy of special taxes within City of Modesto Community Facilities District No. 2004-1 (Village One #2)” as amended by Ordinance No. 3392-C.S.

Consent

7. Consider approving the recommended budget adjustments to Fiscal Year 2019-20 Annual Operating and Capital Improvement Program Budget. (Funding Source: Various Funds)
  - Resolution amending Fiscal Year 2019-20 Annual Operating and Capital Improvement Project Fund Budgets.  
*City Manager; Wilson Chalabi, 571-5855, wchalabi@modestogov.com*

**ACTION: Resolution 2020-03 (Kenoyer/Grewal; 6/0; Ah You absent)** amending Fiscal Year 2019-20 Annual Operating and Capital Improvement Project Fund Budgets.

Consent

8. Consider approving the plans and specifications for the Dry Creek Trail Maintenance and Orville Wright Elementary Traffic Flow and Safety Improvements project, accepting the bid, and awarding a contract to McFadden Construction, Inc., of Stockton, California, in the amount of \$863,152; and authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$112,210 (13%). (Funding Source: Measure L Local Streets and Roads Funds)
- Resolution approving the plans and specifications for the Dry Creek Trail Maintenance and Orville Wright Elementary Traffic Flow and Safety Improvements project, accepting the bid, and awarding a contract to McFadden Construction, Inc., of Stockton, California, in the amount of \$863,152 and authorizing the City Manager, or his designee to execute the Agreement.
  - Resolution authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$112,210 (13% of the original contract price) for the Dry Creek Trail Maintenance and Orville Wright Elementary Traffic Flow and Safety Improvements project.
- Community & Economic Development; Phillip Soares, 577-5258, psoares@modestogov.com*

**ACTION: Resolution 2020-04 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the plans and specifications for the Dry Creek Trail Maintenance and Orville Wright Elementary Traffic Flow and Safety Improvements project, accepting the bid, and awarding a contract to McFadden Construction, Inc., of Stockton, California, in the amount of \$863,152 and authorizing the City Manager, or his designee to execute the Agreement.

**ACTION: Resolution 2020-05 (Kenoyer/Grewal; 6/0; Ah You absent)** authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$112,210 (13% of the original contract price) for the Dry Creek Trail Maintenance and Orville Wright Elementary Traffic Flow and Safety Improvements project.

Consent

9. Consider rescinding Resolution No. 2019-455 titled approving a State of California Senate Bill 2 planning grant application in the amount of \$625,000 for the purpose of funding various housing-related projects and authorizing the City Manager or designee to file the grant application, and adopting a new Resolution with certain specific changes requested by the State of California. (Funding Source: Not Applicable)
- Resolution rescinding Resolution No. 2019-455 titled approving a State of California Senate Bill 2 planning grant application in the amount of \$625,000 for the purpose of funding various housing-related projects and authorizing the City Manager or designee to file the grant application, and adopting a new Resolution with certain specific changes requested by the State of California.
- Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com*

**ACTION: Resolution 2020-06 (Kenoyer/Grewal; 6/0; Ah You absent)** rescinding Resolution No. 2019-455 titled approving a State of California Senate Bill 2 planning grant application in the amount of \$625,000 for the purpose of funding various housing-related projects and authorizing the City Manager or designee to file the grant application, and adopting a new Resolution with certain specific changes requested by the State of California.

Consent – *Continued to January 28, 2020 Council meeting*

10. Consider approving submittal of a joint application with EAH Housing for the Affordable Housing and Sustainable Communities (AHSC) Program Grant for the construction of Archway Commons Phase II and related transportation improvements. (Funding Source: AHSC Program Funds)

- Resolution approving staff to work in partnership with EAH Housing to submit a joint application for Affordable Housing and Sustainable Communities (AHSC) Program Funds for the construction of Archway Commons Phase II and related transportation improvements and authorizing the City Manager or his designee to execute any documents and/or agreements with such changes as determined by the City Attorney.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION:** Continued to January 28, 2020 Council meeting.

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

11. Consider approving Annexation Map #2 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 #2 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.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2020-07 (Kenoyer/Ridenour; 5/0; Ah You absent, Grewal absent due to conflict of interest)** approving Annexation Map #2 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.

Consent

12. Consider accepting an informational report on the September and October 2019 grant applications and awards. (Funding Source: Not Applicable)

- Motion accepting an informational report for the September and October 2019 grant application and awards.

*Finance; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 6/0; Ah You absent)** accepting an informational report for the September and October 2019 grant application and awards.

Consent

13. Consider approving an Agreement with Avenu Insights and Analytics, LLC/MuniServices for tax audits, analysis and reporting services for a two-year Agreement with three one-year extension options, for an annual cost not to exceed \$120,000, and a total amount not to exceed \$600,000 over five years. (Funding Source: General Fund)

- Resolution approving an Agreement with Avenu Insights and Analytics, LLC/MuniServices for tax audits, analysis and reporting services for a two-year Agreement with three one-year extension options, for an annual cost not to exceed \$120,000, and a total amount not to exceed \$600,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-08 (Kenoyer/Grewal; 6/0; Ah You absent)** approving an Agreement with Avenu Insights and Analytics, LLC/MuniServices for tax audits, analysis and reporting services for a two-year Agreement with three one-year extension options, for an annual cost not to exceed \$120,000, and a total amount not to exceed \$600,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving an Agreement for fire extinguisher inspection and maintenance service to Nor Cal Fire Inc., Ripon, CA, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$17,500, and a total combined five year cost not to exceed \$87,500. (Funding Source: Various Funds)

- Resolution approving an Agreement for fire extinguisher inspection and maintenance service to Nor Cal Fire Inc., Ripon, CA, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$17,500, and a total combined five year cost not to exceed \$87,500 and authorizing the City Manager, or his designee, to execute the Agreement.

*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-09 (Kenoyer/Grewal; 6/0; Ah You absent)** approving an Agreement for fire extinguisher inspection and maintenance service to Nor Cal Fire Inc., Ripon, CA, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$17,500, and a total combined five year cost not to exceed \$87,500 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider accepting an informational report for the November 2019 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)

- Motion accepting an informational report for the November 2019 Accounts Payable Payment Register and Void report.

*Finance; Calogero Maniscalco, 577-5379, cmaniscalco@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 6/0; Ah You absent)** accepting an informational report for the November 2019 Accounts Payable Payment Register and Void report.

Consent

16. Consider accepting the Monthly Investment Report for October 2019. (Funding Source: Various Funds)
- Motion accepting the Monthly Investment Report for October 2019.  
*Finance; Calogero Maniscalco, 577-5379, cmaniscalco@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 6/0; Ah You absent)** accepting the Monthly Investment Report for October 2019.

Consent

17. Consider approving a Purchase Order for Miracle Play Systems of Alamo, CA, by utilizing the competitive bid process with SourceWell, for Recreation and Playground Equipment Accessories and Supplies at East La Loma Park, for an amount not to exceed \$80,897. (Funding Source: Various Park Partners Project CIP #100911)
- Resolution approving a Purchase Order for Miracle Play Systems of Alamo, CA, by utilizing the competitive bid process with SourceWell, for Recreation and Playground Equipment Accessories and Supplies at East La Loma Park, for an amount not to exceed \$80,897, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.  
*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: Resolution 2020-10 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a Purchase Order for Miracle Play Systems of Alamo, CA, by utilizing the competitive bid process with SourceWell, for Recreation and Playground Equipment Accessories and Supplies at East La Loma Park, for an amount not to exceed \$80,897, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

18. Consider approving the submission of the City's Local Transportation Funds Fiscal Year 2019-2020 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of \$184,975 to the Stanislaus Council of Governments (STANCOG) and amending the Fiscal Year 2019-20 Capital Improvement Program Budget in an amount not to exceed \$184,975. (Funding Source: Local Transportation Funds)
- Resolution approving the submission of the City's Local Transportation Funds Fiscal Year 2019-20 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of \$184,975 to the Stanislaus Council of Governments (STANCOG).
  - Resolution amending the Fiscal Year 2019-20 Capital Improvement Program Budget to fund project #100813 – Virginia Corridor Phase VII in an amount not to

exceed \$184,975 in revenue, and to budget expenditures as outlined in Attachment A to fund the project, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

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

**ACTION: Resolution 2020-11 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the submission of the City’s Local Transportation Funds Fiscal Year 2019-20 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of \$184,975 to the Stanislaus Council of Governments (STANCOG).

**ACTION: Resolution 2020-12 (Kenoyer/Grewal; 6/0; Ah You absent)** amending the Fiscal Year 2019-20 Capital Improvement Program Budget to fund project #100813 – Virginia Corridor Phase VII in an amount not to exceed \$184,975 in revenue, and to budget expenditures as outlined in Attachment A to fund the project, and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

19. Consider approving a Memorandum of Understanding with the West Modesto Community Collaborative and Stanislaus County for the maintenance of the Helen White Memorial Trail. (Funding Source: General Fund)

- Resolution approving a Memorandum of Understanding with the West Modesto Community Collaborative and Stanislaus County for the maintenance of the Helen White Memorial Trail, and authorizing the City Manager, or his designee, to execute the MOU.

*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2020-13 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a Memorandum of Understanding with the West Modesto Community Collaborative and Stanislaus County for the maintenance of the Helen White Memorial Trail, and authorizing the City Manager, or his designee, to execute the MOU.

Consent

20. Consider approving a 5-Year Commercial Lease Agreement with William Brent Burnside, DBA Burnside Management Team for the use of approximately 50 parking spaces for an annual estimated cost of \$42,000, \$3,500.00 monthly, and the total Agreement not to exceed \$210,000. (Funding Source: General Fund)

- Resolution approving a 5-Year Commercial Lease Agreement with William Brent Burnside, DBA Burnside Management Team for the use of approximately 50 parking spaces for an annual estimated cost of \$42,000, \$3,500 monthly, and a total Agreement not to exceed \$210,000; and authorizing the City Manager, or his designee, to execute the lease Agreement.

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

**ACTION: Resolution 2020-14 (Kenoyer/Grewal; 6/0; Ah You absent)** approving a 5-Year

Commercial Lease Agreement with William Brent Burnside, DBA Burnside Management Team for the use of approximately 50 parking spaces for an annual estimated cost of \$42,000, \$3,500 monthly, and a total Agreement not to exceed \$210,000; and authorizing the City Manager, or his designee, to execute the lease Agreement.

Consent

21. Consider approving the competitive bid process from the Commonwealth of Virginia, with Gillig LLC, Livermore, CA, for the purchase of three buses, for a cost not to exceed \$1,585,251 and consider amending Fiscal Year 2019 -2020 Capital Improvement budget in Fund 4560 - Bus Fixed Route – Bus Purchases in the amount of \$1,585,251 to fund the purchase of the Modesto Area Express buses. (Funding Source: Transit Funds)

- Resolution approving the competitive bid process from the Commonwealth of Virginia, with Gillig LLC, Livermore, CA, for the purchase of three buses, for a cost not to exceed \$1,585,251, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
- Resolution amending Fiscal Year 2019-2020 Capital Improvement budget in fund 4560 – Bus Fixed Route – Bus purchases in the amount of \$1,585,251 to fund the purchase of three Modesto Area Express Buses, and authorizing the City Manager, or his designee, to implement the changes.

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

**ACTION: Resolution 2020-15 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the competitive bid process from the Commonwealth of Virginia, with Gillig LLC, Livermore, CA, for the purchase of three buses, for a cost not to exceed \$1,585,251, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

**ACTION: Resolution 2020-16 (Kenoyer/Grewal; 6/0; Ah You absent)** amending Fiscal Year 2019-2020 Capital Improvement budget in fund 4560 – Bus Fixed Route – Bus purchases in the amount of \$1,585,251 to fund the purchase of three Modesto Area Express Buses, and authorizing the City Manager, or his designee, to implement the changes.

Consent

22. Consider approving the submission of a grant application for the Transit and Intercity Rail Capital Program in the amount of \$1,000,000 to purchase one zero emission transit bus. (Funding Source: Transit Funds)

- Resolution approving the submission of a grant application for the Transit and Intercity Rail Capital Program (TIRCP) in the amount of \$1,000,000 to purchase one zero emission transit bus, and authorizing the City Manager, or his designee, to execute all necessary grant documents on behalf of the City of Modesto.

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

**ACTION: Resolution 2020-17 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the submission of a grant application for the Transit and Intercity Rail Capital Program (TIRCP) in the amount of \$1,000,000 to purchase one zero emission transit bus, and authorizing the City Manager, or his designee, to execute all necessary grant documents on behalf of the City

of Modesto.

Consent

23. Consider approving grant applications, accepting grant awards and amending the annual budgets for all the Beverage Container Recycling City/County Payment Programs to California Department of Resources Recycling and Recovery. (Funding Source: Not Applicable)

- Resolution authorizing submittal of application(s), amending the annual budgets for all recycle payment programs to the California Department of Resources, Recycling and Recovery (CalRecycle), and authorizing the City Manager, or his designee, to execute all related documents, and rescinding Council Resolution No. 2015-69.

*Public Works; Vicki Rice, 577-5495, vrice@modestogov.com*

**ACTION: Resolution 2020-18 (Kenoyer/Grewal; 6/0; Ah You absent)** authorizing submittal of application(s), amending the annual budgets for all recycle payment programs to the California Department of Resources, Recycling and Recovery (CalRecycle), and authorizing the City Manager, or his designee, to execute all related documents, and rescinding Council Resolution No. 2015-69.

Consent

24. Consider approving grant applications, accepting grant awards and amending the annual budgets for all Waste Tire Amnesty Grants to California Department of Resources and Recovery. (Funding Source: Not Applicable)

- Resolution approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Waste Tire Amnesty Grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant related documents and authorizations and rescinding Council Resolution No. 2015-70.

*Public Works; Vicki Rice, 577-5495, vrice@modestogov.com*

**ACTION: Resolution 2020-19 (Kenoyer/Grewal; 6/0; Ah You absent)** approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Waste Tire Amnesty Grants, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant related documents and authorizations and rescinding Council Resolution No. 2015-70.

Consent

25. Consider approving grant applications, accepting grant awards and amending the annual budgets for all Waste Tire Cleanup Grants to California Department of Resources and Recovery. (Funding Source: Not Applicable)

- Resolution approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Waste Tire Cleanup grants, accepting grant awards, amending budget, and authorizing the City Manager, or his designee, to execute all grant related documents and authorizations and rescinding Council Resolution No. 2015-71.

*Public Works; Vicki Rice, 577-5495, vrice@modestogov.com*

**ACTION: Resolution 2020-20 (Kenoyer/Grewal; 6/0; Ah You absent)** approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Waste Tire Cleanup grants, accepting grant awards, amending budget, and authorizing the City Manager, or his designee, to execute all grant related documents and authorizations and rescinding Council Resolution No. 2015-71.

Consent

26. Consider approving a First Amendment increasing the Agreement amount with Machado & Sons Construction, Turlock, CA, for “as-needed” concrete services at multiple locations throughout the City by \$150,000 from \$525,659 to a new total amount of \$675,659. (Funding Source: Transit, Traffic, and Parks & Recreation Funds)
- Resolution approving the First Amendment increasing the Agreement amount with Machado & Sons Construction, Turlock, CA, for “as-needed” concrete services at multiple locations throughout the City by \$150,000 from \$525,659 to a new total amount of \$675,659, and authorizing the City Manager, or his designee, to execute the Agreement.

*Public Works; Scott Collins, 577-5431, scollins@modestogov.com*

**ACTION: Resolution 2020-21 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the First Amendment increasing the Agreement amount with Machado & Sons Construction, Turlock, CA, for “as-needed” concrete services at multiple locations throughout the City by \$150,000 from \$525,659 to a new total amount of \$675,659, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

27. Consider approving the First Amendment to the contract with Iteris, Santa Ana, CA, to extend the contract completion date to March 31, 2020 for the Traffic Signal Synchronization Outside the Downtown project. (Funding Source: Congestion Mitigation and Air Quality)
- Resolution approving the First Amendment with Iteris, Santa Ana, CA, to extend the contract completion date to March 31, 2020 for the Traffic Signal Synchronization Outside the Downtown project, and authorizing the City Manager, or his designee, to execute the Agreement.

*Public Works; Scott Collins, 577-5431, scollins@modestogov.com*

**ACTION: Resolution 2020-22 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the First Amendment with Iteris, Santa Ana, CA, to extend the contract completion date to March 31, 2020 for the Traffic Signal Synchronization Outside the Downtown project, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

28. Consider approving the First Amendment increasing the Agreement amount with Krazan & Associates, Inc., and Construction Testing Services, Inc., for the On-Call Agreement for Special Inspection and Material Testing Services by \$60,000 each (\$120,000 total) from \$74,500 to a new total amount of \$134,500 per firm, (\$269,000

total), through the Agreement term date of April 9, 2020. (Funding Source: Various CIP's)

- Resolution approving the First Amendment to the current Agreement with Krazan & Associates, Inc., for Special Inspection and Materials Testing Services, in the amount of \$60,000, for a total not to exceed amount of \$134,500; and authorizing the City Manager or his designee to execute the Amendment.
- Resolution approving the First Amendment to the current Agreement with Construction Testing Services, Inc. for Special Inspection and Materials Testing Services, in the amount of \$60,000, for a total not to exceed amount of \$134,500; and authorizing the City Manager or his designee to execute the Amendment.

*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-23 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the First Amendment to the current Agreement with Krazan & Associates, Inc., for Special Inspection and Materials Testing Services, in the amount of \$60,000, for a total not to exceed amount of \$134,500; and authorizing the City Manager or his designee to execute the Amendment.

**ACTION: Resolution 2020-24 (Kenoyer/Grewal; 6/0; Ah You absent)** approving the First Amendment to the current Agreement with Construction Testing Services, Inc. for Special Inspection and Materials Testing Services, in the amount of \$60,000, for a total not to exceed amount of \$134,500; and authorizing the City Manager or his designee to execute the Amendment.

## COUNCIL COMMENTS & REPORTS

Mayor Brandvold welcomed citizens and Council to the first meeting of 2020 and announced the 150th Anniversary of the City of Modesto.

Councilmember Kenoyer spoke regarding serving meals at the Modesto Gospel Mission during Christmas; she attended a Red Tie Concert at the McHenry Museum and the Opera at The State Theater.

Councilmember Madrigal assisted with a business owner with the clean-up of an alley in South Modesto and cameras for illegal dumping of trash in the alley; he volunteered as Santa at South Modesto Business United Posada; he participated as Co-Chair of Stanislaus County Complete Count Committee; he volunteered at the Third Annual West Modesto King-Kennedy Collaborative Crab Feed; he attended the Woodland West Neighborhood Association fundraiser at Round Table Pizza; he attended the Special Council Workshop regarding the Downtown Master Plan.

## CITY MANAGER COMMENTS & REPORTS

City Manager Lopez and Community and Media Relations Coordinator Thomas Reeves gave a report on the City's Public Engagement Strategy.

## UNFINISHED BUSINESS

29. Consider accepting the Modesto Municipal Golf System Operation Review and an Amendment to the Modesto Municipal Golf System Operation Review by Pro Forma Advisors, LLC, receiving informational golf updates, and directing staff to close the Modesto Municipal Golf Course, work with The First Tee to transition the program to Dryden, and prepare the property for sale. (Funding Source: Golf Fund/General Fund)
- Motion accepting the Modesto Municipal Golf System Operation Review and an Amendment to the Modesto Municipal Golf System Operation Review by Pro Forma Advisors, LLC and receiving informational golf updates.
  - Resolution directing staff to close the Modesto Municipal Golf Course, work with The First Tee to transition the program to Dryden, and prepare the property for sale.

*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Grewal/Madrigal; 6/0; Ah You absent)** accepting the Modesto Municipal Golf System Operation Review and an Amendment to the Modesto Municipal Golf System Operation Review by Pro Forma Advisors, LLC and receiving informational golf updates.

**ACTION: Resolution 2020-25 (Grewal/Madrigal; 6/0; Ah You absent)** directing staff to close the Modesto Municipal Golf Course, work with The First Tee to transition the program to Dryden, and prepare the property for sale.

## NEW BUSINESS

30. Consider awarding a \$500,000 loan and a \$500,000 grant in Community Development Block Grant funds (CDBG) to the Center for Human Services (CHS) for acquisition of property located at 2000 W. Briggsmore Avenue that will be used to house a Youth Navigation Center, and amending the Fiscal Year 2019-20 multi-year project budget. (Funding Source: Community Development Block Grant Funds, and Community Development Block Grant Revolving Loan Funds)
- Resolution awarding a \$500,000 loan and a \$500,000 grant in Community Development Block Grant funds (CDBG) to the Center for Human Services (CHS) for acquisition of property located at 2000 W. Briggsmore Avenue, that will be used to house a Youth Navigation Center and authorizing the City Manager or his designee to execute any documents and/or agreements with such changes as determined by the City Attorney.
  - Resolution amending the Fiscal Year 2019-20 multi-year project budget to establish a non-capital project to be funded with the Community Development Block Grant Funds in the amount of \$500,000 grant and \$500,000 loan to Center for Human Services for the Acquisition of property at 2000 W Briggsmore Avenue to be used as a Youth Navigation Center, and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

*Community & Economic Development; Jessica Narayan, 577-5211,*

*jnarayan@modestogov.com*

**ACTION: Resolution 2020-26 (Madrigal/Grewal; 6/0; Ah You absent)** awarding a \$500,000 loan and a \$500,000 grant in Community Development Block Grant funds (CDBG) to the Center for Human Services (CHS) for acquisition of property located at 2000 W. Briggsmore Avenue, that will be used to house a Youth Navigation Center and authorizing the City Manager or his designee to execute any documents and/or agreements with such changes as determined by the City Attorney.

**ACTION: Resolution 2020-27 (Madrigal/Grewal; 6/0; Ah You absent)** amending the Fiscal Year 2019-20 multi-year project budget to establish a non-capital project to be funded with the Community Development Block Grant Funds in the amount of \$500,000 grant and \$500,000 loan to Center for Human Services for the Acquisition of property at 2000 W Briggsmore Avenue to be used as a Youth Navigation Center, and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

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

Councilmember Kenoyer requested a moment of silence in remembrance of former Mayor Carmen Sabatino who passed away recently.

### **ADJOURNMENT**

This meeting adjourned at 7:55 p.m.

### **CLOSED SESSION**

*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)**

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

Name of Case: City of Modesto v. Foy & Associates  
Superior Court of California, County of Stanislaus  
Stanislaus County Case No.: CV 19-003083

R. Alexander Acosta v. Riverstone Capital, LLC  
United States District Court, Central District of California  
Case No.: 19-CV-778-MWF

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

Deana Durante, Alexandra Carter, Travis Carter v. COM  
Superior Court of California, County of Stanislaus  
Stanislaus County Case No.: 9000766

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**  
**Thursday, January 16, 2020, at 10:00 a.m.**

Roll Call Present: Mayor Brandvold, Councilmembers Ah You and Ridenour (alternate)  
Absent: Grewal

**PUBLIC COMMENTS**

None.

**CONSENT**

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

Consent

1. Consider accepting a letter from the U.S. Department of Housing and Urban Development (HUD) reporting the results of the San Francisco Regional Office Community Planning and Development (CPD) Division's on-site monitoring of the City of Modesto's Community Development Block Grant (CDBG) Program and Neighborhood Stabilization Program (NSP) for Federal Fiscal Year (FFY) 2019, and forwarding to Council for approval. (Funding Source: Community Development Block Grant, Neighborhood Stabilization Program)  
*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Motion (Ridenour/Ah You; 3/0)** accepting a letter from the U.S. Department of Housing and Urban Development (HUD) reporting the results of the San Francisco Regional Office Community Planning and Development (CPD) Division's on-site monitoring of the City of Modesto's Community Development Block Grant (CDBG) Program and Neighborhood Stabilization Program (NSP) for Federal Fiscal Year (FFY) 2019, and forwarding to Council for approval.

**NEW BUSINESS**

2. Consider approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2019, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Ridenour; 3/0)** approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2019, and forwarding to Council for approval.

3. Consider approving the Auditors' Reports and Schedule of Measure L Program Revenues and Expenditures for Fiscal Year Ended June 30, 2019, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Ridenour; 3/0)** approving the Auditors' Reports and Schedule of Measure L Program Revenues and Expenditures for Fiscal Year Ended June 30, 2019, and forwarding to Council for approval.

4. Consider approving the Fiscal Year 2018-2019 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc. and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Ridenour; 3/0)** approving the Fiscal Year 2018-2019 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc. and forwarding to Council for approval.

5. Consider approving the audited financial statements and various audit reports for Fiscal Year 2018-2019 audited by external auditors Hudson Henderson & Company, Inc. for the City's Comprehensive Annual Financial Report, twelve Community Facilities Districts, and various Joint Powers Agencies and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ah You/Ridenour; 3/0)** approving the audited financial statements and various audit reports for Fiscal Year 2018-2019 audited by external auditors Hudson Henderson & Company, Inc. for the City's Comprehensive Annual Financial Report, twelve Community Facilities Districts, and various Joint Powers Agencies and forwarding to Council for approval.

6. Consider approving the Second Amendment increasing the Agreement with Hudson and Henderson Inc., Fresno, CA for the furnishing of auditing services for the Finance Department, Accounting Division by \$33,600 from \$735,550 to a new total amount of \$769,150 over five years; and forwarding to Council for approval. (Funding Source: General Fund, Transit Fund, Community Facility Districts, Ceres-Modesto Industrial Fire District, and Airport Fund)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Ah You; 3/0)** approving the Second Amendment increasing the Agreement with Hudson and Henderson Inc., Fresno, CA for the furnishing of auditing services for the Finance Department, Accounting Division by \$33,600 from \$735,550 to a new total amount of \$769,150 over five years; and forwarding to Council for approval.

#### ADJOURNMENT

This meeting adjourned at 10:22 a.m.

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

## MINUTES

City of Modesto  
**CHARTER REVIEW COMMITTEE/  
SPECIAL COUNCIL WORKSHOP**

Conference Room 2001, Second Floor  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Tuesday, January 22, 2020, at 4:00 PM**

Roll Call – Present: Committee Members Chair Cecil Russell, Vice Chair Sam Pierstorff, Aaron Anguiano, Wendy Byrd, Janice Keating, Chris Tyler and Mike Moradian

Absent: Regional Ad Hoc Member John Walker

Roll Call – Also Present: Regional Ad Hoc Member George Petrulakis

### PUBLIC COMMENT PERIOD

None.

### CONSENT

1. Consider approving the Minutes from the January 7, 2020 Charter Review Committee. <http://modestogov.com/AgendaCenter/Charter-Review-Committee-21>

**ACTION: Motion (Tyler/Keating; 7/0)** approving the Minutes from the January 7, 2020 Charter Review Committee.

### NEW BUSINESS

2. Consider reviewing applications received for the four (4) additional members from the community to be appointed to the Charter Review Committee.

**ACTION:** Committee members reviewed 19 applications for the Charter Review Committee.

3. Consider interviewing applicants for the four (4) additional members from the community to the Charter Review Committee and forwarding recommendations to Council for approval.

**ACTION:** Committee members interviewed applicants for the four (4) additional members from the community to the Charter Review Committee and selected the following: Sandra Lucas, Tim Ragsdale, Renaldo Rucker and Jose Sabala. Alternate members were also selected: Alternate A – Monica Valencia; Alternate B – Paul Baxter; Alternate C – Dewey Bedford; and Alternate D – Douglas Highiet. The recommendations will be forwarded to Council for approval.

**COMMITTEE MEMBER COMMENTS AND REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

**ACTION: Motion (Tyler/Pierstorff; 7/0) adjourning meeting at 6:30 p.m.**

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

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL WORKSHOP**  
**Second Floor, Room 2008**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Monday, January 27, 2020, at 3:00 p.m.**

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

**PUBLIC COMMENT**

None.

**CONSENT**

Consent

1. Consider approving the recommended budget adjustments to Fiscal Year 2019-20 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)  
*Finance; Wilson Chalabi, 571-5855, wchalabi@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving the recommended budget adjustments to Fiscal Year 2019-20 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

Consent

2. Consider approving the Purchasing Agreement with Van De Pol Petroleum, Stockton, CA, by utilizing the competitive process with the Twin Rivers Unified School District, North Highlands, CA for Renewable Diesel and Bulk Fuels, for a two-year Agreement with three one-year extension options, for an annual estimated cost not to exceed \$1,270,000, and a total amount not to exceed \$6,350,000 over five years, and forwarding to Council for approval. (Funding Source: Fleet Services (Transit) & Fleet Services, Water and Wastewater Funds)  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving the Purchasing Agreement with Van De Pol Petroleum, Stockton, CA, by utilizing the competitive process with the Twin Rivers Unified School District, North Highlands, CA for Renewable Diesel and Bulk Fuels, for a two-year Agreement with three one-year extension options, for an annual estimated cost not to exceed \$1,270,000, and a total amount not to exceed \$6,350,000 over five years, and forwarding to Council for approval.

Consent

3. Consider a Memorandum of Understanding between the Modesto Fire Department and Stanislaus County (operational area administrator) for the use of fire radio

communication equipment and forwarding to Council for approval. (Funding Source: Not Applicable)

*Fire; Alan Ernst, 572-9590, aernst@modestofire.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving a Memorandum of Understanding between the Modesto Fire Department and Stanislaus County (operational area administrator) for the use of fire radio communication equipment and forwarding to Council for approval.

Consent

4. Consider rejecting all bids received for Request for Bid No. 1920-03 for Oversized and Non-Compostable Waste Material Hauling, and forwarding to Council for approval. (Funding Source: Compost Funds)

*Public Works and Finance; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** rejecting all bids received for Request for Bid No. 1920-03 for Oversized and Non-Compostable Waste Material Hauling, and forwarding to Council for approval.

Consent

5. Consider approving a Ninth Amendment to the Agreement with SCS Engineers, Inc., Modesto, CA, to provide engineering support and potential additional well removal and replacement for the Carpenter Road Landfill Clean Closure project as mandated by the Central Valley Regional Water Quality Control Board Compliance Abatement Order R5-2015-0700, in an amount not to exceed \$173,000 through December 31, 2020 or until the project is complete, and for a total amount not to exceed \$1,679,156, and forwarding to Council for approval. (Funding Source: Carpenter Road Landfill Fund)

*Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving a Ninth Amendment to the Agreement with SCS Engineers, Inc., Modesto, CA, to provide engineering support and potential additional well removal and replacement for the Carpenter Road Landfill Clean Closure project as mandated by the Central Valley Regional Water Quality Control Board Compliance Abatement Order R5-2015-0700, in an amount not to exceed \$173,000 through December 31, 2020 or until the project is complete, and for a total amount not to exceed \$1,679,156, and forwarding to Council for approval.

Consent

6. Consider approving a First Amendment to the Purchasing Agreement with Hartley and Associates, for the furnishing of after-hours on-call answering services, to increase the amount by \$50,000 from \$153,000, for a new total estimated not to exceed amount of \$203,000 over five years, and forwarding to Council for approval. (Funding Source: Water Funds 4100 and 4180, Wastewater Fund 4210, Green Waste Fund 4892, TSP/JPA Fund 5810, and various other City Funds)

*Public Works; Patrick Crowley, 342-2274, pcrowley@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving a First Amendment to the Purchasing Agreement with Hartley and Associates, for the furnishing of after-hours on-call answering services, to increase the amount by \$50,000 from \$153,000, for a new total estimated not to exceed amount of \$203,000 over five years, and forwarding to Council for approval.

**NEW BUSINESS**

- 7. Consider approving the award of a Request for Proposals (RFP) and Agreement for the Homeless Employment Litter Program to Ready to Work (RTW), for a 3-year Agreement, for an annual cost not to exceed \$150,000, and a total Agreement amount not to exceed \$450,000, and forwarding to Council for approval. (Funding Source: State Funds & Commercial Litter Abatement Fee)  
*City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 3/0)** approving the award of a Request for Proposals (RFP) and Agreement for the Homeless Employment Litter Program to Ready to Work (RTW), for a 3-year Agreement, for an annual cost not to exceed \$150,000, and a total Agreement amount not to exceed \$450,000, and forwarding to Council for approval.

- 8. Consider approving a citywide organization development and succession plan and Professional Services Agreement for an employee leadership development program with Brandman University, Modesto, California for a two-year Agreement with three one-year extension options, for an annual estimated cost not to exceed \$50,000 for each year, and a total amount not to exceed \$250,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)  
*Human Resources; Wanda King, 571-5125, wking@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving a citywide organization development and succession plan and Professional Services Agreement for an employee leadership development program with Brandman University, Modesto, California for a two-year Agreement with three one-year extension options, for an annual estimated cost not to exceed \$50,000 for each year, and a total amount not to exceed \$250,000 over five years and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 3:22 p.m.

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

\*And via conference call:  
Councilmember Madrigal  
2414 Tulare Street  
Fresno, CA. 93721

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday, January 28, 2020, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, \* Madrigal (joined meeting at 5:45 p.m.), Ridenour, Mayor Brandvold  
Absent: Councilmember Zoslocki

Pledge of Allegiance to the Flag

Invocation: Jose Sabala, Apostolic Jubilee Center

City Clerk’s Announcements: Items 5, 8 and 10 – Removed from Consent  
Item 2 – Continued to future Council meeting

Declaration of Conflicts of Interest – Item 15 – Grewal Conflict

Reports from Closed Session: Assistant City Attorney Sanchez reported on Closed Session matters

**MISCELLANEOUS**

Legislation  
Appointments  
Other

1. Consider appointing four (4) additional members from the community to the Charter Review Committee and four (4) alternate members. (Funding Source: Not Applicable)
  - Motion approving the appointments of Sandra Lucas, Tim Ragsdale, Renaldo Rucker and Jose Sabala as the four (4) additional members from the community to the Charter Review Committee, as well as Alternate Members: Alternate A – Monica Valencia; Alternate B – Paul Baxter; Alternate C – Dewey Bedford; and Alternate D – Douglas Highiet.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Grewal/Ridenour; 5/0; Madrigal, Zoslocki absent)** approving the appointments of Sandra Lucas, Tim Ragsdale, Renaldo Rucker and Jose Sabala as the four (4) additional members from the community to the Charter Review Committee, as well as Alternate Members: Alternate A – Monica Valencia; Alternate B – Paul Baxter; Alternate C – Dewey Bedford; and Alternate D – Douglas Highiet.

*Continued to future Council meeting*

2. Reconsider approving the appointment of Sebastian Jones and Adis Bey to the Board of Building Appeals with a term expiration of January 1, 2024. (Funding Source: Not Applicable)

- Resolution approving the appointment of Sebastian Jones and Adis Bey to the Board of Building Appeals with a term expiration of January 1, 2024.  
*Community & Economic Development; Oscar Diaz, 571-5885, odiaz@modestogov.com*

**ACTION: Item continued to future Council meeting.**

### **PUBLIC COMMENT PERIOD**

- Debra Harper spoke in support of the appointment of Sebastian Jones to the Board of Building Appeals.
- David Tucker spoke in support of the appointment of Sebastian Jones to the Board of Building Appeals.
- Julie Scherer spoke regarding Medallion Wellness and the fencing code for a Cannabis Dispensary.
- Gavin Bruce spoke regarding the City’s dependence on the automobile and to consider transportation in planning for City growth.
- Kevin McClarty spoke in support of the appointment of Sebastian Jones to the Board of Building Appeals.
- Lisa Battista spoke in support of the appointment of Sebastian Jones to the Board of Building Appeals.
- Dave Pratt spoke regarding the Veterans Employment Committee and a fundraiser being held in March, and the increasing numbers of homeless on the streets.
- Art Fabela spoke regarding his concerns for the future use of the Municipal Golf Course.
- Emerson Drake spoke regarding misrepresentation of composition of committee members on the Board of Building Appeals, requested to see the applications of the members on the committee, and discussed the Muni Park decision.
- Laurie Goddard spoke regarding her need to speak to the Police Chief.

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

**ACTION CONSENT ITEMS: 3-4; 6-7; 9; 11-14; 16-26: (Kenoyer/Ah You; 6/0; Zoslocki absent)**  
**ACTION CONSENT ITEM 15: (Kenoyer/Madrigan; 5/0; Grewal absent due to conflict of interest; Zoslocki absent)**

### **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 January 14, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the January 14, 2020 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving the minutes from the January 14, 2020 Council Meeting.

Consent

4. Consider appointing a new Vice Mayor for calendar year 2020. (Funding Source: Not Applicable)
- Resolution designating Councilmember Kristi Ah You 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 2020-28 (Kenoyer/Ah You; 6/0; Zoslocki absent)** designating Councilmember Kristi Ah You to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

*Removed from Consent*

5. Consider approving a Second Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Heitlinger in an amount not to exceed \$240,000, for continued representation. (Funding Source: Not Applicable)
- Resolution approving a Second Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Heitlinger in an amount not to exceed \$240,000 to continue representing the City of Modesto in tort cases, and authorizing the City Manager or his designee, to execute the Agreement.  
*City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Resolution 2020-29 (Ridenour/Kenoyer; 6/0; Zoslocki absent)** approving a Second Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Heitlinger in an amount not to exceed \$240,000 to continue representing the City of Modesto in tort cases, and authorizing the City Manager or his designee, to execute the Agreement.

Consent

6. Consider approving the plans and specifications for the Tully Road Pavement Rehabilitation Project, accepting the bid, and awarding a contract to DSS Company dba Knife River Construction, of Stockton, California, in the amount of \$1,664,791; and authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$166,479. (Funding Source: Local Control Measure L Funds)
- Resolution approving the plans and specifications for the Tully Road Pavement Rehabilitation Project, accepting the bid, and awarding a contract to DSS Company dba Knife River Construction, of Stockton, California, in the amount of \$1,664,791 and authorizing the City Manager, or his designee to execute the Agreement.
  - Resolution authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$166,479 (10% of the original contract price) for the Tully Road Pavement Rehabilitation Project.  
*Community & Economic Development; Phillip Soares, 577-5258, psoares@modestogov.com*

**ACTION: Resolution 2020-30 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving the plans and specifications for the Tully Road Pavement Rehabilitation Project, accepting the bid, and awarding a contract to DSS Company dba Knife River Construction, of Stockton, California, in the amount of \$1,664,791 and authorizing the City Manager, or his designee to execute the Agreement.

**ACTION: Resolution 2020-31 (Kenoyer/Ah You; 6/0; Zoslocki absent)** authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$166,479 (10% of the original contract price) for the Tully Road Pavement Rehabilitation Project.

Consent

7. Consider authorizing submittal of a Highway Safety Improvement Program (HSIP) grant application to seek funds for the development of a Local Roads and Safety Plan (LRSP). (Funding Source: Capital Grants - Streets CIP Projects (Fund 3160))
- Resolution authorizing submittal of a Highway Safety Improvement (HSIP) grant application to seek funds for development of a Local Roads and Safety Plan (LRSP) and authorizing the City Manager, or his designee, to execute all necessary grant documents.  
*Community & Economic Development; Tamorah Bryant, 577-5328, tbryant@modestogov.com*

**ACTION: Resolution 2020-32 (Kenoyer/Ah You; 6/0; Zoslocki absent)** authorizing submittal of a Highway Safety Improvement (HSIP) grant application to seek funds for development of a Local Roads and Safety Plan (LRSP) and authorizing the City Manager, or his designee, to execute all necessary grant documents.

*Removed from Consent*

8. Consider approving the First Amendment increasing the Agreement amount with the Cloudburst Consulting Group Inc. for continued consultant services related to the development of the City's 2020-2025 Consolidated Plan and Annual Action Plan by \$16,590 from \$44,304 to a new total amount of \$60,894. (Funding Source: Community Development Block Grant Funds)
- Resolution approving the First Amendment increasing the Agreement amount with the Cloudburst Consulting Group Inc. for continued consultant services related to the development of the City's 2020-2025 Consolidated Plan and Annual Action Plan by \$16,590 from \$44,304 to a new total amount of \$60,894, and authorizing the City Manager or his designee to execute the Amendment.  
*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2020-33 (Ridenour/Grewal; 6/0; Zoslocki absent)** approving the First Amendment increasing the Agreement amount with the Cloudburst Consulting Group Inc. for continued consultant services related to the development of the City's 2020-2025 Consolidated Plan and Annual Action Plan by \$16,590 from \$44,304 to a new total amount of \$60,894, and authorizing the City Manager or his designee to execute the Amendment.

Consent

9. Consider approving a Will Serve Letter and Outside Service Agreement for water service for the property located at 1806 Las Vegas Street (APN: 056-024-052). (Funding Source: Water Fund, General Fund)
- Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and three owners to connect to the City of Modesto's existing water system for the property located at 1806 Las Vegas Street in Modesto (APN: 056-024-052), and authorizing the City Manager, or his designee, to Approve the Will Serve Letter and execute the Outside Service Agreement.  
*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2020-34 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and three owners to connect to the City of Modesto's existing water system for the property located at 1806 Las Vegas Street in Modesto (APN: 056-024-052), and authorizing the City Manager, or his designee, to Approve the Will Serve Letter and execute the Outside Service Agreement.

*Removed from Consent*

10. Consider approving submittal of a joint application with EAH Housing for the Affordable Housing and Sustainable Communities (AHSC) Program Grant for the construction of Archway Commons Phase II and related transportation improvements. (Funding Source: AHSC Program Funds)
- Resolution approving staff to work in partnership with EAH Housing to submit a joint application for Affordable Housing and Sustainable Communities (AHSC) Program Funds for the construction of Archway Commons Phase II and related transportation improvements and authorizing the City Manager or his designee to execute any documents and/or Agreements with such changes as determined by the City Attorney.  
*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2020-35 (Madrigal/Ah You; 4/2; Grewal, Brandvold no; Zoslocki absent)** approving staff to work in partnership with EAH Housing to submit a joint application for Affordable Housing and

Sustainable Communities (AHSC) Program Funds for the construction of Archway Commons Phase II and related transportation improvements and authorizing the City Manager or his designee to execute any documents and/or Agreements with such changes as determined by the City Attorney.

Consent

11. Consider accepting the Monthly Investment Report for November 2019. (Funding Source: Various Funds)
- Motion accepting the Monthly Investment Report for November 2019.  
*Finance; Calogero Maniscalco, 577-5379, cmaniscalco@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 6/0; Zoslocki absent)** accepting the Monthly Investment Report for November 2019.

Consent

12. Consider accepting an informational report for the December 2019 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the December 2019 Accounts Payable Payment Register and Void report.  
*Finance; Calogero Maniscalco, 577-5379, cmaniscalco@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 6/0; Zoslocki absent)** accepting an informational report for the December 2019 Accounts Payable Payment Register and Void report.

Consent

13. Consider approving an Agreement with Dr. Robert Donovan for comprehensive medical oversight (direct and indirect) for clinical services delivered by Modesto Fire Department's (MFD's) personnel, for a three year Agreement with a two year extension option, for an annual cost not to exceed \$24,000 and a total cost not to exceed \$120,000. (Funding Source: General Fund)
- Resolution approving an Agreement with Dr. Robert Donovan for comprehensive medical oversight (direct and indirect) for clinical services delivered by Modesto Fire Department's (MFD's) personnel, for a three year Agreement with a two year extension option, for an annual cost not to exceed \$24,000 and a total cost not to exceed \$120,000, and authorizing the City Manager, or his designee, to execute the Agreement.  
*Fire; Alan Ernst, 572-9590, aernst@modestofire.com*

**ACTION: Resolution 2020-36 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving an Agreement with Dr. Robert Donovan for comprehensive medical oversight (direct and indirect) for clinical services delivered by Modesto Fire Department's (MFD's) personnel, for a three year Agreement with a two year extension option, for an annual cost not to exceed \$24,000 and a total cost not to exceed \$120,000, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving the award of bid and Agreement for preparation of Construction Documentation (Design) for the TRRP Gateway River Overlook to FlowWest of Oakland, CA, in the amount of \$123,460, plus \$12,346 for contingency, if needed, for a total not to exceed \$135,806; and amending the Fiscal Year 2019-2020 Capital Improvement Program Budget as outlined in Exhibit A. (Funding Source: Federal High Priority Demonstration Funds and California River Parkways Grant Program)
- Resolution approving an Agreement with FlowWest, LLC of Oakland, CA for the preparation of Construction Documentation (Design) for the TRRP Gateway River Overlook in the amount of \$123,460, plus \$12,346 for contingency, if needed, for a total not to exceed \$135,806 and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution amending the Fiscal Year 2019-2020 Capital Improvement Program Budget for Project 101109 – TRRP River Overlook as outlined in Exhibit A and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

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

**ACTION: Resolution 2020-37 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving an Agreement with FlowWest, LLC of Oakland, CA for the preparation of Construction Documentation (Design) for the TRRP Gateway River Overlook in the amount of \$123,460, plus \$12,346 for contingency, if needed, for a total not to exceed \$135,806 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2020-38 (Kenoyer/Ah You; 6/0; Zoslocki absent)** amending the Fiscal Year 2019-2020 Capital Improvement Program Budget for Project 101109 – TRRP River Overlook as outlined in Exhibit A and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

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

15. Consider approving the Modesto Tourism Marketing District Owners' Association Agreement, and rescinding Resolution No. 2019-449. (Funding Source: Modesto Tourism Marketing District Assessments)
- Resolution approving the Modesto Tourism Marketing District Owners' Association Agreement and authorizing the City Manager, or his designee, to execute the Agreement, and rescinding Resolution No. 2019-449.

*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2020-39 (Kenoyer/Madrigal; 5/0; Grewal absent due to conflict of interest, Zoslocki absent)** approving the Modesto Tourism Marketing District Owners' Association Agreement and authorizing the City Manager, or his designee, to execute the Agreement, and rescinding Resolution No. 2019-449.

Consent

16. Consider approving the submittal of an application for the 2021 Office of Traffic Safety Selective Traffic Enforcement Program (STEP) Grant in the amount of \$1,200,000. (Funding Source: Grants - Police)
- Resolution approving the submittal of an application for the 2021 Office of Traffic Safety Selective Traffic Enforcement Program (STEP) Grant in the amount of \$1,200,000, and authorizing the City Manager, or his designee, to execute the necessary documents.

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

**ACTION: Resolution 2020-40 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving the submittal of an application for the 2021 Office of Traffic Safety Selective Traffic Enforcement Program (STEP) Grant in the amount of \$1,200,000, and authorizing the City Manager, or his designee, to execute the necessary documents.

Consent

17. Consider approving the submittal of an application for the 2021 Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant in the amount of \$200,000. (Funding Source: Grants - Police)
- Resolution approving the submittal of an application for the 2021 Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant in the amount of \$200,000 and authorizing the City Manager, or his designee, to execute the necessary documents.

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

**ACTION: Resolution 2020-41 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving the submittal of an application for the 2021 Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant in the amount of \$200,000 and authorizing the City Manager, or his designee, to execute the necessary documents.

Consent

18. Consider approving the submission of a grant application for the Volkswagen Mitigation Trust program

in the amount of \$180,000 to purchase one battery electric transit bus. (Funding Source: Transit Funds)

- Resolution approving the submission of a grant application for the Volkswagen Mitigation Trust program in the amount of \$180,000 to purchase one battery electric transit bus, and authorizing the City Manager, or his designee, to execute all necessary grant documents.

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

**ACTION: Resolution 2020-42 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving the submission of a grant application for the Volkswagen Mitigation Trust program in the amount of \$180,000 to purchase one battery electric transit bus, and authorizing the City Manager, or his designee, to execute all necessary grant documents.

Consent

19. Consider approving the award of Request for Proposal and purchase of three commuter motor coaches to Motor Coach Industries, Inc., Des Plaines, IL., for a total amount not to exceed \$1,897,506, and amending the Fiscal Year 2019 – 2020 Capital Improvement Budget for fund 4560 – Bus Fixed Route Bus Purchases in the amount of \$1,229,034. (Funding Source: Transit Funds)

- Resolution approving the award of Request for Proposal and purchase of three commuter motor coaches to Motor Coach Industries, Inc., Des Plaines, IL., for a total amount not to exceed \$1,897,506, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
- Resolution amending Fiscal Year 2019-20 Capital Improvement Program Budget for fund 4560-Bus Fixed Route-Bus Purchases in the amount of \$1,229,034 to fund the purchase of two Modesto Area Express Buses, and authorizing the City Manager, or his Designee, to implement the changes.

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

**ACTION: Resolution 2020-43 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving the award of Request for Proposal and purchase of three commuter motor coaches to Motor Coach Industries, Inc., Des Plaines, IL., for a total amount not to exceed \$1,897,506, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

**ACTION: Resolution 2020-44 (Kenoyer/Ah You; 6/0; Zoslocki absent)** amending Fiscal Year 2019-20 Capital Improvement Program Budget for fund 4560-Bus Fixed Route-Bus Purchases in the amount of \$1,229,034 to fund the purchase of two Modesto Area Express Buses, and authorizing the City Manager, or his Designee, to implement the changes.

Consent

20. Consider accepting the grant award from the Federal Transit Administration for Congestion Mitigation & Air Quality Program funds in the amount of \$1,200,000 to purchase two 40-foot clean diesel buses for Modesto Area Express. (Funding Source: Transit Funds)

- Resolution accepting the grant award from the Federal Transit Administration (FTA) for Congestion Mitigation & Air Quality Program funds in the amount of \$1,200,000 to purchase two 40-foot clean diesel buses for Modesto Area Express (MAX) and authorizing the City Manager, or his designee, to execute and file the annual certifications and assurances, and other necessary documents with the FTA.

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

**ACTION: Resolution 2020-45 (Kenoyer/Ah You; 6/0; Zoslocki absent)** accepting the grant award from the Federal Transit Administration (FTA) for Congestion Mitigation & Air Quality Program funds in the amount of \$1,200,000 to purchase two 40-foot clean diesel buses for Modesto Area Express (MAX) and authorizing the City Manager, or his designee, to execute and file the annual certifications and assurances, and other necessary documents with the FTA.

Consent

21. Consider approving the updated Transit Asset Management Plan as required by the Federal Transit Administration, and authorizing the City Manager, or his designee, to implement the plan. (Funding Source: Transit Funds)

- Resolution approving the updated Transit Asset Management Plan as required by the Federal Transit Administration, and authorizing the City Manager, or his designee, to implement the plan.  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2020-46 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving the updated Transit Asset Management Plan as required by the Federal Transit Administration, and authorizing the City Manager, or his designee, to implement the plan.

Consent

22. Consider accepting the Bus Turnout State Route 132/Maze Boulevard Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$71,000 to United Pavement Maintenance of Hughson, CA. (Funding Source: Local Transportation Funds)
- Resolution accepting the Bus Turnout S.R. 132/Maze Boulevard Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$71,000 to United Pavement Maintenance of Hughson, CA.  
*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-47 (Kenoyer/Ah You; 6/0; Zoslocki absent)** accepting the Bus Turnout S.R. 132/Maze Boulevard Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$71,000 to United Pavement Maintenance of Hughson, CA.

Consent

23. Consider accepting the Bus Turnout Improvements Southbound Dale Road South of Veneman Avenue Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities and payments totaling \$307,563 to George Reed, Inc., of Modesto, CA. (Funding Source: Congestion Mitigation and Air Quality, Regional Surface Transportation Program, Transportation Development Act (TDA) Funds, and Local Transportation Funds)
- Resolution accepting the Bus Turnout Improvements Southbound Dale Road South of Veneman Avenue Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$307,563 to George Reed, Inc., of Modesto, California.  
*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2020-48 (Kenoyer/Ah You; 6/0; Zoslocki absent)** accepting the Bus Turnout Improvements Southbound Dale Road South of Veneman Avenue Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$307,563 to George Reed, Inc., of Modesto, California.

Consent

24. Consider approving specifications for the Destruction of Wells 2017 Project and awarding a contract to Abundant Water Wells Inc., of Leona Valley, CA, in the amount of \$857,050, authorizing the increase in the Director's change orders authority from 10% (\$85,705) to 15% (\$128,558), and amending the Fiscal Year 2019-2020 Capital Improvement Program Budget in the amount of \$211,440. (Funding Source: Water Fund - CIP)
- Resolution approving plans and specifications for the Destruction of Wells 2017 Project, accepting the bid, and approving a construction contract to Abundant Water Wells Inc., Leona Valley, Ca, in the amount of \$857,050 plus \$128,558 for contingency (if needed) for a total amount not to exceed \$985,608 and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution authorizing an increase in the Director's authority to issue change orders for the Destruction of Wells 2017 Project from 10% (\$85,705) to 15% (\$128,558) of the construction contract price of \$857,050 with Abundant Water Wells Inc., Leona Valley, CA.
  - Resolution amending the Fiscal Year 2019-20 Capital Improvement Program Budget in the amount of \$211,440 to be transferred into the project from Water Reserves to fully fund the construction, contingency, construction administration and design support during construction for the Destruction

of Wells 2017 Project.  
*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2020-49 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving plans and specifications for the Destruction of Wells 2017 Project, accepting the bid, and approving a construction contract to Abundant Water Wells Inc., Leona Valley, Ca, in the amount of \$857,050 plus \$128,558 for contingency (if needed) for a total amount not to exceed \$985,608 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2020-50 (Kenoyer/Ah You; 6/0; Zoslocki absent)** authorizing an increase in the Director's authority to issue change orders for the Destruction of Wells 2017 Project from 10% (\$85,705) to 15% (\$128,558) of the construction contract price of \$857,050 with Abundant Water Wells Inc., Leona Valley, CA.

**ACTION: Resolution 2020-51 (Kenoyer/Ah You; 6/0; Zoslocki absent)** amending the Fiscal Year 2019-20 Capital Improvement Program Budget in the amount of \$211,440 to be transferred into the project from Water Reserves to fully fund the construction, contingency, construction administration and design support during construction for the Destruction of Wells 2017 Project.

Consent

25. Consider adopting the 2019 Stanislaus Multi-Agency Regional Storm Water Resource Plan. (Funding Source: Not Applicable)
- Resolution adopting the 2019 Stanislaus Multi-Agency Regional Storm Water Resource Plan.  
*Utilities; Miguel Alvarez, 577-5348, malvarez@modestogov.com*

**ACTION: Resolution 2020-52 (Kenoyer/Ah You; 6/0; Zoslocki absent)** adopting the 2019 Stanislaus Multi-Agency Regional Storm Water Resource Plan.

Consent

26. Consider approving the Second Amendment increasing the Agreement amount with DC Frost Associates, Walnut Creek, CA, for the procurement of UV lamps by \$36,159, from \$213,841 to \$250,000 for the balance of the two years remaining on the Agreement; for a new total Agreement amount not to exceed \$1,141,523. (Funding Source: Wastewater Fund)
- Resolution approving the Second Amendment increasing the Agreement amount with DC Frost Associates, Walnut Creek, CA, for the procurement of UV lamps by \$36,159, from \$213,841 to \$250,000 for the balance of the two years remaining on the Agreement; for a new total Agreement amount not to exceed \$1,141,523 and authorizing the Purchasing Manager or her designee to execute the Amendment.  
*Utilities; Ben Koehler, 342-4502, bkoehler@modestogov.com*

**ACTION: Resolution 2020-53 (Kenoyer/Ah You; 6/0; Zoslocki absent)** approving the Second Amendment increasing the Agreement amount with DC Frost Associates, Walnut Creek, CA, for the procurement of UV lamps by \$36,159, from \$213,841 to \$250,000 for the balance of the two years remaining on the Agreement; for a new total Agreement amount not to exceed \$1,141,523 and authorizing the Purchasing Manager or her designee to execute the Amendment.

### COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended: Stockton Airport meeting regarding an alliance with the City, and the Martin Luther King observances.

Mayor Brandvold thanked the Modesto Chamber of Commerce for their assistance with the State of the City address to be held at 11:30 a.m. on March 26, 2020, at a location to be determined.

## CITY MANAGER COMMENTS & REPORTS

None.

## HEARINGS

*Published in the Modesto Bee on June 19, 2019; Continued from July 9, 2019 Council Meeting; Continued from the September 10, 2019 Council Meeting; Published in the Modesto Bee on January 8, 2020*

27. Hearing to consider an application for a conditional use permit and operating Agreement for a digital freeway billboard located on the east side of State Highway 99 and southeast of Briggsmore Avenue overpass at 2024 W. Orangeburg Avenue submitted by DSN Outdoor. (Funding Source: Application Fee)
- Resolution denying a conditional use permit to DSN Outdoor for a digital freeway billboard located at 2024 W. Orangeburg Avenue.
  - Resolution denying an operating Agreement between the City of Modesto and DSN Outdoor, for the installation of a digital freeway billboard on property located at 2024 W. Orangeburg Avenue. *Community & Economic Development; Paul Liu, 577-5267, pliu@modestogov.com*

**ACTION: Motion (Grewal/Ah You; 5/1; Kenoyer no; Zoslocki absent)** directing staff to return item to the Planning Commission fully revised with community benefit and Operating Agreement and returning to Council regardless of outcome of Planning Commission.

*Published in the Modesto Bee on January 17, 2020*

28. Hearing to consider certifying the Final Environmental Impact Report for the City of Modesto Wastewater Master Plan (SCH # 2016062033) in accordance with the California Environmental Quality Act, and approving the 2016 Wastewater Master Plan. (Funding Source: Not Applicable)
- Resolution certifying the Final Environmental Impact Report for the City of Modesto Wastewater Master Plan (SCH #2016062033) 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; all in connection with approval of the Project contemplated by the Final Environmental Impact Report.
  - Resolution approving the 2016 Wastewater Master Plan as complete. *Utilities; Jim Alves, 571-5557, jalves@modestogov.com*

**ACTION: Resolution 2020-54 (Ridenour/Ah You; 6/0; Zoslocki absent)** certifying the Final Environmental Impact Report for the City of Modesto Wastewater Master Plan (SCH #2016062033) 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; all in connection with approval of the Project contemplated by the Final Environmental Impact Report.

**ACTION: Resolution 2020-55 (Ridenour/Ah You; 6/0; Zoslocki absent)** approving the 2016 Wastewater Master Plan as complete.

## NEW BUSINESS

29. Consider accepting Mayor Brandvold's Proposed Budget Priorities and Direction for Fiscal Year 2020-2021. (Funding Source: Not Applicable)
- Motion accepting Mayor Brandvold's Proposed Budget Priorities and Direction for Fiscal Year 2020-2021.

*City Council; Kathy Espinoza, 577-5396, kespinoza1@modestogov.com*

**ACTION: Motion (Ridenour/Ah You; 6/0; Zoslocki absent)** accepting Mayor Brandvold's Proposed Budget Priorities and Direction for Fiscal Year 2020-2021.

- 30. Consider accepting the Modesto Traffic Signal System Master Plan, and authorizing City staff to apply for grant funding identified in the Modesto Traffic Signal System Master Plan. (Funding Source: Measure L Funds)
  - Resolution accepting the Modesto Traffic Signal System Master Plan and authorizing City staff to apply for grant funding identified in the Modesto Traffic Signal System Master Plan.  
*Public Works; Scott Collins, 577-5431, scollins@modestogov.com*

**ACTION: Resolution 2020-56 (Ridenour/Grewal; 6/0; Zoslocki absent)** accepting the Modesto Traffic Signal System Master Plan and authorizing City staff to apply for grant funding identified in the Modesto Traffic Signal System Master Plan.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 9:17 PM

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**Five Cases** (Pursuant to Section 54956.9(d)(1) of the Government Code)

- Name of Case: Chipponeri v. City of Modesto  
Case No. 2028661
- Dorado v. City of Modesto  
Case No. 2017930
- Lamb v. City of Modesto  
Case No. CV-18-2019
- 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
- Cherry v. City of Modesto  
Case No. 1:18-CV-01268

Attest: \_\_\_\_\_  
Cathi Erbe, Assistant City Clerk

**MINUTES**  
**City of Modesto**  
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL**  
**WORKSHOP**

**Second Floor, Room 2005**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Thursday, January 30, 2020, at 5:30 p.m.**

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

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS**

None.

**NEW BUSINESS**

1. Consider appointing Lori Sicard as a volunteer Administrative Hearing Officer and forwarding to Council for approval. (Funding Source: Not Applicable)

*City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** approving the appointment of Lori Sicard as a volunteer Administrative Hearing Officer and forwarding to Council for approval.

2. Consider approving the reappointment of Commissioner Amin Vohra and the appointment for one vacancy on the City of Modesto Planning Commission and forwarding to Council for approval. (Funding Source: Not Applicable)

*Community & Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** approving the reappointment of Commissioner Amin Vohra to the City of Modesto Planning Commission and forwarding to Council for approval

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** approving 9 applicants to be interviewed for the one vacancy on the City of Modesto Planning Commission.

3. Consider recommending appointments for four vacancies to the Culture Commission and forwarding to Council for approval. (Funding Source: Not Applicable)

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

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** appointing Lacy Vincent to the Culture Commission as the Member at Large – Stanislaus County/Non-Modesto resident and forwarding to Council for approval.

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** appointing Eduardo Flores, Dewey Bedford and Monica Valencia as the Members at Large – City Limits to the Culture Commission and forwarding to Council for approval.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 6:10 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 February 04, 2020, 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: Mayor Brandvold announced the appointment of Jose Sanchez as Acting City Attorney; there was no other reportable action regarding Closed Session matters

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Poem of the Month. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Linda Prather Nelson presented the Poem of the Month.

2. Presentation of the National Night Out plaque from the National Association of Town Watch for the City of Modesto placing 1st in California and 4th in the nation for cities of its size. (Funding Source: Not Applicable)  
*Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION:** Police Chief Galen Carroll presented to the Mayor and Council the National Night Out plaque from the National Association of Town Watch for the City of Modesto placing 1st in California and 4th in the nation for cities of its size.

3. Presentation of Proclamation proclaiming February 2020 as Black History Month in the City of Modesto. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation proclaiming February as Black History Month in the City of Modesto.

**PUBLIC COMMENT PERIOD**

- Ignacio Chavez, United Cerebral Palsy, spoke regarding the Bus Bench Franchise Agreement.
- Loretta Carhart spoke regarding the illegal use of debit and credit card numbers.
- Clay Hunt spoke regarding the hiring of more police officers.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 4-17: (Kenoyer/Ridenour; 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 January 28, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the January 28, 2020 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 6/0; Ah You absent)** approving the minutes from the January 28, 2020 Council Meeting.

Consent

5. Consider approving the award of proposals and Agreement for the Homeless Employment Litter Program to Ready to Work (RTW), for a 3 year Agreement, for an annual cost not to exceed \$150,000, and a total Agreement amount not to exceed \$450,000. (Funding Source: State Funds, Commercial Litter Abatement Fee)
  - Resolution approving the award of proposals and Agreement for the Homeless Employment Litter Program to Ready to Work (RTW), for a 3 year Agreement, for an annual cost not to exceed \$150,000, and a total Agreement amount not to exceed \$450,000, and authorizing the City Manager, or his designee, to execute the Agreement.  
*City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Resolution 2020-57 (Kenoyer/Ridenour; 6/0; Ah You absent)** approving the award of proposals and Agreement for the Homeless Employment Litter Program to Ready to Work (RTW), for a 3 year Agreement, for an annual cost not to exceed \$150,000, and a total Agreement amount not to exceed \$450,000, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

6. Consider approving the award of proposals and Agreement for consultant support with energy and water usage analysis to Sage Energy, with a cost not to exceed \$119,323 and authorizing the City Manager to negotiate, enter into, and execute a Memorandum of Understanding with the County of Stanislaus for consultant support from Sage Energy at City and County shared facilities. (Funding Source: Various Funds)
  - Resolution approving the award of proposals and Agreement for consultant support with energy and water usage analysis to Sage Energy, with a cost not to exceed \$119,323 and authorizing the City Manager, or his designee, to execute the Agreement; and authorizing the City Manager to negotiate, enter into, and execute a Memorandum of Understanding with the County of Stanislaus for consultant support from Sage Energy at City and County shared facilities.  
*City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Resolution 2020-58 (Kenoyer/Ridenour; 6/0; Ah You absent)** approving the award of proposals and Agreement for consultant support with energy and water usage analysis to Sage Energy, with a cost not to exceed \$119,323 and authorizing the City Manager, or his designee, to execute the Agreement; and authorizing the City Manager to negotiate, enter into, and execute a Memorandum of Understanding with the County of Stanislaus for consultant support from Sage Energy at City and County shared facilities.

Consent

7. Consider approving the audited financial statements and various audit reports for Fiscal Year 2018-2019 audited by external auditors Hudson Henderson & Company, Inc. for the City's Comprehensive Annual Financial Report, twelve Community Facilities Districts and various Joint Powers Agencies. (Funding Source: Not Applicable)
- Resolution approving the audited financial statements and various audit reports for Fiscal Year 2018-2019 audited by external auditors Hudson Henderson & Company, Inc. for the City's Comprehensive Annual Financial Report, twelve Community Facilities Districts and various Joint Powers Agencies.
- Finance; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: Resolution 2020-59 (Kenoyer/Ridenour; 6/0; Ah You absent)** approving the audited financial statements and various audit reports for Fiscal Year 2018-2019 audited by external auditors Hudson Henderson & Company, Inc. for the City's Comprehensive Annual Financial Report, twelve Community Facilities Districts and various Joint Powers Agencies.

Consent

8. Consider approving the Fiscal Year 2018-2019 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc. (Funding Source: Not Applicable)
- Resolution approving the Fiscal Year 2018-2019 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc.
- Finance; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: Resolution 2020-60 (Kenoyer/Ridenour; 6/0; Ah You absent)** approving the Fiscal Year 2018-2019 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc.

Consent

9. Consider approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2019. (Funding Source: Not Applicable)
- Resolution approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2019, prepared by external auditors Hudson Henderson & Company, Inc.
- Finance; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: Resolution 2020-61 (Kenoyer/Ridenour; 6/0; Ah You absent)** approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2019, prepared by external auditors Hudson Henderson & Company, Inc.

Consent

10. Consider approving the Auditors' Reports and Schedule of Measure L Program Revenues and Expenditures for Fiscal Year Ended June 30, 2019. (Funding Source: Not Applicable)
- Resolution approving the Fiscal Year 2018-2019 Auditor's Report on Compliance of the Measure L: Local Roads First Transportation Funding Measure.
- Finance; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: Resolution 2020-62 (Kenoyer/Ridenour; 6/0; Ah You absent)** approving the Fiscal Year 2018-2019 Auditor's Report on Compliance of the Measure L: Local Roads First Transportation Funding Measure.

Consent

11. Consider approving the Second Amendment increasing the Agreement with Hudson and Henderson Inc., Fresno, CA for the furnishing of auditing services for the Finance Department, Accounting Division by \$33,600 from \$735,550 to a new total amount of \$769,150 over five years. (Funding Source: General Fund, Transit Fund, Community Facility Districts, Ceres-Modesto Industrial Fire District, and Airport Fund)
- Resolution approving the Second Amendment increasing the Agreement with Hudson and Henderson Inc., Fresno, CA for the furnishing of auditing services for the Finance Department, Accounting Division by \$33,600 from \$735,550 to a new total amount of \$769,150 over five years and authorizing the City Manager or his designee, to execute the Amendment.
- Finance; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: Resolution 2020-63 (Kenoyer/Ridenour; 6/0; Ah You absent)** approving the Second Amendment increasing the Agreement with Hudson and Henderson Inc., Fresno, CA for the furnishing of auditing services for the Finance Department, Accounting Division by \$33,600 from \$735,550 to a new total amount of \$769,150 over five years and authorizing the City Manager or his designee, to execute the Amendment.

Consent

12. Consider approving the award of bid for the purchase of Irrigation Parts and Fittings to Normac, Inc. of Modesto, CA, for a two year Agreement with three one-year extension options, for an annual cost of \$69,000 in the first year and total amount not to exceed \$370,000 over five years to allow for potential CPI increases for years 3-5. (Funding Source: Various Funds)
- Resolution approving the award of bid and service Agreement for the Irrigation Parts & Fittings to Normac, Inc. of Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed \$69,000 in the first year and total amount not to exceed \$370,000 over five years to allow for potential CPI increases for years 3-5 and authorizing the Purchasing Manager, or her designee, to execute the Agreement.
- Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-64 (Kenoyer/Ridenour; 6/0; Ah You absent)** approving the award of bid and service Agreement for the Irrigation Parts & Fittings to Normac, Inc. of Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed \$69,000 in the first year and total amount not to exceed \$370,000 over five years to allow for potential CPI increases for years 3-5 and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

Consent

13. Consider approving an update on the policy for Discontinuation of Residential Water Service for Nonpayment and updating the utility billing delinquency timeline increasing the amnesty period from 45 days to 60 days for delinquent residential customers before services are disconnected for nonpayment in compliance with Senate Bill No. 998 effective February 1, 2020. (Funding Source: Not Applicable)
- Resolution approving an update on the policy for Discontinuation of Residential Water Service for Nonpayment and updating the utility billing delinquency timeline increasing the amnesty period from 45 days to 60 days for delinquent residential customers before services are disconnected for nonpayment in compliance with State Bill No. 998 effective February 1, 2020.
- Finance; Jeni Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Resolution 2020-65 (Kenoyer/Ridenour; 6/0; Ah You absent)** approving an update on the policy for Discontinuation of Residential Water Service for Nonpayment and updating the utility billing delinquency timeline increasing the amnesty period from 45 days to 60 days for delinquent residential customers before services are disconnected for nonpayment in compliance with State Bill No. 998 effective February 1, 2020.

Consent

14. Consider approving a Memorandum of Understanding between the Modesto Fire Department and Stanislaus County (operational area administrator) for the use of fire radio communication equipment.

(Funding Source: Not Applicable)

- Resolution approving a Memorandum of Understanding between the Modesto Fire Department and Stanislaus County (operational area administrator) for the use of fire radio communication equipment, and authorizing the City Manager, or his designee, to execute the MOU.

*Fire; Alan Ernst, 572-9590, aernst@modestofire.com*

**ACTION: Resolution 2020-66 (Kenoyer/Ridenour; 6/0; Ah You absent)** approving a Memorandum of Understanding between the Modesto Fire Department and Stanislaus County (operational area administrator) for the use of fire radio communication equipment, and authorizing the City Manager, or his designee, to execute the MOU.

Consent

15. Consider approving a Purchase Order for the purchase of a cell phone data extraction product from Cellebrite for an amount not to exceed \$75,802. (Funding Source: 2017-2018 State Law Enforcement Supplemental Fund)

- Resolution approving a Purchase Order for the purchase of a cell phone data extraction product from Cellebrite, for a total amount not to exceed \$75,802, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

*Police; Brandon Gillespie, 572-9500, GillespieB@Modestopd.com*

**ACTION: Resolution 2020-67 (Kenoyer/Ridenour; 6/0; Ah You absent)** approving a Purchase Order for the purchase of a cell phone data extraction product from Cellebrite, for a total amount not to exceed \$75,802, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

16. Consider accepting the Standiford Avenue Pavement Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$2,714,108 to Knife River Construction, of Stockton, California. (Funding Source: Measure L)

- Resolution accepting the Standiford Avenue Pavement Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$2,714,108 to Knife River Construction of Stockton, California.

*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-68 (Kenoyer/Ridenour; 6/0; Ah You absent)** accepting the Standiford Avenue Pavement Rehabilitation Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$2,714,108 to Knife River Construction of Stockton, California.

Consent

17. Consider accepting the Claus Road Pavement Rehabilitation Project, STPL-5059(195), as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,677,264 to DSS Company, dba Knife River Construction, of Stockton, CA. (Funding Source: Federal Regional Surface Transportation Program Funds (RSTP))

- Resolution accepting the Claus Road Pavement Rehabilitation Project, STPL-5059(195) as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,677,264 to DSS Company, dba Knife River Construction, of Stockton, CA.

*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-69 (Kenoyer/Ridenour; 6/0; Ah You absent)** accepting the Claus Road Pavement Rehabilitation Project, STPL-5059(195) as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,677,264 to DSS Company, dba Knife River Construction, of Stockton, CA.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended Chinese New Year's celebrations and the Chamber of Commerce Annual Gala.

## CITY MANAGER COMMENTS & REPORTS

None.

## HEARINGS

*Published in the Modesto Bee on January 24, 2020, Item continued March 10, 2020 Council Meeting*

18. Hearing to consider approving a rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services, for an increase of \$0.16 per month for residential services, and \$0.66 per cubic yard per month for commercial services, to fund a Solid Waste Division Blight Abatement Team and Services to become effective March 1, 2020, and rescinding Resolution No. 2019-323 for the July 1, 2019 annual maximum rate adjustment. (Funding Source: Solid Waste Funds)

- Item Continued to March 10, 2020 Council Meeting.

*Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION:** Item continued to March 10, 2020 Council Meeting.

*Published in the Modesto Bee on January 22 and January 29, 2020*

19. Hearing to consider approving an Ordinance Repealing and Replacing Chapter 2 "Vehicle and Traffic Regulations" of Title 3 "Public Safety" of the Modesto Municipal Code. (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance Repealing and Replacing Chapter 2 "Vehicle and Traffic Regulations" of Title 3 "Public Safety" of the Modesto Municipal Code.

*Finance; Jeni Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Motion (Ridenour/Madrigan; 6/0; Ah You absent)** introducing and waiving the first reading of **Ordinance No. 3716-C.S.** Repealing and Replacing Chapter 2 "Vehicle and Traffic Regulations" of Title 3 "Public Safety" of the Modesto Municipal Code.

*Published in the Modesto Bee on January 22 and 29, 2020*

20. Hearing to consider approving an increase to all municipal parking violation fines and updating the parking violation fine schedule. (Funding Source: Parking Fund / General Fund)

- Resolution approving an increase to all municipal parking violation fines and updating the parking violation fine schedule.

*Finance; Jeni Martin, 571-5892, jmartin@modestogov.com*

**ACTION: Resolution 2020-70 (Ridenour/Madrigan; 5/1; Mayor Brandvold no, Ah You absent)** approving an increase to all municipal parking violation fines and updating the parking violation fine schedule. **(AS AMENDED)**

## NEW BUSINESS

21. Consider approving the transition of parking enforcement responsibilities from the Police Department to the Public Works Department, Parking Services Division, and approving one full-time Parking Enforcement Officer for an estimated annual cost of \$54,132. (Funding Source: Parking Fund and General Fund)

- Resolution approving the transition of parking enforcement responsibilities from the Police Department to the Public Works Department, Parking Services Division and approving one full-time Parking Enforcement Officer for an estimated annual cost of \$54,132.

*City Manager; Scotty Douglass, 577-9149, sdouglass@modestogov.com*

**ACTION: Resolution 2020-71 (Grewal/Zoslocki; 6/0; Ah You absent)** approving the transition of parking enforcement responsibilities from the Police Department to the Public Works Department, Parking Services Division and approving one full-time Parking Enforcement Officer for an estimated annual cost of \$54,132.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:15 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)**

Property: Along the south side of Claratina Avenue, approx. 164 ft. west of the Claratina Avenue/Coffee Road intersection APN: 082-023-034

Property Owners: Pacific Gas & Electric Company (PG&E)

Negotiating Parties:

For City: Jaylen French, Director of Community & Economic Development

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owner: Paul Sensibaugh III

Under Negotiation: Price and Terms

**CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION**

**One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**Three Cases (Pursuant to Section 54956.9(d)(1) of the Government Code)**

Name of Case: Robert Keller v. City of Modesto

California Workers Compensation Appeals Board

Nos. ADJ11637301

Kit Jory v. City of Modesto

California Workers Compensation Appeals Board

Nos. ADJ9517174 & ADJ11017449

Deana Durante, Alexandra Carter, Travis Carter v. COM

Superior Court of California, County of Stanislaus

Stanislaus County Case No.: 9000766

**PUBLIC EMPLOYEE APPOINTMENT**

**(Pursuant to Section 54957(b)(1) Government Code)**

Title: Acting City Attorney

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

## AMENDED MINUTES

City of Modesto  
**CHARTER REVIEW COMMITTEE/  
SPECIAL COUNCIL WORKSHOP**

Conference Room 2001, Second Floor  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Tuesday, February 5, 2020, at 5:30 PM**

Roll Call – Present: Committee Members Chair Cecil Russell, Vice Chair Sam Pierstorff, Aaron Anguiano, Wendy Byrd, Janice Keating, Chris Tyler, Mike Moradian, Jose Sabala, Renaldo Rucker, and Sandra Lucas

Absent: Tim Ragsdale

Roll Call – Also Present: Regional Ad Hoc Members George Petrulakis and John Walker; Monica Valencia and Dewey Bedford (Alternates)

### PUBLIC COMMENT PERIOD

None.

### CONSENT

1. Consider approving the Minutes from the January 22, 2020 Charter Review Committee.  
<http://modestogov.com/AgendaCenter/Charter-Review-Committee-21>

**ACTION: Motion (Tyler/Moradian; 10/0)** approving the Minutes from the January 22, 2020 Charter Review Committee.

### NEW BUSINESS

2. Consider reviewing suggested topics for consideration provided by the Mayor and Council, as well as City staff, as part of the Charter review.

The Committee members reviewed the Memos provided by the City Manager and City Attorney for Sections of the Charter to be reviewed:

Section 800 – City Manager:

Staff is directed to return to the Committee at the next meeting with information regarding California Government Code Section 50083 and how it applies to the City Charter with regards to residency of the City Manager.

Section 1104 – Meetings/Chairpersons:

**ACTION: Motion (Tyler/Lucas; 10/0; Ragsdale absent)** directing staff to return with revised language for consideration.

Section 1107-1111 – Board of Personnel Appeals, Powers and Duties – Human Relations Commission:

**ACTION: Motion (Tyler/Lucas; 10/0; Ragsdale absent)** directing staff to return with revised language for consideration; staff is directed to return with background and historical information for the Boards and Commissions.

Section 1205 – Hearing Officer:

**ACTION: Motion (Tyler/Keating; 10/0; Ragsdale absent)** directing the City Manager to return with updated language to “modernize” Section 1205 for current practices of the City.

Section 1302.1-1304 – Annual Budget:

This Section deferred for a total “budget” discussion by the Commission.

Section 1307 – Public Work to be Done by Contract:

**ACTION: Motion (Moradian/Sabala; 10/0; Ragsdale absent)** directing staff to return with revised language for consideration.

Section 1311 – Contracts for Official Advertising:

**ACTION: Motion (Moradian/Sabala; 10/0; Ragsdale absent)** directing staff to return with revised language for consideration.

Section 1313 – Purchase of Supplies and Equipment:

**ACTION: Motion (Pierstorff/Byrd; 10/0; Ragsdale absent)** directing staff to return with revised language for consideration, including **“The Council shall annually adopt and maintain policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the City.”**

The Committee will discuss at the next Charter Review Committee meeting on February 19, 2020 at 5:30 p.m. in Conference Room 2001 the following: (i) clean-up items above; and (ii) Section 601 – Powers and Duties of Mayor and suggested topics for consideration provided by the Mayor and Council, as well as City staff, as part of the Charter review.

## COMMITTEE MEMBER COMMENTS AND REPORTS

Wendy Byrd raised concerns about the process, the short timeline for interviewing applicants, and insufficient deliberation for the four (4) additional community members selected on January 20, 2020 which, in her opinion, resulted in inequitable representation and a potential omission of a highly qualified applicant from being appointed to the committee.

## MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

**ACTION: Motion (Tyler/Anguiano; 10/0) adjourning meeting at 8:20 p.m.**

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

**MINUTES**  
**City of Modesto**  
**ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL**  
**WORKSHOP**

**Second Floor, Room 2008**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Wednesday, February 5, 2020, at 2:00 p.m.**

Roll Call: Present: Councilmembers Zoslocki (arrived at 2:15 p.m.), Ridenour, and Kenoyer (alternate)

**PUBLIC COMMENTS**

None.

**CONSENT**

Consent

1. Consider approving the purchase of a One Ton Crew Cab Flatbed Truck with specific configurations to National Auto Fleet Group, Watsonville, CA for a total amount not to exceed \$56,782 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 2/0)** approving the purchase of a One Ton Crew Cab Flatbed Truck with specific configurations to National Auto Fleet Group, Watsonville, CA for a total amount not to exceed \$56,782 and forwarding to Council for approval.

Consent

2. Consider approving the purchase of two Class 7 Trucks with specific configurations to National Auto Fleet Group, Watsonville, CA, for a total amount not to exceed \$472,914 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 2/0)** approving the purchase of two Class 7 Trucks with specific configurations to National Auto Fleet Group, Watsonville, CA, for a total amount not to exceed \$472,914 and forwarding to Council for approval.

Consent

3. Consider approving the purchase of a Pipehunter VacHunter 800 Dual Axle Hydro-Excavator Trailer with specific configurations to Texas Underground, Inc., Pearland, TX for a total amount not to exceed \$108,249 and forwarding to Council for approval. (Funding Source: Wastewater Collection Fund)  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 2/0)** approving the purchase of a Pipehunter VacHunter 800 Dual Axle Hydro-Excavator Trailer with specific configurations to Texas Underground, Inc., Pearland, TX for a total amount not to exceed \$108,249 and forwarding to Council for approval.

Consent

4. Consider approving the award of bid for the purchase of two 6” trailer mounted pumps to Western Oilfields Supply DBA Rain for Rent, Bakersfield CA, for a total amount not to exceed \$84,394 and forwarding to Council for approval. (Funding Source: Wastewater Fund)  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 2/0)** approving the award of bid for the purchase of two 6” trailer mounted pumps to Western Oilfields Supply DBA Rain for Rent, Bakersfield CA, for a total amount not to exceed \$84,394 and forwarding to Council for approval.

Consent

5. Consider approving the award of bid and Agreement for Security Cameras, Installation, Integration and Maintenance to QPCS Technology Integration Experts of Ceres, CA, for a two-year Agreement with three one-year extension options, for an initial cost of \$81,380, and an estimated annual cost of \$9,416 for a total amount not to exceed \$109,628 and forwarding to Council for approval. (Funding Source: Wastewater Fund, Water Fund and Surface Transportation Fund)  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 2/0)** approving the award of bid and Agreement for Security Cameras, Installation, Integration and Maintenance to QPCS Technology Integration Experts of Ceres, CA, for a two-year Agreement with three one-year extension options, for an initial cost of \$81,380, and an estimated annual cost of \$9,416 for a total amount not to exceed \$109,628 and forwarding to Council for approval.

Consent

6. Consider approving an amendment to the purchase agreement with Industrial Electrical Co., Modesto, CA, for the furnishing of Electric Motor Rewind/Rebuild Services, increasing the annual costs from \$88,548 to \$133,548 until the end of the agreement August, 2020, and a total agreement amount not to exceed from \$442,740 to \$487,740 and forwarding to Council for approval. (Funding Source: Water and Wastewater Fund)  
*Utilities; Monte Hamilton, 342-4505, mhamilton@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 2/0)** approving an amendment to the purchase agreement with Industrial Electrical Co., Modesto, CA, for the furnishing of Electric Motor Rewind/Rebuild Services, increasing the annual costs from \$88,548 to \$133,548 until the end of the agreement August, 2020, and a total agreement amount not to exceed from \$442,740 to \$487,740 and forwarding to Council for approval.

Consent

7. Consider approving an Amendment to the Purchase Agreement with Univar Chemical, Kent, WA, and Northstar Chemical, Modesto, CA, for the purchase of wastewater treatment chemicals, increasing the annual costs from \$34,134 to \$52,845 for the balance of the two years remaining and a total Agreement amount not to exceed from \$170,070 to \$208,091, and forwarding to Council for approval. (Funding Source: Wastewater Fund)  
*Utilities; Ben Koehler, 342-4502, bkoehler@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 2/0)** approving an Amendment to the Purchase Agreement with Univar Chemical, Kent, WA, and Northstar Chemical, Modesto, CA, for the

purchase of wastewater treatment chemicals, increasing the annual costs from \$34,134 to \$52,845 for the balance of the two years remaining and a total Agreement amount not to exceed from \$170,070 to \$208,091, and forwarding to Council for approval.

**NEW BUSINESS**

- 8. Consider approving first year extension option for the Purchasing Agreements for Hot Patch work with United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA, and forwarding to Council for approval. (Funding Source: Water Funds 4100 and 4180, Wastewater Fund 4210, and Stormwater Fund 4480)  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 2/0)** approving first year extension option for the Purchasing Agreements for Hot Patch work with United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA, and forwarding to Council for approval.

- 9. Consider approving the submission of a grant application for the Low Carbon Transit Operations Program for free transit fares for specific dates and events to encourage more ridership on Modesto Area Express buses, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the submission of a grant application for the Low Carbon Transit Operations Program for free transit fares for specific dates and events to encourage more ridership on Modesto Area Express buses, and forwarding to Council for approval.

- 10. Consider approving six On-Call Engineering consultant agreements for two-year agreements with three one-year extension options, for an combined annual cost not to exceed \$200,000 for Wastewater Fund, and \$100,000 for Storm Drain Fund, for a total combined cost not to exceed \$1,000,000 for Wastewater Fund, and \$500,000 for Storm Drain Fund, over five years, and forwarding to Council for approval. (Funding Source: Wastewater and Storm Drain Funds)  
*Utilities; Ben Koehler, 342-4502, bkoehler@modestogov.com*

**ACTION: Motion (Zoslocki/Kenoyer; 3/0)** approving six On-Call Engineering consultant agreements for two-year agreements with three one-year extension options, for an combined annual cost not to exceed \$200,000 for Wastewater Fund, and \$100,000 for Storm Drain Fund, for a total combined cost not to exceed \$1,000,000 for Wastewater Fund, and \$500,000 for Storm Drain Fund, over five years, and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 2:42 p.m.

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

Joseph Lopez, City Manager

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday February 11, 2020, 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: Mike Gunnarson, City Ministry Network

City Clerk’s Announcements: Item 3 - Continued to next Council meeting

Declaration of Conflicts of Interest: Grewal - Item 13

Reports from Closed Session: Acting City Attorney Sanchez reported on Closed Session matters

**PUBLIC COMMENT PERIOD**

- Yozelin Cedillo and Paige Gile, Enochs High School Forensic Academy, thanked the Council, specifically Councilmembers Kenoyer, Ridenour and Madrigal, for their support.
- Mike Dunbar, on behalf of Assembly Member Adam Grey, spoke regarding the traffic ticket tax.
- P.J. Scruggs spoke regarding being homeless in Modesto.
- Emerson Drake spoke regarding campaign contributions, the Tin Cup Ordinance and local election campaigns.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 1, 2; 4-12: (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

1. Consider approving the minutes from the February 4, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the February 4, 2020 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving the minutes from the February 4, 2020 Council Meeting.

Consent

2. Consider final adoption of **Ordinance No. 3716-C.S.** repealing and replacing Chapter 2 “Vehicle and

Traffic Regulations” of Title 3 “Public Safety” of the Modesto Municipal Code. (Funding Source: Not Applicable)

- Motion approving final adoption of **Ordinance No. 3716-C.S.** repealing and replacing Chapter 2 “Vehicle and Traffic Regulations” of Title 3 “Public Safety” of the Modesto Municipal Code.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving final adoption of **Ordinance No. 3716-C.S.** repealing and replacing Chapter 2 “Vehicle and Traffic Regulations” of Title 3 “Public Safety” of the Modesto Municipal Code.

Consent – *Continued to next Council meeting*

3. Consider approving the 2020 City of Modesto Standing Committees and City Council Committees. (Funding Source: Not Applicable)
  - Motion approving the 2020 City of Modesto Standing Committees and City Council Committees.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Item continued to next Council meeting.

Consent

4. Consider: (i) requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Municipal Election to be held on November 3, 2020, 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 School Board; and (ii) requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Run-Off Election for Mayor by mail, if necessary, to be held on February 2, 2021, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Run-Off Election for Mayor 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 Municipal Election to be held on November 3, 2020, 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.
  - Resolution of the City of Modesto requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Run-Off Election for Mayor by Mail, if necessary, to be held on February 2, 2021, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Run-Off Election for Mayor by mail on behalf of the City of Modesto.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2020-72 (Kenoyer/Madrigal; 7/0)** of the City of Modesto requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Municipal Election to be held on November 3, 2020, 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.

**ACTION: Resolution 2020-73 (Kenoyer/Madrigal; 7/0)** of the City of Modesto requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Run-Off Election for Mayor by Mail, if necessary, to be held on February 2, 2021, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Run-Off Election for Mayor by mail on behalf of the City of Modesto.

Consent

5. Consider approving the recommended budget adjustments to Fiscal Year 2019-20 Annual Operating and Capital Improvement Program Budget. (Funding Source: Various Funds)
  - Resolution amending Fiscal Year 2019-20 Annual Operating and Capital Improvement Project Fund Budgets.  
*City Manager; Wilson Chalabi, 571-5855, wchalabi@modestogov.com*

**ACTION: Resolution 2020-74 (Kenoyer/Madrigal; 7/0)** amending Fiscal Year 2019-20 Annual Operating and Capital Improvement Project Fund Budgets.

Consent

6. Consider approving an Agreement with Geocon Consultants Inc. (Geocon) for Remedial Action Plan Monitoring during construction of the State Route 132 West Freeway/Expressway – Phase 1 Project in the amount of \$197,684 plus \$19,768 for additional services, if needed, for an Agreement total not to exceed \$217,452. (Funding Source: Regional Measure L Funds)

- Resolution approving an Agreement with Geocon Consultants Inc. (Geocon) for Remedial Action Plan Monitoring during construction for the State Route 132 West Freeway/Expressway – Phase 1 Project in an amount of \$197,684 for the identified scope of services, plus \$19,768 for additional services (if needed), for an Agreement total not to exceed \$217,452 and authorizing the City Manager, or his designee, to execute the Agreement.

*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2020-75 (Kenoyer/Madrigal; 7/0)** approving an Agreement with Geocon Consultants Inc. (Geocon) for Remedial Action Plan Monitoring during construction for the State Route 132 West Freeway/Expressway – Phase 1 Project in an amount of \$197,684 for the identified scope of services, plus \$19,768 for additional services (if needed), for an Agreement total not to exceed \$217,452 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider amending the Position Allocation Plan for several departments: Fire Department - to reallocate and reclassify one Fire Inspector to one Senior Fire Inspector, create one Administrative Office Assistant III and move nine Firefighter allocations from the Safer Grant cost center to the Fire Suppression cost center in the Modesto Fire Department; Public Works Department - to reallocate one Assistant Engineer to one Associate Civil/Traffic Engineer; Information Technology Department - to reclassify one Software Analyst I to one Software Analyst II; and in the Community & Economic Development Department - to reclassify one Business Manager to one Economic Development Manager. (Funding Source: Various Funds)

- Resolution amending the position allocation for Fiscal Year 2019-20 as adopted in the Operating Budget.

*Human Resources; Christina Alger, 577-5490, calger@modestogov.com*

**ACTION: Resolution 2020-76 (Kenoyer/Madrigal; 7/0)** amending the position allocation for Fiscal Year 2019-20 as adopted in the Operating Budget.

Consent

8. Consider accepting an informational report on the 2020 list of Capital Improvement Priorities for John Thurman Field. (Funding Source: General Fund)

- Motion accepting an informational report on the 2020 list of Capital Improvement Priorities for John Thurman Field.

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

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** accepting an informational report on the 2020 list of Capital Improvement Priorities for John Thurman Field.

Consent

9. Consider authorizing a payment in the amount of \$100,000 to Belfor Property Restoration, Modesto, CA for the Downey Park Restroom Fire Renovation; and amending the Fiscal Year 2019-2020 Capital Improvement Program Budget for project #101225 and #100911 as outlined in attachment A. (Funding Source: Parks Fund)

- Resolution authorizing a payment in the amount of \$100,000 to Belfor Property Restoration, Modesto, CA for the Downey Park Restroom Fire renovation and authorizing the Purchasing Manager, or her designee, to issue the payment.
- Resolution amending the Fiscal Year 2019-2020 Capital Improvement Program Budget for project #101225 and #100911 as outlined in Attachment A.

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

**ACTION: Resolution 2020-77 (Kenoyer/Madrigal; 7/0)** authorizing a payment in the amount of \$100,000 to Belfor Property Restoration, Modesto, CA for the Downey Park Restroom Fire renovation and authorizing the Purchasing Manager, or her designee, to issue the payment.

**ACTION: Resolution 2020-78 (Kenoyer/Madrigal; 7/0)** amending the Fiscal Year 2019-2020 Capital Improvement Program Budget for project #101225 and #100911 as outlined in Attachment A.

Consent

10. Consider approving the First Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative (WMCC). (Funding Source: General Fund)
- Resolution approving the First Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative (WMCC), and authorizing the City Manager, or his designee, to execute the Amendment.

*Parks, Recreation & Neighborhoods; Ashley Weaver, 577-5428, aweaver@modestogov.com*

**ACTION: Resolution 2020-79 (Kenoyer/Madrigal; 7/0)** approving the First Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative (WMCC), and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

11. Consider approving a new five year office lease Agreement for the Hertz Rent-A-Car Corporation LLC at the Modesto City-County Airport in the amount of \$6,228 per year. (Funding Source: Not Applicable)
- Resolution approving a five year lease Agreement with Hertz Rent-A-Car Corporation LLC to provide services at the Modesto City-County Airport in the amount of \$6,228 per year, and authorizing the City Manager, or his designee, to execute the Agreement.

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

**ACTION: Resolution 2020-80 (Kenoyer/Madrigal; 7/0)** approving a five year lease Agreement with Hertz Rent-A-Car Corporation LLC to provide services at the Modesto City-County Airport in the amount of \$6,228 per year, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving the plans and specifications for the Spencer Avenue Neighborhood Strengthen & Replace Water Mains Project; accepting the bid and awarding a construction contract to Rolfe Construction Inc., of Atwater, CA, in the amount of \$1,275,618 and authorizing the increase in Director's Authority to issue change orders from 8% (\$102,049) to 10% (\$127,562). (Funding Source: Water Fund)
- Resolution approving plans and specifications for the Spencer Avenue Neighborhood Strengthen & Replace Water Mains project, accepting the bid, and approving a construction contract to Rolfe Construction, Atwater, CA, in the amount of \$1,275,618 and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution authorizing an increase in the Director's Authority to issue change orders for the Spencer Avenue Neighborhood Strengthen & Replace Water Mains Project from 8% (\$102,049) to 10% (\$127,562) of the construction contract amount of \$1,275,618 with Rolfe Construction, Atwater, CA.

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

**ACTION: Resolution 2020-81 (Kenoyer/Madrigal; 7/0)** approving plans and specifications for the Spencer Avenue Neighborhood Strengthen & Replace Water Mains project, accepting the bid, and approving a construction contract to Rolfe Construction, Atwater, CA, in the amount of \$1,275,618 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2020-82 (Kenoyer/Madrigal; 7/0)** authorizing an increase in the Director's Authority to issue change orders for the Spencer Avenue Neighborhood Strengthen & Replace Water Mains Project from 8% (\$102,049) to 10% (\$127,562) of the construction contract amount of \$1,275,618 with Rolfe Construction, Atwater, CA.

### COUNCIL COMMENTS & REPORTS

Councilmember Madrigal attended the 24th Annual Modesto Police Officers Association Banquet.

### CITY MANAGER COMMENTS & REPORTS

None.

*Councilmember Grewal left meeting at 5:55 p.m.*

### UNFINISHED BUSINESS

*Councilmember Grewal absent due to conflict of interest*

13. Consider approving the Downtown Modesto Hotel Project estimated timeline and budget for potential development of a hotel located in downtown Modesto and authorizing staff to proceed with Tasks I and II, including supporting bond, Redevelopment Successor Agency, and general legal services for the Downtown Modesto Hotel Project; approving an Agreement with Management Advisory Services, a California Limited Liability Company, for professional services and project co-management for Tasks I and II of the Downtown Modesto Hotel Project in the amount not to exceed \$42,100; and amending the Fiscal Year 2019-2020 Operating Budget in the amount of \$60,850 to fund Tasks I, II, and supporting legal services for the Downtown Modesto Hotel Project. (Funding Source: Redevelopment Successor Agency Fund, Parking Fund, and General Fund)
- Resolution approving the Downtown Modesto Hotel Project estimated timeline and budget for potential development of a hotel located in downtown Modesto and authorizing staff to proceed with Tasks I and II, including supporting bond, Redevelopment Successor Agency, and general legal services for the Downtown Modesto Hotel Project.
  - Resolution approving an Agreement with Management Advisory Services, a California Limited Liability Company, for professional services and project co-management for Tasks I and II of the Downtown Modesto Hotel Project in the amount not to exceed \$42,100, and authorizing the City Manager, or designee, to execute the Agreement.
  - Resolution amending the Fiscal Year 2019-2020 Operating Budget in the amount of \$60,500 to fund Tasks I, II and supporting legal services for the Downtown Modesto Hotel Project.

*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2020-83 (Kenoyer/Madrigal; 4/2; Ah You, Zoslocki no, Grewal absent due to conflict of interest)** approving the Downtown Modesto Hotel Project estimated timeline and budget for potential development of a hotel located in downtown Modesto and authorizing staff to proceed with Tasks I and II, including supporting bond, Redevelopment Successor Agency, and general legal services for the Downtown Modesto Hotel Project.

**ACTION: Resolution 2020-84 (Kenoyer/Madrigal; 4/2; Ah You, Zoslocki no, Grewal absent)** approving an Agreement with Management Advisory Services, a California Limited Liability Company, for professional services and project co-management for Tasks I and II of the Downtown Modesto Hotel Project in the amount not to exceed \$42,100, and authorizing the City Manager, or designee, to execute the Agreement.

**ACTION: Resolution 2020-85 (Kenoyer/Madrigal; 4/2; Ah You, Zoslocki no, Grewal absent)** amending the Fiscal Year 2019-2020 Operating Budget in the amount of \$60,500 to fund Tasks I, II and supporting legal services for the Downtown Modesto Hotel Project.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:55 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)**

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**

**Tuesday, February 18, 2020, at 5:30 p.m.**

Roll Call: Present: Councilmembers Madrigal, Mayor Brandvold and Councilmember Kenoyer  
(alternate)

Absent: Councilmember Grewal

**PUBLIC COMMENTS**

None.

**NEW BUSINESS**

1. Consider appointing Rick Reid and Evan Yoshino as volunteer Administrative Hearing Officers and forwarding to Council for approval. (Funding Source: Not Applicable)  
*City Attorney; Jose Sanchez, 577-5284, jsanchez@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** appointing Rick Reid and Evan Yoshino as volunteer Administrative Hearing Officers and forwarding to Council for approval.

2. Consider interviewing and recommending to the City Council a prospective candidate to fill one vacancy on the City of Modesto Planning Commission. (Funding Source: Not Applicable)  
*Community & Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** approving the reappointment of Amin Vohra to the Planning Commission and forwarding to Council for approval.

*Councilmember Madrigal left meeting at 6:50 p.m.*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 2/0; Madrigal absent)** approving the appointment of Roger Shanks to the Planning Commission and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:15 p.m.

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

## MINUTES

City of Modesto  
**CHARTER REVIEW COMMITTEE/  
SPECIAL COUNCIL WORKSHOP**

Conference Room 2001, Second Floor  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Wednesday, February 19, 2020, at 5:30 PM**

Roll Call – Present: Committee Members Chair Cecil Russell, Vice Chair Sam Pierstorff, Aaron Anguiano, Wendy Byrd, Janice Keating, Chris Tyler, Mike Moradian, Jose Sabala, Renaldo Rucker, Tim Ragsdale, and Sandra Lucas

Absent: None

Roll Call – Also Present: Regional Ad Hoc Members George Petrulakis and John Walker

### PUBLIC COMMENT PERIOD

None.

### CONSENT

4. Consider approving the Minutes from the February 5, 2020 Charter Review Committee.  
<http://modestogov.com/AgendaCenter/Charter-Review-Committee-21>

**ACTION: Motion (Byrd/Moradian; 11/0)** approving the Amended Minutes from the February 5, 2020 Charter Review Committee to include amended language of Committee Member Wendy Byrd “Committee Comments and Reports.”

**ACTION: Motion (Tyler/Rucker; 11/0)** approving the Amended Minutes from the February 5, 2020 Charter Review Committee to include additional language regarding topics for consideration for the February 19, 2020 meeting.

### NEW BUSINESS

1. Consider information requested from last meeting regarding City Manager’s memo and items for consideration.

**ACTION: Motion (Tyler/Keating; 11/0)** approving revisions to Charter Section 1313 – Purchase of Supplies and Equipment; staff will return with additional revised language.

**ACTION: Motion (Pierstorff/Moradian; 10/1; Keating no)** postponing discussion regarding Charter Section 1302.1-1304 – Annual Budget.

**ACTION: Motion (Tyler/Lucas; 10/1; Rucker no)** directing staff to return with revisions, deletions and additional language to Charter Sections 1107-1111 – Various Boards and Commissions: Human Relations Commission, Culture Commission, Planning Commission, and Board of Personnel Appeals.

**ACTION: Motion (Pierstorff/Ragsdale; 11/0)** approving revisions to Charter Section 800 – City Manager Residency Requirement to eliminate residency language.

**ACTION: Motion (Tyler/Keating; 11/0)** approving proposed revisions to Charter Sections 1104, 1307, 1311, 1104, and 1205.

*Mike Moradian left meeting at 7:15 p.m.*

2. Consider information requested from last meeting regarding City Attorney’s memo and items for consideration.

**ACTION: Motion (Tyler/Keating; 11/0)** approving recommended changes to Charter Section 501(b)(4) regarding district boundaries and the California Voting Rights Act of 2001.

*Sam Pierstorff left meeting at 7:30 p.m.*

3. Consider review and discussion regarding “Charter Article VI. The Mayor,” and suggested topics for consideration provided by the Mayor and Council, as well as City staff, as part of the Charter review.

**ACTION: Motion (Byrd/Rucker; 9/0; Pierstorff, Moradian absent)** to return for discussion at next meeting.

4. Consider review and update of “Rules and Regulations” for the 2020 Charter Review Committee of the City of Modesto. (2006-2007 Rules and Regulations attached for reference.)

**ACTION: Motion (Byrd/Rucker; 9/0; Pierstorff, Moradian absent)** to return for discussion at next meeting.

*Jose Sabala left meeting at 7:45 p.m.*

## ADJOURNMENT

**ACTION: Motion (Lucas/Keating; 8/0; Sabala, Pierstorff, Moradian absent)** adjourning meeting at 8:00 p.m.

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, February 24, 2020, at 3:00 p.m.**

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

**CONSENT**

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

Consent

1. Consider approving the recommended budget adjustments to Fiscal Year 2019-20 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)  
*Finance and City Manager; Wilson Chalabi, 571-5855, wchalabi@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the recommended budget adjustments to Fiscal Year 2019-20 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

Consent

2. Consider accepting an informational report on the November and December 2019 grant applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Finance; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting an informational report on the November and December 2019 grant applications and awards and forwarding to Council for approval.

Consent

3. Consider approving the award of bid and Agreement for background investigations services to Creative Security Company Inc., San Jose CA as the primary vendor and Rank Investigations, Modesto, CA as the secondary vendor for a two-year agreement with three one-year extension options, for an annual estimated cost not to exceed \$180,500 between both Agreements, and a total amount not to exceed \$902,500 over

five years and forwarding to Council for approval. (Funding Source: Various Funds)

*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the award of bid and Agreement for background investigations services to Creative Security Company Inc., San Jose CA as the primary vendor and Rank Investigations, Modesto, CA as the secondary vendor for a two-year agreement with three one-year extension options, for an annual estimated cost not to exceed \$180,500 between both Agreements, and a total amount not to exceed \$902,500 over five years and forwarding to Council for approval.

Consent

4. Consider approving the award of bid and Agreement for radio and communication equipment service, repair and preventative maintenance to Silke Communication, West Sacramento, CA, for a two-year Agreement with three one-year extension options, for an estimated annual cost not to exceed \$30,000 and a total amount not to exceed \$150,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)

*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the award of bid and Agreement for radio and communication equipment service, repair and preventative maintenance to Silke Communication, West Sacramento, CA, for a two-year Agreement with three one-year extension options, for an estimated annual cost not to exceed \$30,000 and a total amount not to exceed \$150,000 over five years and forwarding to Council for approval.

Consent

5. Consider approving grant applications, accepting grant awards and amending the annual budgets for all Waste Tire Enforcement Grants to California Department of Resources and Recovery; and forwarding to Council for approval. (Funding Source: Not Applicable)

*Public Works; Michele Hunt, 577-5493, mhunt@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving grant applications, accepting grant awards and amending the annual budgets for all Waste Tire Enforcement Grants to California Department of Resources and Recovery; and forwarding to Council for approval.

Consent

6. Consider approving a Purchase Agreement with the Hach Company by utilizing the competitive bid process with the City of Turlock, Turlock, CA, for a Water Information Management Solution, for a total cost not to exceed \$53,514, and forwarding to Council for approval. (Funding Source: Wastewater Fund)

*Utilities; Ben Koehler, 342-4502, bkoehler@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving a Purchase Agreement with the Hach Company by utilizing the competitive bid process with the City of Turlock, Turlock, CA, for a Water Information Management Solution, for a total cost not to exceed \$53,514, and forwarding to Council for approval.

## UNFINISHED BUSINESS

7. Consider approving the plans and specifications for the Fleet Maintenance Facility Heavy Bay Addition and Bus Maintenance Facility – Parts Storage Room and awarding construction contracts with Harris Builders, Inc. from Hilmar CA, in the amount of \$5,365,992 plus \$429,279 for contingency (if needed), for a total not to exceed amount of \$5,795,271; approving an agreement with Consolidated CM Inc. for Construction Management, Special Inspection, and Materials Testing Services for the Fleet Maintenance Facility Heavy Bay Addition in an amount not to exceed \$420,309 approving an agreement with Consolidated CM Inc. for Construction Management, Special Inspection, and Materials Testing Services for the Bus Maintenance Facility Parts Storage Room in an amount not to exceed \$142,715; amending the Fiscal Year 2019-20 Capital Improvement Project Program Budget, and forwarding to Council for approval. (Funding Source: Fleet Fund 5400 & Bus Fixed Route Fund 4510 )  
*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the plans and specifications for the Fleet Maintenance Facility Heavy Bay Addition and Bus Maintenance Facility – Parts Storage Room and awarding construction contracts with Harris Builders, Inc. from Hilmar CA, in the amount of \$5,365,992 plus \$429,279 for contingency (if needed), for a total not to exceed amount of \$5,795,271; approving an agreement with Consolidated CM Inc. for Construction Management, Special Inspection, and Materials Testing Services for the Fleet Maintenance Facility Heavy Bay Addition in an amount not to exceed \$420,309 approving an agreement with Consolidated CM Inc. for Construction Management, Special Inspection, and Materials Testing Services for the Bus Maintenance Facility Parts Storage Room in an amount not to exceed \$142,715; amending the Fiscal Year 2019-20 Capital Improvement Project Program Budget, and forwarding to Council for approval.

## NEW BUSINESS

8. Consider an agreement with CentralSquare Technologies (Formerly Superior), Lake Mary, FL., for the purchase and installation of a community development management software system for the City of Modesto Development Center for \$474,180, 2nd year maintenance cost of \$188,000 and a 3rd year maintenance cost of \$193,640 for a total amount not to exceed \$855,820 and forwarding to Council for approval. (Funding Source: Senate Bill 2 Grant funds, Multi-Year Abatement Fund (4910-14999-53300-100673), Building Safety Technology Fee (4910-14998-43270-101223), CDBG Administration 19/20 (1130-14010-54500-000000-01330), Infrastructure Financing Program Administration (3220-14160-54500), Water and Wastewater Enterprise Funds, and Information Technology Intra Service Fund (ISF) )  
*Community & Economic Development; Oscar Diaz, 571-5885, odiaz@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving an agreement with CentralSquare Technologies (Formerly Superior), Lake Mary, FL., for the purchase and installation of a community development management software system for the City of Modesto Development Center for \$474,180, 2nd year maintenance cost of \$188,000 and a 3rd year maintenance cost of \$193,640 for a total amount not to exceed \$855,820 and forwarding to Council for approval.

9. Consider approving the extension of termination dates of seven annual Purchasing Agreements and forwarding to Council for approval. (Funding Source: Various Funds)  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the extension of termination dates of seven annual Purchasing Agreements and forwarding to Council for approval.

10. Consider approving the award of bid and Agreement for Fuel Card-Lock Services to Boyett Petroleum, Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual estimated cost not to exceed \$1,800,000, and a total amount not to exceed \$9,000,000 over five years, and forwarding to Council for approval. (Funding Source: Fleet Services)  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving the award of bid and Agreement for Fuel Card-Lock Services to Boyett Petroleum, Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual estimated cost not to exceed \$1,800,000, and a total amount not to exceed \$9,000,000 over five years, and forwarding to Council for approval.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 3:47 p.m.

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

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday February 25, 2020, 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: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: None

**MISCELLANEOUS**

Legislation  
Appointments  
Other

1. Consider the appointments of Eduardo Flores, Dewey Bedford and Monica Valencia, as a registered County voters residing in Modesto, and Lacy Vincent, as a registered County voter residing outside of Modesto, to the City of Modesto Culture Commission. (Funding Source: Not Applicable)
  - Resolution appointing Monica Valencia, as a registered County voter residing in Modesto, to the City of Modesto Culture Commission, with a term expiration date of January 1, 2021.
  - Resolution appointing Dewey Bedford, as a registered County voter residing in Modesto, to the City of Modesto Culture Commission, with a term expiration date of January 1, 2022.
  - Resolution appointing Eduardo Flores, as a registered County voter residing in Modesto, to the City of Modesto Culture Commission, with a term expiration date of January 1, 2024.
  - Resolution appointing Lacy Vincent, as a registered County voter who does not live in Modesto, to the City of Modesto Culture Commission, with a term expiration of January 1, 2023.  
*Parks, Recreation & Neighborhoods; Marco Sepulveda, 577-5275, msepulveda@modestogov.com*

**ACTION: Resolution 2020-86 (Kenoyer/Ah You; 7/0)** appointing Monica Valencia, as a registered County voter residing in Modesto, to the City of Modesto Culture Commission, with a term expiration date of January 1, 2021.

**ACTION: Resolution 2020-87 (Kenoyer/Ah You; 7/0)** appointing Dewey Bedford, as a registered County voter residing in Modesto, to the City of Modesto Culture Commission, with a term expiration date of January 1, 2022.

**ACTION: Resolution 2020-88 (Kenoyer/Ah You; 7/0)** appointing Eduardo Flores, as a registered County voter residing in Modesto, to the City of Modesto Culture Commission, with a term expiration date of January 1, 2024.

**ACTION: Resolution 2020-89 (Kenoyer/Ah You; 7/0)** appointing Lacy Vincent, as a registered County voter

who does not live in Modesto, to the City of Modesto Culture Commission, with a term expiration of January 1, 2023.

**PUBLIC COMMENT PERIOD**

- Donna Linder, Stanislaus County Registrar of Voters, spoke regarding the March 3, 2020 election.
- Maggie Countryman spoke regarding 3 entries on a Modesto Police Department report that she provided to the City Council.
- Ron DeLoach spoke regarding the request for a State Grant for Mellis Park.
- Kevin McClarty spoke regarding the appointment of Sebastian Jones to the Board of Building Appeals.
- Lisa Battista spoke regarding the appointment of Sebastian Jones to the Board of Building Appeals; Councilmembers Ah You and Madrigal requested the appointment be placed on next week's meeting.
- Sebastian Jones spoke regarding his meetings with Councilmembers Ridenour, Kenoyer, Grewal and Zoslocki and his appointment to the Board of Building of Appeals.
- Loretta Carhart requested signs on buses.
- Jose Dominquez, El Concilio, spoke regarding the 2020 Census.
- Carla Gorman spoke regarding the homeless in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 2-22: (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 February 11, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the February 11, 2020 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (/Zoslocki; 7/0) approving the minutes from the February 11, 2020 Council Meeting.**

Consent

3. Consider approving the 2020 City of Modesto Standing Committees and City Council Committees. (Funding Source: Not Applicable)
  - Motion approving the 2020 City of Modesto Standing Committees and City Council Committees.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0) approving the 2020 City of Modesto Standing Committees and City Council Committees.**

Consent

4. Consider approving the plans and specifications for the Pelandale Avenue Pavement Rehabilitation

Project between Sisk Road and Honey Creek Road , STPL-5059(220), accepting the bid, and awarding a contract to DSS Company dba Knife River Construction, of Stockton, California, in the amount of \$2,034,488; and accepting Federal Regional Surface Transportation Program (RSTP) entitlement funds in the amount of \$1,734,493; and budget adjustment to fully fund the project. (Funding Source: Federal RSTP and Local Control Measure L Funds)

- Resolution approving the plans and specifications for the Pelandale Avenue Pavement Rehabilitation Project, STPL-5059(220), accepting the bid, and awarding a contract to DSS Company dba Knife River Construction, of Stockton, California, in the amount of \$2,034,488 and authorizing the City Manager, or his designee to execute the Agreement.
- Resolution accepting Federal Regional Surface Transportation Program (RSTP) entitlement funds in the amount of \$1,734,493 for the Pelandale Avenue Pavement Rehabilitation Project, STPL-5059(220), and authorizing the City Manager, or his designee to execute necessary federal entitlement fund documents.
- Resolution amending the Fiscal Year 2019-2020 Capital Improvement Program Budget in the amount as shown in Exhibit A in order to fully fund the Pelandale Avenue Pavement Rehabilitation Project.

*Community & Economic Development; Phillip Soares, 577-5258, psoares@modestogov.com*

**ACTION: Resolution 2020-90 (Kenoyer/Zoslocki; 7/0)** approving the plans and specifications for the Pelandale Avenue Pavement Rehabilitation Project, STPL-5059(220), accepting the bid, and awarding a contract to DSS Company dba Knife River Construction, of Stockton, California, in the amount of \$2,034,488 and authorizing the City Manager, or his designee to execute the Agreement.

**ACTION: Resolution 2020-91 (Kenoyer/Zoslocki; 7/0)** accepting Federal Regional Surface Transportation Program (RSTP) entitlement funds in the amount of \$1,734,493 for the Pelandale Avenue Pavement Rehabilitation Project, STPL-5059(220), and authorizing the City Manager, or his designee to execute necessary federal entitlement fund documents.

**ACTION: Resolution 2020-92 (Kenoyer/Zoslocki; 7/0)** amending the Fiscal Year 2019-2020 Capital Improvement Program Budget in the amount as shown in Exhibit A in order to fully fund the Pelandale Avenue Pavement Rehabilitation Project.

Consent

5. Consider authorizing the payment of \$280,722 to the Pacific Gas & Electric Company (PG&E) for the relocation of gas lines on Rosemore Avenue, Kansas Avenue, Franklin Street, and Shirley Court as required for the State Route 132 West Freeway / Expressway Phase 1 Project. (Funding Source: Capital Facility Fees)
  - Resolution authorizing the payment of \$280,722 to the Pacific Gas and Electric Company (PG&E) for the relocation of gas lines on Rosemore Avenue at Kansas Avenue, Kansas Avenue at Mercy Avenue, Franklin Street (Kansas Avenue Extension), and Shirley Court at Elm Avenue as required for the State Route 132 West Freeway/Expressway Phase 1 Project.

*Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2020-93 (Kenoyer/Zoslocki; 7/0)** authorizing the payment of \$280,722 to the Pacific Gas and Electric Company (PG&E) for the relocation of gas lines on Rosemore Avenue at Kansas Avenue, Kansas Avenue at Mercy Avenue, Franklin Street (Kansas Avenue Extension), and Shirley Court at Elm Avenue as required for the State Route 132 West Freeway/Expressway Phase 1 Project.

Consent

6. Consider directing staff to prepare and file the 2020-2021 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1. (Funding Source: Landscape Maintenance Assessment District No. 1)
  - Resolution directing staff to prepare and file the 2020-2021 Annual Engineer's Report for City of Modesto Landscape Maintenance Assessment District No. 1.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2020-94 (Kenoyer/Zoslocki; 7/0)** directing staff to prepare and file the 2020-2021 Annual Engineer's Report for City of Modesto Landscape Maintenance Assessment District No. 1.

Consent

7. Consider directing staff to prepare and file the 2020-2021 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2. (Funding Source: Landscape Maintenance Assessment District No. 2)
- Resolution directing staff to prepare and file the 2020-2021 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.
- Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2020-95 (Kenoyer/Zoslocki; 7/0)** directing staff to prepare and file the 2020-2021 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.

Consent

8. Consider directing staff to prepare and file the 2020-2021 Annual Engineer's Report for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
- Resolution directing staff to prepare and file the 2020-2021 Annual Engineer's Report for the Shackelford Landscape and Lighting District.
- Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2020-96 (Kenoyer/Zoslocki; 7/0)** directing staff to prepare and file the 2020-2021 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

Consent

9. Consider accepting the Monthly Investment Report for December 2019. (Funding Source: Various Funds)
- Motion accepting the Monthly Investment Report for December 2019.
- Finance; Calogero Maniscalco, 577-5379, cmaniscalco@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting the Monthly Investment Report for December 2019.

Consent

10. Consider accepting an informational report for the January 2020 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the January 2020 Accounts Payable Payment Register and Void report.
- Finance; Calogero Maniscalco, 577-5379, cmaniscalco@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** accepting an informational report for the January 2020 Accounts Payable Payment Register and Void report.

Consent

11. Consider approving the purchase of a One Ton Crew Cab Flatbed Truck with specific configurations to National Auto Fleet Group, Watsonville, CA for a total amount not to exceed \$56,782. (Funding Source: Funding Source: Fleet Replacement Fund)
- Resolution approving the purchase of a One Ton Crew Cab Flatbed Truck with specific configurations to National Auto Fleet Group, Watsonville, CA for a total amount not to exceed \$56,782 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
- Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-97 (Kenoyer/Zoslocki; 7/0)** approving the purchase of a One Ton Crew Cab Flatbed Truck with specific configurations to National Auto Fleet Group, Watsonville, CA for a total amount not to

exceed \$56,782 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

12. Consider approving the Agreement with Van De Pol Petroleum, Stockton, CA, by utilizing the competitive process with the Twin Rivers Unified School District, North Highlands, CA for Renewable Diesel and Bulk Fuels, for a two-year Agreement with three one-year extension options, for an annual estimated cost not to exceed \$1,270,000, and a total amount not to exceed \$6,350,000 over five years. (Funding Source: Fleet Services (Transit) & Fleet Services, Water and Wastewater Funds)
- Resolution approving the award of bid and Agreement with Van De Pol Petroleum, Stockton, CA by utilizing the competitive process with the Twin Rivers Unified School District, North Highlands, CA for Renewable Diesel and Bulk Fuels, for a two-year Agreement with three one-year extension options, for an annual estimated cost not to exceed \$1,270,000, and a total amount not to exceed \$6,350,000 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-98 (Kenoyer/Zoslocki; 7/0)** approving the award of bid and Agreement with Van De Pol Petroleum, Stockton, CA by utilizing the competitive process with the Twin Rivers Unified School District, North Highlands, CA for Renewable Diesel and Bulk Fuels, for a two-year Agreement with three one-year extension options, for an annual estimated cost not to exceed \$1,270,000, and a total amount not to exceed \$6,350,000 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

13. Consider approving the purchase of two Class 7 Trucks with specific configurations to National Auto Fleet Group, Watsonville, CA, for a total amount not to exceed \$472,914. (Funding Source: Fleet Replacement Fund)
- Resolution approving the purchase two Class 7 Trucks with specific configurations to National Auto Fleet Group, Watsonville, CA, for a total amount not to exceed \$472,914 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-99 (Kenoyer/Zoslocki; 7/0)** approving the purchase two Class 7 Trucks with specific configurations to National Auto Fleet Group, Watsonville, CA, for a total amount not to exceed \$472,914 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

14. Consider approving the purchase of a Pipehunter VacHunter 800 Dual Axle Hydro-Excavator Trailer with specific configurations to Texas Underground, Inc., Pearland, TX for a total amount not to exceed \$108,249. (Funding Source: Wastewater Collection Fund)
- Resolution approving the purchase of a Pipehunter VacHunter 800 Dual Axle Hydro-Excavator Trailer with specific configurations to Texas Underground Inc., Pearland, TX for a total amount not to exceed \$108,249 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-100 (Kenoyer/Zoslocki; 7/0)** approving the purchase of a Pipehunter VacHunter 800 Dual Axle Hydro-Excavator Trailer with specific configurations to Texas Underground Inc., Pearland, TX for a total amount not to exceed \$108,249 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

15. Recommend approving a Citywide organization development and succession plan and Professional Services Agreement for an employee leadership development program with Brandman University, Modesto, California for a two-year Agreement with three one-year extension options, for an annual cost not to exceed \$50,000 and a total amount not to exceed \$250,000 over five years. (Funding Source:

Various Funds)

- Resolution approving a citywide organization development and succession plan and Professional Services agreement for an employee leadership development program with Brandman University, Modesto, California for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$50,000 each year and a total amount not to exceed \$250,000 over five years and authorizing the City Manager or his designee to execute this agreement.

*Human Resources; Wanda King, 571-5125, wking@modestogov.com*

**ACTION: Resolution 2020-101 (Kenoyer/Zoslocki; 7/0)** approving a citywide organization development and succession plan and Professional Services agreement for an employee leadership development program with Brandman University, Modesto, California for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$50,000 each year and a total amount not to exceed \$250,000 over five years and authorizing the City Manager or his designee to execute this agreement.

Consent

16. Consider rejecting all bids received for Request for Bid No. 1920-03 for Oversized and Non-Compostable Waste Material Handling. (Funding Source: Compost Funds)
- Resolution rejecting all bids received for Request for Bid No. 1920-03 for Oversized and Non-Compostable Waste Material Handling.

*Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Resolution 2020-102 (Kenoyer/Zoslocki; 7/0)** rejecting all bids received for Request for Bid No. 1920-03 for Oversized and Non-Compostable Waste Material Handling.

Consent

17. Consider accepting the rebid of Groundwater Monitoring Wells Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$716,590 to Gregory Drilling, Inc., of North Bend, WA. (Funding Source: Water Fund - CIP)
- Resolution accepting the rebid of Groundwater Monitoring Wells Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$716,590 to Gregory Drilling, Inc., of North Bend, WA.

*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-103 (Kenoyer/Zoslocki; 7/0)** accepting the rebid of Groundwater Monitoring Wells Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$716,590 to Gregory Drilling, Inc., of North Bend, WA.

Consent

18. Consider accepting the Modesto Fire Department Assistance to Firefighters Grant Exhaust Systems Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$128,080 to Benz Air Engineering, of Beaverton, OR. (Funding Source: Water Fund - CIP)

- Resolution accepting the Modesto Fire Department Assistance to Firefighters Grant Exhaust Systems Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$128,080 to Benz Air Engineering, of Beaverton, OR.

*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-104 (Kenoyer/Zoslocki; 7/0)** accepting the Modesto Fire Department Assistance to Firefighters Grant Exhaust Systems Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$128,080 to Benz Air Engineering, of Beaverton, OR.

Consent

19. Consider approving an Amendment to the Agreement with Vali Cooper Associates, Inc., of Sacramento, CA, for construction management, testing and inspection services for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project in an amount not to exceed \$95,494, for a total amount not to exceed \$195,106. (Funding Source: Wastewater Fund)
- Resolution approving an Amendment to the Agreement with Vali Cooper Associates, Inc., of Sacramento, CA, for construction management and inspection services for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project in an amount not to exceed \$95,494, for a total amount not to exceed \$195,106, and authorizing the City Manager, or his designee, to execute the Amendment.
- Utilities; Jesse Franco, 571-5105, jfranco@modestogov.com*

**ACTION: Resolution 2020-105 (Kenoyer/Zoslocki; 7/0)** approving an Amendment to the Agreement with Vali Cooper Associates, Inc., of Sacramento, CA, for construction management and inspection services for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project in an amount not to exceed \$95,494, for a total amount not to exceed \$195,106, and authorizing the City Manager, or his designee, to execute the Amendment.

#### Consent

20. Consider approving the plans and specifications for the Kansas Avenue 12-Inch Water Main Upgrade Project and awarding a construction contract with Platinum Pipeline, Inc., of Livermore, CA, in the amount of \$638,916; authorizing an increase in the Director’s Authority from 10% to 20% to issue change orders; approving an Agreement with NV5, of Manteca, CA for Construction Management, Special Inspection, and Materials Testing Services for the Kansas Avenue 12-Inch Water Main Upgrade in an amount not to exceed \$86,392, plus \$8,639 for additional services (if needed), for a total amount not to exceed \$95,031; and amending the Fiscal Year 2019-2020 Capital Improvement Project Program Budget in the amount of \$925,065. (Funding Source: Water Fund)
- Resolution approving plans and specifications for the Kansas Avenue 12-Inch Water Main Upgrade project, accepting the bid, and approving a construction contract to Platinum Pipeline, Inc., of Livermore, CA, in the amount \$638,916 plus \$127,783 for contingency (if needed) for a total amount not to exceed \$766,699 and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution authorizing an increase in the Director’s Authority to issue change orders for the Kansas Avenue 12-Inch Water Mains Upgrade Project from 10% (\$63,892) to 20% (\$127,783) of the construction contract amount of \$638,916 with Platinum Pipeline, Inc., of Livermore, CA.
  - Resolution approving an Agreement with NV5, of Manteca, CA for Construction Management, Special Inspection, and Materials Testing Services for the Kansas Avenue 12-Inch Water Main Upgrade Project in an amount not to exceed \$86,392, plus \$8,639 for additional services (if needed), for a total amount not to exceed \$95,031, and authorizing the City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 10% or \$8,639.
  - Resolution amending the Fiscal Year 2019-20 Capital Improvement Program Budget in the amount of \$925,065 to be transferred into the project from Water Reserves in order to fully fund the construction, contingency, construction administration, city construction forces, design support during construction, and construction management services for the Kansas Avenue 12-Inch Water Main Upgrade Project.
- Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2020-106 (Kenoyer/Zoslocki; 7/0)** approving plans and specifications for the Kansas Avenue 12-Inch Water Main Upgrade project, accepting the bid, and approving a construction contract to Platinum Pipeline, Inc., of Livermore, CA, in the amount \$638,916 plus \$127,783 for contingency (if needed) for a total amount not to exceed \$766,699 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2020-107 (Kenoyer/Zoslocki; 7/0)** authorizing an increase in the Director’s Authority to issue change orders for the Kansas Avenue 12-Inch Water Mains Upgrade Project from 10% (\$63,892) to 20% (\$127,783) of the construction contract amount of \$638,916 with Platinum Pipeline, Inc., of Livermore, CA.

**ACTION: Resolution 2020-108 (Kenoyer/Zoslocki; 7/0)** approving an Agreement with NV5, of Manteca, CA for Construction Management, Special Inspection, and Materials Testing Services for the Kansas Avenue 12-Inch Water Main Upgrade Project in an amount not to exceed \$86,392, plus \$8,639 for additional services (if needed), for a total amount not to exceed \$95,031, and authorizing the City Manager, or his designee, to execute the Agreement and any Amendments up to a cumulative amount of 10% or \$8,639.

**ACTION: Resolution 2020-109 (Kenoyer/Zoslocki; 7/0)** amending the Fiscal Year 2019-20 Capital Improvement Program Budget in the amount of \$925,065 to be transferred into the project from Water Reserves in order to fully fund the construction, contingency, construction administration, city construction forces, design support during construction, and construction management services for the Kansas Avenue 12-Inch Water Main Upgrade Project.

Consent

21. Consider approving an Amendment to the Purchase Agreement with Industrial Electrical Co., Modesto, CA, for the furnishing of Electric Motor Rewind/Rebuild Services, increasing the annual costs from \$88,548 to \$133,548 until the end of the Agreement August, 2020, and a total Agreement amount not to exceed from \$442,740 to \$487,740. (Funding Source: Wastewater and Storm Drain Fund)
- Resolution approving an Amendment to the Purchase Agreement with Industrial Electrical Co., Modesto, CA, for the furnishing of Electric Motor Rewind/Rebuild Services, increasing the annual costs from \$88,548 to \$133,548 until the end of the Agreement August, 2020, and a total Agreement amount not to exceed from \$442,740 to \$487,740 and authorizing the Purchasing Manager or her designee to execute the Amendment.

*Utilities; Monte Hamilton, 342-4505, mhamilton@modestogov.com*

**ACTION: Resolution 2020-110 (Kenoyer/Zoslocki; 7/0)** approving an Amendment to the Purchase Agreement with Industrial Electrical Co., Modesto, CA, for the furnishing of Electric Motor Rewind/Rebuild Services, increasing the annual costs from \$88,548 to \$133,548 until the end of the Agreement August, 2020, and a total Agreement amount not to exceed from \$442,740 to \$487,740 and authorizing the Purchasing Manager or her designee to execute the Amendment.

Consent

22. Consider approving On-Call Engineering consultant Agreements with Black Water Consulting Engineers Inc. of Modesto CA, Brown and Caldwell of Rancho Cordova, CA, Carollo Engineers of Walnut Creek, CA, Hazen and Sawyer of San Francisco, CA, West Yost Associates of Davis, CA, and Woodard & Curran, Inc. of Portland, ME for two-year Agreements with three one-year extension options, for a combined annual cost not to exceed \$200,000 for Wastewater Fund, and \$100,000 for Storm Drain Fund, for a total combined cost not to exceed \$1,000,000 for Wastewater Fund, and \$500,000 for Storm Drain Fund, over five years. (Funding Source: Wastewater and Storm Drain Funds)
- Resolution approving On-Call Engineering consultant Agreements with Black Water Consulting Engineers Inc. of Modesto, CA, Brown and Caldwell of Rancho Cordova, CA, Carollo Engineers of Walnut Creek, CA, Hazen and Sawyer of San Francisco, CA, West Yost Associates of Davis, CA, and Woodard & Curran, Inc. of Portland, ME for two-year Agreements with three one-year extension options, for a combined annual cost not to exceed \$200,000 for Wastewater Fund, and \$100,000 for Storm Drain Fund, for a total combined cost not to exceed \$1,000,000 for Wastewater Fund, and \$500,000 for Storm Drain Fund and authorizing the City Manager or his designee to execute the Agreements.

*Utilities; Ben Koehler, 342-4502, bkoehler@modestogov.com*

**ACTION: Resolution 2020-111 (Kenoyer/Zoslocki; 7/0)** approving On-Call Engineering consultant Agreements with Black Water Consulting Engineers Inc. of Modesto, CA, Brown and Caldwell of Rancho Cordova, CA, Carollo Engineers of Walnut Creek, CA, Hazen and Sawyer of San Francisco, CA, West Yost Associates of Davis, CA, and Woodard & Curran, Inc. of Portland, ME for two-year Agreements with three one-year extension options, for a combined annual cost not to exceed \$200,000 for Wastewater Fund, and \$100,000 for Storm Drain Fund, for a total combined cost not to exceed \$1,000,000 for Wastewater Fund, and \$500,000 for Storm Drain Fund and authorizing the City Manager or his designee to execute the Agreements.

## COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Modesto Firefighters Crab Feed.

Mayor Brandvold spoke regarding the Downtown Master Plan, the Comprehensive General Plan and community outreach.

## CITY MANAGER COMMENTS & REPORTS

City Manager Lopez announced the grant awarded for Cesar Chavez Park in the amount of \$8.5 million.

## NEW BUSINESS

23. Consider adopting a position on Assembly Bill 1980, by Assembly Member Adam Gray, which repeals California Penal Code §1465.7, a state surcharge on traffic violations. (Funding Source: Not Applicable)
- Motion adopting a position on Assembly Bill 1980, by Assembly Member Adam Gray, which repeals California Penal Code §1465.7, a state surcharge on traffic violations, and directing the City Manager or his designee, to prepare and distribute a letter to the legislature that memorializes the position adopted by the Council.
- City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Motion (Madrigal/Ah You; 7/0) approving support of** Assembly Bill 1980, by Assembly Member Adam Gray, which repeals California Penal Code §1465.7, a state surcharge on traffic violations, and directing the City Manager or his designee, to prepare and distribute a letter to the legislature that memorializes the position adopted by the Council.

24. Consider approving a Ninth Amendment to the Agreement with SCS Engineers, Inc., Modesto, CA, to provide engineering support and potential additional well removal and replacement for the Carpenter Road Landfill Clean Closure project as mandated by the Central Valley Regional Water Quality Control Board Compliance Abatement Order R5-2015-0700, in an amount not to exceed \$173,000 through December 31, 2020 or until the project is complete, and for a total amount not to exceed \$1,679,156. (Funding Source: Carpenter Road Landfill Fund)
- Resolution approving a Ninth Amendment to the Agreement with SCS Engineers, Inc., Modesto, CA, to provide engineering support and potential additional well removal and replacement for the Carpenter Road Landfill Clean Closure project as mandated by the Central Valley Regional Water Quality Control Board Compliance Abatement Order R5-2015-0700, in an amount not to exceed \$173,000 through December 31, 2020 or until the project is complete, for a total amount not to exceed \$1,679,156, and authorizing the City Manager, or his designee, to execute the Amendment.
- Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Resolution 2020-112 (Ridenour/Zoslocki; 7/0)** approving a Ninth Amendment to the Agreement with SCS Engineers, Inc., Modesto, CA, to provide engineering support and potential additional well removal and replacement for the Carpenter Road Landfill Clean Closure project as mandated by the Central Valley Regional Water Quality Control Board Compliance Abatement Order R5-2015-0700, in an amount not to exceed \$173,000 through December 31, 2020 or until the project is complete, for a total amount not to exceed \$1,679,156, and authorizing the City Manager, or his designee, to execute the Amendment.

25. Consider approving an increase in the Director's authority to issue change orders from 10 percent (\$377,659) to 48 percent (\$1,812,767) of the original construction contract price of \$3,776,598 with Pacific States Environmental Contractors, Inc. of Dublin, CA for unforeseen conditions associated with the Carpenter Road Landfill Mitigation Project; approving an amended loan amortization schedule for

the original interfund loan for Carpenter Road Landfill Mitigation project, rescinding Resolution No. 2018-349, approving a second interfund loan in the amount of \$900,000 from the Water Fund Reserves to the Carpenter Road Landfill Clean Closure Mitigation Project, to be paid back with interest from future revenue collected on the garbage rates, and amending the Fiscal Year 2019-2020 Capital Improvement Budget in the amount of \$1,557,155. (Funding Source: Carpenter Road Landfill Fund and Water Fund Reserves)

- Resolution authorizing an increase of the Director of Utilities Authority to issue change orders on the Carpenter Road Landfill Mitigation Project from 10 percent (\$377,659) to 48 percent (\$1,812,767) of the original construction contract price of \$3,776,598 with Pacific States Environmental Contractors, Inc. of Dublin, CA.
- Resolution approving an amended loan amortization schedule for the original interfund loan for Carpenter Road Landfill Mitigation project, rescinding Resolution No. 2018-349 and approving a second interfund loan in the amount of \$900,000 from the Water Fund Reserves to the Carpenter Road Landfill Clean Closure Mitigation Project, to be paid back with interest from future revenue collected on the garbage rates.
- Resolution amending the Fiscal Year 2019-2020 Capital Improvement Project budget by \$1,557,155 for the Carpenter Road Landfill Mitigation project (101046), including \$900,000 to be transferred from the Water fund to amend the interfund loan (4100) to the Carpenter Road Landfill fund (4893).  
*Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2020-113 (Zoslocki/Ah You; 7/0)** authorizing an increase of the Director of Utilities Authority to issue change orders on the Carpenter Road Landfill Mitigation Project from 10 percent (\$377,659) to 48 percent (\$1,812,767) of the original construction contract price of \$3,776,598 with Pacific States Environmental Contractors, Inc. of Dublin, CA.

**ACTION: Resolution 2020-114 (Zoslocki/Ah You; 7/0)** approving an amended loan amortization schedule for the original interfund loan for Carpenter Road Landfill Mitigation project, rescinding Resolution No. 2018-349 and approving a second interfund loan in the amount of \$900,000 from the Water Fund Reserves to the Carpenter Road Landfill Clean Closure Mitigation Project, to be paid back with interest from future revenue collected on the garbage rates.

**ACTION: Resolution 2020-115 (Zoslocki/Ah You; 7/0)** amending the Fiscal Year 2019-2020 Capital Improvement Project budget by \$1,557,155 for the Carpenter Road Landfill Mitigation project (101046), including \$900,000 to be transferred from the Water fund to amend the interfund loan (4100) to the Carpenter Road Landfill fund (4893).

#### **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)**

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

Name of Case: Dorado v. City of Modesto  
Case No. 2017930

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

## MINUTES

City of Modesto  
**CHARTER REVIEW COMMITTEE/  
SPECIAL COUNCIL WORKSHOP**

Conference Room 2001, Second Floor  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, March 2, 2020, at 5:00 PM**

Roll Call – Present: Committee Members Chair Cecil Russell, Vice Chair Sam Pierstorff, Aaron Anguiano, Wendy Byrd, Janice Keating, Chris Tyler, Mike Moradian, Renaldo Rucker, Tim Ragsdale, and Sandra Lucas  
Absent: Jose Sabala; Regional Ad Hoc Members George Petrulakis and John Walker

### PUBLIC COMMENT PERIOD

None.

### CONSENT

1. Consider approving the Minutes from the February 19, 2020 Charter Review Committee. <http://modestogov.com/AgendaCenter/Charter-Review-Committee-21>

**ACTION: Motion (Tyler/Ragsdale; 10/0; Sabala absent)** approving the Minutes from the February 19, 2020 Charter Review Committee.

### NEW BUSINESS

2. Consider review and update of “Rules and Regulations” for the 2020 Charter Review Committee of the City of Modesto.

**ACTION: Motion (Ragsdale/Tyler; 10/0; Sabala absent)** accepting the Rules and Regulations of the Charter Review Committee. **(AS AMENDED)**

3. Consider review and approval of Charter Review Committee Meetings for 2020.

**ACTION: Motion (Ragsdale/Moradian; 10/0; Sabala absent)** tentatively approving the schedule for Charter Review Committee meetings for 2020 for the months of March and May.

4. Consider review and discussion regarding “Charter Article VI. The Mayor,” and suggested topics for consideration provided by the Mayor and Council, as well as City staff, as part of the Charter review.

**ACTION: Motion (Tyler/Byrd; 10/0; Sabala absent)** approving Section 501(a) – “Method of Election – Mayor” language shall remain as is.

**ACTION: Motion (Anguiano/Keating; 9/0; Sabala absent; Byrd abstain)** moving Mayor’s election to the Primary and General Election dates.

**ACTION: Motion (Pierstorff/Moradian; 9/2; Sabala absent; Rucker, Russell no)** retaining Mayor’s current election system for receiving the majority of the valid votes cast for said office (50 plus 1%).

**ACTION: Motion (Tyler/Keating; 10/0; Sabala absent)** adopting City Manager time frames to Section 1302 – Annual Budget.

**ACTION: Motion (Tyler/Ragsdale; 10/0; Sabala absent)** adding language to Section 1302.1: “On or before January 10, the Councilmembers may submit individual written budget priorities to the Mayor for consideration.”

**ACTION: Motion (Tyler/Ragsdale; 10/0; Sabala absent)** adding language to Section 1302.1: “The Mayor shall, after consideration of any received written budget priorities, prepare and deliver to the Council the Mayor’s Proposed Budget Priorities and Direction for both the City’s Capital Budget and for the city’s Operating Budget.”

The Committee requested the language in Section 601 (k) be amended to “...**pursuant to Section 1302**” and deleting “A”

*Committee Members Keating and Pierstorff left meeting at 8:00 p.m.*

**ADJOURNMENT**

**ACTION: Motion (Byrd/Moradian; 8/0; Sabala, Pierstorff, Keating absent)** adjourning meeting at 8:20 p.m.

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

**MINUTES**  
**City of Modesto**  
**ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2008**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Monday, March 2, 2020, at 5:30 p.m.**

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

**PUBLIC COMMENTS**

None.

**CONSENT**

Consent

1. Consider approving and implementing the Public Transit Agency Safety Plan as required by the Federal Transit Administration, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 2/0; Mayor Brandvold absent)** approving and implementing the Public Transit Agency Safety Plan as required by the Federal Transit Administration, and forwarding to Council for approval.

Consent

2. Consider accepting the grant award for Federal Transit Administration Section 5307 transit funds in the amount of \$5,380,567, and forwarding to Council for approval. (Funding Source: Federal Transit Administration Section 5307)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 2/0; Mayor Brandvold absent)** accepting the grant award for Federal Transit Administration Section 5307 transit funds in the amount of \$5,380,567, and forwarding to Council for approval.

Consent

3. Consider approving three On-Call Agreements for Materials Testing and Special Inspection Services, with Krazan & Associates, Inc., BSK Associates, and Terracon Consultants, Inc., for a one-year Agreement with two one-year extension options, for an annual cost not to exceed \$74,500 per consultant, and a total not to exceed amount of \$223,500 per consultant over three years and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)  
*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 2/0; Mayor Brandvold absent)** approving three On-Call Agreements for Materials Testing and Special Inspection Services, with Krazan & Associates, Inc., BSK Associates, and Terracon Consultants, Inc., for a one-year Agreement with two one-year extension options, for an annual cost not to exceed \$74,500 per consultant, and a total not to exceed amount of \$223,500 per consultant over three years and forwarding to Council for approval.

Consent

4. Consider approving agreements for on-call land surveying services with DF Engineering, Inc., of Modesto, CA, NorthStar Engineering, Inc., of Modesto, CA, and O'Dell Engineering of Modesto, CA, for a one-year agreement with two one-year extension options, for an annual cost not to exceed \$75,000 per consultant, and a total not to exceed amount of \$225,000 per consultant over three years and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects) *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 2/0; Mayor Brandvold absent)** approving agreements for on-call land surveying services with DF Engineering, Inc., of Modesto, CA, NorthStar Engineering, Inc., of Modesto, CA, and O'Dell Engineering of Modesto, CA, for a one-year agreement with two one-year extension options, for an annual cost not to exceed \$75,000 per consultant, and a total not to exceed amount of \$225,000 per consultant over three years and forwarding to Council for approval.

**UNFINISHED BUSINESS**

5. Consider accepting an informational update on bicycle / scooter rental program. (Funding Source: General Fund) *Community & Economic Development; Michael Sacuskie, 571-5552, msacuskie@modestogov.com*

**ACTION:** No reportable action.

**NEW BUSINESS**

6. Consider accepting the public improvements of Oakdale Road and Sylvan Avenue as complete, release securities upon expiration of statutory periods, and initiate reimbursement for improvements as outlined in the Acquisition and Shortfall Agreement, and forwarding to Council for approval. (Funding Source: City of Modesto Community Facilities District No. 2004-1 (Village One #2)) *Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 2/0; Mayor Brandvold absent)** accepting the public improvements of Oakdale Road and Sylvan Avenue as complete, release securities upon expiration of statutory periods, and initiate reimbursement for improvements as outlined in the Acquisition and Shortfall Agreement, and forwarding to Council for approval.

7. Consider approving an Agreement with the City of Ceres to operate the public transit services in Ceres, and forwarding to Council for approval. (Funding Source: Transit Funds) *Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 2/0; Mayor Brandvold absent)** approving an Agreement with the City of Ceres to operate the public transit services in Ceres, and forwarding to Council for approval.

- 8. Consider approving the Agreement with the City of Escalon to operate the Escalon Transit System, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 2/0; Mayor Brandvold absent)** approving the Agreement with the City of Escalon to operate the Escalon Transit System, and forwarding to Council for approval.

- 9. Consider approving the implementation of a new Modesto Area Express commuter route to Stockton, CA; rescind Resolution 2019-215 to operate a route between Modesto and Sacramento, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 2/0; Mayor Brandvold absent)** approving the implementation of a new Modesto Area Express commuter route to Stockton, CA; rescind Resolution 2019-215 to operate a route between Modesto and Sacramento, and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:06 p.m.

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

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday March 03, 2020, 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 our Cities

City Clerk’s Announcements: Acting City Attorney Sanchez announced Item 5 - continued to next Council meeting

Declaration of Conflicts of Interest: None

Reports from Closed Session: Acting City Attorney Sanchez reported on Closed Session matters

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Poem of the Month. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Tom Myers presented the Poem of the Month.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

2. Consider approving the reappointments of Tammy Maisetti and Joe Muratore to the Downtown Improvement District Board of Directors. (Funding Source: Not Applicable)
  - Resolution reappointing Tammy Maisetti and Joe Muratore to the Downtown Improvement District Board of Directors for a four year term to expire January 1, 2024.  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION: Resolution 2020-116 (Zoslocki/Ridenour; 7/0)** reappointing Tammy Maisetti and Joe Muratore to the Downtown Improvement District Board of Directors for a four year term to expire January 1, 2024.

3. Consider accepting the resignation of Lauren Trevino from the Downtown Improvement District Board of Directors. (Funding Source: Not Applicable)
  - Resolution accepting the resignation of Lauren Trevino from the Downtown Improvement District Board of Directors.  
*City Council; Kathy Espinoza, 571-5591, kespinoza1@modestogov.com*

**ACTION: Resolution 2020-117 (Kenoyer/Zoslocki; 7/0)** accepting the resignation of Lauren Trevino from the Downtown Improvement District Board of Directors.

- 4. Consider reappointing Thomas Lopes, Pervez Khan and Chris Murphy to the Modesto Convention and Visitors Bureau Board of Directors for a second term retroactive to January 1, 2020 through December 31, 2021. (Funding Source: Not Applicable)
  - Resolution reappointing Thomas Lopes, Pervez Khan, and Chris Murphy to the Modesto Convention and Visitors Bureau Board of Directors for a second term retroactive to January 1, 2020 through December 31, 2021.

*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmth@modestogov.com*

**ACTION: Resolution 2020-118 (Grewal/Ridenour; 7/0)** reappointing Thomas Lopes, Pervez Khan, and Chris Murphy to the Modesto Convention and Visitors Bureau Board of Directors for a second term retroactive to January 1, 2020 through December 31, 2021.

- 5. Consider approving 2 appointments to the Board of Building Appeals with a term expiration of January 1, 2024. (Funding Source: Not Applicable)
  - Resolution approving 2 appointments to the Board of Building Appeals with a term expiration of January 1, 2024.

*Community & Economic Development; Oscar Diaz, 571-5885, odiaz@modestogov.com*

**ACTION:** Item continued to March 10, 2020 Council meeting.

**PUBLIC COMMENT PERIOD**

- Lisa Battista spoke regarding the appointment of Sebastian Jones to the Board of Building Appeals.
- Sebastian Jones spoke regarding his appointment to the Board of Building Appeals.
- Kevin McClarty spoke regarding the deadline for applications to the Board of Building Appeals.
- Emerson Drake spoke regarding the appointment of Sebastian Jones to the Board of Building Appeals; he also spoke regarding Councilmember Ah You.
- Marco Camacho spoke in support of the appointment of Sebastian Jones to the Board of Building Appeals.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 6-9: (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

- 6. Consider approving the minutes from the February 25, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the February 25, 2020 Council Meeting.

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

**ACTION: Motion (Kenoyer/Zoslocki; 7/0)** approving the minutes from the February 25, 2020 Council Meeting.

Consent

- 7. Consider approving the extension of termination dates of seven annual Purchasing Agreements. (Funding Source: Various Funds)
  - Resolution approving the extension of termination dates of seven annual Purchasing Agreements; approving termination dates for the services stated herein; and authorizing the Purchasing Manager, or her designee, to issue the identified Purchase Agreements termination dates approved by Council.  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-119 (Kenoyer/Zoslocki; 7/0)** approving the extension of termination dates of seven annual Purchasing Agreements; approving termination dates for the services stated herein; and authorizing the Purchasing Manager, or her designee, to issue the identified Purchase Agreements termination dates approved by Council.

Consent

- 8. Consider approving a First Amendment to the Purchasing Agreement with Hartley and Associates, Santa Monica, CA for the furnishing of after-hours on-call answering services, and to increase the amount by \$50,000 from \$153,000, for a new total estimated amount of \$203,000 over five years. (Funding Source: Water Funds 4100 and 4180, Wastewater Fund 4210, Green Waste Fund 4892, TSP/JPA Fund 5810, and various other City Funds)
  - Resolution approving a First Amendment to the Purchasing Agreement with Hartley and Associates, for the furnishing of after-hours on-call answering services, to increase the amount by \$50,000 from \$153,000, for a new total estimated amount of \$203,000 over five years, and authorizing all City departments to utilize the Agreement, and authorizing the Purchasing Manager, or her designee, to execute the Amendment.  
*Public Works; Patrick Crowley, 342-2274, pcrowley@modestogov.com*

**ACTION: Resolution 2020-120 (Kenoyer/Zoslocki; 7/0)** approving a First Amendment to the Purchasing Agreement with Hartley and Associates, for the furnishing of after-hours on-call answering services, to increase the amount by \$50,000 from \$153,000, for a new total estimated amount of \$203,000 over five years, and authorizing all City departments to utilize the Agreement, and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

Consent

- 9. Consider approving an Amendment to the Purchase Agreement with Univar Chemical, Kent, WA, and Northstar Chemical, Modesto, CA, for the purchase of wastewater treatment chemicals, increasing the annual costs from \$34,134 to \$52,845 for the balance of the two years remaining and a total Agreement amount not to exceed from \$170,070 to \$208,091. (Funding Source: Wastewater Fund)
  - Resolution approving an Amendment to the Purchase Agreement with Univar Chemical, Kent, WA, and Northstar Chemical, Modesto, CA, for the purchase of wastewater treatment chemicals, increasing the annual costs from \$34,134 to \$52,845 for the balance of the two years remaining and a total Agreement amount not to exceed from \$170,070 to \$208,091 and authorizing the Purchasing Manager or her designee to execute the Amendment.  
*Utilities; Ben Koehler, 342-4502, bkoehler@modestogov.com*

**ACTION: Resolution 2020-121 (Kenoyer/Zoslocki; 7/0)** approving an Amendment to the Purchase Agreement with Univar Chemical, Kent, WA, and Northstar Chemical, Modesto, CA, for the purchase of wastewater treatment chemicals, increasing the annual costs from \$34,134 to \$52,845 for the balance of the two years remaining and a total Agreement amount not to exceed from \$170,070 to \$208,091 and authorizing the Purchasing Manager or her designee to execute the Amendment.

**COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer announced that her cancer returned and she will start chemotherapy on Friday.

Councilmember Madrigal met with a small business owner who plans to open another business in West Modesto; he also participated in a "Get Up Dance Challenge" last Friday at the Black History Celebration.

**CITY MANAGER COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:15 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)(2) of the Government Code)**

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

Property & Property Owners:

APN	Address	Owner Name
029-015-008	611 N Franklin St., Modesto, CA	Melton & Olmstead Enterprises, Inc.

Negotiating Parties:

For City: Kent Jorgensen, CPSI

For Property Owner: Property Owners Under Negotiation: Price and Terms

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

## MINUTES

City of Modesto  
**CHARTER REVIEW COMMITTEE/  
SPECIAL COUNCIL WORKSHOP**

Conference Room 2001, Second Floor  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Wednesday, March 4, 2020, at 5:00 PM**

Roll Call – Present: Committee Members Chair Cecil Russell, Aaron Anguiano, Wendy Byrd, Janice Keating, Chris Tyler, Mike Moradian, Renaldo Rucker, Tim Ragsdale, and Sandra Lucas

Also Present: Ad Hoc Member John Walker

Absent: Sam Pierstorff, Ad Hoc Member George Petrulakis

### PUBLIC COMMENT PERIOD

None.

### CONSENT

None.

### NEW BUSINESS

5. Continued final review and discussion regarding “Charter Article VI. The Mayor,” Term Limits, and suggested topics for consideration provided by the Mayor and Council, as well as City staff, as part of the Charter review.

**ACTION: Motion (Lucas/Byrd; 10/0; Pierstorff absent)** approving Section 502 – Limitations of Office.

6. Begin discussion regarding “Section 902.1 – Office of the City Auditor.”

The Committee discussed “elected” vs. “appointed” City Auditor.

**ACTION: Motion (Anguiano/Byrd; 2/7; Russell, Lucas, Rucker, Keating, Ragsdale, Tyler, Moradian no; Sabala abstain, Pierstorff absent)** changing the City Auditor position from appointed to elected. **(MOTION FAILED)**

The Committee recommends the City Auditor position to remain “appointed.”

The City Manager's and City Attorney's Office will return to the next meeting with the requested language changes for Section 902.1 – Office of the City Auditor, as well as other requested language changes previously requested.

### **COMMITTEE MEMBER COMMENTS AND REPORTS**

Chairman Russell requested preparation of the Final Report to be handled by the City Manager's Office. He also discussed a possible meeting with Modesto City Schools regarding Charter Section 1500 – Board of Education.

1. Consider information requested from last meeting regarding City Manager's memo and items for consideration.
2. Consider information requested from last meeting regarding City Attorney's memo and items for consideration.

### **MATTERS TO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

**ACTION: Motion (Ragsdale/Moradian; 10/0; Pierstorff absent)** adjourning meeting at 7:50 p.m.

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

## MINUTES

City of Modesto  
**CHARTER REVIEW COMMITTEE/  
SPECIAL COUNCIL WORKSHOP**

Conference Room 2001, Second Floor  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, March 9, 2020, at 5:00 PM**

Roll Call – Present: Committee Members Chair Cecil Russell, Aaron Anguiano (arrived at 5:15 p.m.), Wendy Byrd, Janice Keating (arrived at 5:45 p.m.), Chris Tyler, Mike Moradian, Renaldo Rucker, and Sandra Lucas  
Absent: Tim Ragsdale and Jose Sabala, Ad Hoc Members John Walker and George Petrulakis

### PUBLIC COMMENT PERIOD

None.

### CONSENT

1. Consider review and approval of the Minutes from the March 2, 2020 and March 4, 2020 Charter Review Committee meetings.  
<http://modestogov.com/AgendaCenter/Charter-Review-Committee-21>

**ACTION: Motion (Lucas/Moradian; 7/0; Ragsdale, Sabala, Keating, Anguiano absent)** approving the Minutes from the March 2, 2020 and March 4, 2020 Charter Review Committee meetings.

### NEW BUSINESS

2. Consider review and discussion of the Committee’s requested changes drafted by the City Manager and City Attorney’s Office, including Section 902.1 – Office of the City Auditor, as well as legal questions regarding the City Auditor position.

**ACTION:** The City Manager’s staff and City Attorney’s Office staff will return with language proposed by the Committee members at the March 23, 2020 Charter Review meeting.

3. Consider review and discussion of the Audit Committee policies.

**ACTION:** The City Manager’s staff and City Attorney’s Office staff will return with language proposed by the Committee members at the March 23, 2020 Charter Review Meeting.

4. Consider review and discussion of “The Role of the City Auditor.”

**ACTION:** The City Manager’s staff and City Attorney’s Office staff will return with language proposed by the Committee members at the March 23, 2020 Charter Review Meeting.

5. Consider review and discussion of Section 700 – Councilmembers Term of Office.

**ACTION:** Section 700 – Councilmembers Term of Office will return for review and discussion at the March 23, 2020 Charter Review Meeting.

**ACTION:** The March 12, 2020 Charter Review Committee Meeting is cancelled.

*Sam Pierstorff left meeting at 7:30 p.m.*

**MATTERS TO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

**ACTION: Motion (Lucas/Moradian; 8/0; Ragsdale, Sabala, Pierstorff absent)** adjourning meeting at 7:50 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 March 10, 2020, 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: John Torres, City Ministry Network

City Clerk’s Announcements: Items 3, 4, 5 and 6 - Speaker requests; Item 12 - Removed from Consent; Item 15 - Hearing cancelled

Declaration of Conflicts of Interest: Item 16 – Madrigal

Reports from Closed Session: Acting City Attorney Sanchez reported on Closed Session matters

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation by Carmen Morad in honor of the Assyrian New Year – March 21, 2020. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Carmen Morad gave a Presentation in honor of the Assyrian New Year - March 21, 2020.

2. Presentation of Proclamation Proclaiming April 9, 2020 "Arbor Day" in the City of Modesto. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold and Councilmembers presented a Proclamation proclaiming April 9, 2020 "Arbor Day" in the City of Modesto.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

3. Consider approving the appointments of Lori Sicard, Rick Reid and Evan Yoshino as volunteer Administrative Hearing Officers. (Funding Source: Not Applicable)
  - Resolution approving the appointments of Lori Sicard, Rick Reid and Evan Yoshino as Volunteer Administrative Hearing Officers.  
*City Attorney; Jose Sanchez, 577-5289, jsanchez@modestogov.com*

**ACTION: Resolution 2020-122 (Kenoyer/Grewal; 7/0)** approving the appointments of Lori Sicard, Rick Reid and Evan Yoshino as Volunteer Administrative Hearing Officers.

4. Consider reappointing Amin Vohra with a term expiration of January 1, 2024; and appointing Roger Shanks to the City of Modesto Planning Commission with a term expiration of January 1, 2024. (Funding Source: Not Applicable)
- Resolution reappointing Amin Vohra to the City of Modesto Planning Commission with a term expiration of January 1, 2024.
  - Resolution appointing Roger Shanks to the City of Modesto Planning Commission with a term expiration of January 1, 2024.
- Community & Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: Resolution 2020-123 (Kenoyer/Ah You; 6/1; Ridenour no)** reappointing Amin Vohra to the City of Modesto Planning Commission with a term expiration of January 1, 2024.

**ACTION: Resolution 2020-124 (Kenoyer/Ah You; 6/1; Ridenour no)** appointing Roger Shanks to the City of Modesto Planning Commission with a term expiration of January 1, 2024.

5. Consider approving the appointment of Amin Vohra as the Planning Commission representative to the Board of Zoning Adjustment for 2020, with a term expiration of December 31, 2020. (Funding Source: Not Applicable)
- Resolution approving the appointment of Amin Vohra as the 2020 Planning Commission representative to the Board of Zoning Adjustment with a term expiration of December 31, 2020.
- Community & Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: Resolution 2020-125 (Kenoyer/Madriral; 6/1; Ridenour no)** approving the appointment of Amin Vohra as the 2020 Planning Commission representative to the Board of Zoning Adjustment with a term expiration of December 31, 2020.

6. Consider approving 2 appointments to the Board of Building Appeals with a term expiration of January 1, 2024. (Funding Source: Not Applicable)
- Resolution approving 2 appointments to the Board of Building Appeals with a term expiration of January 1, 2024.
- Community & Economic Development; Oscar Diaz, 571-5885, odiaz@modestogov.com*

**Motion (Zoslocki/Kenoyer)** appointing Savannah Williams and Margie Johnson to the Board of Building Appeals. **(Councilmember Kenoyer's second withdrawn)**

**ACTION: Resolution 2020-126 (Zoslocki/Madriral; 7/0)** approving the appointments of Sebastian Jones and Savannah Williams to the Board of Building Appeals with a term expiration of January 1, 2024.

#### **PUBLIC COMMENT PERIOD**

- Maggie Countryman spoke regarding her appeal to the Board of Zoning Adjustment/Board of Building Appeals.
- Lisa Battista spoke regarding her letter to Councilmember Zoslocki and the appointment of Sebastian Jones to the Board of Building Appeals.
- Dave Pratt spoke regarding cleaning up the City of Modesto and City of Ceres.
- Art Fabela spoke regarding concerns about the sale of Muni Golf Course and upcoming public meetings.
- Sebastian Jones requested changing the name of Mellis Park to Dr. Martin Luther King, Jr. Park.
- Emerson Drake spoke regarding the City Council Agendas.

- Loretta Carhart spoke regarding a meeting she attended in June and she was requested to leave.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 7-11; 13; (Kenoyer/Grewal; 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 March 3, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the March 3, 2020 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving the minutes from the March 3, 2020 Council Meeting.

Consent

8. Consider accepting the 2019 General Plan Annual Progress Report and authorizing staff to submit it to the State of California. (Funding Source: General Fund)
  - Resolution accepting the 2019 General Plan Annual Progress Report and authorizing staff to submit it to the State of California.  
*Community & Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com*

**ACTION: Resolution 2020-127 (Kenoyer/Grewal; 7/0)** accepting the 2019 General Plan Annual Progress Report and authorizing staff to submit it to the State of California.

Consent

9. Consider accepting an informational report on the November and December 2019 grant applications and awards. (Funding Source: Not Applicable)
  - Motion accepting an informational report for the November and December 2019 grant application and awards.  
*Finance; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** accepting an informational report for the November and December 2019 grant application and awards.

Consent

10. Consider approving the first-year extension option for the Purchasing Agreements for Hot Patch Work with United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA without exceeding the annual estimated cost of \$4,306,500. (Funding Source: Water Funds 4100 and 4180, Wastewater Fund 4210, and Stormwater Fund 4480)
  - Resolution approving the first-year extension option for the Purchasing Agreements for Hot Patch Work with United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA without exceeding the annual estimated cost of \$4,306,500, and authorizing the Director of Finance or her designee to execute the extension.  
*Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2020-128 (Kenoyer/Grewal; 7/0)** approving the first-year extension option for the Purchasing Agreements for Hot Patch Work with United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA without exceeding the annual estimated cost of \$4,306,500, and authorizing the Director of Finance or her designee to execute the extension.

## Consent

11. Consider approving the award of bid and Agreement for Security Cameras, Installation, Integration and Maintenance to QPCS LLC of Ceres, CA, for a two-year Agreement with three one-year extension options, for an initial cost of \$81,380, and estimated annual cost not to exceed \$9,416, for a total amount not to exceed \$109,628 over five years. (Funding Source: Wastewater Fund, Water Fund and Compost Fund)
- Resolution approving a Purchasing Agreement for the Security Cameras, Installation, Integration, and Maintenance with QPCS LLC, of Ceres, CA, for a two-year Agreement with three one-year extension options, for an initial cost of \$81,380, and estimated annual cost not to exceed \$9,416, for a total amount not to exceed \$109,628 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Agreement.
- Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Resolution 2020-129 (Kenoyer/Grewal; 7/0)** approving a Purchasing Agreement for the Security Cameras, Installation, Integration, and Maintenance with QPCS LLC, of Ceres, CA, for a two-year Agreement with three one-year extension options, for an initial cost of \$81,380, and estimated annual cost not to exceed \$9,416, for a total amount not to exceed \$109,628 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Agreement.

*Removed from Consent*

12. Consider approving the award of bid and Agreement for background investigations services to Creative Security Company Inc., San Jose CA as the primary vendor and Rank Investigations, Modesto, CA as the secondary vendor for a two-year Agreement with three one-year extension options, for an annual cost of \$180,500 between both Agreements, and a total amount not to exceed \$902,500 over five years. (Funding Source: Various Funds)
- Resolution approving the award of bid and Agreement for background investigations services to Creative Security Company Inc., San Jose CA as the primary vendor and Rank Investigations, Modesto, CA as the secondary vendor for a two-year Agreement with three one-year extension options, for an annual estimated cost of \$180,500 between both Agreements, and a total amount not to exceed \$902,500 over five years and authorizing the City Manager, or his designee, to execute the Agreement.
- Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-130 (Ridenour/Grewal; 7/0)** approving the award of bid and Agreement for background investigations services to Creative Security Company Inc., San Jose CA as the primary vendor and Rank Investigations, Modesto, CA as the secondary vendor for a two-year Agreement with three one-year extension options, for an annual estimated cost of \$180,500 between both Agreements, and a total amount not to exceed \$902,500 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

## Consent

13. Consider authorizing an increase in the Director's authority to issue change orders for the Kansas Avenue 12-inch Water Main Upgrade Project from 20% (\$127,783) to 43.24% (\$276,283) of the original construction contract price of \$638,916 with Platinum Pipeline, Inc. of Livermore, CA and amending the Fiscal Year 2019-2020 Capital Improvement Project Program Budget in the amount of \$148,500. (Funding Source: Water Fund & Community Development Block Grant)
- Resolution authorizing an increase of the Director of Utilities' Authority to issue change orders for the Kansas Avenue 12-inch Water Main Upgrade Project from 20% (\$127,783) to 43.24% (\$276,283) of the original construction contract price of \$638,916 with Platinum Pipeline, Inc. of Livermore, CA, and increasing staff budget from \$138,022 to \$148,022.
  - Resolution amending the Fiscal Year 2019-20 Capital Improvement Program Budget in the amount of \$148,500 to be transferred into the project from Community Development Block Grant (CDBG) funds in order to fully fund the change work associated with the on-site fire hydrant as part of the Kansas Avenue 12-Inch Water Main Upgrade Project.
- Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2020-131 (Kenoyer/Grewal; 7/0)** authorizing an increase of the Director of Utilities' Authority to issue change orders for the Kansas Avenue 12-inch Water Main Upgrade Project from 20% (\$127,783) to 43.24% (\$276,283) of the original construction contract price of \$638,916 with Platinum Pipeline, Inc. of Livermore, CA, and increasing staff budget from \$138,022 to \$148,022.

**ACTION: Resolution 2020-132 (Kenoyer/Grewal; 7/0)** amending the Fiscal Year 2019-20 Capital Improvement Program Budget in the amount of \$148,500 to be transferred into the project from Community Development Block Grant (CDBG) funds in order to fully fund the change work associated with the on-site fire hydrant as part of the Kansas Avenue 12-Inch Water Main Upgrade Project.

### **COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer attended the NAACP Awards event on Saturday.

Councilmember Ridenour requested staff to bring Appointments Committee process to Council.

Councilmember Madrigal attended: the American GI Forum fundraiser dinner at VFW Post and the Airport Neighborhood's General Plan Workshop; he also announced the Project Prom event.

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

None.

### **UNFINISHED BUSINESS**

14. Consider approving the plans and specifications for the Fleet Maintenance Facility Heavy Bay Addition and Bus Maintenance Facility – Parts Storage Room and awarding construction contracts with Harris Builders, Inc. from Hilmar CA, in the amount of \$5,365,992 plus \$429,279 for contingency (if needed), for a total not to exceed amount of \$5,795,271; approving an Agreement with Consolidated CM Inc. for Construction Management, Special Inspection, and Materials Testing Services for the Fleet Maintenance Facility Heavy Bay Addition in an amount not to exceed \$420,309 and approving an Agreement with Consolidated CM Inc. for Construction Management, Special Inspection, and Materials Testing Services for the Bus Maintenance Facility Parts Storage Room in an amount not to exceed \$142,715; and amending the Fiscal Year 2019-20 Capital Improvement Project Program Budget. (Funding Source: Fleet Fund 5400, Bus Fixed Route Fund 4510)
  - Resolution approving plans and specifications for the Fleet Maintenance Facility Heavy Bay Addition and Bus Maintenance Facility Parts Storage Room Project, accepting the bid, and approving a contract with Harris Builders, Inc., Hilmar, CA, for the Fleet Maintenance Facility Heavy Bay Addition in the amount of \$4,063,948, plus \$325,116 for contingency (if needed), for a total amount of \$4,389,064 and authorizing the City Manager, or his designee, to execute the contract.
  - Resolution approving plans and specifications for the Fleet Maintenance Facility Heavy Bay Addition and Bus Maintenance Facility Parts Storage Room Project, accepting the bid, and approving a contract with Harris Builders, Inc., Hilmar, CA, for the Bus Maintenance Facility Parts Storage Room in the amount of \$1,302,044, plus \$104,164 for contingency (if needed), for a total amount of \$1,406,208 and authorizing the City Manager, or his designee, to execute the contract.
  - Resolution approving an Agreement with Consolidated CM Inc., of Oakland CA, for Construction Management, Special Inspection, and Materials Testing Services for the Fleet Maintenance Facility Heavy Bay Addition in an amount not to exceed \$420,309; and authorizing the City Manager or his designee to execute the Agreement.
  - Resolution approving an Agreement with Consolidated CM Inc., of Oakland CA, for Construction Management, Special Inspection, and Materials Testing Services for the Bus Maintenance Facility Parts Storage Room in an amount not to exceed \$142,715; and authorizing the City Manager or his

- designee to execute the Agreement.
- Resolution amending the Fiscal Year 2019-20 Capital Improvement Program budget of project 100451 - Fleet Maintenance Facility in the amount of \$421,930 to be transferred into the project from the 5400-Fleet Fund to fully fund the construction, contingency, construction administration, city construction forces and design support during construction for the Fleet Maintenance Facility Heavy Bay Addition.
  - Resolution amending the Fiscal Year 2019-20 Capital Improvement Program budget of project 100451 - Fleet Maintenance Facility in the amount of \$266,066 to establish the funds necessary for a transfer into project 101022 - BFM-Parts Storage Room Upgrade to cover costs associated with a shared hallway.
  - Resolution amending the Fiscal Year 2019-20 Capital Improvement Program budget of project 101022 - BFM- Parts Storage Room Upgrade in the amount of \$829,308 and reducing the project budgets of 100964 - BMF Improvements, 101021 - BMF Equipment Requirements and 101023 – Bus Stop Improv/Repairs 2017 a total amount of \$563,242.

*Utilities; Cristian Ciotau, 577-5260, cciotau@modestogov.com*

**ACTION: Resolution 2020-133 (Grewal/Ah You; 7/0)** approving plans and specifications for the Fleet Maintenance Facility Heavy Bay Addition and Bus Maintenance Facility Parts Storage Room Project, accepting the bid, and approving a contract with Harris Builders, Inc., Hilmar, CA, for the Fleet Maintenance Facility Heavy Bay Addition in the amount of \$4,063,948, plus \$325,116 for contingency (if needed), for a total amount of \$4,389,064 and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2020-134 (Grewal/Ah You; 7/0)** approving plans and specifications for the Fleet Maintenance Facility Heavy Bay Addition and Bus Maintenance Facility Parts Storage Room Project, accepting the bid, and approving a contract with Harris Builders, Inc., Hilmar, CA, for the Bus Maintenance Facility Parts Storage Room in the amount of \$1,302,044, plus \$104,164 for contingency (if needed), for a total amount of \$1,406,208 and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2020-135 (Grewal/Ah You; 7/0)** approving an Agreement with Consolidated CM Inc., of Oakland CA, for Construction Management, Special Inspection, and Materials Testing Services for the Fleet Maintenance Facility Heavy Bay Addition in an amount not to exceed \$420,309; and authorizing the City Manager or his designee to execute the Agreement.

**ACTION: Resolution 2020-136 (Grewal/Ah You; 7/0)** approving an Agreement with Consolidated CM Inc., of Oakland CA, for Construction Management, Special Inspection, and Materials Testing Services for the Bus Maintenance Facility Parts Storage Room in an amount not to exceed \$142,715; and authorizing the City Manager or his designee to execute the Agreement.

**ACTION: Resolution 2020-137 (Grewal/Ah You; 7/0)** amending the Fiscal Year 2019-20 Capital Improvement Program budget of project 100451 - Fleet Maintenance Facility in the amount of \$421,930 to be transferred into the project from the 5400-Fleet Fund to fully fund the construction, contingency, construction administration, city construction forces and design support during construction for the Fleet Maintenance Facility Heavy Bay Addition.

**ACTION: Resolution 2020-138 (Grewal/Ah You; 7/0)** amending the Fiscal Year 2019-20 Capital Improvement Program budget of project 100451 - Fleet Maintenance Facility in the amount of \$266,066 to establish the funds necessary for a transfer into project 101022 - BFM-Parts Storage Room Upgrade to cover costs associated with a shared hallway.

**ACTION: Resolution 2020-139 (Grewal/Ah You; 7/0)** amending the Fiscal Year 2019-20 Capital Improvement Program budget of project 101022 - BFM- Parts Storage Room Upgrade in the amount of \$829,308 and reducing the project budgets of 100964 - BMF Improvements, 101021 - BMF Equipment Requirements and 101023 – Bus Stop Improv/Repairs 2017 a total amount of \$563,242.

## HEARINGS

*Published in the Modesto Bee on January 24, 2020, Continued from February 4, 2020 Council Meeting. **Hearing cancelled***

- 15. Hearing to consider approving a rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services, for an increase of \$0.16 per month for residential services, and \$0.66 per cubic yard per month for commercial services, to fund a Solid Waste Division Blight Abatement Team and Services to become effective March 1, 2020, and rescinding Resolution No. 2019-323 for the July 1, 2019 annual maximum rate adjustment. (Funding Source: Solid Waste Funds)
  - Hearing has been cancelled.

*Public Works; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION:** Hearing has been cancelled.

*Recess at 7:25 p.m.  
Reconvened at 7:40 p.m.*

*Councilmember Madrigal left meeting @7:25 p.m.*

**NEW BUSINESS**

*Councilmember Madrigal absent due to conflict of interest*

- 16. Consider approving the award of proposal and Agreement for operation of Modesto Area Dial-A-Ride to Transdev Services, Inc., Lombard, IL, for a five year Agreement with two two-year extension options, for an annual estimated cost not to exceed \$3,067,622 and a total amount not to exceed \$27,608,602 over nine years. (Funding Source: Transit Funds)
  - Resolution approving the award of proposal and Agreement for operation of Modesto Area Dial-A-Ride to Transdev Services, Inc., Lombard, IL, for a five year Agreement with two two-year extension options, for an annual estimated cost not to exceed \$3,067,622 and a total amount not to exceed \$27,608,602 over nine years, and authorizing the City Manager, or his designee, to execute the Agreement.

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

*Grewal left meeting at 9:25 p.m.*

**ACTION: Motion (Ridenour/Kenoyer; 3/2; Ah You, Mayor Brandvold no; Madrigal absent due to conflict of interest; Grewal absent) approving the award of proposal and Agreement for operation of Modesto Area Dial-A-Ride to Transdev Services, Inc., Lombard, IL, for a five year Agreement with two two-year extension options, for an annual estimated cost not to exceed \$3,067,622 and a total amount not to exceed \$27,608,602 over nine years, and authorizing the City Manager, or his designee, to execute the Agreement. (MOTION FAILED FOR LACK OF QUORUM)**

**ACTION: Motion (Ah You/ Mayor Brandvold; 5/0; Madrigal absent due to conflict of interest; Grewal absent) directing staff to return to Council with information regarding FTA regulations, requirements and process.**

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:00 p.m.

**CLOSED SESSION**

*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)

**CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION**

**One Case** (Pursuant to Section 54956.9(d)(4) of the Government Code)

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

**MINUTES**  
City of Modesto  
**SPECIAL CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Thursday March 19, 2020, at 12:00 p.m.**

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

Pledge of Allegiance to the Flag

Reports from Closed Session: Acting City Attorney Sanchez reported on Closed Session matters

**PLEASE NOTE**

**This Special Meeting will be conducted pursuant to the provisions of the Governor’s Executive Order N-25-20, which suspended certain requirements of the Brown Act.**

**In order to minimize the spread of the COVID 19 virus, please do the following:**

- We encourage you not to attend the City Council meeting but if you wish to make a comment on a specific agenda item, please submit your comment via email by 10:30 A.M. on Thursday, March 18, 2020 to the City Clerk at [slopez@modestogov.com](mailto:slopez@modestogov.com)
- If you wish to make either a general public comment or to comment on a specific agenda item as it is being heard please submit your comment, limited to 250 words or less, to the City Clerk at [slopez@modestogov.com](mailto:slopez@modestogov.com). Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations.
- If you choose to attend the Council meeting in person, you will be required to maintain appropriate social distancing, ie, maintain a 6-foot distance between yourself and other individuals. Please note, seating is limited.

**PUBLIC COMMENT PERIOD**

- Sebastian Jones spoke regarding evictions.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

No Consent Items

**NEW BUSINESS**

1. Consider ratifying the City Manager/Director of Emergency Services Proclamation of Existence of a Local Emergency in Response to the Coronavirus (COVID-19), dated March 13, 2020. (Funding Source: Not Applicable)
  - Resolution ratifying the City Manager/Director of Emergency Services Proclamation of Existence of a Local Emergency in Response to the Coronavirus (COVID-19), dated March 13, 2020.  
*City Manager; Edgar Garcia, 571-5101, [edgarcia@modestogov.com](mailto:edgarcia@modestogov.com)*

**ACTION: Motion (Madrigal/NO SECOND)** ratifying the City Manager/Director of Emergency Services Proclamation of Existence of a Local Emergency in Response to the Coronavirus (COVID-19), dated March 13, 2020 **and directing staff to develop an Emergency Ordinance to halt residential and commercial evictions for renters and homeowners for a 90 day period. (MOTION FAILED)**

**ACTION: Resolution 2020-140 (Zoslocki/Grewal; 7/0)** ratifying the City Manager/Director of Emergency Services Proclamation of Existence of a Local Emergency in Response to the Coronavirus (COVID-19), dated March 13, 2020. **(AS AMENDED)**

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 1:46 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**THREAT TO PUBLIC SERVICES OR FACILITIES  
(Pursuant to Section 54957(a) of the Government Code)**

Consultation with: Joseph P. Lopez, City Manager/ Director of Emergency Services

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

Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers' Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

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

Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

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

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL WORKSHOP**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Thursday, April 2, 2020 at 11:00 a.m.**

Roll Call: Present: Councilmembers Grewal, Ridenour, Kenoyer (alternate), Zoslocki (arrived at 11:20 am)

Absent: None

Also Present: Councilmember Madrigal

**CONSENT**

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

Consent

1. Consider approving the award of bid for portable toilet rental services to United Site Services, Inc. of Modesto, CA as the primary supplier for daily, weekly and monthly rentals and the secondary supplier for yearly rentals and to Sun Valley Portable Restrooms, Inc., Turlock, CA, for two-year Agreements with three one-year extension options for an estimated combined annual cost of \$54,888 and a total combined cost not to exceed \$274,440 over five years for both and forwarding to Council for approval. (Funding Source: Various Funds)

*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the award of bid for portable toilet rental services to United Site Services, Inc. of Modesto, CA as the primary supplier for daily, weekly and monthly rentals and the secondary supplier for yearly rentals and to Sun Valley Portable Restrooms, Inc., Turlock, CA, for two-year Agreements with three one-year extension options for an estimated combined annual cost of \$54,888 and a total combined cost not to exceed \$274,440 over five years for both and forwarding to Council for approval.

Consent

2. Consider approving a Second Amendment extending the termination date with Occu-Med, Ltd., Fresno, CA, for the furnishing of occupational medicine services through December 31, 2020, and increasing the Agreement amount by \$50,000 for a total amount not to exceed \$1,017,220 over the term of the Agreement, and forwarding to Council for approval. (Funding Source: Workers' Compensation Fund and General Fund)

*Human Resources; Derick Holt, 571-5139, dholt@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving a Second Amendment extending the termination date with Occu-Med, Ltd., Fresno, CA, for the furnishing of occupational medicine services through December 31, 2020, and increasing the Agreement amount by \$50,000 for a total amount not to exceed \$1,017,220 over the term of the Agreement, and forwarding to Council for

approval.

*Removed from Consent*

- 3. Consider approving the renewal of the City’s Microsoft “Enterprise Agreement” (EA) for Microsoft licenses by utilizing the County of Riverside Cooperative Agreement No. RIVCO-2020-RFQ-000048 with Dell Technologies Inc., of Round Rock, TX, for a three-year Agreement, for an annual estimated cost of \$600,000 and a total amount not to exceed \$1.8M over three years and forwarding to Council for approval. (Funding Source: Information Technology Fund)

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

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the renewal of the City’s Microsoft “Enterprise Agreement” (EA) for Microsoft licenses by utilizing the County of Riverside Cooperative Agreement No. RIVCO-2020-RFQ-000048 with Dell Technologies Inc., of Round Rock, TX, for a three-year Agreement, for an annual estimated cost of \$600,000 and a total amount not to exceed \$1.8M over three years and forwarding to Council for approval.

Consent

- 4. Consider approving the extension of the termination date of the annual Purchasing Agreement with SCOTO Farming and forwarding to Council for approval. (Funding Source: Park Operations, Public Works, and Modesto Fire)

*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5437, lsmith@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the extension of the termination date of the annual Purchasing Agreement with SCOTO Farming and forwarding to Council for approval.

Consent

- 5. Consider accepting the 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$136,528, amending the Fiscal Year 2019-20 Multi-Year Budget, and forwarding to Council for approval. (Funding Source: Grants-Police)

*Police; Galen Carroll, 572-9500, carrollg@modestopd.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting the 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$136,528, amending the Fiscal Year 2019-20 Multi-Year Budget, and forwarding to Council for approval.

*Removed from Consent*

- 6. Consider approving a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2020-21, and forwarding to Council for approval. (Funding Source: Senate Bill 1 Funds)

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

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2020-21, and forwarding to Council for approval.

**NEW BUSINESS**

7. Consider reviewing a draft 2020 State and Federal Legislative Platform for the City of Modesto, providing direction to staff, and forwarding to Council for approval.  
(Funding Source: Not Applicable)

*City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

*Councilmember Zoslocki arrived at 11:20 a.m.*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving a draft 2020 State and Federal Legislative Platform for the City of Modesto, providing direction to staff, and forwarding to Council for approval.

8. Consider approving the award of proposals and Agreement for consultant support with state advocacy services to Townsend Public Affairs for two-year Agreement with one 1-year extension for an annual cost not to exceed \$60,000, and for a total Agreement amount not to exceed \$180,000; and approving the award of proposals and Agreement for consultant support with federal advocacy services to Van Scoyoc & Associates for a two-year Agreement with one 1-year extension for an annual cost not to exceed \$90,000, and for a total Agreement amount not to exceed \$270,000, and forwarding to Council for approval. (Funding Source: Various Funds)

*City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the award of proposals and Agreement for consultant support with state advocacy services to Townsend Public Affairs for two-year Agreement with one 1-year extension for an annual cost not to exceed \$60,000, and for a total Agreement amount not to exceed \$180,000; and approving the award of proposals and Agreement for consultant support with federal advocacy services to Van Scoyoc & Associates for a two-year Agreement with one 1-year extension for an annual cost not to exceed \$90,000, and for a total Agreement amount not to exceed \$270,000, and forwarding to Council for approval.

9. Consider accepting the City's Investment Policy and forwarding to Council for approval. (Funding Source: Not Applicable)

*Finance; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

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

10. Consider accepting an update on the City's Debt Management Policy and forwarding to Council for approval. (Funding Source: Not Applicable)

*Finance; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

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

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

None.

### **ADJOURNMENT**

This meeting adjourned at 12:34 p.m.

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

**MINUTES**  
**City of Modesto**  
**ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Monday, April 6, 2020, at 2:00 p.m.**

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

**PUBLIC COMMENTS**

None.

**CONSENT**

Consent

1. Consider accepting a Highway Safety Improvement Program (HSIP) grant in the amount of \$75,000 for the development of a Local Roads and Safety Plan (LRSP), amending the Agreement for Consultant Services with Fehr and Peers in the amount of \$39,994 with a new not to exceed amount of \$223,234 to include development of the LRSP, and forwarding to Council for approval. (Funding Source: State of California HSIP grant and Local Funds – Measure L)  
*Community & Economic Development; Tamorah Bryant, 577-5328, tbryant@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** accepting a Highway Safety Improvement Program (HSIP) grant in the amount of \$75,000 for the development of a Local Roads and Safety Plan (LRSP), amending the Agreement for Consultant Services with Fehr and Peers in the amount of \$39,994 with a new not to exceed amount of \$223,234 to include development of the LRSP, and forwarding to Council for approval.

Consent

2. Consider approving an Agreement with Alta Planning + Design, Inc., Portland, OR, in an amount not to exceed \$247,499, for professional engineering services for the School Safety Program Study project, and forwarding to Council for approval. (Funding Source: Measure L Local Funds – Traffic Management)  
*Community & Economic Development; Tamorah Bryant, 577-5328, tbryant@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving an Agreement with Alta Planning + Design, Inc., Portland, OR, in an amount not to exceed \$247,499, for professional engineering services for the School Safety Program Study project, and forwarding to Council for approval.

Consent

3. Consider approving an Agreement with Mark Thomas & Company, Inc., of Fresno, CA, for design services for the Granger Neighborhood Pavement Rehabilitation Project, in an amount not to exceed \$250,225 for the identified scope of services, plus \$25,022 for additional services (if needed), for a

maximum total amount of \$275,247, and forwarding to Council for approval. (Funding Source: Measure L Local Funds – Local Streets and Roads)  
*Community & Economic Development; Tamorah Bryant, 577-5328, tbryant@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving an Agreement with Mark Thomas & Company, Inc., of Fresno, CA, for design services for the Granger Neighborhood Pavement Rehabilitation Project, in an amount not to exceed \$250,225 for the identified scope of services, plus \$25,022 for additional services (if needed), for a maximum total amount of \$275,247, and forwarding to Council for approval.

Consent

4. Consider approving a hearing authorizing the City use of the Bond Opportunities for Land Development (BOLD) Program; authorizing the California Municipal Finance Authority to accept applications from property owners, conduct proceedings and levy special taxes within the territory of the City pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, and approving related actions, and forwarding to Council for approval. (Funding Source: Developer Deposits)  
*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving a hearing authorizing the City use of the Bond Opportunities for Land Development (BOLD) Program; authorizing the California Municipal Finance Authority to accept applications from property owners, conduct proceedings and levy special taxes within the territory of the City pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, and approving related actions, and forwarding to Council for approval.

Consent

5. Consider authorizing submittal of a grant funding application for the City of Modesto's Active Transportation Program in the amount of \$6,985,000 for the Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project and forwarding to Council for approval. (Funding Source: State of California ATP Grant and Local Funds – Measure L)  
*Community & Economic Development; Michael Sacuskie, 571-5552, msacuskie@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** authorizing submittal of a grant funding application for the City of Modesto's Active Transportation Program in the amount of \$6,985,000 for the Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project and forwarding to Council for approval.

*Removed from Consent*

6. Consider approving a ten-year lease Agreement with San Joaquin Joint Powers Authority, for the use of the Amtrak Rail Station at 1700 Held Drive, Modesto for a total amount of \$1.00 per year plus shared utilities costs for the 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 (Madrigal/Ridenour; 3/0)** approving a ten-year lease Agreement with San Joaquin Joint Powers Authority, for the use of the Amtrak Rail Station at 1700 Held Drive, Modesto for a total amount of \$1.00 per year plus shared utilities costs for the term of the Agreement, and forwarding to Council for approval.

Consent

7. Consider approving the submission of the Transportation Development Act Transit Claim to the

Stanislaus Council of Governments for Fiscal Year 2020-21 in the amount of \$13,604,991; a proposed alternate Transit Claim of \$15,409,739 if transit routes in Ceres are approved; and a Regional Transit Claim in the amount of \$915,459, and forwarding to Council for approval. (Funding Source: Transportation Development Act Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Madrigan/Ridenour; 3/0)** approving the submission of the Transportation Development Act Transit Claim to the Stanislaus Council of Governments for Fiscal Year 2020-21 in the amount of \$13,604,991; a proposed alternate Transit Claim of \$15,409,739 if transit routes in Ceres are approved; and a Regional Transit Claim in the amount of \$915,459, and forwarding to Council for approval.

Consent

8. Consider approving the implementation of a fare capping program with Token Transit on Modesto Area Express, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Madrigan/Ridenour; 3/0)** approving the implementation of a fare capping program with Token Transit on Modesto Area Express, and forwarding to Council for approval.

Consent

9. Consider approving a Second Amendment to the lease Agreement with Stanislaus County for Stanislaus Regional Transit (START) to use the Modesto Transportation Center, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Madrigan/Ridenour; 3/0)** approving a Second Amendment to the lease Agreement with Stanislaus County for Stanislaus Regional Transit (START) to use the Modesto Transportation Center, and forwarding to Council for approval.

Consent

10. Consider approving an On-Call Agreement for Architectural Design Services, with Red Inc. Architects, Modesto, CA, for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed \$100,000, and a total cost not to exceed \$300,000 over three years, an On-Call Agreement for Structural Design Services, with Kennedy Jenks Consultants, Inc., Fresno, CA, for Structural Design Services for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed \$100,000, and a total cost not to exceed \$300,000 over three years, and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)  
*Utilities; Cristian Ciotau, 577-5260, cciotau@modestogov.com*

**ACTION: Motion (Madrigan/Ridenour; 3/0)** approving an On-Call Agreement for Architectural Design Services, with Red Inc. Architects, Modesto, CA, for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed \$100,000, and a total cost not to exceed \$300,000 over three years, an On-Call Agreement for Structural Design Services, with Kennedy Jenks Consultants, Inc., Fresno, CA, for Structural Design Services for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed \$100,000, and a total cost not to exceed \$300,000 over three years, and forwarding to Council for approval.

Consent

11. Consider approving Pre-qualified Consultant Lists for Water, Wastewater, and Storm Drain Engineering Design Services for various capital improvement projects for period of one year, with two one-year extensions at the written approval of the Director of Utilities and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)  
*Utilities; Cristian Ciotau, 577-5260, cciotau@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving Pre-qualified Consultant Lists for Water, Wastewater, and Storm Drain Engineering Design Services for various capital improvement projects for period of one year, with two one-year extensions at the written approval of the Director of Utilities and forwarding to Council for approval.

Consent

12. Consider approving a Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement Program projects for a period of one year, with two one-year extensions at the written approval of the Director of Utilities and forwarding to Council for approval. (Funding Source: Various Capital Improvement Projects)  
*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving a Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement Program projects for a period of one year, with two one-year extensions at the written approval of the Director of Utilities and forwarding to Council for approval.

Consent

13. Consider certifying the Final Environmental Impact Report for the City of Modesto Water Master Plan in accordance with the California Environmental Quality Act, approving the 2017 Water Master Plan, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*Utilities; Jim Alves, 571-5557, jalves@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** certifying the Final Environmental Impact Report for the City of Modesto Water Master Plan in accordance with the California Environmental Quality Act, approving the 2017 Water Master Plan, and forwarding to Council for approval.

**NEW BUSINESS**

14. Consider accepting an informational report on the Water Rebate Program Modifications. (Funding Source: Water Fund)  
*Utilities; Jeff Daniels, 342-4285, jdaniels@modestogov.com*

**ACTION: No reportable action.**

15. Consider approving the 2020-2025 Permitting Efficiency Action Plan and forwarding to Council for approval. (Funding Source: Development Fees)  
*Community & Economic Development; Oscar Diaz, 571-5885, odiaz@modestogov.com*

**ACTION: Motion (Ridenour/Madrigan; 3/0)** approving the 2020-2025 Permitting Efficiency Action Plan and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 2:55 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 07, 2020, 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: Mayor Brandvold read the Invocation from Rabbi Shalom Bochner

City Clerk’s Announcements: Item 18 - continued to future meeting date

Declaration of Conflicts of Interest: Madrigal - Items 17 and 18

Reports from Closed Session: Acting City Attorney Sanchez spoke regarding Closed Session matters

**MISCELLANEOUS**

Legislation  
Appointments  
Other

1. Consider accepting the resignations of Susie Fagundes and Steve Rank from the Downtown Improvement District Board of Directors. (Funding Source: Not Applicable)
  - Resolution accepting the resignations of Susie Fagundes and Steve Rank from the Downtown Improvement District Board of Directors.  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION: Resolution 2020-141 (Kenoyer/Ah You; 7/0)** accepting the resignations of Susie Fagundes and Steve Rank from the Downtown Improvement District Board of Directors.

**PUBLIC COMMENT PERIOD**

- Mark Kindelberger, Schneider Electric, provided a statement regarding local governments facing challenges.
- Wendy Byrd, NAACP, provided a statement regarding African Americans and the impact of the COVID-19 virus.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS2-16: (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

2. Consider approving the minutes from the March 10, 2020 Council and March 19, 2020 Special Council Meetings. (Funding Source: Not Applicable)
  - Motion approving the minutes from the March 10, 2020 Council and March 19, 2020 Special Council Meetings.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** approving the minutes from the March 10, 2020 Council and March 19, 2020 Special Council Meetings.

Consent

3. Consider approving an agreement with CentralSquare Technologies (Formerly Superior), Lake Mary, FL., for the purchase and installation of the TrakIt software system for the City of Modesto Development Center for \$474,180, 2nd year maintenance cost of \$188,000 and a 3rd year maintenance cost of \$193,640 for a total amount not to exceed \$855,820, an Interfund Loan of \$265,404 from the Multi Year Abatement Fund (1800-14999-53300-100673) and amending the Fiscal Year 2019-20 Operating and Multiyear Budget for project 1800-14998-43270-101223 to increase the budgeted amount of \$475,180 and authorizing the transfers from the Water Fund (67,891) , HUD-CDBG (21,568), Multiyear Abatement fund (51,917) and, Senate Bill 2 Grant (70,000). (Funding Source: Various Funds)
  - Resolution approving an Agreement with CentralSquare Technologies (Formerly Superior), Lake Mary, FL, for the purchase and installation of the TrakIt software system for the City of Modesto Development Center for \$474,180, 2nd year maintenance cost of \$188,000 and a 3rd year maintenance cost of \$193,640 for a total amount not to exceed \$855,820, and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution approving an Interfund loan in an amount not to exceed \$265,404 from the Multi-Year abatement fund to purchase TrakIt from CentralSquare Technologies (formerly Superior), Lake FL, for the City of Modesto Development Center and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.
  - Resolution amending the Fiscal Year 2019-20 Operating and Multiyear Budget for project 1800-14998-43270-101223 to increase the budgeted amount of \$475,180 and authorizing the transfers from the Water Fund (67,891), HUD-CDBG (21,568), Multiyear Abatement fund (51,917) and, Senate Bill 2 Grant (70,000), and authorizing the City Manager or his designee, to implement the provisions of this Resolution.  
*Community & Economic Development; Oscar Diaz, 571-5885, odiaz@modestogov.com*

**ACTION: Resolution 2020-142 (Kenoyer/Madrigal; 7/0)** approving an Agreement with CentralSquare Technologies (Formerly Superior), Lake Mary, FL, for the purchase and installation of the TrakIt software system for the City of Modesto Development Center for \$474,180, 2nd year maintenance cost of \$188,000 and a 3rd year maintenance cost of \$193,640 for a total amount not to exceed \$855,820, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2020-143 (Kenoyer/Madrigal; 7/0)** approving an Interfund loan in an amount not to exceed \$265,404 from the Multi-Year abatement fund to purchase TrakIt from CentralSquare Technologies (formerly Superior), Lake FL, for the City of Modesto Development Center and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

**ACTION: Resolution 2020-144 (Kenoyer/Madrigal; 7/0)** amending the Fiscal Year 2019-20 Operating and Multiyear Budget for project 1800-14998-43270-101223 to increase the budgeted amount of \$475,180 and authorizing the transfers from the Water Fund (67,891), HUD-CDBG (21,568), Multiyear Abatement fund (51,917) and, Senate Bill 2 Grant (70,000), and authorizing the City Manager or his designee, to implement the provisions of this Resolution.

Consent

4. Consider approving the Designation of Authorized Agents to file related documents with the California Governor's Office of Emergency Services to seek reimbursement for the COVID-19 Pandemic. (Funding Source: Not Applicable)
- Resolution approving the Designation of Authorized Agents defined as the City Manager, Deputy City Manager and Director of Finance to file related documents with the California Governor's Office of Emergency Services to seek reimbursement for the COVID-19 Pandemic.
- Finance; Leslie Vaughn, 577-5384, lvaughn@modestogov.com*

**ACTION: Resolution 2020-145 (Kenoyer/Madrigal; 7/0)** approving the Designation of Authorized Agents defined as the City Manager, Deputy City Manager and Director of Finance to file related documents with the California Governor's Office of Emergency Services to seek reimbursement for the COVID-19 Pandemic.

Consent

5. Consider accepting an informational report for the February 2020 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the February 2020 Accounts Payable Payment Register and Void report.
- Finance; Calogero Maniscalco, 577-5379, cmaniscalco@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** accepting an informational report for the February 2020 Accounts Payable Payment Register and Void report.

Consent

6. Consider accepting the Monthly Investment Report for January 2020. (Funding Source: Various Funds)
- Motion accepting the Monthly Investment Report for January 2020.
- Finance; Calogero Maniscalco, 577-5379, cmaniscalco@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 7/0)** accepting the Monthly Investment Report for January 2020.

Consent

7. Consider approving the submission of a grant application for the Low Carbon Transit Operations Program for the free fares project in the amount of \$841,048 for specific dates and events to encourage more ridership on Modesto Area Express buses. (Funding Source: Transit Funds)
- Resolution approving the submission of a grant application for the Low Carbon Transit Operations Program for the free fares project in the amount of \$841,048 for specific dates and events to encourage more ridership on Modesto Area Express buses, and authorizing the City Manager, or his designee, to execute all Agreement documents.
- Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2020-146 (Kenoyer/Madrigal; 7/0)** approving the submission of a grant application for the Low Carbon Transit Operations Program for the free fares project in the amount of \$841,048 for specific dates and events to encourage more ridership on Modesto Area Express buses, and authorizing the City Manager, or his designee, to execute all Agreement documents.

Consent

8. Consider approving and implementing the Public Transit Agency Safety Plan as required by the Federal Transit Administration. (Funding Source: Transit Funds)
- Resolution approving and implementing the Public Transit Agency Safety Plan as required by the Federal Transit Administration; and authorizing the City Manager, or his designee, to implement the plan.
- Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2020-147 (Kenoyer/Madrigal; 7/0)** approving and implementing the Public Transit

Agency Safety Plan as required by the Federal Transit Administration; and authorizing the City Manager, or his designee, to implement the plan.

Consent

9. Consider accepting the grant award for Federal Transit Administration Section 5307 transit funds in the amount of \$5,380,567; and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with the Federal Transit Administration. (Funding Source: Federal Transit Administration Section 5307)
- Resolution accepting the grant award for Federal Transit Administration Section 5307 transit funds in the amount of \$5,380,567; and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with the Federal Transit Administration.
- Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2020-148 (Kenoyer/Madrigan; 7/0)** accepting the grant award for Federal Transit Administration Section 5307 transit funds in the amount of \$5,380,567; and authorizing the City Manager, or his designee, to execute and file the Annual Certifications and Assurances, and all other necessary documents with the Federal Transit Administration.

Consent

10. Consider approving grant applications, accepting grant awards and amending the annual budgets for all Waste Tire Enforcement Grants to California Department of Resources and Recovery. (Funding Source: Not Applicable)
- Resolution approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Waste Tire Enforcement Grants, accepting grant awards, amending the annual budget, rescinding Resolution No. 2015-113 and authorizing the City Manager, or his designee, to execute all grant related documents and authorizations.
- Public Works; Michele Hunt, 577-5493, mhunt@modestogov.com*

**ACTION: Resolution 2020-149 (Kenoyer/Madrigan; 7/0)** approving grant applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for all Waste Tire Enforcement Grants, accepting grant awards, amending the annual budget, rescinding Resolution No. 2015-113 and authorizing the City Manager, or his designee, to execute all grant related documents and authorizations.

Consent

11. Consider accepting the Well 72 (Replacing Well 229) Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$497,851 to Nor-Cal Pump & Well Drilling, Inc. of Yuba City, CA. (Funding Source: Water Fund-CIP)
- Resolution accepting the Well 72 (Replacing Well 229) Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$497,851 to Nor-Cal Pump & Well Drilling, Inc. of Yuba City, CA.
- Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-150 (Kenoyer/Madrigan; 7/0)** accepting the Well 72 (Replacing Well 229) Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$497,851 to Nor-Cal Pump & Well Drilling, Inc. of Yuba City, CA.

Consent

12. Consider accepting the Claus Road Pavement Rehabilitation Phase II project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,064,354 to DSS Company, dba Knife River Construction, of Stockton, California. (Funding Source: Local Control Measure L Funds)
- Resolution accepting the Claus Road Pavement Rehabilitation Phase II Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing

payments totaling \$1,064,354 to DSS Company, dba Knife River Construction, of Stockton, California.

*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-151 (Kenoyer/Madrigan; 7/0)** accepting the Claus Road Pavement Rehabilitation Phase II Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,064,354 to DSS Company, dba Knife River Construction, of Stockton, California.

Consent

13. Consider approving Agreements for on-call land surveying services with Delamare-Fultz (DF) Engineering, Inc., of Modesto, CA, NorthStar Engineering, Inc., of Modesto, CA, and O'Dell Engineering of Modesto, CA, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed \$75,000 per consultant, and a total amount not to exceed \$225,000 per consultant over three years. (Funding Source: Various Capital Improvement Program Projects)
- Resolution approving Agreements for on-call land surveying services with Delamare-Fultz (DF) Engineering, Inc., of Modesto, CA, NorthStar Engineering, Inc., of Modesto, CA, and O'Dell Engineering of Modesto, CA, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed \$75,000 per consultant, and a total amount not to exceed \$225,000 per consultant over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-152 (Kenoyer/Madrigan; 7/0)** approving Agreements for on-call land surveying services with Delamare-Fultz (DF) Engineering, Inc., of Modesto, CA, NorthStar Engineering, Inc., of Modesto, CA, and O'Dell Engineering of Modesto, CA, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed \$75,000 per consultant, and a total amount not to exceed \$225,000 per consultant over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving three On-Call Agreements for Materials Testing and Special Inspection Services, with Krazan & Associates, Inc., BSK Associates, and Terracon Consultants, Inc., for a one-year Agreement with two one-year extension options, for an annual amount not to exceed \$74,500 per consultant, and a total amount not to exceed \$223,500 per consultant over three years. (Funding Source: Various Capital Improvement Program Projects)
- Resolution approving an On-call Agreement with Krazan & Associates, Inc., for Materials Testing and Special Inspection Services, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed \$74,500, and a total amount not to exceed \$223,500 over three years and authorizing the City Manager or his designee to execute the Agreement.
  - Resolution approving an On-call Agreement with BSK Associates, for Materials Testing and Special Inspection Services, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed \$74,500, and a total amount not to exceed \$223,500 over three years and authorizing the City Manager or his designee to execute the Agreement.
  - Resolution approving an On-call Agreement with Terracon Consultants Inc., for Materials Testing and Special Inspection Services, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed \$74,500, and a total amount not to exceed \$223,500 over three years and authorizing the City Manager or his designee to execute the Agreement.

*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-153 (Kenoyer/Madrigan; 7/0)** approving an On-call Agreement with Krazan & Associates, Inc., for Materials Testing and Special Inspection Services, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed \$74,500, and a total amount not to exceed \$223,500 over three years and authorizing the City Manager or his designee to execute the Agreement.

**ACTION: Resolution 2020-154 (Kenoyer/Madrigan; 7/0)** approving an On-call Agreement with BSK

Associates, for Materials Testing and Special Inspection Services, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed \$74,500, and a total amount not to exceed \$223,500 over three years and authorizing the City Manager or his designee to execute the Agreement.

**ACTION: Resolution 2020-155 (Kenoyer/Madrigan; 7/0)** approving an On-call Agreement with Terracon Consultants Inc., for Materials Testing and Special Inspection Services, for a one-year Agreement with two one-year extension options, for an annual amount not to exceed \$74,500, and a total amount not to exceed \$223,500 over three years and authorizing the City Manager or his designee to execute the Agreement.

Consent

15. Consider approving the grant of a Temporary Construction Easement within a portion of APN 083-004-06 from Snow Properties, Janet Lynn Snow, Elizabeth Barnes, Jennifer L. Shin, and Stan-San Properties 1, LLC for the Sonoma Trunk Sewer Project. (Funding Source: Wastewater Fund)
- Resolution approving the grant of Temporary Construction Easement within a portion of APN 083-004-06 from Snow Properties, Ms. Janet Lynn Snow, Mrs. Elizabeth Barnes, Mrs. Jennifer L. Shin, and Stan-San Properties 1, LLC for the Sonoma Trunk project, consenting to the recordation thereof, and authorizing the City Manager or his designee to execute the required documents for the Temporary Construction Easement area upon expiration occurring April 30, 2022.

*Utilities; Ryan Daugherty, 577-5399, rdaugherty@modestogov.com*

**ACTION: Resolution 2020-156 (Kenoyer/Madrigan; 7/0)** approving the grant of Temporary Construction Easement within a portion of APN 083-004-06 from Snow Properties, Ms. Janet Lynn Snow, Mrs. Elizabeth Barnes, Mrs. Jennifer L. Shin, and Stan-San Properties 1, LLC for the Sonoma Trunk project, consenting to the recordation thereof, and authorizing the City Manager or his designee to execute the required documents for the Temporary Construction Easement area upon expiration occurring April 30, 2022.

Consent

16. Consider approving the grant of a Temporary Construction Easement within portions of APNs 078-055-023 and 078-055-024, and a Permanent Access and Utility Easement within APN 078-055-023 from the Stanislaus Union School District for the Well 64 Flush Line Project, and consenting to the recordation thereof. (Funding Source: Water Fund)
- Resolution approving the grant of Temporary Construction Easement within portions of APN 078-055-023 and 078-055-024, a Permanent Access and Utility Easement within a portion of APN 078-055-023 from the Stanislaus Union School District for the Well 64 Flush Line Project, consenting to the recordation thereof, and authorizing the City Manager or his designee to execute the Certificates of Acceptance and quit-claim deed upon expiration of the Temporary Construction Easement on December 31, 2020.

*Utilities; Ryan Daugherty, 577-5399, rdaugherty@modestogov.com*

**ACTION: Resolution 2020-157 (Kenoyer/Madrigan; 7/0)** approving the grant of Temporary Construction Easement within portions of APN 078-055-023 and 078-055-024, a Permanent Access and Utility Easement within a portion of APN 078-055-023 from the Stanislaus Union School District for the Well 64 Flush Line Project, consenting to the recordation thereof, and authorizing the City Manager or his designee to execute the Certificates of Acceptance and quit-claim deed upon expiration of the Temporary Construction Easement on December 31, 2020.

### COUNCIL COMMENTS & REPORTS

Councilmember Madrigan thanked City staff for keeping the City running; he participated in a League of California Cities conference call; he also participated in a twice a week Latino Emergency Council COVID-19 conference calls.

Councilmember Ah You thanked first responders and medical personnel for taking care of residents and the work they do each and every day.

Councilmember Zoslocki thanked health care professionals helping during the pandemic; he also thanked citizens for doing their part to stay safe.

Councilmember Kenoyer asked the citizens to be cautious and spoke regarding testing in the County.

Councilmember Ridenour spoke regarding SR911 updates; he participated in a conference call with League of California Cities; he thanked City staff; he asked citizens to be patient.

### CITY MANAGER COMMENTS & REPORTS

City Manager Lopez thanked City staff for all their hard serving the community.

*Councilmember Madrigal left meeting at 6:00 p.m.*

### UNFINISHED BUSINESS

*Councilmember Madrigal absent due to conflict of interest*

17. Consider approving an Amendment increasing the Agreement amount with Storer Transit Systems, for Modesto Area Dial-A-Ride operations by \$900,000 from \$19,814,653 to \$20,714,653, for a new total amount not to exceed \$20,714,653, and approve extending the term of the Agreement from June 28, 2020 through September 30, 2020. (Funding Source: Transit Funds)
- Resolution approving an Amendment increasing the Agreement with Storer Transit Systems, for Modesto Area Dial-A-Ride operations by \$900,000 from \$19,814,653 to \$20,714,653, for a new total amount not to exceed \$20,714,653, an approve extending the term of the Agreement from June 28, 2020 through September 30, 2020, and authorize the City Manager, or his designee, to execute the Agreement.

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

**ACTION: Resolution 2020-158 (Ridenour/Ah You; 6/0; Madrigal absent due to conflict of interest)**

approving an Amendment increasing the Agreement with Storer Transit Systems, for Modesto Area Dial-A-Ride operations by \$900,000 from \$19,814,653 to \$20,714,653, for a new total amount not to exceed \$20,714,653, an approve extending the term of the Agreement from June 28, 2020 through September 30, 2020, and authorize the City Manager, or his designee, to execute the Agreement.

*Item continued to future meeting date; Councilmember Madrigal absent due to conflict of interest*

18. Consider approving the award of proposal and Agreement for operation of Modesto Area Dial-A-Ride to Transdev Services, Inc., Lombard, IL, for a five year Agreement with two two-year extension options, for an annual estimated cost of \$3,067,622 and a total amount not to exceed \$27,608,602 over nine years. (Funding Source: Transit Funds)
- Resolution approving the award of proposal and Agreement for operation of Modesto Area Dial-A-Ride to Transdev Services, Inc., Lombard, IL, for a five year Agreement with two two-year extension options, for an annual estimated cost of \$3,067,622 and a total amount not to exceed \$27,608,602 over nine years, and authorizing the City Manager, or his designee, to execute the Agreement.

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

**ACTION:** Item continued to future meeting date.

### MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

This meeting adjourned at 6:15 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)**

Property: 101-002-007 612 N Franklin St., Modesto, CA  
101-002-008 309 Beech St, Modesto, CA  
Property Owners: William Brent & Stephanie A. Burnside  
Negotiating Parties:  
For City: Kent Jorgensen, CPSI  
For Property Owner: Property Owners  
Under Negotiation: Price and 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 April 14, 2020, 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: Mayor Brandvold read the Invocation from David White, The Church of Jesus  
Christ of Latter Day Saints

City Clerk’s Announcements: Item 4 - Removed from Consent

Declaration of Conflicts of Interest: None

Reports from Closed Session: Acting City Attorney Sanchez reported on Closed Session  
matters

**MISCELLANEOUS**

Legislation  
Appointments  
Other

1. Consider approving the appointment of Lauren Trevino to the Downtown Improvement  
District Board of Directors. (Funding Source: Not Applicable)
  - Resolution appointing Lauren Trevino to the Downtown Improvement District  
Board of Directors for a four year term to expire January 2024.  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION: Resolution 2020-159 (Ridenour/Grewal; 7/0)** appointing Lauren Trevino to the  
Downtown Improvement District Board of Directors for a four year term to expire January  
2024.

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 2-3; 5-18: (Kenoyer/Grewal; 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 7, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the April 7, 2020 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Grewal; 7/0)** approving the minutes from the April 7, 2020 Council Meeting.

Consent

3. Consider approving the recommended budget adjustments to Fiscal Year 2019-20 Annual Operating and Capital Improvement Program Budget. (Funding Source: Various Funds)
  - Resolution amending Fiscal Year 2019-20 Annual Operating and Capital Improvement Project Fund Budgets.  
*Finance and City Manager; Steve Christensen, 577-5390, schristensen@modestogov.com*

**ACTION: Resolution 2020-160 (Kenoyer/Grewal; 7/0)** amending Fiscal Year 2019-20 Annual Operating and Capital Improvement Project Fund Budgets.

*Removed from Consent*

4. Consider approving the plans and specifications for the Coffee Road Pavement Rehabilitation Project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, California, in the amount of \$2,630,349; authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$263,035; and amending the Fiscal Year 2019-2020 Capital Improvement project budget in the amount of \$800,000 to fully fund the project. (Funding Source: Local Control Measure L Funds)
  - Resolution approving the plans and specifications for the Coffee Road Pavement Rehabilitation Project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, California, in the amount of \$2,630,349 and authorizing the City Manager, or his designee to execute the Agreement.
  - Resolution authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$263,035 (10% of the original contract price) for the Coffee Road Pavement Rehabilitation Project.
  - Resolution amending the Fiscal Year 2019-2020 Capital Improvement Program Budget in the amount \$800,000 as shown in Exhibit A in order to fully fund the

Coffee Road Pavement Rehabilitation Project and authorizing the City Manager or his designee to implement the provisions of this Resolution.  
*Community & Economic Development; Phillip Soares, 577-5258, psoares@modestogov.com*

**ACTION: Resolution 2020-161 (Grewal/Ah You; 6/1; Madrigal no)** approving the plans and specifications for the Coffee Road Pavement Rehabilitation Project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, California, in the amount of \$2,630,349 and authorizing the City Manager, or his designee to execute the Agreement.

**ACTION: Resolution 2020-162 (Grewal/Ah You; 6/1; Madrigal no)** authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$263,035 (10% of the original contract price) for the Coffee Road Pavement Rehabilitation Project.

**ACTION: Resolution 2020-163 (Grewal/Ah You; 6/1; Madrigal no)** amending the Fiscal Year 2019-2020 Capital Improvement Program Budget in the amount \$800,000 as shown in Exhibit A in order to fully fund the Coffee Road Pavement Rehabilitation Project and authorizing the City Manager or his designee to implement the provisions of this Resolution.

**ACTION: Motion (Grewal/Ah You; 6/1; Madrigal no) recognizing the improvements are temporary, and decisions regarding the permanent intersection are still to be made in the future pursuant to the General Plan, and for staff to do the planned outreach to determine what the neighboring community and landowners believe appropriate at that intersection.**

#### Consent

5. Consider approving an Agreement with Mark Thomas & Company, Inc., Fresno, CA, for engineering services for the Granger Neighborhood Pavement Rehabilitation Project, in an amount not to exceed \$250,225 for the identified scope of services, plus \$25,022 for additional services (if needed), for a maximum total amount of \$275,247. (Funding Source: Measure L Local Funds – Local Streets and Roads)
  - Resolution approving an Agreement with Mark Thomas & Company, Inc., Fresno, CA, for engineering services for the Granger Neighborhood Pavement Rehabilitation Project, in an amount not to exceed \$250,225 for the identified scope of services, plus \$25,022 for additional services (if needed), for a maximum total amount of \$275,247, and authorizing the City Manager, or his designee, to execute the Agreement.  
*Community & Economic Development; Tamorah Bryant, 577-5328, tbryant@modestogov.com*

**ACTION: Resolution 2020-164 (Kenoyer/Grewal; 7/0)** approving an Agreement with Mark Thomas & Company, Inc., Fresno, CA, for engineering services for the Granger Neighborhood Pavement Rehabilitation Project, in an amount not to exceed \$250,225 for the identified scope of services, plus \$25,022 for additional services (if needed), for a maximum total amount of

\$275,247, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

6. Consider approving an Agreement with Alta Planning + Design, Inc., Portland, OR, for engineering services for the School Safety Program Study in an amount not to exceed \$247,499. (Funding Source: Measure L Local Funds – Traffic Management)
- Resolution approving an Agreement with Alta Planning + Design, Inc., Portland, OR, for engineering services for the School Safety Program Study in an amount not to exceed \$247,499, and authorizing the City Manager, or his designee, to execute the Agreement.

*Community & Economic Development; Tamorah Bryant, 577-5328,  
tbryant@modestogov.com*

**ACTION: Resolution 2020-165 (Kenoyer/Grewal; 7/0)** approving an Agreement with Alta Planning + Design, Inc., Portland, OR, for engineering services for the School Safety Program Study in an amount not to exceed \$247,499, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider accepting a Highway Safety Improvement Program (HSIP) grant in the amount of \$75,000 for the development of a Local Roads and Safety Plan (LRSP), approving a First Amendment increasing the Agreement for Consultant Services with Fehr and Peers, in the amount of \$39,994 with a new not to exceed amount of \$223,234 to include development of the LRSP, and amending the Fiscal Year 2019-20 Capital Improvement Budget. (Funding Source: State of California HSIP grant and Local Funds – Measure L)
- Resolution accepting a Highway Safety Improvement Program (HSIP) Grant in the amount of \$75,000 for the development of a Local Roads and Safety Plan (LRSP), and authorizing the City Manager, or his designee, to execute all funding and Grant related documents.
  - Resolution approving the First Amendment increasing the Agreement for Consultant Services with Fehr and Peers, in the amount of \$39,994 with a new total not to exceed amount of \$223,234 to include development of the LRSP and authorizing the City Manager, or his designee to execute the First Amendment.
  - Resolution amending the Fiscal Year 2019-20 Capital Improvement Program (CIP) budget, project #100990 in the amount of \$75,000 to include the amended scope of work to include the elements of the LRSP.

*Community & Economic Development; Tamorah Bryant, 577-5328,  
tbryant@modestogov.com*

**ACTION: Resolution 2020-166 (Kenoyer/Grewal; 7/0)** accepting a Highway Safety Improvement Program (HSIP) Grant in the amount of \$75,000 for the development of a Local Roads and Safety Plan (LRSP), and authorizing the City Manager, or his designee, to execute all funding and Grant related documents.

**ACTION: Resolution 2020-167 (Kenoyer/Grewal; 7/0)** approving the First Amendment increasing the Agreement for Consultant Services with Fehr and Peers, in the amount of

\$39,994 with a new total not to exceed amount of \$223,234 to include development of the LRSP and authorizing the City Manager, or his designee to execute the First Amendment.

**ACTION: Resolution 2020-168 (Kenoyer/Grewal; 7/0)** amending the Fiscal Year 2019-20 Capital Improvement Program (CIP) budget, project #100990 in the amount of \$75,000 to include the amended scope of work to include the elements of the LRSP.

Consent

8. Consider approving the Final Map and subdivision Agreement of Vintage Unit Three Subdivision located southeast of Vintage Drive and Blue Bird Drive intersection, west of Dale Road and north of the Vintage Fair Mall. (Funding Source: Developer Fees)
- Resolution approving the Final Map of Vintage Unit Three Subdivision, approving the subdivision Agreement and authorizing the City Manager, or his designee, to execute a subdivision Agreement with the owner/ developer, Modesto Roselle, LLC, 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 2020-169 (Kenoyer/Grewal; 7/0)** approving the Final Map of Vintage Unit Three Subdivision, approving the subdivision Agreement and authorizing the City Manager, or his designee, to execute a subdivision Agreement with the owner/ developer, Modesto Roselle, LLC, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

Consent

9. Consider approving the Final Map and Subdivision Agreement of Vintage Unit Four Subdivision located southeast of Vintage Drive and Blue Bird Drive intersection, west of Dale Road and north of the Vintage Fair Mall. (Funding Source: Developer Fees)
- Resolution approving the Final Map of Vintage Unit Four Subdivision, approving the Subdivision Agreement and authorizing the City Manager, or his designee, to execute a Subdivision Agreement with the owner/ developer, Modesto Roselle, LLC, 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 2020-170 (Kenoyer/Grewal; 7/0)** approving the Final Map of Vintage Unit Four Subdivision, approving the Subdivision Agreement and authorizing the City Manager, or his designee, to execute a Subdivision Agreement with the owner/ developer, Modesto Roselle, LLC, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

Consent

10. Consider accepting the public improvements of Oakdale Road and Sylvan Avenue as complete, release securities upon expiration of statutory periods, and initiate

reimbursement for improvements as outlined in the Acquisition and Shortfall Agreement. (Funding Source: City of Modesto Community Facilities District No. 2004-1 (Village One #2))

- Resolution accepting the public improvements of Oakdale Road and Sylvan Avenue as complete, release securities upon expiration of statutory periods, and initiate reimbursement for improvements as outlined in the Acquisition and Shortfall Agreement.
- Resolution vacating and disposing of temporary storm drain easement located between Oakdale Road and Hashem Drive.

*Community & Economic Development; Jessica Narayan , 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2020-171 (Kenoyer/Grewal; 7/0)** accepting the public improvements of Oakdale Road and Sylvan Avenue as complete, release securities upon expiration of statutory periods, and initiate reimbursement for improvements as outlined in the Acquisition and Shortfall Agreement.

**ACTION: Resolution 2020-172 (Kenoyer/Grewal; 7/0)** vacating and disposing of temporary storm drain easement located between Oakdale Road and Hashem Drive.

#### Consent

11. Consider approving Fiscal Year 2020-21 Engineer's Annual 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 2020-21 Engineer's Annual 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 23, 2020 to consider the 2020-21 levy and collection of assessments within Shackelford Landscape and Lighting District.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2020-173 (Kenoyer/Grewal; 7/0)** accepting the Fiscal Year 2020-21 Engineer's Annual 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 23, 2020 to consider the 2020-21 levy and collection of assessments within Shackelford Landscape and Lighting District.

#### Consent

12. Consider approving Fiscal Year 2020-21 Engineer's Annual 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 2020-21 Engineer's Annual 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 23, 2020 to Consider the Fiscal Year 2020-21 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

*Community & Economic Development; Jessica Narayan, 577-5211,  
jnarayan@modestogov.com*

**ACTION: Resolution 2020-174 (Kenoyer/Grewal; 7/0)** accepting Fiscal Year 2020-21 Engineer's Annual 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 23, 2020 to Consider the Fiscal Year 2020-21 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

Consent

13. Consider approving the Fiscal Year 2020-21 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 2020-21 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision; 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 23, 2020 to consider the Fiscal Year 2020-21 levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

*Community & Economic Development; Jessica Narayan, 577-5211,  
jnarayan@modestogov.com*

**ACTION: Resolution 2020-175 (Kenoyer/Grewal; 7/0)** accepting Fiscal Year 2020-21 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision; 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 23, 2020 to consider the Fiscal Year 2020-21 levy and collection of

assessments within Landscape Maintenance Assessment District No. 2.

Consent

14. Consider approving a Second Amendment extending the termination date with Occu-Med, Ltd., Fresno, CA, for the furnishing of occupational medicine services through December 31, 2020, and increasing the Agreement amount by \$50,000 for a total amount not to exceed \$1,017,220 over the term of the Agreement. (Funding Source: Workers' Compensation Fund and General Fund)
- Resolution approving a Second Amendment extending the termination date with Occu-Med, Ltd., Fresno, CA, for the furnishing of occupational medicine services through December 31, 2020, and increasing the Agreement amount by \$50,000 for a total amount not to exceed \$1,017,220 over the term of the Agreement and authorizing the City Manager, or his designee, to execute the Amendment.  
*Human Resources; Christina Alger, 577-5490, calger@modestogov.com*

**ACTION: Resolution 2020-176 (Kenoyer/Grewal; 7/0)** approving a Second Amendment extending the termination date with Occu-Med, Ltd., Fresno, CA, for the furnishing of occupational medicine services through December 31, 2020, and increasing the Agreement amount by \$50,000 for a total amount not to exceed \$1,017,220 over the term of the Agreement and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

15. Consider accepting the 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$136,528, and amending the Fiscal Year 2019-20 Multi-Year budget. (Funding Source: Grants-Police)
- Resolution accepting the 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$136,528 for the purchase of additional License Plate Readers and associated software; and authorizing the City Manager, or his designee, to execute the necessary documents.
  - Resolution amending the Fiscal Year 19-20 Multi-Year Project Budget to appropriate revenue and expenses in the amount of \$136,528 related to the 2017 Edward Byrne Memorial Justice Assistance Grant for the purchase of additional License Plate Readers and associated software; and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.  
*Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: Resolution 2020-177 (Kenoyer/Grewal; 7/0)** accepting the 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$136,528 for the purchase of additional License Plate Readers and associated software; and authorizing the City Manager, or his designee, to execute the necessary documents.

**ACTION: Resolution 2020-178 (Kenoyer/Grewal; 7/0)** amending the Fiscal Year 19-20 Multi-Year Project Budget to appropriate revenue and expenses in the amount of \$136,528 related to the 2017 Edward Byrne Memorial Justice Assistance Grant for the purchase of additional License Plate Readers and associated software; and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

16. Consider approving the implementation of a new Modesto Area Express commuter route to Stockton, CA, and rescinding Resolution 2019-215 to operate a route between Modesto and Sacramento. (Funding Source: Transit Funds)
- Resolution approving the implementation of a new Modesto Area Express commuter route to Stockton, CA, and rescinding Resolution 2019-215 to operate a route between Modesto and Sacramento.
- Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2020-179 (Kenoyer/Grewal; 7/0)** approving the implementation of a new Modesto Area Express commuter route to Stockton, CA, and rescinding Resolution 2019-215 to operate a route between Modesto and Sacramento.

Consent

17. Consider approving a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2020-21. (Funding Source: Senate Bill 1 Funds)
- Resolution approving a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2020-21.
- Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: Resolution 2020-180 (Kenoyer/Grewal; 7/0)** approving a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2020-21.

Consent

18. Consider approving a Purchase Agreement with Hach Company by utilizing the competitive bid process with the City of Turlock, CA, for a Water Information Management Solution, for a total amount not to exceed \$53,514. (Funding Source: Wastewater Fund)
- Resolution approving a Purchase Agreement with the Hach Company by utilizing the competitive bid process with the City of Turlock, CA, for a Water Information Management Solution, for a total amount not to exceed \$53,514 and authorizing the Purchasing Manager, or her designee, to execute the Agreement.
- Utilities; Ben Koehler, 342-4502, bkoehler@modestogov.com*

**ACTION: Resolution 2020-181 (Kenoyer/Grewal; 7/0)** approving a Purchase Agreement with the Hach Company by utilizing the competitive bid process with the City of Turlock, CA, for a Water Information Management Solution, for a total amount not to exceed \$53,514 and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

## COUNCIL COMMENTS & REPORTS

Councilmember Madrigal will be co-presenting a Small Business Resources webinar in Spanish Thursday, April 16, at 2:00 pm in partnership with Opportunity Stanislaus.

Councilmember Ah You made comments about the difficulties of COVID-19 in the City of

Modesto.

Councilmember Grewal thanked staff for the public outreach.

Councilmember Zoslocki is sheltering at home; he thanked staff.

Councilmember Kenoyer is also sheltering home; she thanked staff.

Councilmember Ridenour thanked staff for their work; he also spoke regarding Modesto City Schools.

Mayor Brandvold spoke regarding "free prayer" at the former Long's Drug parking lot on McHenry Avenue; he asked for prayers for Anthony Ruiz.

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

None.

### **HEARINGS**

*Published in the Modesto Bee on April 10, 2020*

19. Hearing to consider approving Amendment #2 to City of Modesto Program Year 2019-2020 Annual Action Plan, approving the CDBG Small Business Assistance Program program for local businesses to retain or create jobs, and amend the Fiscal Year 2019-2020 Operating, Capital and Multi-Year project budgets to re-allocate Neighborhood Stabilization Program income to Community Development Block Grant. (Funding Source: Community Development Block Grant and Neighborhood Stabilization Program)

- Resolution approving Amendment #2 to the City of Modesto Program Year 2019-2020 Annual Action Plan and authorizing the City Manager or his designee to execute any related documents and/or Agreements.
- Resolution approving the CDBG Small Business Assistance Program and authorizing the City Manager or his designee to execute any related documents and/or Agreements.
- Resolution amending the Fiscal Year 2019-20 Operating, Transfer, and Multi-Year project budgets to re-allocate Community Development Block Grant Funds as proposed in the Program Year 2019-20 Annual Action Plan No. and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

*Community & Economic Development; Jessica Narayan, 577-5321,  
jnarayan@modestogov.com*

**ACTION: Resolution 2020-182 (Grewal/Zoslocki; 7/0)** approving Amendment #2 to the City of Modesto Program Year 2019-2020 Annual Action Plan and authorizing the City Manager or his designee to execute any related documents and/or Agreements.

**ACTION: Resolution 2020-183 (Grewal/Zoslocki; 7/0)** approving the CDBG Small

Business Assistance Program and authorizing the City Manager or his designee to execute any related documents and/or Agreements.

**ACTION: Resolution 2020-184 (Grewal/Zoslocki; 7/0)** amending the Fiscal Year 2019-20 Operating, Transfer, and Multi-Year project budgets to re-allocate Community Development Block Grant Funds as proposed in the Program Year 2019-20 Annual Action Plan No. and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

### NEW BUSINESS

20. Consider approving the COVID-19 Small Business Assistance Program (Program) to support Modesto's small business community and help them retain employees and reduce business closures in the wake of the COVID-19 pandemic and reallocating funds for this purpose. (Funding Source: General Fund and Community Development Block Grant Funds)

- Resolution approving the COVID-19 Small Business Assistance Program to support Modesto's small business community to help them retain employees and reduce business closures in the wake of the COVID-19 pandemic and reallocating funds for this purpose.

*Community & Economic Development; Jaylen French, 341-2928, jfrench@modestogov.com*

**ACTION: Resolution 2020-185 (Kenoyer/Grewal; 7/0)** approving the COVID-19 Small Business Assistance Program to support Modesto's small business community to help them retain employees and reduce business closures in the wake of the COVID-19 pandemic and reallocating funds for this purpose.

21. Consider approving an Agreement with the City of Ceres to operate the public transit services in Ceres. (Funding Source: Transit Funds)

- Resolution approving an Agreement with the City of Ceres to operate the public transit services in Ceres, and authorizing the City Manager, or his designee, to execute the Agreement.

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

**ACTION: Resolution 2020-186 (Ridenour/Ah You; 7/0)** approving an Agreement with the City of Ceres to operate the public transit services in Ceres, and authorizing the City Manager, or his designee, to execute the Agreement.

22. Consider approving the Agreement with the City of Escalon to operate the Escalon Transit System. (Funding Source: Transit Funds)

- Resolution approving the Agreement with the City of Escalon to operate the Escalon Transit System; and authorizing the City Manager, or his designee, to execute the Agreement.

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

**ACTION: Resolution 2020-187 (Grewal/Kenoyer; 7/0)** approving the Agreement with the City of Escalon to operate the Escalon Transit System; and authorizing the City Manager, or his designee, to execute the Agreement.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:05 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

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

Name of case(s): Daniel Quirarte v. City of Modesto  
California Workers Compensation Appeals Board  
Nos. ADJ11273059, ADJ7970810, ADJ Unassigned  
ADJ Unassigned, ADJ Unassigned

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

Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers' Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

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

Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

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 28, 2020, 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: Mayor Brandvold read the Invocation prepared by Cindy Marks

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

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

**PUBLIC COMMENT PERIOD**

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 1-16: (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 April 14, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the April 14, 2020 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the minutes from the April 14, 2020 Council Meeting.

Consent

2. Consider adopting the 2020 State and Federal Legislative Platform. (Funding Source: Not Applicable)
  - Resolution adopting the 2020 State and Federal Legislative Platform, and authorizing the City Manager, or his designee, to carry out the necessary steps to help the City achieve the priorities identified in the platform.  
*City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Resolution 2020-188 (Kenoyer/Ah You; 7/0)** adopting the 2020 State and Federal Legislative Platform, and authorizing the City Manager, or his designee, to carry out the necessary steps to help the City achieve the priorities identified in the platform.

Consent

3. Consider approving the award of proposals and Agreement for consultant support with state advocacy services to Townsend Public Affairs for a two-year Agreement with one 1-year extension for an annual cost not to exceed \$60,000, and for a total Agreement amount not to exceed \$180,000; and approving the award of proposals and Agreement for consultant support with federal advocacy services to Van Scoyoc Associates for a two-year Agreement with one 1-year extension for an annual cost not to exceed \$90,000, and for a total Agreement amount not to exceed \$270,000. (Funding Source: Various Funds)
  - Resolution approving the award of proposals and Agreement for consultant support with state advocacy services to Townsend Public Affairs for a two-year Agreement with one 1-year extension for an annual cost not to exceed \$60,000, and for a total Agreement amount not to exceed \$180,000, and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution approving the award of proposals and Agreement for consultant support with federal advocacy services to Van Scoyoc and Associates for a two-year Agreement with one 1-year extension for an annual cost not to exceed \$90,000, and for a total Agreement amount not to exceed \$270,000, and authorizing the City Manager, or his designee, to execute the Agreement.

*City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Resolution 2020-189 (Kenoyer/Ah You; 7/0)** approving the award of proposals and Agreement for consultant support with state advocacy services to Townsend Public Affairs for a two-year Agreement with one 1-year extension for an annual cost not to exceed \$60,000, and for a total Agreement amount not to exceed \$180,000, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2020-190 (Kenoyer/Ah You; 7/0)** approving the award of proposals and Agreement for consultant support with federal advocacy services to Van Scoyoc and Associates for a two-year Agreement with one 1-year extension for an annual cost not to exceed \$90,000, and for a total Agreement amount not to exceed \$270,000, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

4. Consider approving a Third Amendment to the Legal Services Agreement with Kronick, Moskovitz, Tiedemann & Girard (Kronick) for personnel and administrative investigation support, for a 3-month extension set to expire on September 30, 2020 and increasing the Agreement amount by \$25,000, from \$50,000 to \$75,000. (Funding Source: General Fund and General Liability Insurance Fund)
  - Resolution approving a Third Amendment to the Legal Services Agreement with Kronick, Moskovitz, Tiedemann & Girard (Kronick) for personnel and administrative investigation support, for a 3-month extension set to expire on September 30, 2020 and increasing the Agreement amount by \$25,000, from \$50,000 to \$75,000, and authorizing Deputy City Manager, Caluha Barnes, to execute the Agreement.

*City Manager; Caluha Barnes, 577-5228, cbarnes@modestogov.com*

**ACTION: Resolution 2020-191 (Kenoyer/Ah You; 7/0)** approving a Third Amendment to the Legal Services Agreement with Kronick, Moskovitz, Tiedemann & Girard (Kronick) for personnel and administrative investigation support, for a 3-month extension set to expire on September 30, 2020 and increasing the Agreement amount by \$25,000, from \$50,000 to \$75,000, and authorizing Deputy City Manager, Caluha Barnes, to execute the Agreement.

Consent

5. Consider approving an update on the City's Debt Management Policy. (Funding Source: Not Applicable)
  - Resolution approving an update on the City's Debt Management Policy.

*Finance; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: Resolution 2020-192 (Kenoyer/Ah You; 7/0)** approving an update on the City's Debt Management Policy.

Consent

6. Consider approving an update on the City's Investment Policy. (Funding Source: Not Applicable)
  - Resolution approving an update on the City's Investment Policy.  
*Finance; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: Resolution 2020-193 (Kenoyer/Ah You; 7/0)** approving an update on the City's Investment Policy.

Consent

7. Consider approving the award of bid for portable toilet rental services to United Site Services, Inc. of Modesto, CA as the primary supplier for daily, weekly and monthly rentals and the secondary supplier for yearly rentals and to Sun Valley Portable Restrooms, Inc., Turlock, CA, for a two-year Agreement with three one-year extension options for an estimated combined annual cost of \$54,888 and a total combined cost not to exceed \$274,440 over five years for both. (Funding Source: Various Funds)
  - Resolution approving the award of bid and service Agreement for the Portable Toilet Rental Services to United Site Services Inc. of Modesto and to Sun Valley Portable Restrooms, Inc., Turlock, CA, for a two-year Agreement with three one-year extension options, for an estimated annual cost of \$54,888 in the first year and total amount not to exceed \$274,440 over five years to allow for potential CPI increases for years 3-5 and authorizing the City Manager, or his designee, to execute the Agreement.  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-194 (Kenoyer/Ah You; 7/0)** approving the award of bid and service Agreement for the Portable Toilet Rental Services to United Site Services Inc. of Modesto and to Sun Valley Portable Restrooms, Inc., Turlock, CA, for a two-year Agreement with three one-year extension options, for an estimated annual cost of \$54,888 in the first year and total amount not to exceed \$274,440 over five years to allow for potential CPI increases for years 3-5 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider approving the award of bid for the purchase of two 6" trailer mounted pumps to Western Oilfields Supply Co. DBA Rain for Rent of Bakersfield CA, for a total amount not to exceed \$84,394. (Funding Source: Wastewater Fund)
  - Resolution approving the award of bid and purchase of two 6" trailer mounted pumps to Western Oilfields Supply Company DBA Rain For Rent, Bakersfield, CA for a total amount not to exceed \$84,394 and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-195 (Kenoyer/Ah You; 7/0)** approving the award of bid and purchase of two 6" trailer mounted pumps to Western Oilfields Supply Company DBA Rain For Rent, Bakersfield, CA for a total amount not to exceed \$84,394 and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

9. Consider rejecting all bids received for Request for Bid No. 1819-43 for Radio and Communication Equipment Service Repair and Preventative Maintenance. (Funding Source: Funding Source: Various Funds)
  - Resolution rejecting all bids received for RFB 1819-43 for Radio and Communication Equipment Service, Repair and Preventative Maintenance; and authorizing staff to reissue an RFB at a future date, with an amended Scope of Services.  
*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-196 (Kenoyer/Ah You; 7/0)** rejecting all bids received for RFB 1819-43 for Radio and Communication Equipment Service, Repair and Preventative Maintenance; and authorizing staff to reissue an RFB at a future date, with an amended Scope of Services.

Consent

10. Consider approving the sole source Purchase Order for electronic citation printers with MSA Systems, San Jose, CA, by utilizing the State of California Multiple Award Schedule, for a total amount not to exceed \$133,622. (Funding Source: Funding Source: OTS-Step Grant)

- Resolution approving the Purchase Order for electronic citation printers and accessories to MSA Systems, San Jose, CA, by utilizing the competitive bid process with the State of California, for a total amount not to exceed \$133,622, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

*Finance; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Resolution 2020-197 (Kenoyer/Ah You; 7/0)** approving the Purchase Order for electronic citation printers and accessories to MSA Systems, San Jose, CA, by utilizing the competitive bid process with the State of California, for a total amount not to exceed \$133,622, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

11. Consider approving the renewal of the City's Microsoft "Enterprise Agreement" (EA) for Microsoft licenses by utilizing the County of Riverside Cooperative Agreement No. RIVCO- 2020-RFQ-000048 with Dell Technologies Inc., of Round Rock, TX, for a three-year Agreement, for an annual estimated cost of \$600,000 and a total amount not to exceed \$1.8M over three-years. (Funding Source: Information Technology Fund)

- Resolution approving the renewal of the City's Microsoft "Enterprise Agreement" (EA) for Microsoft licenses by utilizing the County of Riverside Cooperative Agreement No. RIVCO- 2020-RFQ-000048 with Dell Technologies Inc., of Round Rock, TX, for a three-year Agreement, for an annual estimated cost of \$600,000 and a total amount not to exceed \$1.8M over three-years, and authorizing the City Manager, or his designee, to execute the Agreement.

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

**ACTION: Resolution 2020-198 (Kenoyer/Ah You; 7/0)** approving the renewal of the City's Microsoft "Enterprise Agreement" (EA) for Microsoft licenses by utilizing the County of Riverside Cooperative Agreement No. RIVCO- 2020-RFQ-000048 with Dell Technologies Inc., of Round Rock, TX, for a three-year Agreement, for an annual estimated cost of \$600,000 and a total amount not to exceed \$1.8M over three-years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving an amendment to the Purchasing Agreement with SCOTO Farming for discing and flail mowing services and extending the term of the agreement from March 2, 2020 to September 2, 2020. (Funding Source: Park Operations, Public Works, and Modesto Fire)

- Resolution approving an Amendment to the Purchasing Agreement with SCOTO Farming for discing and flail mowing services and extending the term of the Agreement from March 2, 2020 to September 2, 2020, and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

*Parks, Recreation & Neighborhoods; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2020-199 (Kenoyer/Ah You; 7/0)** approving an Amendment to the Purchasing Agreement with SCOTO Farming for discing and flail mowing services and extending the term of the Agreement from March 2, 2020 to September 2, 2020, and authorizing the Purchasing Manager, or her designee, to execute the Agreement.

Consent

13. Consider approving free fares on Modesto Area Express buses during the COVID-19 outbreak between April 6, 2020 and May 10, 2020, and approving free fares on Modesto Area Dial-A-Ride between April 23, 2020 and May 10, 2020, and authorize the City Manager, or his designee, to extend the suspension of the collection of fares on Modesto Area Express buses and Modesto Area Dial-A-Ride through June 30, 2020 if residents of Modesto remain subject to a shelter at home order. (Funding Source: Transit Funds)
- Resolution approving free fares on Modesto Area Express buses during the COVID-19 outbreak between April 6, 2020 and May 10, 2020, and approving free fares on Modesto Area between April 23, 2020 and May 10, 2020, and authorizing the City Manager, or his designee, to extend the suspension of the collection of fares on Modesto Area Express buses and Modesto Area Dial-A-Ride through June 30, 2020 if residents of Modesto remain subject to a shelter at home order.
- Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2020-200 (Kenoyer/Ah You; 7/0)** approving free fares on Modesto Area Express buses during the COVID-19 outbreak between April 6, 2020 and May 10, 2020, and approving free fares on Modesto Area between April 23, 2020 and May 10, 2020, and authorizing the City Manager, or his designee, to extend the suspension of the collection of fares on Modesto Area Express buses and Modesto Area Dial-A-Ride through June 30, 2020 if residents of Modesto remain subject to a shelter at home order.

Consent

14. Consider approving a Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement Program projects for a period of one year, with two one-year extensions at the written approval of the Director of Utilities. (Funding Source: Various CIPs)
- Resolution approving the Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement (CIP) projects for a period of one year, with two one-year extensions at the written approval of the Director of Utilities.
- Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2020-201 (Kenoyer/Ah You; 7/0)** approving the Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement (CIP) projects for a period of one year, with two one-year extensions at the written approval of the Director of Utilities.

Consent

15. Consider approving Prequalified Consultant Lists for Water, Wastewater, and Storm Drain Engineering Design Services for various capital improvement projects for a period of one year, with two one-year extensions at the written approval of the Director of Utilities. (Funding Source: Various Capital Improvement Program Projects)
- Resolution approving a prequalified consultant list consisting of Carollo, Walnut Creek, CA, Woodard and Curran, Sacramento, CA, West Yost Associates, Inc., Davis, CA, Provost & Pritchard Consulting Group, Modesto, CA, and Hazen and Sawyer, San Francisco, CA for water engineering design 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 Director of Utilities.
  - Resolution approving a prequalified consultant list consisting of Carollo Engineers, Walnut Creek, CA, Brown & Caldwell, Walnut Creek, CA, Woodard and Curran Sacramento, CA, and West Yost Associates, Davis, CA for wastewater and storm drain engineering design 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 Director of Utilities.
- Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Resolution 2020-202 (Kenoyer/Ah You; 7/0)** approving a prequalified consultant list consisting of Carollo, Walnut Creek, CA, Woodard and Curran, Sacramento, CA, West Yost Associates, Inc., Davis, CA, Provost & Pritchard Consulting Group, Modesto, CA, and Hazen and Sawyer, San Francisco, CA for water engineering design 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 Director of Utilities.

**ACTION: Resolution 2020-203 (Kenoyer/Ah You; 7/0)** approving a prequalified consultant list consisting of Carollo Engineers, Walnut Creek, CA, Brown & Caldwell, Walnut Creek, CA, Woodard and Curran Sacramento, CA, and West Yost Associates, Davis, CA for wastewater and storm drain engineering design 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 Director of Utilities.

#### Consent

16. Consider approving an On-Call Agreement for Architectural Design Services, with Redd Inc. Architects, Modesto, CA, for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed \$100,000, and a total cost not to exceed \$300,000 over three years, and an On-Call Agreement for Structural Engineering Services, with Kennedy Jenks Consultants, Inc., Fresno, CA, for Structural Design Services for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed \$100,000, and a total cost not to exceed \$300,000 over three years. (Funding Source: Various Capital Improvement Program Projects)

- Resolution approving an On-Call Agreement for Architectural Design Services, with Redd Inc. Architects, Modesto, CA, for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed \$100,000, and a total cost not to exceed \$300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution approving an On-Call Agreement for Structural Engineering Services, with Kennedy Jenks Consultants, Inc., Fresno, CA, for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed \$100,000, and a total cost not to exceed \$300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

*Utilities; Jesse Franco, 577-5260, jfranco@modestogov.com*

**ACTION: Resolution 2020-204 (Kenoyer/Ah You; 7/0)** approving an On-Call Agreement for Architectural Design Services, with Redd Inc. Architects, Modesto, CA, for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed \$100,000, and a total cost not to exceed \$300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2020-205 (Kenoyer/Ah You; 7/0)** approving an On-Call Agreement for Structural Engineering Services, with Kennedy Jenks Consultants, Inc., Fresno, CA, for a one-year Agreement, with two one-year extension options, for an annual cost not to exceed \$100,000, and a total cost not to exceed \$300,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

### COUNCIL COMMENTS & REPORTS

Councilmember Madrigal participated in the Latino Business Outreach and Latino Teen Outreach regarding COVID-19.

Councilmember Ridenour will be speaking with local legislators regarding funding for the City; he will be attending the County EDAC Committee.

### CITY MANAGER COMMENTS & REPORTS

None.

### HEARINGS

*Published in the Modesto Bee on April 22, 2020*

17. Hearing to consider approving Amendment #3 to the City of Modesto's Program Year 2019-2020

Annual Action Plan, Citizen Participation Plan, and to identify and allocate additional funds made available through the Coronavirus Aid, Relief, and Economic Security Act. (Funding Source: Community Development Block Grant – Coronavirus and Emergency Solutions Grants – Coronavirus)

- Resolution approving an Amendment of the City of Modesto Fiscal Year 2015-2020 Consolidated Plan, Amendment #3 to the Program Year 2019-2020 Annual Action Plan, an Amendment to the Citizen Participation Plan to identify and allocate additional funds made available through the Coronavirus Aid, Relief, and Economic Security Act and authorizing the City Manager or his designee to execute any related documents and/or Agreements.
- Resolution amending the Fiscal Year 2019-20 Operating and Multi-year project budgets to re-allocate Community Development Block Grant (CDBG) Funds and Emergency Solutions Grant (ESG) Funds as proposed in the program year 2019-20 Annual Action Plan Amendment No. 3 and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2020-206 (Ah You/Zoslocki; 7/0)** approving an Amendment of the City of Modesto Fiscal Year 2015-2020 Consolidated Plan, Amendment #3 to the Program Year 2019-2020 Annual Action Plan, an Amendment to the Citizen Participation Plan to identify and allocate additional funds made available through the Coronavirus Aid, Relief, and Economic Security Act and authorizing the City Manager or his designee to execute any related documents and/or Agreements.

**ACTION: Resolution 2020-207 (Ah You/Zoslocki; 7/0)** amending the Fiscal Year 2019-20 Operating and Multi-year project budgets to re-allocate Community Development Block Grant (CDBG) Funds and Emergency Solutions Grant (ESG) Funds as proposed in the program year 2019-20 Annual Action Plan Amendment No. 3 and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

*Published in the Modesto Bee on April 17, 2020*

18. Hearing to consider certifying the Final Environmental Impact Report for the City of Modesto Water Master Plan in accordance with the California Environmental Quality Act, and making certain findings concerning the Environmental Impacts and Mitigation Measures, and adopting a Mitigation Monitoring and Reporting Program, in connection with the approval of the City of Modesto Water Master Plan Project contemplated by the Final Environmental Impact Report; and approving the City of Modesto 2017 Water Master Plan. (Funding Source: Not Applicable)

- Resolution certifying the Final Environmental Impact Report for the City of Modesto Water Master Plan (SCH #2016082069) 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; all in connection with approval of the Project contemplated by the Final Environmental Impact Report.
- Resolution approving the 2017 Water Master Plan as complete.

*Utilities; Jim Alves, 571-5557, jalves@modestogov.com*

**ACTION: 2020-208 (Zoslocki/Ridenour; 7/0)** certifying the Final Environmental Impact Report for the City of Modesto Water Master Plan (SCH #2016082069) 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; all in connection with approval of the Project contemplated by the Final Environmental Impact Report.

**ACTION: Resolution 2020-209 (Ah You/Madrigal; 7/0)** approving the 2017 Water Master Plan as complete.

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

None.

**ADJOURNMENT**

This meeting adjourned at 6:16 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)**

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

Name of Case: City of Modesto v. Foy & Associates  
Superior Court of California, County of Stanislaus  
Stanislaus County Case No.: CV 19-003083

R. Alexander Acosta v. Riverstone Capital, LLC  
United States District Court, Central District of California  
Case No.: 19-CV-778-MWF

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – MCEA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – MCMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – MPOA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – MPNSA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) –MPMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – MCFFA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:  
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**  
Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

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 05, 2020, 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: Mayor Brandvold read the invocation from Dan Howard, Redeemer Church Modesto

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: Acting City Attorney Sanchez reported on Closed Session matters

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Proclamation to Stanislaus County Commission on Aging proclaiming May as Older Americans Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold read the Proclamation for Stanislaus County Commission on Aging proclaiming May as Older Americans Month.

**PUBLIC COMMENT PERIOD**

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 2-11: (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 April 28, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the April 28, 2020 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** approving the minutes from the April 28, 2020 Council Meeting.

Consent

3. Consider accepting the Monthly Investment Report for February 2020. (Funding Source: Various Funds)
  - Motion accepting the Monthly Investment Report for February 2020.  
*Finance; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** accepting the Monthly Investment Report for February 2020.

Consent

4. Consider accepting an informational report for the March 2020 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
  - Motion accepting an informational report for the March 2020 Accounts Payable Payment Register and Void report.  
*Finance; Calogero Maniscalco, 577-5249, cmaniscalco@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 7/0)** accepting an informational report for the March 2020 Accounts Payable Payment Register and Void report.

Consent

5. Consider approving the submission of the Transportation Development Act Transit Claim to the Stanislaus Council of Governments for Fiscal Year 2020-21 in the amount of \$15,409,739; and a Regional Transit Claim in the amount of \$915,459. (Funding Source: Transportation Development Act Funds)
  - Resolution approving the submission of the Transportation Development Act Transit Claim to the Stanislaus Council of Governments for Fiscal Year 2020-21 in the amount of \$15,409,739; and a Regional Transit Claim in the amount of \$915,459.  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2020-210 (Kenoyer/Ah You; 7/0)** approving the submission of the Transportation Development Act Transit Claim to the Stanislaus Council of Governments for Fiscal Year 2020-21 in the amount of \$15,409,739; and a Regional Transit Claim in the amount of \$915,459.

Consent

6. Consider approving a Second Amendment to the lease Agreement with Stanislaus County for Stanislaus Regional Transit to use the Modesto Transportation Center. (Funding Source: Transit Funds)
  - Resolution approving a Second Amendment to the lease Agreement with Stanislaus County for Stanislaus Regional Transit to use the Modesto Transportation Center, and authorizing the City Manager, or his designee, to sign the Amendment.  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2020-211 (Kenoyer/Ah You; 7/0)** approving a Second Amendment to the lease Agreement with Stanislaus County for Stanislaus Regional Transit to use the Modesto Transportation Center, and authorizing the City Manager, or his designee, to sign the Amendment.

Consent

7. Consider approving a ten-year lease Agreement with San Joaquin Joint Powers Authority, for the use of the Amtrak Rail Station at 1700 Held Drive, Modesto for a total amount of \$1.00 per year plus shared utilities costs for the term of the Agreement. (Funding Source: Transit Funds)
  - Resolution approving a ten-year lease Agreement with San Joaquin Joint Powers Authority, for the use of the Amtrak Rail Station at 1700 Held Drive, Modesto for a total amount of \$1.00 per year plus shared utilities costs for the term of the Agreement, and authorizing the City Manager, or his designee, to sign the Agreement.  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2020-212 (Kenoyer/Ah You; 7/0)** approving a ten-year lease Agreement with San

Joaquin Joint Powers Authority, for the use of the Amtrak Rail Station at 1700 Held Drive, Modesto for a total amount of \$1.00 per year plus shared utilities costs for the term of the Agreement, and authorizing the City Manager, or his designee, to sign the Agreement.

Consent

8. Consider approving the implementation of a fare capping program with Token Transit on Modesto Area Express. (Funding Source: Transit Funds)
- Resolution approving the implementation of a fare capping program with Token Transit on Modesto Area Express.  
*Public Works; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Resolution 2020-213 (Kenoyer/Ah You; 7/0)** approving the implementation of a fare capping program with Token Transit on Modesto Area Express.

Consent

9. Consider approving an increase in Director's authority to issue change orders from 35 percent (\$2,628,793) to 38 percent (\$2,854,117) of the original construction contract price of \$7,510,835 with Mountain Cascade Inc., of Livermore, CA, for the completion and operation of the Del Rio Tank 14, Well No. 68 and Pump Station Project; approving a First Amendment to the Agreement with NV5, of Manteca, CA, for construction management and inspection services for the Del Rio Tank 14, Well No. 68 and Pump Station Project in an amount not to exceed \$199,692, for a total amount not to exceed \$1,199,692, and amending the Fiscal Year 2019-2020 Capital Improvement Project Program Budget. (Funding Source: Water Fund)
- Resolution approving an increase of the Director of Utilities Authority to issue change orders on the Del Rio Tank No. 14, Well No. 68, and Pump Station Project from 35 percent (\$2,628,793) to 38 percent (\$2,854,117) of the original construction contract price of \$7,510,835 with Mountain Cascade Inc., of Livermore, CA.
  - Resolution approving a First Amendment to the Agreement with NV5, of Manteca, CA, for construction management and inspection services for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project in an amount not to exceed \$199,692, for a total amount not to exceed \$1,199,692, and authorizing the City Manager, or his designee, to execute the Amendment.
  - Resolution amending the Fiscal Year 2019-20 Capital Improvement Program Budget in the amount of \$325,324 to be transferred into the project from Water Fund CIP in order to fully fund the contingency and construction administration for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project.  
*Utilities; Jesse Franco, 571-5869, jfranco@modestogov.com*

**ACTION: Resolution 2020-214 (Kenoyer/Ah You; 7/0)** approving an increase of the Director of Utilities Authority to issue change orders on the Del Rio Tank No. 14, Well No. 68, and Pump Station Project from 35 percent (\$2,628,793) to 38 percent (\$2,854,117) of the original construction contract price of \$7,510,835 with Mountain Cascade Inc., of Livermore, CA.

**ACTION: Resolution 2020-215 (Kenoyer/Ah You; 7/0)** approving a First Amendment to the Agreement with NV5, of Manteca, CA, for construction management and inspection services for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project in an amount not to exceed \$199,692, for a total amount not to exceed \$1,199,692, and authorizing the City Manager, or his designee, to execute the Amendment.

**ACTION: Resolution 2020-216 (Kenoyer/Ah You; 7/0)** amending the Fiscal Year 2019-20 Capital Improvement Program Budget in the amount of \$325,324 to be transferred into the project from Water Fund CIP in order to fully fund the contingency and construction administration for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project.

Consent

10. Consider accepting the Mellis Park Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$354,223 to ANV

Contractors, Inc., of Atwater, California. (Funding Source: Community Development Block Grant)

- Resolution accepting the Mellis Park Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$354,223 to ANV Contractors, Inc., of Atwater, California.

*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-217 (Kenoyer/Ah You; 7/0)** accepting the Mellis Park Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$354,223 to ANV Contractors, Inc., of Atwater, California.

Consent

11. Consider accepting the Wylie, Floyd and Carver Street Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,747,740 to American Pavement Systems, of Modesto, California. (Funding Source: Local Measure L Funds)

- Resolution accepting the Wylie, Floyd and Carver Street Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,747,740 to American Pavement Systems, of Modesto, California.

*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-218 (Kenoyer/Ah You; 7/0)** accepting the Wylie, Floyd and Carver Street Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,747,740 to American Pavement Systems, of Modesto, California.

**COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer said she is proud of the citizens of Modesto.

Councilmember Zoslocki spoke regarding the damage to the economy due to COVID-19 and junk bonds.

Councilmember Ridenour spoke regarding businesses and COVID-19.

Councilmember Ah You spoke regarding the next 60-90 days for the economy.

Councilmember Madrigal continues his weekly participation in Latino Community Outreach conference calls.

**CITY MANAGER COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:50 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers’ Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**  
Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

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 12, 2020, at 5:30 p.m.**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal (arrived at 6:00 p.m.), Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the invocation provided by Lyn Crase, Emmanuel Lutheran Church

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: Ridenour – Item 4

Reports from Closed Session: Acting City Attorney Sanchez reported on Closed Session matters

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Proclamation declaring May 2020 as Building Safety Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation declaring May 2020 as Building Safety Month.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

2. Consider approving the resignations of Tammy Maisetti and Brad Morad from the Downtown Improvement District Board of Directors. (Funding Source: Not Applicable)
  - Resolution accepting the resignations of Tammy Maisetti and Brad Morad from the Downtown Improvement District Board of Directors.  
*City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION: Resolution 2020-219 (Kenoyer/Ah You; 6/0; Madrigal absent)** accepting the resignations of Tammy Maisetti and Brad Morad from the Downtown Improvement District Board of Directors.

**PUBLIC COMMENT PERIOD**

- Henry Petrino sent an email regarding the Coffee Road Pavement Rehabilitation Project.

- Cathy Adkins sent an email requesting the opening of salons in the City of Modesto.
- Chris Harvey sent an email regarding drive-thru graduation ceremonies.
- Jessica Pless sent an email requesting the re-opening of businesses in the City of Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 3; 5-6: (Kenoyer/Ah You; 6/0; Madrigal absent)**

**ACTION CONSENT ITEM 4: (Kenoyer/Zoslocki; 5/0; Madrigal absent; 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

3. Consider approving the minutes from the May 5, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the May 5, 2020 Council Meeting.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Kenoyer/Ah You; 6/0; Madrigal absent)** approving the minutes from the May 5, 2020 Council Meeting.

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

4. Consider approving the recommended budget adjustments to Fiscal Year 2019-20 Annual Operating and Capital Improvement Program Budget. (Funding Source: Various Funds)
  - Resolution amending Fiscal Year 2019-20 Annual Operating and Capital Improvement Project Fund Budgets.  
*City Manager; Steve Christensen, 577-5390, schristensen@modestogov.com*

**ACTION: Resolution 2020-220 (Kenoyer/Zoslocki; 5/0; Madrigal absent, Ridenour absent due to conflict of interest)** amending Fiscal Year 2019-20 Annual Operating and Capital Improvement Project Fund Budgets.

Consent

5. Consider approving Amendment #2 to the Cooperative Agreement with the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway – Phase 1 Project to modify the funding table to correct the amount of State Highway Operation and Protection Program (SHOPP) funds approved for the project and to approve payment of \$599,197 for Department Furnished Materials and \$31,500 for Construction Engineering Testing performed by Caltrans. (Funding Source: SHOPP, Regional Measure L Funds)
  - Resolution approving Amendment #2 to the Cooperative Agreement with the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway – Phase 1 Project to modify the funding table to correct the amount of State Highway Operation and Protection Program (SHOPP) funds approved for the project and to approve payment of \$599,197 for Department Furnished Materials and \$31,500 for Construction Engineering Testing and authorizing the City Manager or his designee to execute the Amendment.  
*Community & Economic Development; Vicky Dion, 571-5442, vdion@modestogov.com*

**ACTION: Resolution 2020-221 (Kenoyer/Ah You; 6/0; Madrigal absent)** approving Amendment #2 to the Cooperative Agreement with the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway – Phase 1 Project to modify the funding table to correct the amount of State Highway

Operation and Protection Program (SHOPP) funds approved for the project and to approve payment of \$599,197 for Department Furnished Materials and \$31,500 for Construction Engineering Testing and authorizing the City Manager or his designee to execute the Amendment.

Consent

6. Consider accepting the Lakewood Neighborhood Street Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$2,220,476 to American Pavement Systems, of Modesto, California. (Funding Source: Local Measure L Funds)
  - Resolution accepting the Lakewood Neighborhood Street Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$2,220,476 to American Pavement Systems, of Modesto, California.  
*Utilities; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: Resolution 2020-222 (Kenoyer/Ah You; 6/0; Madrigal absent)** accepting the Lakewood Neighborhood Street Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$2,220,476 to American Pavement Systems, of Modesto, California.

### COUNCIL COMMENTS & REPORTS

Councilmember Ridenour announced that he has spoken with State legislators.

### CITY MANAGER COMMENTS & REPORTS

None.

### HEARINGS

*Published in the Modesto Bee on May 1, 2020*

7. Hearing to consider authorizing the City use of the Bond Opportunities for Land Development (BOLD) Program; authorizing the California Municipal Finance Authority to accept applications from property owners, conduct proceedings and levy special taxes within the territory of the City pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, and approving related actions. (Funding Source: Developer Deposits)
  - Resolution authorizing the use of the Bond Opportunities for Land Development (BOLD) Program; authorizing the California Municipal Finance Authority to accept applications from property owners, conduct proceedings and levy special taxes within the territory of the City pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, and approving related actions, and authorizing the City Manager or his designee to execute all documents.  
*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2020-223 (Ridenour/Ah You; 6/0; Madrigal absent)** authorizing the use of the Bond Opportunities for Land Development (BOLD) Program; authorizing the California Municipal Finance Authority to accept applications from property owners, conduct proceedings and levy special taxes within the territory of the City pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, and approving related actions, and authorizing the City Manager or his designee to execute all documents.

*Published in the Spanish Vida en el Valle on April 8, 2020, and in the Modesto Bee on April 10, 2020*

8. Hearing to consider approving the 2020-2025 Consolidated Plan, accepting HUD program funds awarded through the Program Year 2020-2021 Annual Action Plan, adopting the Analysis of Impediments to Fair Housing Choice, approving the Citizen Participation Plan as required by the U.S.

Department of Housing and Urban Development Department (HUD), and approving the allocation of funds outlined in the Program Year 2020-2021 Annual Action Plan budget proposal submitted to the U.S. Department of Housing and Urban Development. (Funding Source: Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grant Funds, Community Development Block Grant-CV, and Emergency Solutions Grant Funds-CV)

- Resolution approving the 2020-2025 Consolidated Plan and accepting HUD program funds awarded through the Program Year 2020-2021 Annual Action Plan, adopting the Analysis of Impediments to Fair Housing Choice, approving the Citizen Participation Plan as required by the U.S. Department of Housing and Urban Development Department (HUD), authorizing the City Manager, or his designee, to negotiate and execute any related program Agreements, contracts, or other documentation required for implementation of the 2020-2025 Consolidated Plan and Program Year 2020-2021 Annual Action Plan; to submit applicable documentation and provide technical alterations, as required by HUD and to incorporate comments received prior to the close of the public comment period.
- Resolution approving the allocation of funds outlined in the Program Year 2020-2021 Annual Action Plan budget proposal submitted to the U.S. Department of Housing and Urban Development and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

*Community & Economic Development; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: Resolution 2020-224 (Madrigal/Ah You; 7/0)** approving the 2020-2025 Consolidated Plan and accepting HUD program funds awarded through the Program Year 2020-2021 Annual Action Plan, adopting the Analysis of Impediments to Fair Housing Choice, approving the Citizen Participation Plan as required by the U.S. Department of Housing and Urban Development Department (HUD), authorizing the City Manager, or his designee, to negotiate and execute any related program Agreements, contracts, or other documentation required for implementation of the 2020-2025 Consolidated Plan and Program Year 2020-2021 Annual Action Plan; to submit applicable documentation and provide technical alterations, as required by HUD and to incorporate comments received prior to the close of the public comment period.

**ACTION: Resolution 2020-225 (Madrigal/Ah You; 7/0)** approving the allocation of funds outlined in the Program Year 2020-2021 Annual Action Plan budget proposal submitted to the U.S. Department of Housing and Urban Development and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

#### NEW BUSINESS

9. Consider authorizing the City Manager to approve the submittal of grant applications that exceed \$100,000 and/or have a local match requirement for financial relief related to the impact of COVID-19; and approving the submittal of the Staffing for Adequate Fire and Emergency Response (SAFER) grant to fund 9 relief firefighters. (Funding Source: Not Applicable)
  - Resolution authorizing the City Manager to approve the submittal of grant applications that exceed \$100,000 and/or have a local match requirement for financial relief related to the impact of COVID-19.
  - Resolution approving the submittal of the Staffing for Adequate Fire and Emergency Response (SAFER) grant to fund 9 relief firefighters.

*City Manager; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: Resolution 2020-226 (Ridenour/Ah You; 7/0)** authorizing the City Manager to approve the submittal of grant applications that exceed \$100,000 and/or have a local match requirement for financial relief related to the impact of COVID-19.

**ACTION: Resolution 2020-227 (Ridenour/Ah You; 7/0)** approving the submittal of the Staffing for Adequate Fire and Emergency Response (SAFER) grant to fund 9 relief firefighters.

#### MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

This meeting adjourned at 6:25 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

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

Property: 101-002-007 612 N Franklin St., Modesto, CA  
101-002-008 309 Beech St, Modesto, CA  
Property Owners: William Brent & Stephanie A. Burnside  
Negotiating Parties:  
For City: Kent Jorgensen, CPSI  
For Property Owner: Property Owners  
Under Negotiation: Price and Terms

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

Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers’ Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

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

Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

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

**MINUTES**  
**City of Modesto**  
**Special Finance Committee Meetings /**  
**Special City Council Workshop Meetings**  
**Chambers, Basement Level**  
**1010 10th Street**  
**Modesto, California**

**BUDGET WORKSHOPS**  
**Monday, May 18, 2020 at 10:00 a.m.**

Roll Call: Present: Councilmembers Grewal, Bill Zoslocki, and Doug Ridenour Sr.  
Absent: None  
Also Present: Councilmembers Ah You, Madrigal, Kenoyer, Mayor Brandvold

**PUBLIC COMMENT**

None.

**NEW BUSINESS**

**FY 2020-21 Finance Committee Budget Workshops Agenda**

**Monday May 18, 2020: 10 AM to 3 PM**

**City of Modesto Budget Overview**

- Budget Overview Presentation
- *10 Year Forecast Presentation*

City Manager Joe Lopez gave City of Modesto Fiscal Year 2020-2021 Presentation and Budget Overview; he spoke about the COVID-19 virus and the impacts on the City's budget; he also discussed the Survey Results: Impacts to Services.

Budget Manager Steve Christensen gave Presentation: FY 2020-2021 General Fund Draft Proposed Revenues; FY 2020-2021 Estimated Shortfall and Reduction Strategy; General Fund Proforma: Revenues; General Fund Proforma: Expenditures; General Fund Proforma: Reserve Levels.

City Manager Joe Lopez gave Presentation: CARES Act: Coronavirus Aid, Relief and Economic Security (CARES) Act; HEROES Act: Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act; Agenda for Budget Workshop for the week.

**Fund Presentations**

- **General Fund**

- City Manager's Office

City Manager Joe Lopez gave Presentation: Overview of City Manager's Office; Organizational Chart; Department Expenditure by Fund.

- City Attorney's Office

Acting City Attorney Jose Sanchez gave Presentation: Department Overview; Review of Service Areas; Revenue Outlook; Department Expenditure Budget by Fund; Review of Reductions; Impacts to Department Services in FY 20-21.

- City Clerk's Office

City Clerk Stephanie Lopez gave Presentation: City Clerk's Office Org Chart; Department Overview; Revenue Outlook; Department Expenditure Budget by Fund; Review of Reductions; Impacts to Department Services in FY 20-21.

- Human Resources Department

Human Resources Director Christina Alger gave Presentation: Review of Service Areas; Current Department Org Chart; Proposed Department Org Chart; Department Expenditure Budget by Fund; Review of Reductions; Impacts to Department Services in FY 20-21.

- Finance Department

Finance Director DeAnna Christensen gave Presentation: Review of Service Areas; Department Revenue Budget by Fund – General Fund; Department Revenue Budget by Fund – Non-General Fund; Department Expenditure Budget by Fund – General Fund; Department Expenditure Budget by Fund – Non-General Fund; Review of Reduction Strategies; Impacts to Department Services in FY 20-21.

- Community & Economic Development Department

Community & Economic Development Director Jaylen French gave Presentation: Review of Service Areas; FTE/Division; Revenue History by Division; Revenue History-Building Safety; Overview of Department Revenue-General Fund Divisions; Overview of Department Revenue-Non-General Fund Divisions; General Fund Expense History; Department Expenditure Budget by Fund-General Fund Divisions; Expense Outlook-Non-General Fund; Review of Reductions.

- Parks, Recreation and Neighborhoods Department

Parks, Recreation and Neighborhoods Director Laurie Smith gave Presentation: Department Overview; Org Chart; Department Expenditure Budget by Division – All Funds; Department Expenditure Budget by Fund; Department Revenue Budget by Division – All Funds; Department Revenue Budget by Fund; Review of Reductions – General Fund; Review of Reductions – Administration & Facilities - \$234,185; Review of Reductions – Impacts Administration & Facilities; Review of Reductions – Recreation - \$179,329; Review of Reductions – Impacts Recreation: Programming Impacts, Service & Improvement Impacts;

Review of Reductions – Park Operations - \$520,000; Review of Reductions – Impacts Park Operations; Review of Reductions – Parks Planning & TRRP - \$33,274; Impacts to Department Services in FY 20-21.

*Recess at 12:04 p.m.*

*Reconvened at 1:00 p.m.*

- Fire Department

Fire Chief Alan Ernst gave Presentation: Department Overview; Department Org Chart; Expense Outlook; Review of Reductions; Review of Revenue Increases; Impacts to Department Services in FY 20-21.

- Police Department

Police Chief Galen Carroll gave Presentation: Overview of Department; Org Chart; Department Expenditure Budget by Fund; Department Revenue Budget by Fund; Review of Reductions.

#### **Non-General Fund Presentations**

- **Surface Transportation Fund**
  - Public Works Department
- **Building Services/Parking/Transit**
  - Public Works Department

#### **Fund Presentations**

- **Solid Waste Fund**
  - Public Works Department
- **Airport Fund**
  - Public Works Department

#### **Internal Service Fund**

- Fleet

Public Works Director Bill Sandhu gave Presentation: Public Works Department Overview; Public Works Department Org Chart; Department Budget; Overview of Department Revenues; Review of Reductions – Surface Transportation Fund; Review of Reductions – Fleet, Airport, and Transit Funds; Review of Reductions – Solid Waste; Review of Reductions – Green Waste and Storm Drain Fund; Review of Reductions – Parking and Building Services Funds; Impacts to Department Services in FY 20-21 - Surface Transportation Fund; Impacts to Department Services in FY 20-21 – Fleet, Airport and Transit Funds; Impacts to Department Services in FY

20-21 – Solid Waste Funds; Impacts to Department Services in FY 20-21 – Green Waste and Storm Drain Funds; Impacts to Department Services in FY 20-21 – Parking Fund.

### **Non-General Fund Presentations**

- **Utilities Funds (Water, Wastewater, Storm Drain)**
  - Utilities Department

Utilities Director Will Wong gave Presentation: Review of Service Areas; Department Expenditure Budget by Fund; Expense Outlook; Review of Reductions; Impacts to Department Services in FY 20-21 (if potential reductions are accepted); Storm Drain Rates; Proposed FY 20-21 Adjustments - (Water Fund 4100), and Wastewater Fund – 4210, Capital Improvement Support Fund – 1300; new proposed Org Chart.

### **Internal Service Fund**

- Information Technology

Information Technology Director Charlie Haase gave Presentation: IT Department Overview; IT Department Organization Chart; Department Revenue Budget by Fund; Department Expenditure Budget by Fund; Review of Reductions; Impacts to Department Services in FY 20-21.

### **Special Presentation:**

- Hardware/Software Maintenance Presentation

Finance Director DeAnna Christensen gave Presentation: Background; Types of Equipment; Equipment Agreements – Less Than \$50,000; Equipment Agreements – Over \$50,000.

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving payment of various equipment maintenance agreements for Fiscal Year 2020-21 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed \$499,091 and forwarding to Council for approval.

Information Technology Director Charlie Haase gave Presentation: Software Maintenance Support Agreements; Summary of Total Estimated Costs by Fund; Fiscal Impact.

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** approving payment of various software/hardware maintenance agreements for Fiscal Year 2020-21 with multiple vendors for all City Departments, for an annual cost not to exceed \$4,408,137 and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 2:40 p.m.

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

**MINUTES**  
**City of Modesto**  
**Special Finance Committee Meetings /**  
**Special City Council Workshop Meetings**  
**Chambers, Basement Level**  
**1010 10th Street**  
**Modesto, California**

**BUDGET WORKSHOPS**  
**Tuesday, May 19, 2020 at 10:00 a.m.**

Roll Call: Present: Councilmembers Grewal, Bill Zoslocki, and Doug Ridenour Sr.  
Absent: None  
Also Present: Councilmembers Ah You, Madrigal, Kenoyer (arrived at 1:00 p.m.)

**PUBLIC COMMENT**

- Naramsen Goriel sent a statement regarding COVID-19 and the use of City reserves.

**NEW BUSINESS**

**FY 2020-21 Finance Committee Budget Workshops Agenda**

**Tuesday, May 19, 2020: 10 AM to 3 PM**

**City of Modesto Budget Overview**

- 10 Year Forecast Presentation
- Long-Range Forecast with COVID-19 Pandemic/Recession

City Manager Joe Lopez and Bob Leland, Management Partners, gave Presentation: General Fund Headed for Deficit Within a Year; Modesto Had a Pre-Existing Structural Deficit; Enter the COVID-19 Pandemic; Large Range of Potential Revenue Loss; Other Major Forecast Assumptions; Structural Shortfall High Under Both Revenue Loss Scenarios; Even Under Optimistic Revenue Loss Scenario, City Reserves Are Rapidly Being Depleted; Current Staffing Level is Unsustainable; Vacancies and Other Personnel Cost Savings Options; HEROES Act: \$3 Trillion Coronavirus Relief Bill.

**Special Presentation:**

- Grant Status Presentation

Community & Economic Development Director Jaylen French gave Presentation: (i) Grant

Application/Award Name; HUD Entitlement Community Grants; HUD Cares Act COVID-19 Grants; State of California HCD Affordable Housing and Sustainable Communities (AHSC); Grant Applications Status; Highway Safety Improvement Program (HSIP) Local Roadway Safety Plan (LRSP); Active Transportation Program (ATP) Cycle 3 Paradise Road; Congestion Mitigation and Air Quality (CMAQ) Pelandale Ave and Sisk Rd; (ii) Proposed Grant Applications: Background of Proposed Grants; State of California HCD Permanent Local Housing Allocation (PLHA); Other Proposed Grants; Local Highway Safety Improvement Program Cycle 10; ATP Cycle 5 – Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor.

Fire Department Chief Alan Ernst gave Presentation: Assistance to Firefighters Grant (AFG); Staffing for Adequate Fire and Emergency Response (SAFER).

Police Chief Galen Carroll gave Presentation: Grant Application/Award Name: 2020 Selective Traffic Enforcement (STEP) Grant; 2020 Pedestrian and Bicycle Safety Program; 20o17 Edward Byrne Memorial Justice Assistance Grant; 2018 Edward Byrne Memorial Justice Assistance Grant; 2020 BHRS Grant; Walmart – Hydrate the Blue; Target – Heroes and Helpers; 2019 Edward Byrne Memorial Justice Assistance Grant; 2020 Coronavirus Emergency Supplemental Funding Program.

Parks, Recreation and Neighborhoods Director Laurie Smith gave Presentation: PRN Grant Summary; Cesar E. Chavez Park Renovation; Ralston Tower Park Renovation; Mancini Park Renovation; Mellis Park Renovation; TRRP Riverwalk: Gateway to Neece Dr.; Proposed Grants.

Public Works Director Bill Sandhu gave Presentation: Solid Waste Grants; Solid Waste/Forestry Grants; Traffic Operations Grants; Transit Grants; Background of Proposed Grants – Solid Waste, Traffic Operations and Transit.

Utilities Director Will Wong gave Presentation: 2015 Proposition 84 Integrated Regional Water Management Implementation Grant; Community Development Block Grant (CDBG) for Martin Luther King Water Main Project; Prop 68 Sustainable Groundwater Management Grant Program Planning Round 3 Grant; California State Water Resources Control Board – Proposition 1 Groundwater Planning Grant Program; California State Water Resources Control Board – Proposition 1 Groundwater Implementation Grant Program; Proposed Grant Applications: Stimulus Funding Grant Program; Existing Grant Programs; Proposed Projects Considered for Grant Opportunities.

*Recess at 11:55 a.m.*

*Reconvened at 1:00 p.m.*

**Special Presentation:**

- Capital Improvement Program

- Highlight of Projects

Budget Manager Steve Christensen gave Presentation: Capital Improvement Program; CIP Overview; FY 2020-21 Percentage of CIP by Category

Community & Economic Development Director Jaylen French gave Presentation: (i) Construction Complete - Claus Road Pavement Rehabilitation – Phase II; Wylie Road, Floyd Avenue, and Carver Road Street Improvements; Village One Slurry Seal; SR-132 Project. (ii) Under Construction – Improve Traffic Flow; Tully road Pavement Rehabilitation; Pelandale Avenue Pavement Rehabilitation; Coffee Road Pavement Rehabilitation Phase 1.

Parks, Recreation & Neighborhoods Director Laurie Smith gave Presentation: (i) Complete – Mellis Park Picnic Area; Enslin Park Plaza/Playground. (ii) Under Construction – East La Loma Park Playground; Virginia Corridor – Phase 7; Ralston Tower Park Renovation (Senior Playground); TRRP Neece Drive Boat Launch; TRRP Gateway River Overlook; Carpenter Road Area (Bellenita) Soccer Fields; Mary Grogan Park – Phase 2.

Public Works Director Bill Sandhu gave Presentation: (i) Airport - Painting Hangars; Demolition of River Road Property; Runway Striping; AIP 41; (ii) Fleet Services – Shade Canopy with Solar; Bus Maintenance Facility (BMF) Parts Room Expansion Project; Fleet Maintenance Facility, Phase 1 (Design); (iii) Solid Waste – Carpenter Road Landfill Mitigation Project; (iii) Traffic Engineering - Replace Traffic Controllers; Emergency Vehicle Preemption Devices; Upgrade Traffic Signals 2015; Replace 35 Obsolete Traffic Controllers; Upgrade Traffic Signals – 2013; Upgrade ATMS Software and Traffic Signal Controllers 2019; (iv) Transit Operations – MAX Video Surveillance System; Commuter Bus Repair; Bus Stop Turnout Maze Blvd; Amtrak North Parking Lot Expansion; Transit Center Improvements; Amtrak Station Roof Replacement and Restroom Repair.

Utilities Director Will Wong gave Presentation: (i) Water – Bermuda Way Strengthen & Replace Water Mains; S. Martin Luther King Jr. Blvd. Strengthen and Replace Water Mains; Well 71 Sub-Surface Improvements; Grogan Well 67 (Tivoli); Water Corporation Yard; Del Rio Well 70 Surface Improvements; Del Rio Tank 14, Well 68 and Pump Station; 8 Projects Scheduled for Construction for Fiscal Year; (ii) Wastewater/Storm Drain Design – Ceres Trunk Rehabilitation; Crows Landing Truck; Area 2 Cross Connection Removal – Phase 2 Roosevelt Park; Empire Sewer Trunk; Headworks and Dryden Box; Bowen, Johansen, Naraghi, Orchard Storm Drain Lift Station Electrical; 8 Projects Scheduled for Construction for Fiscal Year.

**Special Presentation:**

- Revenue Manual/Fee Increases Presentation

Finance Director DeAnna Christensen gave Presentation: Revenue Manual: Background; How the Revenue Manual Fits Into Budget Process; Example from the Revenue Manual; FY 2018-19

Significant Variances – (Non General Fund Revenues); FY 2018-19 Significant Variances (General Fund Revenues); Other Fee Changes or Updates: PRN Programs and Facilities Fees, Airport, Solid Waste, Utility Rates Update.

Parks, Recreation & Neighborhoods Director Laurie Smith gave Presentation: Background; Cost Recovery; Program Fee Examples; Rental & Administrative Fees Director Authority; Revenue Projections.

Public Works Director Bill Sandhu gave Presentation: (i) Airport – Proposed Fee Increases FY20/21; (ii) Solid Waste – Proposed Fee Increases FY20/21.

Utilities Director Will Wong gave Presentation: Utility Rates; Adopted Sewer Rate Increases; Sewer Rates; Adopted Water Rate Increases; Water Rates; Utility Rates Under Review; Storm Drain Rates.

### **Internal Service Funds**

- Worker’s Compensation, General Liability & Employee Benefits

Human Resources Director Christina Alger gave Presentation: Review of Service Areas; Current Department Org Chart; Proposed Department Org Chart; FTE Count History; Worker’s Compensation General Liability – Risk Administration Expenses; Workers’ Comp & Liability Fund Cost Allocation Methods; Workers’ Comp Financials; Workers’ Comp Fund History and Projection (5320); General Liability Fund Financials; General Liability Fund History and Projects; Employee Benefits – EBF Administration Expenses; Employee Benefits Fund Cost Allocation Method; Employee Benefit Fund; Employee Benefit Administration; Employee Benefits Financials; Employee Benefits Fund History and Projection; Employee Benefits Financials.

### **Report Backs**

Parks, Recreation & Neighborhoods Director Laurie Smith gave Presentation re Parks Water Estimate Fiscal Year 2020-2021: Park Water Estimates – 1x/week (Drought Rates); Parks Water Estimate – 1x/week (Non-Drought Rates); 2x/week (Non-Drought Rates); 2x/week (Drought Rates); 3x/week (Non-Drought Rates); 3x/week (Drought Rates).

Deputy City Manager Scotty Douglas gave Presentation: Fire and Police SR911 Contributions.

City Manager Joe Lopez and Chair Mani Grewal gave closing statements for the Finance Committee Meetings/Special City Council Workshop Meetings.

**ACTION: Motion (Ridenour/Zoslocki; 3/0)** accepting staff reports on current Fiscal Year 2020-2021 budget and forwarding to Council for budget approval when appropriate.

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

None.

**ADJOURNMENT**

This meeting adjourned at 2:25 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 26, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the invocation from Jim Applegate, Redeemer Church Modesto

Mayor Brandvold read the Poem "Memorial Day composed by Ed Bearden, POet Laurette 2008-2012"

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: Acting City Attorney Sanchez reported on Closed Session matters

**PUBLIC COMMENT PERIOD**

- Ken Schroeder, Lisa Battista, Naramsen Goriel and Jocelyne Rojas sent emails regarding Candidate Ted Howze, racism and endorsements from Mayor Brandvold and Councilmember Zoslocki.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 1-16: (Kenoyer/Madrigal; 7/0)**

**CONSENT ITEMS**

Consent

1. Consider approving the minutes from the May 12, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the May 12, 2020 Council Meeting.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Madrigal; 7/0)** Motion approving the minutes from the May 12, 2020 Council Meeting.

Consent

2. Consider approving a Master Funding Agreement with Stanislaus Council of Governments (StanCOG) for Fiscal Years 2020 - 2025. (Funding Source: Measure L)
  - Resolution approving the Measure L Master Funding Agreement with the Stanislaus Council of Governments (StanCOG) for Fiscal Years 2020-2025 and authorizing the City Manager or his designee to execute the Agreement.  
*CED; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2020-228** approving the Measure L Master Funding Agreement

with the Stanislaus Council of Governments (StanCOG) for Fiscal Years 2020-2025 and authorizing the City Manager or his designee to execute the Agreement.

Consent

3. Consider approving the 2020-2025 Permitting Efficiency Action Plan. (Funding Source: Development Fees)
  - Resolution approving the 2020-2025 Permitting Efficiency Action Plan and authorizing the City Manager, or his designee, to implement the provisions of the Action Plan.

*CED; Oscar Diaz, 209-571-5585, odiaz@modestogov.com*

**ACTION: (Kenoyer/Madrigan; 7/0) Resolution 2020-229** approving the 2020-2025 Permitting Efficiency Action Plan and authorizing the City Manager, or his designee, to implement the provisions of the Action Plan.

Consent

4. Consider accepting the Public Improvements of Vintage Unit 1 Subdivision, and releasing securities upon expiration of statutory periods. (Funding Source: No City Funds)
  - Resolution accepting the public improvements for Vintage Unit 1 Subdivision, located north of the Vintage Fair Mall, 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.

*CED; Dan England, 571-5589, dengland@modestogov.com*

**ACTION: (Kenoyer/Madrigan; 7/0) Resolution 2020-230** accepting the public improvements for Vintage Unit 1 Subdivision, located north of the Vintage Fair Mall, 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

5. Consider **repealing Ordinance No. 3713-C.S.** and adopting a new Ordinance amending Section 30-3-9 of the zoning map to rezone from General Commercial Zone, C-2, to Planned Development Zone, P-D(608), property located at 722 Kansas Avenue, approving a new resolution for Planned Development Zone P-D(607) to correct a clerical error in the assignment of the P-D number, assigning the new number of P-D(608) to the Planned Development Zone with no other changes and rescinding Resolution No. 2019-536. (Funding Source: General Fund)
  - Motion introducing and waiving the first reading of an ordinance amending Section 30-3-9 of the zoning map to rezone from General Commercial Zone, C-2, to Planned Development Zone, P-D(608), property located at 722 Kansas Avenue, and repealing Ordinance No. 3713-C.S.
  - Resolution approving a development plan for Planned Development Zone, P-D(608) and rescinding Resolution No. 2019-536.

*CED; Katharine Martin, 209-577-5267, kamartin@modestogov.com*

**ACTION: (Kenoyer/Madrigan; 7/0) Motion** introducing and waiving the first reading of **Ordinance No. 3717-C.S.** amending Section 30-3-9 of the zoning map to rezone from General Commercial Zone, C-2, to Planned Development Zone, P-D(608), property located at 722 Kansas Avenue, and repealing Ordinance No. 3713-C.S.

**ACTION: (Kenoyer/Madrigan; 7/0) Resolution 2020-231** approving a development plan for Planned Development Zone, P-D(608) and rescinding Resolution No. 2019-536.

Consent

6. Consider approving the submittal of a grant funding application for the City of Modesto's Active Transportation Program in the amount of \$6,985,000 for the Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project. (Funding Source: State of California ATP Grant and Local Funds – Measure L)
  - Resolution approving the submittal of a grant funding application for the City of Modesto's Active Transportation Program in the amount of \$6,985,000 for the Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project and authorizing the City Manager, or his designee, to conduct all negotiations, execute and submit all documents.

*CED; Michael Sacuskie, 571-5552, msacuskie@modestogov.com*

**ACTION: (Kenoyer/Madrigan; 7/0) Resolution 2020-232** approving the submittal of a grant funding application for the City of Modesto's Active Transportation Program in the amount of \$6,985,000 for the Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project and authorizing the City Manager, or his designee, to conduct all negotiations, execute and submit all documents.

Consent

7. Consider accepting the Monthly Investment Report for March 2020. (Funding Source: Various Funds)
- Motion accepting the Monthly Investment Report for March 2020.

*FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: (Kenoyer/Madrigan; 7/0)** Motion accepting the Monthly Investment Report for March 2020.

Consent

8. Consider accepting an informational report for the April 2020 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the April 2020 Accounts Payable Payment Register and Void report.

*FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: (Kenoyer/Madrigan; 7/0)** Motion accepting an informational report for the April 2020 Accounts Payable Payment Register and Void report.

Consent

9. Consider accepting an informational report on the January and February 2020 grant applications and awards. (Funding Source: Not Applicable)
- Motion accepting an informational report for the January and February 2020 grant application and awards.

*FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: (Kenoyer/Madrigan; 7/0)** Motion accepting an informational report for the January and February 2020 grant application and awards.

Consent

10. Consider approving a License Agreement with Modesto On Ice, Inc., an S Corporation, to operate a seasonal ice-skating rink. (Funding Source: Parking Fund and Community Center Operations Fund)
- Resolution approving a License Agreement with Modesto On Ice, Inc., an S Corporation, to operate a seasonal ice-skating rink and authorizing the City Manager, or his designee, to execute the License Agreement.

*PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com*

**ACTION: (Kenoyer/Madrigan; 7/0)** Resolution 2020-233 approving a License Agreement with Modesto On Ice, Inc., an S Corporation, to operate a seasonal ice-skating rink and authorizing the City Manager, or his designee, to execute the License Agreement.

Consent

11. Consider approving a First Amendment to the Master Services Agreement with Forensic Logic for a three-year Software License Service Renewal for COPLINK at a total not to exceed \$181,061. (Funding Source: General Fund and Supplemental Law Enforcement Services Funds (SLESF))
- Resolution approving the First Amendment to the Master Services Agreement with Forensic Logic for a three-year Software License Service Renewal for COPLINK at a total not to exceed \$181,061; and authorizing the City Manager, or his designee, to execute the necessary documents.

*POLICE DEPARTMENT; Galen Carroll, (209) 572-9501, carrollg@modestopd.com*

**ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2020-234** approving the First Amendment to the Master Services Agreement with Forensic Logic for a three-year Software License Service Renewal for COPLINK at a total not to exceed \$181,061; and authorizing the City Manager, or his designee, to execute the necessary documents.

Consent

12. Consider accepting the 2018 Edward Byrne Memorial Justice Assistance Grant in the amount of \$147,207 and amending the Fiscal Year 2019-20 Multi-Year budget (Funding Source: Grants - Police)
- Resolution accepting the 2018 Edward Byrne Memorial Justice Assistance Grant in the amount of \$147,207 and authorizing the City Manager, or his designee, to execute the necessary documents.
  - Resolution amending the Fiscal Year 19-20 Multi-Year Project Budget to appropriate revenue and expenses in the amount of \$147,207 related to the 2018 Edward Byrne Memorial Justice Assistance Grant and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

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

**ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2020-235** accepting the 2018 Edward Byrne Memorial Justice Assistance Grant in the amount of \$147,207 and authorizing the City Manager, or his designee, to execute the necessary documents.

**ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2020-236** amending the Fiscal Year 19-20 Multi-Year Project Budget to appropriate revenue and expenses in the amount of \$147,207 related to the 2018 Edward Byrne Memorial Justice Assistance Grant and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

13. Consider approving the award and Agreement for a digital radio communication system to Fisher Wireless Services Inc. of Modesto, CA in the amount of \$180,480 for the first year, and years two through five \$23,634 per year with a total amount not to exceed \$275,016 for a five-year term. (Funding Source: Transit Funds)
- Resolution approving an award and Agreement for a digital radio communication system to Fisher Wireless Services Inc. of Modesto, CA in the amount of \$180,480 for the first year, and years two through five \$23,634 per year with a total amount not to exceed \$275,016 for a five-year term, and authorizing the City Manager, or his designee, to execute the Agreement.

*PUBLIC WORKS; Adam Barth, 209-577-5298, abarth@modestogov.com*

**ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2020-237** approving an award and Agreement for a digital radio communication system to Fisher Wireless Services Inc. of Modesto, CA in the amount of \$180,480 for the first year, and years two through five \$23,634 per year with a total amount not to exceed \$275,016 for a five-year term, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving the award and Agreement for custodial services to Kellermeyer Bergensons Services, Salt Lake City, UT, for a five-year Agreement with one 1-year extension option, for an annual estimated cost of \$215,820 and a total amount not to exceed \$1,257,554 over six years. (Funding Source: Transit Funds)
- Resolution approving the award and Agreement for custodial services to Kellermeyer Bergensons Services, Salt Lake City, UT, for a five-year Agreement with one 1-year extension option, for an annual estimated cost of \$215,820 and a total amount not to exceed \$1,257,554 over six years, and authorizing the City Manager, or his designee, to execute the Agreement.

*PUBLIC WORKS; Adam Barth, 209-577-5298, abarth@modestogov.com*

**ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2020-238** approving the award and Agreement for custodial services to Kellermeyer Bergensons Services, Salt Lake City, UT, for a five-year Agreement with one 1-year

extension option, for an annual estimated cost of \$215,820 and a total amount not to exceed \$1,257,554 over six years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

- 15. Consider accepting the Upgrade Traffic Signals 2015 project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$568,802 to Tim Paxin’s Pacific Excavation, Inc., of Elk Grove, California. (Funding Source: Highway Safety Improvement Program Cycle 6 Grant, Surface Transportation Fund)
  - Resolution accepting the Upgrade Traffic Signals 2015 project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$568,802 to Tim Paxin’s Pacific Excavation, Inc., of Elk Grove, California.

*UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2020-239** accepting the Upgrade Traffic Signals 2015 project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$568,802 to Tim Paxin’s Pacific Excavation, Inc., of Elk Grove, California.

Consent

- 16. Consider approving an Agreement with TRC Engineers, Inc., of Sacramento, CA, for Construction Management and Inspection Services for the Coffee Road Pavement Rehabilitation Project in an amount not to exceed \$198,436, plus \$19,844 for additional services (if needed), for a total amount not to exceed \$218,280. (Funding Source: Local Control Measure L Funds)
  - Resolution approving an Agreement with TRC Engineers, Inc., of Sacramento, CA, for Construction Management and Inspection Services for Coffee Road Pavement Rehabilitation project in an amount not to exceed \$198,436, plus \$19,844 for additional services (if needed), for a total amount not to exceed \$218,280, and authorizing the City Manager, or his designee, to execute the Agreement and additional services up to a cumulative amount of 10% or \$19,844.

*UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2020-240** approving an Agreement with TRC Engineers, Inc., of Sacramento, CA, for Construction Management and Inspection Services for Coffee Road Pavement Rehabilitation project in an amount not to exceed \$198,436, plus \$19,844 for additional services (if needed), for a total amount not to exceed \$218,280, and authorizing the City Manager, or his designee, to execute the Agreement and additional services up to a cumulative amount of 10% or \$19,844.

**COUNCIL COMMENTS & REPORTS**

Councilmember Kenoyer discussed the airplane flyover the hospitals in Modesto on Memorial Day.

Councilmember Madrigal talked about his garden.

**CITY MANAGER COMMENTS & REPORTS**

None.

**NEW BUSINESS**

- 17. Consider approving a three-year extension of the irrevocable direct pay Letter of Credit (LOC) supporting the 2008 Water Refunding Revenue Certificates of Participation (Water Bonds), 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 Bonds LOC. (Funding Source: Water Fund)
 

*FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com*

**ACTION: (Madrigal/You; 7/0) Resolution 2020-241** of the City Council of the City of Modesto relating to Water Refunding Revenue Certificates of Participation, 2008 Series A; approving the forms of and authorizing the execution and delivery of a Second Amendment to the Reimbursement Agreement and a fee letter 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.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:00 pm.

**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: City of Modesto v. Foy & Associates  
Superior Court of California, County of Stanislaus  
Stanislaus County Case No.: CV 19-003083

R. Alexander Acosta v. Riverstone Capital, LLC  
United States District Court, Central District of California  
Case No.: 19-CV-778-MWF

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

Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers' Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

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

Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

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

**MINUTES**  
**City of Modesto**  
**ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**06/01/2020, at 2:00 PM**

Roll Call - Present: Ted Brandvold, Chair, Tony Madrigal, Vice-Chair and Doug Ridenour Sr., Member

Absent: None

**PUBLIC COMMENTS**

None.

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

**CONSENT**

Consent

1. Consider authorizing submittal of grant applications to seek grant funding for Highway Safety of a Highway Safety Improvement Program (HSIP) grants, and forwarding to Council for approval. (Funding Source: Appropriate Transportation Funds)  
*CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** authorizing submittal of grant applications to seek grant funding for Highway Safety of a Highway Safety Improvement Program (HSIP) grants, and forwarding to Council for approval.

Consent

2. Consider accepting the Synchronize Traffic Signals Outside the Downtown Project as complete, and forwarding to Council for approval. (Funding Source: Congestion Mitigation and Air Quality)  
*PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** accepting the Synchronize Traffic Signals Outside the Downtown Project as complete, and forwarding to Council for approval.

Consent

3. Consider approving the Modesto Area Express Disadvantaged Business Enterprise goal for Federal Transit Administration funded purchases for the period starting October 1, 2021 through September 30, 2023, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*PUBLIC WORKS; Adam Barth, 209-577-5298, abarth@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving the Modesto Area Express Disadvantaged Business Enterprise goal for Federal Transit Administration funded purchases for the period starting October 1, 2021 through September 30, 2023, and forwarding to Council for approval.

**UNFINISHED BUSINESS**

- 4. Consider approving the Downtown Master Plan and forwarding to Council for approval. (Funding Source: Measure L Funds and SB2 Grant)  
*CED; Brad Wall, 209-577-5267, bwall@modestogov.com*

**ACTION: Motion (Ridenour/Madrigan; 3/0)** approving the Downtown Master Plan and forwarding to Council for approval.

**NEW BUSINESS**

- 5. Consider accepting the grant award for Federal Fiscal Year 2020 CARES Act transit funds in the amount of \$15,120,442, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*PUBLIC WORKS; Adam Barth, 209-577-5298, abarth@modestogov.com*

**ACTION: Motion (Ridenour/Madrigan; 3/0)** accepting the grant award for Federal Fiscal Year 2020 CARES Act transit funds in the amount of \$15,120,442, and forwarding to Council for approval.

- 6. Consider approving the declaration of City of Modesto Redevelopment Successor Agency-owned property of the approximately 1.5-acre surface parking lot adjacent to the Modesto Centre Plaza at the corner of 11th and K streets (APN 105-048-011) as surplus land and directing the City Manager to follow the procedures set forth in the Surplus Land Act for the sale of surplus land and forwarding to Council for approval. (Funding Source: Redevelopment Successor Agency)  
*PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com*

**ACTION: Motion (Madrigan/Ridenour; 3/0)** approving the declaration of City of Modesto Redevelopment Successor Agency-owned property of the approximately 1.5-acre surface parking lot adjacent to the Modesto Centre Plaza at the corner of 11th and K streets (APN 105-048-011) as surplus land and directing the City Manager to follow the procedures set forth in the Surplus Land Act for the sale of surplus land and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 2:50 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 Jun 02, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation from Rabbi Shalom Bochner

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: Ridenour – Item 5

Reports from Closed Session: Mayor Brandvold reported on the appointment of Jose Sanchez of Meyers Nave as City Attorney and the vote was 6/1 - Madrigal no; no other reportable action.

**PUBLIC COMMENT PERIOD**

- Colby Bell sent an email regarding the opening of gyms and enforcement; he also spoke about work on Coffee Road.
- Tatiana Altman sent an email regarding Congressional Candidate Ted Howze.
- Daniel Hopkins, Sr. sent an email regarding a city tree that was cut down in his yard and the stump that was left for 3 years.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**CONSENT ACTION ITEMS 1-4; 6-10: (Kenoyer/Ridenour/ 7/0)**

**CONSENT ACTION ITEM 5: (Kenoyer/Grewal; 6/0; Ridenour absent due to conflict of interest)**

**CONSENT ITEMS**

Consent

1. Consider approving the minutes from the May 26, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the May 26, 2020 Council Meeting.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion approving the minutes from the May 26, 2020 Council Meeting.

Consent

2. Consider approving final adoption of **Ordinance No. 3717-C.S.** amending Section 30-3-9 of the zoning map to rezone from General Commercial Zone, C-2, to Planned Development Zone, P-D(608), property located at 722 Kansas Avenue, and repealing Ordinance No. 3713-C.S. (Funding Source: General Fund)
  - Motion approving final adoption of **Ordinance No. 3717-C.S.** amending Section 30-3-9 of the

zoning map to rezone from General Commercial Zone, C-2, to Planned Development Zone, P-D(608), property located at 722 Kansas Avenue, and repealing Ordinance No. 3713-C.S.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion approving final adoption of **Ordinance No. 3717-C.S.** amending Section 30-3-9 of the zoning map to rezone from General Commercial Zone, C-2, to Planned Development Zone, P-D(608), property located at 722 Kansas Avenue, and repealing Ordinance No. 3713-C.S.

Consent

3. Consider approving a State of California Local Government Planning Support Grant Program application in the amount of \$500,000 for the purpose of funding various housing-related projects and authorizing the Director of Community and Economic Development to file the grant application. (Funding Source: Local Early Action Planning Grants Program)
- Resolution approving a State of California Local Government Planning Support Grant Program application in the amount of \$500,000 for the purpose of funding various housing-related projects and authorizing the Director of Community and Economic Development to file the grant application.
- CED; Brad Wall, 209-577-5267, bwall@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-242** approving a State of California Local Government Planning Support Grant Program application in the amount of \$500,000 for the purpose of funding various housing-related projects and authorizing the Director of Community and Economic Development to file the grant application.

Consent

4. Consider approving a Will Serve Letter and Outside Service Agreement for sewer service for the property located at 605 Maze Blvd (APN: 030-005-008). (Funding Source: Sewer Fund, General Fund)
- Resolution approving a Will Serve Letter and Outside Service Agreement with Osiel Luna and Karina Luna, husband and wife as joint tenants, to connect to the City of Modesto's existing sewer system for the property located at 605 Maze Blvd in Modesto (APN: 030-005-008), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.
- CITY CLERK; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-243** approving a Will Serve Letter and Outside Service Agreement with Osiel Luna and Karina Luna, husband and wife as joint tenants, to connect to the City of Modesto's existing sewer system for the property located at 605 Maze Blvd in Modesto (APN: 030-005-008), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

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

5. Consider the annexation of Assessor Parcel Number (APN) 077-033-010 to the 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 #18).
- CED; Jessica Narayan, 209-577-5211, jnarayan@modestogov.com*

**ACTION: (Kenoyer/Grewal; 6/0; Ridenour absent due to conflict of interest) Resolution 2020-244** 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 #18).

Consent

6. Consider approving the First Amendment increasing the Agreement amount with Goodwin Consulting Group (GCG), for the administration of the City Community Facilities Districts services by \$111,900

from \$155,200 to a new total amount not to exceed \$267,100, and extending the term of the Agreement from June 30, 2020 to June 30, 2022. (Funding Source: Various Community Facilities Districts)

- Resolution approving the First Amendment increasing the Agreement amount with Goodwin Consulting Group (GCG), for the administration of the City Community Facilities Districts services by \$111,900 from \$155,200 to a new total amount not to exceed \$267,100, and extending the term of the Agreement from June 30, 2020 to June 30, 2022, and authorizing the City Manager or his designee to execute the Agreement.

*CED; Jessica Narayan, 209-577-5211, jnarayan@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-245** approving the First Amendment increasing the Agreement amount with Goodwin Consulting Group (GCG), for the administration of the City Community Facilities Districts services by \$111,900 from \$155,200 to a new total amount not to exceed \$267,100, and extending the term of the Agreement from June 30, 2020 to June 30, 2022, and authorizing the City Manager or his designee to execute the Agreement.

Consent

7. Consider approving the award of bid for the purchase of nine Ford Police Interceptors to Sonora Ford, Sonora, CA, for a total amount not to exceed \$357,632. (Funding Source: Fleet Replacement Fund)
  - Resolution approving the purchase of nine Ford Police Interceptors to Sonora Ford, Sonora CA, for a total amount not to exceed \$357,632 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

*FINANCE DEPARTMENT; Cynthia Kline, (209) 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 220-246** approving the purchase of nine Ford Police Interceptors to Sonora Ford, Sonora CA, for a total amount not to exceed \$357,632 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

8. Consider approving the award of proposal and Agreement for Fuel Card-Lock services to Stan Boyett & Son, Inc. dba Boyett Petroleum, Modesto, CA, for a five year Agreement with two one-year extension options, for an annual cost of \$1,800,000, and a total amount not to exceed \$12,600,000 over seven years. (Funding Source: Fleet Services)
  - Resolution approving the award of proposal and Agreement for Fuel Card-Lock services to Stan Boyett & Son, Inc. dba Boyett Petroleum, Modesto, CA for a five-year Agreement with two one-year extension options for an annual estimated cost of \$1,800,000, and a total amount not to exceed \$12,600,000 over seven years, and authorizing the City Manager, or his designee, to execute the Agreement.

*FINANCE DEPARTMENT; Cynthia Kline, (209) 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-247** approving the award of proposal and Agreement for Fuel Card-Lock services to Stan Boyett & Son, Inc. dba Boyett Petroleum, Modesto, CA for a five-year Agreement with two one-year extension options for an annual estimated cost of \$1,800,000, and a total amount not to exceed \$12,600,000 over seven years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider approving the extension of the Compost Facility Flexible Sales Pricing Pilot Program approved on April 2, 2019 for two additional years effective June 1, 2020 through May 31, 2022, and establishing a \$60 tip fee, plus an annual Consumer Price Index adjustment, for customers outside City of Modesto. (Funding Source: Compost Fund)
  - Resolution approving the extension of the Compost Facility Flexible Sales Pricing Pilot Program approved on April 2, 2019 for two additional years effective June 1, 2020 through May 31, 2022, and establishing a \$60 tip fee, plus an annual Consumer Price Index adjustment, for customers outside City of Modesto.

*PUBLIC WORKS; Karin Neep, 209-77-5453, kneep@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-248** approving the extension of the Compost Facility Flexible Sales Pricing Pilot Program approved on April 2, 2019 for two additional years effective June 1, 2020 through May 31, 2022, and establishing a \$60 tip fee, plus an annual Consumer Price Index adjustment, for customers outside City of Modesto.

Consent

10. Consider approving a revised list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2020-2021, and rescinding Resolution 2020-180. (Funding Source: Senate Bill 1 Funds)

- Resolution approving a revised list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2020-21, and rescinding Resolution Number 2020-180.

*PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-249** approving a revised list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2020-21, and rescinding Resolution Number 2020-180.

**COUNCIL COMMENTS & REPORTS**

Councilmember Ridenour spoke regarding the death of George Floyd and public safety.

Councilmember Kenoyer also spoke regarding the death of George Floyd and public safety.

Councilmember Zoslocki spoke regarding uniting and positive aspects of humanity.

Councilmember Ah You appreciates our community.

Councilmember Madrigal spoke in support of public safety and our community.

Councilmember Grewal also spoke regarding the peaceful protests in Modesto and thanked public safety.

Mayor Brandvold thanked the Modesto Police Department, Sheriff's Department and surrounding communities for their support during the protests this weekend.

**CITY MANAGER COMMENTS & REPORTS**

City Manager Lopez thanked Chief Carroll and the Modesto Police Department.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:15 p.m.

**CLOSED SESSION**

*All Closed Session Matters Heard Prior to Meeting*

**PUBLIC EMPLOYEE APPOINTMENT**  
**(Pursuant to Section 54957(b)(1) Government Code)**  
**Title: City Attorney**

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers’ Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**  
Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

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

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday Jun 09, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation from David White, The Church of Jesus Christ of Latter Day Saints

City Clerk’s Announcements: Item 2 – removed from Consent; Item 7 – continued to future Council meeting date

Declaration of Conflicts of Interest: Grewal – Item 9

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

**PUBLIC COMMENT PERIOD**

- Lori Wolf sent an email regarding Wood Colony and a possible ballot measure.
- Lisa Dovichi-Braden sent an email regarding Wood Colony and meeting with their MAC Board.
- Wood Colony Municipal Advisory Council sent an email regarding Wood Colony and a possible Urban Limit Line.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 1; 3-6; 8: (Kenoyer/Grewal; 7/0)**

**CONSENT ITEMS**

Consent

1. Consider approving the Minutes from the June 2, 2020 Council meeting. (Funding Source: Not Applicable)
  - Motion approving the Minutes from the June 2, 2020 Council meeting.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Grewal; 7/0)** Motion approving the Minutes from the June 2, 2020 Council meeting.

*Removed from Consent*

2. Consider approving a First Amendment to the Legal Services Agreement with Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”), a professional law firm, to provide City Attorney services for the City, and appoint Jose M. Sanchez as City Attorney, effective June 2, 2020. (Funding Source: Various Funds)
  - Resolution approving a First Amendment to the Legal Services Agreement with Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”), a professional law firm, to provide City Attorney services for the City, appointing Jose M. Sanchez as City Attorney, effective June 2, 2020, and authorizing the City Manager or his designee to execute the Amendment.  
*CITY CLERK; Caluha Barnes, 577-5228, cbarnes@modestogov.com*

**ACTION: (Kenoyer/Grewal; 6/1; Madrigal no) Resolution 2020-250** approving a First Amendment to the Legal Services Agreement with Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”), a professional law firm, to provide City Attorney services for the City, appointing Jose M. Sanchez as City Attorney, effective June 2, 2020, and authorizing the City Manager or his designee to execute the Amendment.

Consent

3. Consider approving the recommended budget adjustments to Fiscal Year 2019-2020 Annual Operating and Capital Improvement Program Budget. (Funding Source: Various Funds)
  - Resolution amending Fiscal Year 2019-2020 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to take the necessary steps to implement the provisions of this Resolution.

*BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com*

**ACTION: (Kenoyer/Grewal; 7/0) Resolution 2020-251** amending Fiscal Year 2019-2020 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to take the necessary steps to implement the provisions of this Resolution.

Consent

4. Consider approving the award of proposal and Agreement for Cybersecurity Audit Services to Securance LLC, of Tampa, FL for a total cost not to exceed \$170,376. (Funding Source: Information Technology Fund)
  - Resolution approving the award of proposal and Agreement for Cybersecurity Audit Services to Securance LLC, of Tampa, FL, for a total cost not to exceed \$170,376 and authorizing the City Manager, or his designee to execute the Agreement.

*PURCHASING; Cynthia Kline, 209-577-5412, ckline@modestgov.com*

**ACTION: (Kenoyer/Grewal; 7/0) Resolution 2020-252** approving the award of proposal and Agreement for Cybersecurity Audit Services to Securance LLC, of Tampa, FL, for a total cost not to exceed \$170,376 and authorizing the City Manager, or his designee to execute the Agreement.

Consent

5. Consider the submission of a grant application for the Tuolumne River Regional Park Riverwalk Gateway to Neece Drive Project to the California Natural Resources Agency, for the Recreational Trails and Greenways Grant Program (RTGG) in the amount of \$2,968,885. (Funding Source: Recreational Trails and Greenways Grant Program - Proposition 68)
  - Resolution approving the application for grant funds for the Recreational Trails and Greenways Grant Program in an amount of \$2,968,885 to fund design and construction of the Tuolumne River Regional Park (TRRP) Riverwalk – Gateway to Neece Dr Project and authorizing the City Manager, or his designee, to accept and utilize the grant award.

*PRN; Nathan Houx, 209-571-5526, nhoux@modestgov.com*

**ACTION: (Kenoyer/Grewal; 7/0) Resolution 2020-253** approving the application for grant funds for the Recreational Trails and Greenways Grant Program in an amount of \$2,968,885 to fund design and construction of the Tuolumne River Regional Park (TRRP) Riverwalk – Gateway to Neece Dr Project and authorizing the City Manager, or his designee, to accept and utilize the grant award.

Consent

6. Consider approving Amendment No. 2 to the Site Lease Agreement with NCWPCS MPL 24 - Year Sites Tower Holdings LLC, DBA AT&T to increase the existing cell tower lease terms at Davis Park to allow for up to six additional, five-year renewal options. (Funding Source: Cell Tower Facility Rental Revenue General Fund and Parks Fund)
  - Resolution approving Amendment No. 2 to the Site Lease Agreement with NCWPCS MPL 24 - Year Sites Tower Holdings, LLC, to increase the existing cell tower lease terms at Davis Park to allow for up to six additional, five-year renewal options and authorizing the City Manager, or his designee, to execute the Agreement.

*PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com*

**ACTION: (Kenoyer/Grewal; 7/0) Resolution 2020-254** approving Amendment No. 2 to the Site Lease Agreement with NCWPCS MPL 24 - Year Sites Tower Holdings, LLC, to increase the existing cell tower lease terms at Davis Park to allow for up to six additional, five-year renewal options and authorizing the City Manager, or his designee, to execute the Agreement.

Consent – *Continued to future Council meeting*

7. Consider approving a Second Amendment to the Cell Tower Site Lease Agreement with Crown Castle MU, Inc to expand the leased land space at Downey Park by an additional 160 square feet to allow for a back-up generator. (Funding Source: Cell Tower Facility Rental Revenue)
  - Resolution approving a Second Amendment to the cell tower Site Lease Agreement with Crown Castle MU, Inc to expand the leased land space at Downey Park by an additional 160 square feet to allow for a back-up generator and authorizing the City Manager, or his designee, to execute the Amendment.

*PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com*

**ACTION:** Continued to future Council meeting

Consent

8. Consider accepting Proposition 68 Sustainable Groundwater Management Grant Program Planning - Round 3 Grant Award of \$1,000,000, on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency; approving the First Amendment to the Agreement with Todd Groundwater for the preparation of a Groundwater Sustainability Plan and Related Technical Studies for the Modesto Subbasin in the amount of \$1,000,000 for a new total amount not to exceed \$2,469,296 for the identified scope of services; and amending the Fiscal Year 2019-2020 Multi-Year Project budget for the amount of \$1,000,000. (Funding Source: Water Fund)
  - Resolution accepting Proposition 68 Sustainable Groundwater Management Grant Program Planning – Round 3 Grant Award of \$1,000,000, on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency and authorizing the City Manager, or his designee, to execute all grant-related documents and any Amendment or changes thereto.
  - Resolution approving the First Amendment to the Agreement with David Keith Todd Consulting Engineers, Inc., DBA Todd Groundwater, for the preparation of a Groundwater Sustainability Plan and Related Technical Studies for the GSP Modesto Subbasin Project in the amount of \$1,000,000, for a new not to exceed amount of \$2,469,296, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement.
  - Resolution amending the Fiscal Year 2019-2020 Multi-Year Project Budget in the amount of \$1,000,000 to be transferred into the Project from Water Fund Reserves in order to fully fund the Groundwater Sustainability Plan Modesto Subbasin Project.

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

**ACTION: (Kenoyer/Grewal; 7/0) Resolution 2020-255** accepting Proposition 68 Sustainable Groundwater Management Grant Program Planning – Round 3 Grant Award of \$1,000,000, on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency and authorizing the City Manager, or his designee, to execute all grant-related documents and any Amendment or changes thereto.

**ACTION: (Kenoyer/Grewal; 7/0) Resolution 2020-256** approving the First Amendment to the Agreement with David Keith Todd Consulting Engineers, Inc., DBA Todd Groundwater, for the preparation of a Groundwater Sustainability Plan and Related Technical Studies for the GSP Modesto Subbasin Project in the amount of \$1,000,000, for a new not to exceed amount of \$2,469,296, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement.

**ACTION: (Kenoyer/Grewal; 7/0) Resolution 2020-257** amending the Fiscal Year 2019-2020 Multi-Year Project Budget in the amount of \$1,000,000 to be transferred into the Project from Water Fund Reserves in order to fully fund the Groundwater Sustainability Plan Modesto Subbasin Project.

### COUNCIL COMMENTS & REPORTS

Councilmember Grewal attended the George Floyd vigil at 10th Street Plaza on Friday evening.

Councilmember Madrigal thanked the community for the peaceful demonstrations.

Councilmember Zoslocki spoke regarding a prayer event at the Modesto Police Department last Monday.

Councilmember Kenoyer spoke in support of the Modesto Police Department.

Councilmember Ridenour spoke regarding a possible Urban Limit Line; he met with League of California Cities regarding funding for the City of Modesto; he also attended the vigil at 10<sup>th</sup> Street Plaza on Friday.

Mayor Brandvold also attended the vigils during the past week and thanked the citizens and staff in Modesto.

### CITY MANAGER COMMENTS & REPORTS

City Manager Lopez thanked staff and community for their assistance during the events this past week.

### UNFINISHED BUSINESS

*Councilmember Grewal absent due to conflict of interest*

9. Consider authorizing an increase of \$1,171,057 to a revised total amount of \$3,797,057 to fund unpaid health claims settlements caused by the Riverstone Capital insolvency. (Funding Source: Employee Benefits Fund)
- Resolution authorizing an amount of \$1,171,057 to a revised total amount of \$3,797,057 to fund claims settlements; and authorizing the City Manager, or his designee, to execute the settlements.
  - Resolution amending the Fiscal Year 2019-2020 Operating Budget in the amount of \$1,998,200 (\$827,143 for Fiscal Year 2019 remaining budget and \$1,171,057 for the new request) and authorize the City Manager, or his designee, to implement the provisions.

*CITY CLERK; Christina Alger, 571-5126, calger@modestogov.com*

**ACTION: (Ridenour/Zoslocki; 6/0; Grewal absent due to conflict of interest) Resolution 2020-258** authorizing an amount of \$1,171,057 to a revised total amount of \$3,797,057 to fund claims settlements; and authorizing the City Manager, or his designee, to execute the settlements.

**ACTION: (Ridenour/Zoslocki; 6/0; Grewal absent due to conflict of interest) Resolution 2020-259** amending the Fiscal Year 2019-2020 Operating Budget in the amount of \$1,998,200 (\$827,143 for Fiscal Year 2019 remaining budget and \$1,171,057 for the new request) and authorize the City Manager, or his designee, to implement the provisions.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 6:15 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: City of Modesto v. Foy & Associates  
Superior Court of California, County of Stanislaus  
Stanislaus County Case No.: CV 19-003083

R. Alexander Acosta v. Riverstone Capital, LLC  
United States District Court, Central District of California  
Case No.: 19-CV-778-MWF

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

Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers' Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

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

Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

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

Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

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

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL WORKSHOP**  
**Chambers, Basement Level**  
**1010 10th Street**  
**Modesto, California**  
**Monday Jun 22, 2020 at 3:00 PM**

Roll Call – Present: Councilmembers Ridenour, Zoslocki, Kenoyer (alternate)  
Absent: Councilmember Grewal

**PUBLIC COMMENTS**

- Kauren Parra Moreno, Efren Diaz, Julissa Ruiz Ramirez, a citizen who wished to remain anonymous, Yjan Weer, and Steve Umstetter sent emails regarding the City of Modesto budget shortfall and defunding the Modesto Police Department.

**CONSENT**

1. Consider approving the recommended budget adjustments to Fiscal Year 2019-2020 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)  
*BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com*

**Motion (Zoslocki/Kenoyer; 3/0)** approving the recommended budget adjustments to Fiscal Year 2019-2020 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

*Removed from Consent*

2. Consider accepting an informational report on the March and April 2020 grant applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)  
*FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com*

**Motion (Zoslocki/Kenoyer; 3/0)** accepting an informational report on the March and April 2020 grant applications and awards and forwarding to Council for approval.

3. Consider approving the award of bid and Purchase Order for Glock Brand Handguns to Proforce Law Enforcement, Prescott, AZ., for a total amount not to exceed \$52,313 and forwarding to Council for approval. (Funding Source: General Fund)  
*FINANCE DEPARTMENT; Cynthia Kline, (209) 577-5412, ckline@modestogov.com*

**Motion (Zoslocki/Kenoyer; 3/0)** approving the award of bid and Purchase Order for Glock Brand Handguns to Proforce Law Enforcement, Prescott, AZ., for a total amount not to exceed \$52,313 and forwarding to Council for approval.

4. Consider approving an Agreement with BlackWater Consulting Engineers Inc., Modesto, CA, for Engineering Design Services for the Sutter Neighborhood Strength & Replace Water Mains Project in the amount \$126,430 for the identified scope of services, plus \$12,643 in additional services, if needed, for a total not to exceed amount of \$139,073 and forwarding to Council for approval. (Funding Source: Water Fund)  
*UTILITIES; Robert Davalos, 571-5869, rdavalos@modestogov.com*

**Motion (Zoslocki/Kenoyer; 3/0)** approving an Agreement with BlackWater Consulting Engineers Inc., Modesto, CA, for Engineering Design Services for the Sutter Neighborhood Strength & Replace Water Mains Project in the amount \$126,430 for the identified scope of services, plus \$12,643 in additional services, if needed, for a total not to exceed amount of \$139,073 and forwarding to Council for approval.

- 5. Consider approving an Agreement with West Yost Associates, of Concord, CA, for Engineering Design Services for the Biosolids Removal Project at the Jennings Wastewater Treatment Plant in the amount \$48,834 for the identified scope of services, plus \$4,883 for additional services, if needed, for a total not to exceed amount of \$53,717 and forwarding to Council for approval. (Funding Source: Wastewater Fund)

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

**Motion (Zoslocki/Kenoyer; 3/0)** approving an Agreement with West Yost Associates, of Concord, CA, for Engineering Design Services for the Biosolids Removal Project at the Jennings Wastewater Treatment Plant in the amount \$48,834 for the identified scope of services, plus \$4,883 for additional services, if needed, for a total not to exceed amount of \$53,717 and forwarding to Council for approval.

- 6. Consider approving the award of bid for the rental of three DV-400c pumps from Rain for Rent, Stockton, CA, in an amount not to exceed \$64,107, to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season, and forwarding to Council for approval. (Funding Source: Wastewater Fund)

*UTILITIES; Robert Englent, 209-577-6222, renglent@modestogov.com*

**Motion (Zoslocki/Kenoyer; 3/0)** approving the award of bid for the rental of three DV-400c pumps from Rain for Rent, Stockton, CA, in an amount not to exceed \$64,107, to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season, and forwarding to Council for approval.

**NEW BUSINESS**

- 7. Consider accepting a report on upcoming Capital Improvement construction projects and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)

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

**Motion (Zoslocki/Kenoyer; 3/0)** accepting a report on upcoming Capital Improvement construction projects and forwarding to Council for approval.

**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 Jun 23, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the invocation from Mark Hammond, Celebration Center

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

Declaration of Conflicts of Interest: Grewal – Items 15 and 16

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

**PUBLIC COMMENT PERIOD**

- Heather Nonaca, Daley Perry, Cassandra Solorio, Liz Villasenor, Sabrina Mean, Mi’Shaye Venerable, Clara Silva, Melisa Koessel, Melissa Field, Julissa Espindola, Sierrah Stepps, Belen Lopez, Rev. Darcy Baxter, Chadwicke Adams, Patricia Egenberger, Louie Gee, Maggie Strong, Elizabeth Krieger, Adriana Uchishiba, Elizabeth Sanchez, Elizabeth Navarro, and Gavin Bruce sent emails regarding the City of Modesto budget and defunding the Modesto Police Department.
- Sara Lytle-Pinhey, LAFCO, sent a letter regarding the City of Modesto’s proposed Urban Limit Line.
- Joel Richards, Wakkoli Wekesa, East Side Mosquito Abatement District, sent emails regarding the City of Modesto’s proposed Urban Limit Line.
- Lisa Battista, Diane Kroeze Carol Stark, and Kathy Conrotto sent emails regarding Mayor Brandvold’s endorsement of Ted Howze.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS: 1-7; 9-14: (Kenoyer/Madrigal; 7/0)**

**CONSENT ITEMS**

Consent

1. Consider approving the Minutes from the June 9, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the Minutes from the June 9, 2020 Council Meeting.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Madrigal; 7/0)** Motion approving the Minutes from the June 9, 2020 Council Meeting.

Consent

2. Consider approving the Third Amendment to Agreement with Property Specialists, Inc. (dba CPSI), now

known as Interwest Consulting Group, Inc., for additional right of way services for the State Route 132 West Freeway/Expressway - Phase 1 Project by \$270,776 from \$3,252,137 to a new total amount of \$3,522,913. (Funding Source: Regional Measure L and Streets Capital Facility Fees (CFF))

- Resolution approving the Third Amendment to the Agreement with Property Specialists, Inc. (dba CPSI), now known as Interwest Consulting Group, Inc., for additional right of way services for the State Route 132 West Freeway/Expressway - Phase 1 Project in the amount of \$246,160, plus \$24,616 for additional services (if needed), from \$3,252,137 to a new total amount of \$3,522,913, and authorizing the City Manager, or his designee to execute the Third Amendment.

*CED; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: (Kenoyer/Madriral; 7/0) Resolution 2020-260** approving the Third Amendment to the Agreement with Property Specialists, Inc. (dba CPSI), now known as Interwest Consulting Group, Inc., for additional right of way services for the State Route 132 West Freeway/Expressway - Phase 1 Project in the amount of \$246,160, plus \$24,616 for additional services (if needed), from \$3,252,137 to a new total amount of \$3,522,913, and authorizing the City Manager, or his designee to execute the Third Amendment.

Consent

3. Consider accepting the Public Improvements of Vintage Square Subdivision, and releasing securities upon expiration of statutory periods. (Funding Source: Not Applicable)
  - Resolution accepting the public improvements for Vintage Square Subdivision, located north of the Vintage Fair Mall, 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.

*CED; Daniel England, 571-5589, dengland@modestogov.com*

**ACTION: (Kenoyer/Madriral; 7/0) Resolution 2020-261** accepting the public improvements for Vintage Square Subdivision, located north of the Vintage Fair Mall, 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

4. Consider approving the award of bid and Agreement for document storage services to Pacific Storage Company, Stockton, CA for a two year Agreement with three one-year extension options, for an annual estimated cost of \$55,000 and a total amount not to exceed \$275,000 over five years. (Funding Source: Various Funds)
  - Resolution approving the award of bid and Agreement for document storage services to Pacific Storage Company, Stockton, CA for two year Agreement with three one-year extension options, for an annual estimated cost of \$55,000 and a total amount not to exceed \$275,000 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Madriral; 7/0) Resolution 2020-262** approving the award of bid and Agreement for document storage services to Pacific Storage Company, Stockton, CA for two year Agreement with three one-year extension options, for an annual estimated cost of \$55,000 and a total amount not to exceed \$275,000 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

Consent

5. Consider accepting the Monthly Investment Report for April 2020. (Funding Source: Various Funds)
  - Motion accepting the Monthly Investment Report for April 2020.

*FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: (Kenoyer/Madriral; 7/0) Motion** accepting the Monthly Investment Report for April 2020.

Consent

6. Consider accepting an informational report for the May 2020 Accounts Payable Payment Register and

Void report. (Funding Source: Not Applicable)

- Motion accepting an informational report for the May 2020 Accounts Payable Payment Register and Void report.

*FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: (Kenoyer/Madrigal; 7/0)** Motion accepting an informational report for the May 2020 Accounts Payable Payment Register and Void report.

Consent

7. Consider approving the Fiscal Year 2020-2021 Appropriation Limit, which is an annual spending limit calculation that identifies the maximum amount of appropriations for publicly funded programs. (Funding Source: Not Applicable)

- Resolution establishing the appropriation limit for the Fiscal Year 2020-2021 annual budget; and authorizing the Director of Finance or her designee to take the necessary steps to implement the provisions of this Resolution.

*FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2020-263** establishing the appropriation limit for the Fiscal Year 2020-2021 annual budget; and authorizing the Director of Finance or her designee to take the necessary steps to implement the provisions of this Resolution.

*Removed from Consent*

8. Consider accepting the 2019 Edward Byrne Memorial Justice Assistance Grant in the amount of \$145,293 for the purchase of additional License Plate Reader (LPR) equipment and Portable Observation Device (POD) cameras and associated system components, and amending the Fiscal Year 2019-2020 Multi-Year budget. (Funding Source: Grants - Police)

- Resolution accepting the 2019 Edward Byrne Memorial Justice Assistance Grant in the amount of \$145,293 for the purchase of additional License Plate Reader (LPR) equipment and Portable Observation Device (POD) cameras and associated system components; and authorizing the City Manager, or his designee, to execute the necessary documents.
- Resolution amending the Fiscal Year 2019-2020 Multi-Year Project Budget to appropriate revenue and expenses in the amount of \$136,575 related to the 2019 Edward Byrne Memorial Justice Assistance Grant; and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

*POLICE DEPARTMENT; Galen Carroll, 2095729501, carrollg@modestopd.com*

**ACTION: (Ridenour/Ahh You; 7/0) Resolution 2020-264** accepting the 2019 Edward Byrne Memorial Justice Assistance Grant in the amount of \$145,293 for the purchase of additional License Plate Reader (LPR) equipment and Portable Observation Device (POD) cameras and associated system components; and authorizing the City Manager, or his designee, to execute the necessary documents.

**ACTION: (Ridenour/Ah You; 7/0) Resolution 2020-265** amending the Fiscal Year 2019-2020 Multi-Year Project Budget to appropriate revenue and expenses in the amount of \$136,575 related to the 2019 Edward Byrne Memorial Justice Assistance Grant; and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

9. Consider accepting the 2020 Bureau of Justice Assistance Coronavirus Emergency Supplemental Funding Program in the amount of \$468,128. (Funding Source: Grants - Police)

- Resolution accepting the 2020 Bureau of Justice Assistance Coronavirus Emergency Supplemental Funding Program in the amount of \$468,128; and authorizing the City Manager, or his designee, to execute the necessary documentation.
- Resolution amending the Fiscal Year 2019-2020 Multi-Year Project Budget to appropriate revenue and expenses in the amount of \$468,128 related to the 2020 Bureau of Justice Assistance Coronavirus Emergency Supplemental Funding Program; and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

*POLICE DEPARTMENT; Galen Carroll, 2095729501, carrollg@modestopd.com*

**ACTION: (Kenoyer/Madriral; 7/0) Resolution 2020-266** accepting the 2020 Bureau of Justice Assistance Coronavirus Emergency Supplemental Funding Program in the amount of \$468,128; and authorizing the City Manager, or his designee, to execute the necessary documentation.

**ACTION: (Kenoyer/Madriral; 7/0) Resolution 2020-267** amending the Fiscal Year 2019-2020 Multi-Year Project Budget to appropriate revenue and expenses in the amount of \$468,128 related to the 2020 Bureau of Justice Assistance Coronavirus Emergency Supplemental Funding Program; and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

10. Consider accepting the grant award for Federal Fiscal Year 2020 CARES Act transit funds in the amount of \$15,120,442. (Funding Source: Transit Funds)

- Resolution accepting the grant award for Federal Fiscal Year 2020 CARES Act transit funds in the amount of \$15,120,442, and authorizing the City Manager, or his designee, to execute and file all necessary documents.

*PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: (Kenoyer/Madriral; 7/0) Resolution 2020-268** accepting the grant award for Federal Fiscal Year 2020 CARES Act transit funds in the amount of \$15,120,442, and authorizing the City Manager, or his designee, to execute and file all necessary documents.

Consent

11. Consider approving the Modesto Area Express Disadvantaged Business Enterprise goal for Federal Transit Administration funded purchases for the period starting October 1, 2021 through September 30, 2023. (Funding Source: Transit Funds)

- Resolution approving the Modesto Area Express Disadvantaged Business Enterprise goal for Federal Transit Administration funded purchases for the period starting October 1, 2021 through September 30, 2023, and authorizing the City Manager, or his designee, to execute and file all the necessary documents.

*PUBLIC WORKS; Adam Barth, 209-577-5298, abarth@modestogov.com*

**ACTION: (Kenoyer/Madriral; 7/0) Resolution 2020-269** approving the Modesto Area Express Disadvantaged Business Enterprise goal for Federal Transit Administration funded purchases for the period starting October 1, 2021 through September 30, 2023, and authorizing the City Manager, or his designee, to execute and file all the necessary documents.

Consent

12. Consider approving an increase in the Director's authority to issue change orders from 15 percent (\$103,694) to 43 percent (\$297,257) of the original construction contract price of \$691,296 with Rolfe Construction, Inc. of Atwater, CA, for unforeseen conditions associated with the 2017-2018 Sanitary Sewer Collection System Replacement Project, for a total not to exceed amount of \$988,553. (Funding Source: Wastewater Fund)

- Resolution authorizing an increase of the Director of Utilities Authority to issue change orders on the 2017-2018 Sanitary Sewer Collection System Replacement Project from 15 percent (\$103,694) to 43 percent (\$297,257) of the original construction contract price of \$691,296 with Rolfe Construction, Inc. of Atwater, CA., for a total not to exceed amount of \$988,553.

*UTILITIES; Jesse Franco, (209) 571-5175, jfranco@modestogov.com*

**ACTION: (Kenoyer/Madriral; 7/0) Resolution 2020-270** authorizing an increase of the Director of Utilities Authority to issue change orders on the 2017-2018 Sanitary Sewer Collection System Replacement Project from 15 percent (\$103,694) to 43 percent (\$297,257) of the original construction contract price of \$691,296 with Rolfe Construction, Inc. of Atwater, CA., for a total not to exceed amount of \$988,553.

Consent

- 13. Consider approving an amended Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement Program projects for a period of one year, with two one-year extensions at the written approval of the Director of Utilities. (Funding Source: Various CIPs)
  - Resolution approving an amended Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement projects for a period of one year, with two one-year extensions at the written approval of the Director of Utilities.

*UTILITIES; Jesse Franco, (209) 571-5175, jfranco@modestogov.com*

**ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2020-271** approving an amended Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement projects for a period of one year, with two one-year extensions at the written approval of the Director of Utilities.

Consent

- 14. Consider approving a First Amendment to the Agreement with RED INC Architects (formerly Pires, Lipomi & Navarro Architects), of Modesto CA, for Architectural and Engineering Services for the Modesto Transit Center Improvements Project in the amount of \$43,800 for the identified scope of services, for an amended total not to exceed amount of \$194,302. (Funding Source: Transportation Development Act Fund)
  - Resolution approving a First Amendment to the Agreement with RED INC Architects (formerly Pires, Lipomi & Navarro Architects), Modesto CA, for architectural and engineering services for the Modesto Transit Center Improvements Project in the amount of \$43,800 for the identified scope of services, for an amended total not to exceed amount of \$194,302, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement.

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

**ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2020-272** approving a First Amendment to the Agreement with RED INC Architects (formerly Pires, Lipomi & Navarro Architects), Modesto CA, for architectural and engineering services for the Modesto Transit Center Improvements Project in the amount of \$43,800 for the identified scope of services, for an amended total not to exceed amount of \$194,302, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement.

**COUNCIL COMMENTS & REPORTS**

- Councilmember Ridenour spoke regarding technology and City use of masks.
- Councilmember Kenoyer spoke in support of wearing masks.
- Councilmember Madrigal spoke in support of wearing masks in public.
- Councilmember Grewal spoke regarding public engagement and thanked the Modesto Police Department.

**CITY MANAGER COMMENTS & REPORTS**

None.

**HEARINGS**

*Published in the Modesto Bee on June 3, 2020-Councilmember Grewal absent due to conflict of interest*

- 15. Hearing to consider approving the Fiscal Year 2020-2021 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)
 

*CED; Jessica Narayan, 209-577-5211, jnarayan@modestogov.com*

**ACTION: (Kenoyer/You; 6/0; Grewal absent due to conflict of interest) Resolution 2020-273** approving the Fiscal Year 2020-2021 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 3, 2020-Councilmember Grewal absent due to conflict of interest*

16. Hearing to consider approving the Fiscal Year 2020-2021 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)  
*CED; Jessica Narayan, 209-577-5211, jnarayan@modestogov.com*

**ACTION: (You/Kenoyer; 6/0; Grewal absent due to conflict of interest) Resolution 2020-274** approving the Fiscal Year 2020-2021 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 3, 2020*

17. Hearing to consider approving the Fiscal Year 2020-2021 annual assessment for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)  
*CED; Jessica Narayan, 209-577-5321, jnarayan@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-275** approving the Fiscal Year 2020-2021 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

#### **NEW BUSINESS**

18. Discussion regarding placing an Urban Limit Line ballot measure on the November 2020 election will be considered on July 7, 2020. (Funding Source: Not Applicable)
- Item will be considered on July 7, 2020.
- CED; Brad Wall, 577-5267, bwall@modestogov.com*

**ACTION:** Item will be considered on July 7, 2020.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 7:20 p.m.

#### **CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers’ Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**  
Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

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

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Thursday June 25, 2020 at 10:00 AM**

Roll Call – Present: Councilmembers Kenoyer, Madrigal (arrived at 10:27 a.m.), Ridenour, Zoslocki, Mayor Brandvold

Absent: Councilmembers Ah You, Grewal (absent due to conflict of interest)

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS**

No Consent Items.

**NEW BUSINESS**

1. Discussion regarding potential Ballot Measure establishing an Urban Limit Line and Residential Limit Line for the City of Modesto, for the November 2020 Election. (Funding Source: Not Applicable)
  - Discussion regarding potential Ballot Measure establishing an Urban Limit Line and Residential Limit Line for the City of Modesto, for the November 2020 Election.  
*CED; Jaylen French, 341-2938, jfrench@modestogov.com*

**ACTION:** No reportable action.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:55 a.m.

**CLOSED SESSION**

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

**MINUTES**  
City of Modesto  
**SPECIAL CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday June 30, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation provided by Marvin Jacobo, City Ministries

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

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

**PUBLIC COMMENT PERIOD**

- Grisel Lopez, District 2, sent an email in Spanish regarding public participation at Council meetings.
- Thomas Helme, District 2, sent an email regarding public participation at City Council meetings.
- Le'Anthony King sent an email regarding public participation at City Council meetings.
- Marc Etchebarne, Legacy Nursery, sent an email regarding his building permit.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 1-3: (Kenoyer/Ridenour; 7/0)**

**CONSENT ITEMS**

Consent

1. Consider approving payment of various equipment maintenance Agreements for Fiscal Year 2020-2021 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed \$499,091; and authorizing the City Manager, or his designee to execute equipment maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2020-2021 Equipment Maintenance Agreements (more than \$50,000). (Funding Source: Various Funds)
  - Resolution approving payment of various equipment maintenance Agreements for Fiscal Year 2020-2021 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed \$499,091; and authorizing the City Manager, or his designee, to execute equipment maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2020-2021 Equipment Maintenance Agreements (more than \$50,000).

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

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-276** approving payment of various equipment maintenance Agreements for Fiscal Year 2020-2021 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed \$499,091; and authorizing the City Manager, or his designee, to execute equipment maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2020-2021 Equipment Maintenance Agreements (more than \$50,000).

Consent

2. Consider approving the payment of hardware and software maintenance support Agreements for Fiscal Year 2020-2021 for an estimated annual cost not to exceed \$4,408,199; and Authorizing the City Manager, or his designee to execute routine renewal Agreements associated with the items in Exhibit B - Hardware/ Software Maintenance Support Agreements for Fiscal Year 2020-2021 (Over \$50,000). (Funding Source: Information Technology Fund and Various Funds)

- Resolution approving the payment of hardware and software maintenance support Agreements for Fiscal Year 2020-2021 for an estimated annual cost not to exceed \$4,408,199; and authorizing the City Manager, or his designee to execute routine renewal Agreements associated with Exhibit B.

*IT; Charlie Haase, 577-5229, chaase@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-277** approving the payment of hardware and software maintenance support Agreements for Fiscal Year 2020-2021 for an estimated annual cost not to exceed \$4,408,199; and authorizing the City Manager, or his designee to execute routine renewal Agreements associated with Exhibit B.

Consent

3. Consider amending the Position Allocation and Classification Plan to implement the recommendations of the recently completed the Classification Study. (Funding Source: Various Funds)

- Resolution amending the position allocation for Fiscal Year 2020-21 as adopted in the Operating Budget.
- Resolution adopting a new classification plan for the City of Modesto and rescinding Resolution 2019-307.

*HUMAN RESOURCES; Christina Alger, 571-5126, calger@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-278** amending the position allocation for Fiscal Year 2020-21 as adopted in the Operating Budget.

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-279** adopting a new classification plan for the City of Modesto and rescinding Resolution 2019-307.

**COUNCIL COMMENTS & REPORTS**

Councilmember Madrigal requested everyone to wear masks in public.

Councilmember Kenoyer requested everyone to wear masks and stay safe.

Councilmember Ridenour congratulated Mary from King-Kennedy Center in her retirement.

Mayor Brandvold also congratulated Mary from King-Kennedy Memorial Center on her retirement.

**CITY MANAGER COMMENTS & REPORTS**

City Manager Lopez spoke regarding public participation at upcoming Council meetings and re-opening of Council Chambers.

**HEARINGS**

*Published in the Modesto Bee on June 19, 2020*

4. Hearing to consider and approve the Final Proposed Fiscal Year 2020-21 Operating and Multi-Year Budget and Capital Improvement Program for the City and related Resolutions. (Funding Source: All City Funds)  
*BUDGET; Stephan Christensen, 577-5390, schristensen@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Madrigal; 2/5; Ah You, Grewal, Kenoyer, Ridenour, Zoslocki no)** revising the elimination of 30 positions for sworn officers be changed to “frozen” positions and the City Manager to return to Council within 60 days with such changes. **(MOTION FAILED)**

**ACTION: Motion (Mayor Brandvold/Madrigal; 2/5; Ah You, Grewal, Kenoyer, Ridenour, Zoslocki no)** establishing a policy of not allowing the Modesto Police force to fall below the current staffing number of 218 sworn officers and the City Manager to return to Council within 60 days with additional budget modifications that all the City of Modesto to maintain the Modesto Police force at a minimum of 218 actual officers. **(MOTION FAILED)**

**ACTION: (Ridenour/Zoslocki; 6/1; Madrigal no) Resolution 2020-280** approving the adoption of the Fiscal Year 2020-21 Annual and Multi-Year Operating Budgets and the 2020-21 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.

**ACTION: (Ridenour/Zoslocki; 6/1; Madrigal no) Resolution 2020-281** approving the Budget Principles, Policy on General Fund Reserves for FY 2020-21, and the Operating Budget Policy as outlined in the Fiscal Year 2020-21 Final Proposed Budget.

**ACTION: (Ridenour/Zoslocki; 6/1; Madrigal no) Resolution 2020-282** amending the Position Allocation for Fiscal Year 2020-21 as adopted in the Operating Budget.

**ACTION: (Ridenour/Zoslocki; 6/1; Madrigal no) Resolution 2020-283** amending the Classification Plan for the City of Modesto to create the classifications of Parking Enforcement Officer, Wastewater Division Manager and Water Quality Control Plant Superintendent – Chief Plant Operator; and to amend the classifications of Risk and Loss Control Coordinator to Risk Analyst I/II, and Water Systems Manager to Water Division Manager.

**ACTION: (Ridenour/Zoslocki; 6/1; Madrigal no) Resolution 2020-284** authorizing the City to approve an Early Retirement Incentive package to eligible employees; and authorizing the City Manager, or his designee, to sign implementation documents.

**ACTION: (Ridenour/Zoslocki; 6/1; Madrigal no) Resolution 2020-285** approving a Letter of Agreement amending the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Confidential and Management Association (MCMA) for the term of July 1, 2019 to June 30, 2023 to add furlough language; and authorizing the City Manager or designee to take the necessary administrative action to implement the Agreement.

**ACTION: (Ridenour/Zoslocki; 6/1; Madrigal no) Resolution 2020-286** approving a Letter of Agreement amending the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police and Fire Non Sworn Association (MPNSA) for the term of July 1, 2019 to June 30, 2023 to add furlough language; and authorizing the City Manager or designee to take the necessary administrative action to implement the Agreement.

**ACTION: (Ridenour/Zoslocki; 6/1; Madrigal no) Resolution 2020-287** approving a Letter of Agreement amending the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police Officers Association (MPOA) for the term of July 1, 2019 to June 30, 2023 to add furlough language; and authorizing the City Manager or designee to take the necessary administrative action to implement the Agreement.

**ACTION: (Ridenour/Zoslocki; 6/1; Madrigal no) Resolution 2020-288** approving changes to benefit offerings for Unrepresented Management and Confidential Employees, including Charter Officers and Executives, by implementing unpaid furloughs in Fiscal Year 2020-21 consistent with those in represented units and rescinding Resolution No. 2019-532 and authorizing the City Manager or designee to take the necessary administrative

action to implement the changes.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 8:50 p.m.

**CLOSED SESSION**

All Closed Session Matters heard prior to meeting

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCEA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers’ Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**  
Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

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

**MINUTES**  
City of Modesto  
**SPECIAL CITY COUNCIL WORKSHOP**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Thursday, July 02, 2020 at 10:00 AM**

Roll Call – Present: Councilmembers Kenoyer (left meeting at 12:00 p.m.), Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: Councilmembers Ah You, Grewal (absent due to conflict of interest)

Pledge of Allegiance to the Flag

**PUBLIC COMMENT PERIOD**

None.

**UNFINISHED BUSINESS**

1. Follow-up Presentation and Discussion regarding potential Ballot Measure establishing an Urban Limit Line and Residential Limitation Area for the City of Modesto, for the November 2020 Election.  
(Funding Source: Not Applicable)
  - As Above  
*CED; Jaylen French, 341-2938, jfrench@modestogov.com*

**ACTION:** No reportable action.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

Meeting adjourned at 12:35 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 July 07, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read invocation from Mark Hammond, Celebration Center

City Clerk’s Announcements: Items 3, 7 and 8 - removed from Consent; Item 14 - continued to July 14, 2020 Council meeting

Declaration of Conflicts of Interest: None

Reports from Closed Session: Mayor Brandvold announced a Closed Session item will return after the regular Council meeting

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

- 1 Presentation of the Senior Certificate to Lou Altadonna -100 years old June 6th, who is the founding member of Branch 144 Sons in Retirement formed in 1988. (Funding Source: Not Applicable)  
*CITY CLERK; Kathy Espinoza, 571-5597, kaespinoza@modestogov.com*

**ACTION:** Mayor Brandvold gave a Presentation of the Senior Certificate to Lou Altadonna -100 years old June 6th, who is the founding member of Branch 144 Sons in Retirement formed in 1988.

**MISCELLANEOUS**

Consent

- 2 Consider approving the appointment of Charles Doll and Thomas Lopes to the Downtown Improvement District Board of Directors. (Funding Source: Not Applicable)  
**Staff Recommendation:**
  - Resolution appointing Charles Doll and Thomas Lopes to the Downtown Improvement District Board of Directors for a four year term to expire January 2024.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/You; 7/0) Resolution 2020-289** appointing Charles Doll and Thomas Lopes to the Downtown Improvement District Board of Directors for a four year term to expire January 2024.

*Councilmember Grewal left meeting and returned*

**PUBLIC COMMENT PERIOD**

- Bianca Lopez spoke regarding Black Lives Matter and wearing in masks in public.

- Sebastian Jones spoke regarding renaming Mellis Park to Martin Luther King, Jr. Park.
- Sal Solorio Ruiz spoke regarding late start time for meeting and invocation.
- Mr. Calizzo spoke regarding police funding.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 4-6; 9-13: (Kenoyer/Zoslocki; 6/0; Grewal absent)**

**CONSENT ITEMS**

*Removed from Consent*

- 3 Consider approving the Minutes from the June 23, 2020 Council Meeting and June 30, 2020 Special Council Meeting. (Funding Source: Not Applicable)
- Motion approving the Minutes from the June 23, 2020 Council Meeting and June 30, 2020 Special Council Meeting.
- CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Ridenour/You; 6/0; Grewal absent)** Motion approving the Minutes from the June 23, 2020 Council Meeting and June 30, 2020 Special Council Meeting.

- Mayor Brandvold requested this item be removed from Consent; he spoke regarding Item 4 budget item from the June 30, 2020 Special Council meeting; he inadvertently voted aye; mayor's vote was intended to be no and wanted this information to be on the record.

Consent

- 4 Consider authorizing the submittal of a Certification for Receipt to the State of California to receive a direct allocation of Coronavirus Relief Funds (CRF), and entering into a subrecipient Agreement with Stanislaus County to be eligible to receive the City of Modesto's apportionment of Coronavirus Relief Funds, and authorizing the City Manager, or his designee, to sign the subrecipient Agreement and carry out any administrative actions required for the City to receive the CRF funds. (Funding Source: Coronavirus Relief Funds (CRF))
- Resolution accepting the distribution of Coronavirus Relief Funds (CRF) from Stanislaus County and authorizing the City Manager, or his designee, to sign the subrecipient Agreement and carryout any administrative actions required for the City to receive the CRF funds.
  - Resolution accepting the distribution of Coronavirus Relief Funds (CRF) from the State of California and authorizing the City Manager, or his designee, to sign and submit a Certification for Receipt, and carry out any administrative actions required for the City to receive the CRF funds.
- CITY CLERK; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent) Resolution 2020-290** accepting the distribution of Coronavirus Relief Funds (CRF) from Stanislaus County and authorizing the City Manager, or his designee, to sign the subrecipient Agreement and carryout any administrative actions required for the City to receive the CRF funds.

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent) Resolution 2020-291** accepting the distribution of Coronavirus Relief Funds (CRF) from the State of California and authorizing the City Manager, or his designee, to sign and submit a Certification for Receipt, and carry out any administrative actions required for the City to receive the CRF funds.

Consent

- 5 Consider approving the recommended budget adjustments to Fiscal Year 2019-20 Annual Operating and Capital Improvement Program Budget. (Funding Source: Various Funds)

- Resolution amending Fiscal Year 2019-20 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to take the necessary steps to implement the provisions of this Resolution.

*BUDGET; Steve Christensen, 577-5390, schristensen@modestgov.com*

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent) Resolution 2020-292** amending Fiscal Year 2019-20 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to take the necessary steps to implement the provisions of this Resolution.

Consent

- 6 Consider approving the submittal of a grant application to the California Department of Transportation for Highway Safety Improvement Program (HSIP) funds. (Funding Source: Appropriate Transportation Funds)
- Resolution approving the submittal of a grant application to the California Department of Transportation for Highway Safety Improvement Program (HSIP) funds, and authorizing the City Manager, or his designee, to submit grant applications.

*CED; Tamorah Bryant, 577-5328, tbryant@modestgov.com*

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent) Resolution 2020-293** approving the submittal of a grant application to the California Department of Transportation for Highway Safety Improvement Program (HSIP) funds, and authorizing the City Manager, or his designee, to submit grant applications.

*Removed from Consent*

- 7 Consider approving the one-time purchase and installation of Automated License Plate Readers (ALPR) software and hardware with Strommel, DBA Lehr Auto Electric, Sacramento, CA for a total amount not to exceed \$126,288. (Funding Source: 2017 BJAG Grant)
- Resolution approving a one-time purchase and installation of Automated License Plate Readers (ALPR) software and hardware with Strommel, DBA Lehr Auto Electric, Sacramento, CA for a total amount not to exceed \$126,288 and authorizing the Purchasing Manager, or her designee, to execute the purchase order.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestgov.com*

**ACTION: (Ridenour/Kenoyer; 6/1; Ah You no) Resolution 2020-294** approving a one-time purchase and installation of Automated License Plate Readers (ALPR) software and hardware with Strommel, DBA Lehr Auto Electric, Sacramento, CA for a total amount not to exceed \$126,288 and authorizing the Purchasing Manager, or her designee, to execute the purchase order.

*Removed from Consent*

- 8 Consider approving the award of bid and purchase order for Glock Brand Handguns to Proforce Law Enforcement, Prescott, AZ., for a total amount not to exceed \$52,313. (Funding Source: General Fund)
- Resolution approving the award of bid and purchase order for Glock Brand Handguns to Proforce Law Enforcement, Prescott, AZ, for a total amount not to exceed \$52,313; and authorizing the Purchasing Manager, or her designee, to execute the purchase order.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestgov.com*

**ACTION: (Ah You/Zoslocki; 7/0) Resolution 2020-295** approving the award of bid and purchase order for Glock Brand Handguns to Proforce Law Enforcement, Prescott, AZ, for a total amount not to exceed \$52,313; and authorizing the Purchasing Manager, or her designee, to execute the purchase order.

Consent

- 9 Consider approving the First Amendment to the Master Agreement with E-Z-GO Division of Textron Inc, for leased golf carts and service vehicle increasing the Agreement amount by \$71,944 from \$226,455 to a new total amount of \$298,399, and extending the term of the Master Agreement from June 30, 2023 to August 30, 2023. (Funding Source: Golf Enterprise Fund)

- Resolution approving the First Amendment to the Master Agreement with E-Z-GO Division of Textron Inc, for leased golf carts and service vehicle increasing the Agreement amount by \$71,944 from \$226,455 to a new total amount of \$298,399, extending the term of the Master Agreement from June 30, 2023 to August 30, 2023, and authorizing the City Manager, or his designee, to execute the First Amendment to the Master Agreement.

*PRN; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent) Resolution 2020-296** approving the First Amendment to the Master Agreement with E-Z-GO Division of Textron Inc, for leased golf carts and service vehicle increasing the Agreement amount by \$71,944 from \$226,455 to a new total amount of \$298,399, extending the term of the Master Agreement from June 30, 2023 to August 30, 2023, and authorizing the City Manager, or his designee, to execute the First Amendment to the Master Agreement.

Consent

- 10 Consider accepting the Synchronize Traffic Signals Outside the Downtown Project as complete. (Funding Source: Congestion Mitigation and Air Quality)
- Resolution accepting the Synchronize Traffic Signals Outside the Downtown Project as complete, and authorizing the City Clerk, or her designee, to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

*PUBLIC WORKS; Scott Collins, 577-5431, scollins@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent) Resolution 2020-297** accepting the Synchronize Traffic Signals Outside the Downtown Project as complete, and authorizing the City Clerk, or her designee, to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

Consent

- 11 Consider approving the Sole Source Agreement with Avail Technologies, State College, PA for Avail equipment, installation and configuration services on the recently acquired transit vehicles for the Ceres and Escalon routes in an estimated cost of \$136,817, for a total amount not to exceed \$136,817; and a budget adjustment in the amount of \$136,817 to fund 4560-Bus Fixed Route-Bus Purchases. (Funding Source: Local Transportation Funds & Federal Transit Administration Funds)
- Resolution approving the Sole Source Agreement with Avail Technologies, State College, PA, for the Avail equipment, installation and configuration services on the recently acquired transit vehicles for the Cities of Ceres and Escalon routes in an estimated cost of \$136,817, for a total amount not to exceed \$136,817; and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution amending Fiscal Year 2020-2021 Capital Improvement Program Budget for Fund 4510-Bus Fixed Route Fund in the amount of \$136,817 to fully fund the purchase, installation and configuration of Avail equipment for the Cities of Ceres and Escalon routes.

*PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent) Resolution 2020-298** approving the Sole Source Agreement with Avail Technologies, State College, PA, for the Avail equipment, installation and configuration services on the recently acquired transit vehicles for the Cities of Ceres and Escalon routes in an estimated cost of \$136,817, for a total amount not to exceed \$136,817; and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent) Resolution 2020-299** amending Fiscal Year 2020-2021 Capital Improvement Program Budget for Fund 4510-Bus Fixed Route Fund in the amount of \$136,817 to fully fund the purchase, installation and configuration of Avail equipment for the Cities of Ceres and Escalon routes.

Consent

- 12 Consider accepting the plans and specifications for the Jennings Water Quality Control Plant New Entrance and Exit Project and awarding a construction contract with T&S Intermodal Maintenance Inc.,

d.b.a. T&S West, of Linden, CA, in the amount of \$3,652,785 plus \$438,334 for contingency (if needed), for a total amount not to exceed \$4,091,119; authorizing an increase in the Director's Authority from 8% to 12% to issue change orders; and amending the Fiscal Year 2020-2021 Capital Improvement Project Program Budget in the amount of \$672,231. (Funding Source: Wastewater Fund)

- Resolution approving plans and specifications for the Jennings Water Quality Control (WQC) Plant New Entrance/Exit Project, accepting the bid, and approving a construction contract with T&S Intermodal Maintenance Inc, d.b.a. T&S West, of Linden, CA, in the amount of \$3,652,785 plus \$438,334 for contingency (if needed) for a total amount not to exceed \$4,091,119 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution authorizing an increase in the Director's authority to issue change orders for the Jennings WQC Plant New Entrance/Exit Project from 8% (\$292,223) to 12% (\$438,334) of the construction contract price of \$3,652,785 with T&S Intermodal Maintenance Inc, d.b.a. T&S West, of Linden, CA.
- Resolution amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of \$672,231 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration and design support during construction for the Jennings WQC Plant New Entrance/Exit Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

*UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent) Resolution 2020-300** approving plans and specifications for the Jennings Water Quality Control (WQC) Plant New Entrance/Exit Project, accepting the bid, and approving a construction contract with T&S Intermodal Maintenance Inc, d.b.a. T&S West, of Linden, CA, in the amount of \$3,652,785 plus \$438,334 for contingency (if needed) for a total amount not to exceed \$4,091,119 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent) Resolution 2020-301** authorizing an increase in the Director's authority to issue change orders for the Jennings WQC Plant New Entrance/Exit Project from 8% (\$292,223) to 12% (\$438,334) of the construction contract price of \$3,652,785 with T&S Intermodal Maintenance Inc, d.b.a. T&S West, of Linden, CA.

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent) Resolution 2020-302** amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of \$672,231 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration and design support during construction for the Jennings WQC Plant New Entrance/Exit Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

#### Consent

13 Consider approving the award of bid for the rental of three DV-400c pumps from Rain for Rent, Stockton, CA, in an amount not to exceed \$64,107, to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season. (Funding Source: Wastewater Fund)

- Resolution approving the award of bid for the rental of three DV-400c pumps from Rain for Rent, Stockton, CA, in an amount not to exceed \$64,107, to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

*UTILITIES; Robert Englent, 577-6222, renglent@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent) Resolution 2020-303** approving the award of bid for the rental of three DV-400c pumps from Rain for Rent, Stockton, CA, in an amount not to exceed \$64,107, to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

#### COUNCIL COMMENTS & REPORTS

- Councilmember Ridenour attended Fourth of July event at Tenth Street Plaza.
- Councilmember Madrigal continues to stay home and go to work; he spoke regarding a parade in another City with physical distancing.

**CITY MANAGER COMMENTS & REPORTS**

- City Manager Lopez spoke regarding Zoom for Council meetings.

**NEW BUSINESS**

- 14 Discussion regarding placing an Urban Limit Line ballot measure on the November 2020 election will be considered on July 14, 2020. (Funding Source: Not Applicable)
- Item will be considered on July 14, 2020  
*CITY CLERK; Brad Wall, 577-5267, bwall@modestogov.com*

**ACTION:** Item will be considered on July 14, 2020.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

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

**CLOSED SESSION**

*Closed Session Matters heard prior to and after meeting*

**CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION  
Two 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) – MCEA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MPOA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers’ Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MPNSA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) –MPMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – MCFFA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**  
**(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**  
Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

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

**MINUTES**  
City of Modesto  
**SPECIAL CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Thursday July 09, 2020 at 10:00 AM**

Roll Call – Present: Councilmembers Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold  
Absent: Councilmember Ah You; Councilmember Grewal absent due to conflict of interest

Pledge of Allegiance to the Flag

**PUBLIC COMMENT PERIOD**

None.

**UNFINISHED BUSINESS**

1. Follow-up Presentation and Discussion regarding potential Ballot Measure establishing an Urban Limit Line and Residential Limitation Area for the City of Modesto, for the November 2020 Election.  
(Funding Source: Not Applicable)
  - As Above*CED; Jaylen French, 341-2938, jfrench@modestogov.com*

**ACTION:** No reportable action.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 1:37 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 July 14, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the invocation from Mark Hammond, Revival Center

City Clerk’s Announcements: Item14 - continued to August 11, 2020; Item 16 - City Manager Lopez and Mayor Brandvold spoke regarding Item 16 being removed from Agenda

Declaration of Conflicts of Interest: Ridenour – Item 12

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

- 1 Presentation of Proclamation declaring July 2020 as Parks and Recreation Month. (Funding Source: Not Applicable)  
*CITY CLERK; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation declaring July 2020 as Parks and Recreation Month.

**PUBLIC COMMENT PERIOD**

- Lisa Braden thanked Council for removing Item 16 from Agenda.
- Sebastian Jones spoke regarding face masks and enforcement in Modesto; he also spoke regarding renaming Mellis Park to Dr. Martin Luther King, Jr. Park.
- Emerson Drake spoke regarding a nail salon open in Modesto during COVID-19 and enforcement.
- Todd Heinrich thanked Council for removing Item 16 from Agenda.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 2-11: (Kenoyer/Ridenour; 7/0)**

**CONSENT ITEMS**

Consent

- 2 Consider approving the minutes from the July 7, 2020 Council Meeting. (Funding Source: Not Applicable)

- Resolution approving the minutes from the July 7, 2020 Council Meeting.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion approving the minutes from the July 7, 2020 Council Meeting.

Consent

- 3 Consider accepting a State of California Senate Bill 2 planning grant award in the amount of \$625,000 for the purpose of funding various housing-related projects; and amending the Fiscal Year 2020-21 Multi-Year Non-Capital Project Funds Budget to establish a new multi-year budget for the State of California Senate Bill 2 planning grant and to appropriate \$625,000 in grant revenue and expense to various projects. (Funding Source: Senate Bill 2 Planning Grants Program)
- Resolution accepting a State of California Senate Bill 2 planning grant award in the amount of \$625,000 for the purpose of funding various housing-related projects and authorizing City Manager, or his designee, to execute all Agreements necessary to implement the provisions of this Resolution.
  - Resolution amending the Fiscal Year 2020-21 Multi-Year Non-Capital Project Funds Budget to establish a new multi-year budget for the State of California Senate Bill 2 planning grant and to appropriate \$625,000 in grant revenue and expenses and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

*CED; Brad Wall, 209-577-5273, bwall@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-304** accepting a State of California Senate Bill 2 planning grant award in the amount of \$625,000 for the purpose of funding various housing-related projects and authorizing City Manager, or his designee, to execute all Agreements necessary to implement the provisions of this Resolution.

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-305** amending the Fiscal Year 2020-21 Multi-Year Non-Capital Project Funds Budget to establish a new multi-year budget for the State of California Senate Bill 2 planning grant and to appropriate \$625,000 in grant revenue and expenses and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

- 4 Consider approving the award of bid and Purchasing Agreement for the purchase of circle clamps, gaskets, pipe couplings, tapping sleeves and sewer materials, to Ferguson Waterworks, Modesto, CA, for a one-year Agreement with four one-year extension options for an estimated annual cost of \$340,000, and a total amount not to exceed \$1,700,000 over five years. (Funding Source: Water and Wastewater Funds)
- Resolution approving the award of bid and Purchasing Agreement for the purchase of circle clamps, gaskets, pipe couplings, tapping sleeves and sewer materials, with Ferguson Waterworks, Modesto, CA, for a one-year Agreement with four one-year extension options for an estimated annual cost of \$340,000, and a total amount not to exceed \$1,700,000 over five years and authorizing the Purchasing Manager or her designee to execute the Agreement.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-306** approving the award of bid and Purchasing Agreement for the purchase of circle clamps, gaskets, pipe couplings, tapping sleeves and sewer materials, with Ferguson Waterworks, Modesto, CA, for a one-year Agreement with four one-year extension options for an estimated annual cost of \$340,000, and a total amount not to exceed \$1,700,000 over five years and authorizing the Purchasing Manager or her designee to execute the Agreement.

Consent

- 5 Consider approving the award of proposal and Agreement for Site-to-Site Communication Services to Ayera Technologies, Inc. of Modesto, CA, for a two-year Agreement with five one-year extension options for an estimated annual cost of \$75,000 and a total cost not to exceed \$525,000 over seven years.

(Funding Source: Information Technology Fund)

- Resolution approving the award of proposal and Agreement for Site-to-Site Communication Services to Ayera Technologies, Inc. of Modesto, CA, for a two-year Agreement with five one-year extension options for an estimated annual cost of \$75,000 and a total cost not to exceed \$525,000 over seven years and authorizing the City Manager, or his designee, to execute the Agreement.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-307** approving the award of proposal and Agreement for Site-to-Site Communication Services to Ayera Technologies, Inc. of Modesto, CA, for a two-year Agreement with five one-year extension options for an estimated annual cost of \$75,000 and a total cost not to exceed \$525,000 over seven years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

6 Consider approving a Tentative Agreement amending the Memorandum of Understanding between the City of Modesto and the Modesto Fire Fighters Association for the term of July 1, 2018 to June 30, 2021 to extend the contract and modify salary and benefits for a term ending June 30, 2022; and amending the Fiscal Year 2020-21 Operating Budget to reduce General Fund budgets to account for savings through the MOU. (Funding Source: General Fund)

- Resolution approving a Tentative Agreement amending the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Fire Fighters Association for the term of July 1, 2018 to June 30, 2021 to extend the contract and modify salary and benefits for a term ending June 30, 2022; amending the Fiscal Year 2020-21 Operating Budget to reduce General Fund budgets to account for savings through the MOU; and authorizing the City Manager or designee to take the necessary administrative action to implement the Agreement.
- Resolution approving changes to benefit offerings for Unrepresented Management and Confidential Employees, including Charter Officers and Executives, by implementing changes to fire management employees consistent with those in represented units and rescinding Resolution No. 2020-288 and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.
- Resolution granting salary changes to Sworn Fire Management Employees, as of July 14, 2020 and Non-Sworn Unrepresented Management and Confidential Employees including Charter Officers and Executives, as of November 26, 2019, rescinding Resolution No. 2019-531, and authorizing the City Manager or his designee to take the necessary administrative action to implement the changes.

*CITY CLERK; Christina Alger, 571-5126, calger@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-308** approving a Tentative Agreement amending the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Fire Fighters Association for the term of July 1, 2018 to June 30, 2021 to extend the contract and modify salary and benefits for a term ending June 30, 2022; amending the Fiscal Year 2020-21 Operating Budget to reduce General Fund budgets to account for savings through the MOU; and authorizing the City Manager or designee to take the necessary administrative action to implement the Agreement.

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-309** approving changes to benefit offerings for Unrepresented Management and Confidential Employees, including Charter Officers and Executives, by implementing changes to fire management employees consistent with those in represented units and rescinding Resolution No. 2020-288 and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-310** granting salary changes to Sworn Fire Management Employees, as of July 14, 2020 and Non-Sworn Unrepresented Management and Confidential Employees including Charter Officers and Executives, as of November 26, 2019, rescinding Resolution No. 2019-531, and authorizing the City Manager or his designee to take the necessary administrative action to implement the changes.

Consent

- 7 Consider approving the First Amendment to the Transient Occupancy Tax Funding Agreement with the Modesto Convention and Visitors Bureau for convention and tourism services. (Funding Source: Transient Occupancy Tax)
- Resolution approving the First Amendment to the Transient Occupancy Tax Funding Agreement with the Modesto Convention and Visitors Bureau for convention and tourism services, and authorizing the City Manager, or his designee to execute the Agreement.
- PRN; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-311** approving the First Amendment to the Transient Occupancy Tax Funding Agreement with the Modesto Convention and Visitors Bureau for convention and tourism services, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

- 8 Consider accepting the grant deed of real property from Stanislaus County identified as a portion of APN 016-034-012, in the community of Grayson, located at Mary & Charles Streets, within United Community Center and Park, for the Grayson Well 69 (Replacing Well 274) Surface Improvement Project. (Funding Source: Water Fund)
- Resolution accepting the grant deed of real property from Stanislaus County identified as a portion of APN 016-034-012, in the community of Grayson, located at Mary and Charles Street, consenting to the recordation thereof for the Grayson Well 69 (Replacing Well 274) Surface Improvement Project, and authorizing the City Manager or his designee to execute the Certificate of Acceptance necessary to record the new grant deed.
- UTILITIES; Ryan Daugherty, 577-5399, rdaugherty@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-312** accepting the grant deed of real property from Stanislaus County identified as a portion of APN 016-034-012, in the community of Grayson, located at Mary and Charles Street, consenting to the recordation thereof for the Grayson Well 69 (Replacing Well 274) Surface Improvement Project, and authorizing the City Manager or his designee to execute the Certificate of Acceptance necessary to record the new grant deed.

Consent

- 9 Consider approving an Agreement with West Yost Associates, of Concord, CA, for Engineering Design Services for the Biosolids Removal Project at the Jennings Wastewater Treatment Plant in the amount of \$48,834 for the identified scope of services, plus \$4,883 for additional services, if needed, for a total not to exceed amount of \$53,717. (Funding Source: Wastewater Fund)
- Resolution approving an Agreement with West Yost Associates, of Concord, CA, for Engineering Design Services for the Biosolids Removal Project at the Jennings Wastewater Treatment Plant, in an amount not to exceed \$48,834 for the identified scope of services, plus \$4,883 for additional services (if needed), for a total amount not to exceed of \$53,717 and authorizing the City Manager, or his designee, to execute the Agreement.
- UTILITIES; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-313** approving an Agreement with West Yost Associates, of Concord, CA, for Engineering Design Services for the Biosolids Removal Project at the Jennings Wastewater Treatment Plant, in an amount not to exceed \$48,834 for the identified scope of services, plus \$4,883 for additional services (if needed), for a total amount not to exceed of \$53,717 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

- 10 Consider approving a First Amendment to the Agreement with BlackWater Consulting Engineers Inc., of Modesto, CA, for Engineering Design Services for the Colorado Water Main Project in the amount of \$59,449 for the identified scope of services, for an amended total not to exceed amount of \$145,896.

(Funding Source: Water Fund)

- Resolution approving a First Amendment to the Agreement with BlackWater Consulting Engineers Inc., of Modesto, CA, for Engineering Design Services for the Colorado Water Main Project in the amount of \$59,449 for the identified scope of services, for an amended total not to exceed amount of \$145,896 and authorizing the City Manager, or his designee, to execute the Amendment.

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

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-314** approving a First Amendment to the Agreement with BlackWater Consulting Engineers Inc., of Modesto, CA, for Engineering Design Services for the Colorado Water Main Project in the amount of \$59,449 for the identified scope of services, for an amended total not to exceed amount of \$145,896 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

11 Consider approving an Agreement with BlackWater Consulting Engineers Inc., Modesto, CA, for Engineering Design Services for the Sutter Neighborhood Strengthen & Replace Water Mains Project in the amount of \$126,430 for the identified scope of services, plus \$12,643 in additional services, if needed, for a total not to exceed amount of \$139,073. (Funding Source: Water Fund)

- Resolution approving an Agreement with BlackWater Consulting Engineers Inc., of Modesto, CA, for Engineering Design Services for the Sutter Neighborhood Strengthen & Replace Water Mains Project, in an amount not to exceed \$126,430 for the identified scope of services, plus \$12,643 for additional services (if needed), for a total amount not to exceed \$139,073 and authorizing the City Manager, or his designee, to execute the Agreement.

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

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-315** approving an Agreement with BlackWater Consulting Engineers Inc., of Modesto, CA, for Engineering Design Services for the Sutter Neighborhood Strengthen & Replace Water Mains Project, in an amount not to exceed \$126,430 for the identified scope of services, plus \$12,643 for additional services (if needed), for a total amount not to exceed \$139,073 and authorizing the City Manager, or his designee, to execute the Agreement.

### COUNCIL COMMENTS & REPORTS

Councilmember Ridenour spoke regarding Item 16 and requested staff return with comprehensive general plan update.

Councilmember Zoslocki spoke regarding Item 16 and updating the comprehensive general plan; he requested this item return to Council.

Councilmember Kenoyer thanked City Manager Lopez and Mayor Brandvold for removing Item 16 from Agenda; she also requested the comprehensive general plan update.

Councilmember Ah You thanked City Manager Lopez and Mayor Brandvold for removing Item 16 from Agenda; she also spoke about working with our surrounding neighbors and the County.

Councilmember Madrigal looks forward to speaking with the community, neighbors and City leaders.

Councilmember Grewal looks forward to updating the General Plan and making it a priority.

### CITY MANAGER COMMENTS & REPORTS

City Manager Lopez announced Item 16 removed from Agenda.

### HEARINGS

*Published in the Modesto Bee on July 7, 2020; Councilmember Ridenour absent due to conflict of interest*

- 12 Hearing to consider the annexation of Assessor Parcel Number (APN) 077-033-010 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 July 14, 2020 special election. (Funding Source: City of Modesto Community Facilities District No. 2004-1)  
*CED; Jessica Narayan, 209-577-5321, jnarayan@modestogov.com*

**ACTION: (Kenoyer/Ah You; 6/0; Ridenour absent due to conflict of interest) Resolution 2020-316** calling a special election for the Annexation of additional Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

**ACTION: (Kenoyer/Ah You; 6/0; Ridenour absent due to conflict of interest) Resolution 2020-317** declaring the results of the July 14, 2020 special election and ordering the annexation of the additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

*Published in the Modesto Bee on June 29, 2020*

- 13 Hearing to consider approving the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Application, the five-year PLHA Plan, the PLHA Program Policy and Reuse Plan, and authorization to submit to the State of California and amending the Fiscal Year 2020-2021 Multi-Year Fund budget to establish a fund (1120) – Grants – PLHA Program to be funded with Permanent Local Housing Allocation Program Grant. (Funding Source: PLHA Funds)  
*CED; Jessica Narayan, 209-577-5321, jnarayan@modestogov.com*

**ACTION: (Ridenour/Ah You; 7/0) Resolution 2020-318** approving the Draft Permanent Local Housing Allocation (PLHA) Program Application, Program Policy, and the submittal of the grant application to the State of California for the five-year allocation of approximately \$5,818,482 and authorizing the City Manager or his designee to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent Amendments or modifications as well as any other documents which are related to the Program or the PLHA grant awarded to the City as the State of California may deem appropriate.

**ACTION: (Ridenour/Ah You; 7/0) Resolution 2020-319** amending the Fiscal Year 2020-2021 Multi-Year fund budget to establish a fund (1120) – Grants – PLHA Program to be funded with Permanent Local Housing Allocation Program Grant and authorizing the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

*Published in the Modesto Bee on July 3, 2020. Continued to August 11, 2020 Council Meeting*

- 14 Hearing to consider approving an Ordinance amending Modesto Municipal Code sections 10-3.702, 10-3.704, 10-3.707 and add section 10-3.713 regarding regulation of cannabis deliveries. (Funding Source: Not Applicable)  
*CED; Marcus Tucker, 577-5473, mtucker@modestogov.com*

**ACTION:** Item continued to August 11, 2020 Council Meeting.

*Published in the Modesto Bee on July 3, 2020*

- 15 Hearing to consider approving the application of Bay Medic Transportation, Inc. and issue a permit to operate as a non-emergency medical transport company in the City of Modesto. (Funding Source: General Fund)  
*POLICE DEPARTMENT; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: (Zoslocki/Kenoyer; 7/0) Resolution 2020-320** approving the application of Bay Medic Transportation, Inc., and issuing a permit to operate as a non-emergency medical transport company in the City of Modesto.

## NEW BUSINESS

*Removed from Agenda*

16 Consider a Resolution of the City Council of the City of Modesto calling and giving notice of the holding of an election on November 3, 2020, to ask voters to adopt a Resolution of the City of Modesto amending the City of Modesto General Plan to add an exhibit and policies adding an Urban Limit Line and a Residential Limitation Area, and to find that the advisory vote requirements of Measures A and M are satisfied within certain geographical limits; requesting that the Stanislaus County Board of Supervisors consent to the consolidation by the Stanislaus County Registrar of Voters of the election to be held November 3, 2020, and authorizing the Stanislaus County Registrar of Voters to canvass the election results for such election; and requesting the City Attorney to prepare and file an Impartial Analysis of the proposed Ballot Measure. (Funding Source: Election Fund)

- Resolution of the City Council of the City of Modesto calling and giving notice of the holding of an election on November 3, 2020, to ask voters to adopt a Resolution of the City of Modesto amending the City of Modesto General Plan to add an exhibit and policies adding an Urban Limit Line and a Residential Limitation Area, and to find that the advisory vote requirements of Measures A and M are satisfied within certain geographical limits; requesting that the Stanislaus County Board of Supervisors consent to the consolidation by the Stanislaus County Registrar of Voters of the election to be held November 3, 2020, and authorizing the Stanislaus County Registrar of Voters to canvass the election results for such election; and requesting the City Attorney to prepare and file an Impartial Analysis of the proposed Ballot Measure.

*CED; Brad Wall, 577-5273, bwall@modestogov.com*

**ACTION:** Item removed from Agenda.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:35 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

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

Name of case(s): Sonita Saalfeld v. City of Modesto  
California Workers Compensation Appeals Board  
Nos. ADJ10463263; STIL 166006; Unassigned

**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) California Superior Court  
Case No: CGC-98-999345 and CGC-98-999643, consolidated

**CONFERENCE WITH LABOR NEGOTIATOR:**

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

Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

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

Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

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

Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

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

Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

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

Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

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

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Wednesday Aug 05, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation provided by Anthony Bargas, The Center Church

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: Madrigal - Item 11

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Proclamation declaring August 9-15, 2020 as National Health Center Week. (Funding Source: Not Applicable)  
*COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation declaring August 9-15, 2020 as National Health Center Week.

**PUBLIC COMMENT PERIOD**

- Emerson Drake spoke regarding Public Record Act requests and former City Auditor Monica Houston; he also spoke regarding video recordings by Councilmember Ridenour.
- Sebastian Jones spoke regarding changing the name of Mellis Park to Dr. Martin Luther King, Jr. Park.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 2-10: (Kenoyer/Ridenour; 7/0)**

**CONSENT ITEMS**

Consent

2. Consider approving the minutes from the July 14, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the July 14, 2020 Council Meeting.  
*CITY CLERK; Stephanie Lopez, 577-5296, slopez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion approving the minutes from the July 14, 2020 Council Meeting.

Consent

3. Consider awarding Community Development Block Grant (CDBG) funds in an amount not to exceed \$100,000 and Emergency Solutions Grant (ESG) funds in an amount not to exceed \$35,000 to The Salvation Army, Modesto Citadel for the operation of the Access Center Emergency Shelter (ACES) located at 330 S. 9th Street, Modesto CA 95351. (Funding Source: Community Development Block Grant Funds and Emergency Solutions Grant Funds)

- Resolution approving the award of CDBG funds in an amount not to exceed \$100,000 and an ESG award in an amount not to exceed \$35,000 to The Salvation Army, Modesto Citadel for the Access Center Emergency Shelter (ACES), and authorizing the City Manager or his designee to execute the Agreements.

*CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-321** approving the award of CDBG funds in an amount not to exceed \$100,000 and an ESG award in an amount not to exceed \$35,000 to The Salvation Army, Modesto Citadel for the Access Center Emergency Shelter (ACES), and authorizing the City Manager or his designee to execute the Agreements.

Consent

4. Consider accepting an informational report on the March and April 2020 grant applications and awards. (Funding Source: Not Applicable)

- Motion accepting an informational report for the March and April 2020 grant applications and awards.

*FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion accepting an informational report for the March and April 2020 grant applications and awards.

Consent

5. Consider accepting an informational report for the June 2020 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)

- Motion accepting an informational report for the June 2020 Accounts Payable Payment Register and Void report.

*FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion accepting an informational report for the June 2020 Accounts Payable Payment Register and Void report.

Consent

6. Consider accepting the Monthly Investment Report for May 2020. (Funding Source: Various Funds)

- Motion accepting the Monthly Investment Report for May 2020.

*FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion accepting the Monthly Investment Report for May 2020.

Consent

7. Consider approving a Second Amendment to the Agreement with First Alarm Wellness, to extend the term of the Agreement to June 30, 2022 and increasing the Agreement amount by \$105,000 from \$45,000, for an annual amount not to exceed \$60,000, and total amount not to exceed \$150,000. (Funding Source: Various Funds)

- Resolution approving a Second Amendment to the Agreement with First Alarm Wellness, to extend the term of the Agreement to June 30, 2022 and increasing the Agreement amount by

\$105,000 from \$45,000, for an annual amount not to exceed \$60,000, and total amount not to exceed \$150,000, and authorizing the City Manager, or his designee, to execute the Amendment.

*FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-322** approving a Second Amendment to the Agreement with First Alarm Wellness, to extend the term of the Agreement to June 30, 2022 and increasing the Agreement amount by \$105,000 from \$45,000, for an annual amount not to exceed \$60,000, and total amount not to exceed \$150,000, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

8. Consider approving free fares on Modesto Area Express and Modesto Area Dial-A-Ride buses during the COVID-19 pandemic between August 1, 2020 and August 31, 2020, and extending the suspension of the collection of fares on Modesto Area Express and Modesto Area Dial-A-Ride buses through October 31, 2020. (Funding Source: Transit Funds)

- Resolution approving free fares on Modesto Area Express and Modesto Area Dial-A-Ride buses during the COVID-19 pandemic between August 1, 2020 and August 31, 2020, and authorizing the City Manager, or his designee, to extend the suspension of the collection of fares on Modesto Area Express and Modesto Area Dial-A-Ride buses through October 31, 2020.

*PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-323** approving free fares on Modesto Area Express and Modesto Area Dial-A-Ride buses during the COVID-19 pandemic between August 1, 2020 and August 31, 2020, and authorizing the City Manager, or his designee, to extend the suspension of the collection of fares on Modesto Area Express and Modesto Area Dial-A-Ride buses through October 31, 2020.

Consent

9. Consider accepting the Well 71 (Replacing Well 226) project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$577,462 to Roadrunner Drilling & Pump Company Inc., of Woodland, CA. (Funding Source: Water Fund - CIP)

- Resolution accepting the Well 71 (Replacing Well 226) Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$577,462 to Roadrunner Drilling & Pump Company Inc., of Woodland, CA.

*UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-324** accepting the Well 71 (Replacing Well 226) Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$577,462 to Roadrunner Drilling & Pump Company Inc., of Woodland, CA.

Consent

10. Consider authorizing an administrative action to amend the Director of Utilities authority to issue change orders on the Headworks, Dryden Box, and Influent Flume Improvements Project from six percent (6%) (\$1,018,320) to ten percent (10%) (\$1,697,200) of the construction contract price of \$16,972,000 with C. Overaa & Co., of Richmond, CA, for a total amount not to exceed \$18,669,200. (Funding Source: Wastewater Fund)

- Resolution authorizing an administrative action to amend the Director of Utilities authority to issue change orders on the Headworks, Dryden Box, and Influent Flume Improvements Project from six percent (6%) (\$1,018,320) to ten percent (10%) (\$1,697,200) of the construction contract price of \$16,972,000 with C. Overaa & Co., of Richmond, CA, for a total amount not to exceed \$18,669,200.

*UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-325** authorizing an administrative action to amend the

Director of Utilities authority to issue change orders on the Headworks, Dryden Box, and Influent Flume Improvements Project from six percent (6%) (\$1,018,320) to ten percent (10%) (\$1,697,200) of the construction contract price of \$16,972,000 with C. Overaa & Co., of Richmond, CA, for a total amount not to exceed \$18,669,200.

### COUNCIL COMMENTS & REPORTS

Councilmember Ridenour spoke regarding outdoor dining.

Councilmember Ah You also spoke in support of outdoor dining; she denounced the Straight Pride Event scheduled in Modesto on August 29, 2020.

Councilmember Madrigal also denounced the Straight Pride Event in Modesto on August 29, 2020; he also spoke regarding changing the bulky item pick-up program in Modesto, additional speed humps in Modesto, renaming 10th Street Plaza to Martin Luther King, Jr. Plaza and the extension of free fares for Modesto Area Express and Modesto Area Dial-A-Ride buses.

### CITY MANAGER COMMENTS & REPORTS

None.

### UNFINISHED BUSINESS

*Councilmember Madrigal absent due to conflict of interest*

11. Consider approving the Memorandum of Understanding with Stanislaus County and the City of Turlock for the implementation of the Stanislaus Regional Transit Authority, reject all proposals received for Request for Proposals 1920-07 for Modesto Area Dial-A-Ride Operations, and award a Sole Source Agreement for operation of Modesto Area Dial-A-Ride to Storer Transit Services, Modesto, CA, for a nine-month Agreement Amendment and a one-year extension option, for an estimated cost of \$2,700,000 and a revised total amount not to exceed \$30,308,602. (Funding Source: Local Transportation Funds, State Transit Assistance, Farebox Revenue & Federal Transit Administration)
- Resolution approving the Memorandum of Understanding with Stanislaus County and the City of Turlock for the implementation of the Stanislaus Regional Transit Authority, and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution rejecting all proposals received for Request for Proposals No.1920-07 for Modesto Area Dial-A-Ride Operations.
  - Resolution awarding a sole source Agreement Amendment for operation of Modesto Area Dial-A-Ride to Storer Transit Services, Modesto, CA, for a nine-month Agreement Amendment and a one-year extension option, for an estimated cost of \$2,700,000 and a new total amount not to exceed \$30,308,602, and authorizing the City Manager, or his designee, to negotiate and execute the Agreement Amendment.

*PUBLIC WORKS; Adam Barth, 209-577-5298, abarth@modestogov.com*

**ACTION: (Ridenour/Kenoyer; 6/0; Madrigal absent due to conflict of interest) Resolution 2020-326** approving the Memorandum of Understanding with Stanislaus County and the City of Turlock for the implementation of the Stanislaus Regional Transit Authority, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Ridenour/Kenoyer; 6/0; Madrigal absent due to conflict of interest) Resolution 2020-327** rejecting all proposals received for Request for Proposals No.1920-07 for Modesto Area Dial-A-Ride Operations.

**ACTION: (Ridenour/Kenoyer; 6/0; Madrigal absent due to conflict of interest) Resolution 2020-328** awarding a sole source Agreement Amendment for operation of Modesto Area Dial-A-Ride to Storer Transit Services, Modesto, CA, for a nine-month Agreement Amendment and a one-year extension option, for an estimated cost of \$2,700,000 and a new total amount not to exceed \$30,308,602, and authorizing the City Manager, or his designee, to negotiate and execute the Agreement Amendment.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:05 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)**

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

Name of Case: Khatri Brothers v. City of Modesto  
Stanislaus County Superior Court  
Case No.: CV-19-001846

Baljit Athwal, et al. v. Stanislaus County et al.  
United States Eastern District  
Case No.: 1:15-CV-00311

Georgia DeFilippo, et al. v. Stanislaus County et al.  
United States Eastern District  
Case No.: 1:18-CV-00496

Frank Carson v. Stanislaus County et al.  
United States Eastern District  
Case No.: 2:20-AT-00513

Eduardo Quintanar, Jr. v. Stanislaus County et al.  
United States Eastern District  
Case No.: 1:18-CV-01402

Walter W. Wells & Scott McFarlane v. Stanislaus County et al.  
United States Eastern District  
Case No.: 1:20-CV-00770

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

**MINUTES**  
**City of Modesto**  
**SPECIAL ECONOMIC DEVELOPMENT COMMITTEE /**  
**COUNCIL WORKSHOP**  
**Virtual Meeting**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Thursday Aug 06, 2020 at 11:00 AM**

Roll Call – Present: Mayor Ted Brandvold, Councilmembers Kenoyer (alternate) and Ridenour  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 1-8**

**CONSENT**

Consent

1. Consider approving a Measure L Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the Briggsmore at State Route 99 Interchange Reconstruction Project; accepting the Federal Regional Surface Transportation (RSTP) funds; and amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of \$2,847,879 for the PA&ED and PS&E Phases of the project, and forwarding to Council for approval. (Funding Source: Regional Measure L, Federal Grant)

*CED; Vickey Dion, 209-571-5542, vdion@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving a Measure L Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the Briggsmore at State Route 99 Interchange Reconstruction Project; accepting the Federal Regional Surface Transportation (RSTP) funds; and amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of \$2,847,879 for the PA&ED and PS&E Phases of the project, and forwarding to Council for approval.

Consent

2. Consider approving Measure L Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the Standiford at State Route 99 Interchange Reconstruction Project; and amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of \$1,098,000 for the PA&ED and PS&E Phases of the project, and forwarding to Council for approval. (Funding Source: Regional Measure L and Streets Capital Facility Fees)

*CED; Vickey Dion, 209-571-5542, vdion@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving Measure L Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the Standiford at State Route 99 Interchange Reconstruction Project;

and amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of \$1,098,000 for the PA&ED and PS&E Phases of the project, and forwarding to Council for approval.

Consent

3. Consider approving a series of Real-Property Transactions to perfect right-of-way at Scenic Bend Curve, including; considering Quitclaim Deed from Stanislaus County for APN 067-016-022; considering portion of APN 067-016-025 from Joseph R. Muratore Trust; considering portion of APN 067-016-023 from Ringhoffs; granting portion of APN 067-016-022 to Ringhoffs; granting portion of APN 067-016-022 to Joseph R. Muratore Trust; and forwarding to Council for approval. (Funding Source: Not Applicable)  
*CED; Dan England, 209.571.5589, denland@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving a series of Real-Property Transactions to perfect right-of-way at Scenic Bend Curve, including; considering Quitclaim Deed from Stanislaus County for APN 067-016-022; considering portion of APN 067-016-025 from Joseph R. Muratore Trust; considering portion of APN 067-016-023 from Ringhoffs; granting portion of APN 067-016-022 to Ringhoffs; granting portion of APN 067-016-022 to Joseph R. Muratore Trust; and forwarding to Council for approval.

Consent

4. Consider approving the award of bid and Agreement for the Hauling of Non-Hazardous Brine Services to Sun Valley Transport Inc, Hughson, CA., for a two year Agreement with three one-year extension options, for an estimated annual cost of \$88,000, and a total amount not to exceed \$458,915 over five years, and forwarding to Council for approval. (Funding Source: Water Fund)  
*FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving the award of bid and Agreement for the Hauling of Non-Hazardous Brine Services to Sun Valley Transport Inc, Hughson, CA., for a two year Agreement with three one-year extension options, for an estimated annual cost of \$88,000, and a total amount not to exceed \$458,915 over five years, and forwarding to Council for approval.

Consent

5. Consider accepting the State Route 99 / Pelandale Avenue Interchange Reconstruction Project as complete, authorizing all necessary steps to file with the County Recorder, and forwarding to Council for approval. (Funding Source: CIP 100786-CED.Land Development Engineering – State Route 99 Proposition 1B Bond Savings)
  - Recommending that the Committee recommend this item to Council for approval for acceptance of this project.  
*PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting the State Route 99 / Pelandale Avenue Interchange Reconstruction Project as complete, authorizing all necessary steps to file with the County Recorder, and forwarding to Council for approval.

Consent

6. Consider accepting the New Emergency Vehicle Pre-emption Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$585,783 to Advanced Traffic Products Inc., Everett, Washington, and forwarding to Council for approval. (Funding Source: Highway Safety Improvement Program Grant and Measure L Funds)  
*PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting the New Emergency Vehicle Pre-emption Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$585,783 to Advanced Traffic Products Inc., Everett, Washington, and forwarding to Council for approval.

Consent

7. Consider accepting the New Emergency Vehicle Pre-emption Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$585,783 to Advanced Traffic Products Inc., Everett, Washington, and forwarding to Council for approval. (Funding Source: Measure L)  
*PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting the New Emergency Vehicle Pre-emption Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$585,783 to Advanced Traffic Products Inc., Everett, Washington, and forwarding to Council for approval.

Consent

8. Consider approving an Agreement with Engeo, Inc., of Lathrop, CA, for Geotechnical Services for the East Morris Sewer Rehabilitation Project in an amount not to exceed \$45,900, plus \$4,590 for additional services (if needed), for a total amount not to exceed \$50,490, and forwarding to Council for approval. (Funding Source: Wastewater Fund)  
*UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving an Agreement with Engeo, Inc., of Lathrop, CA, for Geotechnical Services for the East Morris Sewer Rehabilitation Project in an amount not to exceed \$45,900, plus \$4,590 for additional services (if needed), for a total amount not to exceed \$50,490, and forwarding to Council for approval.

#### NEW BUSINESS

9. Consider approving adjustments to various airport rates and fees for specific activities and services at the Modesto City-County Airport, effective September 1, 2020, rescinding Resolution No. 2019-217, and forwarding to Council for approval. (Funding Source: Airport Operating Revenue, Fund 4310)  
*PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving adjustments to various airport rates and fees for specific activities and services at the Modesto City-County Airport, effective September 1, 2020, rescinding Resolution No. 2019-217, and forwarding to Council for approval.

10. Consider approving the annual rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the garbage haulers, for an increase of \$1.11 per month for residential services, a decrease of \$1.42 per cubic yard for commercial services, and an increase of \$25.27 per pull for industrial services to become effective October 1, 2020, and rescinding Resolution No. 2019-323 for the July 1, 2019 annual rate adjustment, and increasing the Compost Facility tip fee from \$27.59 per ton to \$30.35 per ton and the Green Waste Diversion tip fee from \$15.36 to \$16.90 to become effective October 1, 2020, and rescinding Resolution No. 2016-308, and forwarding to Council for approval. (Funding Source: Solid Waste Funds)
  - Committee to recommend to Council for approval.*PUBLIC WORKS; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the annual rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the garbage haulers, for an increase of \$1.11 per month for residential services, a decrease of \$1.42 per cubic yard for commercial services, and an increase of \$25.27 per pull for industrial services to become effective October 1, 2020, and rescinding Resolution No. 2019-323 for the July 1, 2019 annual rate adjustment, and increasing the Compost Facility tip fee from \$27.59 per ton to \$30.35 per ton and

the Green Waste Diversion tip fee from \$15.36 to \$16.90 to become effective October 1, 2020, and rescinding Resolution No. 2016-308, and forwarding to Council for approval.

11. Consider approving an Agreement with West Yost Associates, Inc., of Pleasanton, CA, for consultant services for development of the 2020 Joint Urban Water Management Plan and Water Conservation Plan Update in an amount not to exceed \$151,200, plus \$15,120 for additional services (if needed), for a total amount not to exceed \$166,320, approving an associated Cost Share Agreement with Modesto Irrigation District, and forwarding to Council for approval. (Funding Source: Water Fund)  
*UTILITIES; Jim Alves, 571-5557, jalves@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving an Agreement with West Yost Associates, Inc., of Pleasanton, CA, for consultant services for development of the 2020 Joint Urban Water Management Plan and Water Conservation Plan Update in an amount not to exceed \$151,200, plus \$15,120 for additional services (if needed), for a total amount not to exceed \$166,320, approving an associated Cost Share Agreement with Modesto Irrigation District, and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:19 a.m.

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

**MINUTES**  
**City of Modesto**  
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Held Via Teleconference**  
**Thursday Aug 06, 2020 at 5:30 PM**

Roll Call - Present: Councilmembers Tony Madrigal, Mayor Ted Brandvold and Councilmember Jenny Kenoyer  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS - ROLL CALL VOTE REQUIRED: No Consent Items**

**NEW BUSINESS**

1. Consider reviewing the applications and approving appointments to the Citizens Housing and Community Development Committee to fill vacancies and forwarding to City Council for approval. (Funding Source: Not Applicable)  
*CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** appointing Omar Silva, Kyle Fliflet, Dewey Bedford and Beth Garcia to the Citizens Housing and Community Development Committee to fill vacancies (Alternate: Sonja Hurst if one candidate does not accept position) and forwarding to City Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:00 p.m.

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

**MINUTES**  
**City of Modesto**  
**SAFETY AND COMMUNITIES COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Held via Teleconference**  
**Modesto, California**  
**Monday Aug 10, 2020 at 5:00 PM**

Roll Call – Present: Councilmembers Ah You, Kenoyer and Ridenour  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 1-5**

**CONSENT**

1. Consider approving a Second Amendment to the Cell Tower Site Lease Agreement with Crown Castle MU, Inc to expand the leased land space at Downey Park by 160 square feet to allow for a back-up generator and forwarding to Council for approval. (Funding Source: Cell Tower Facility Rental Revenue)  
PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving a Second Amendment to the Cell Tower Site Lease Agreement with Crown Castle MU, Inc to expand the leased land space at Downey Park by 160 square feet to allow for a back-up generator and forwarding to Council for approval.

2. Consider approving an Agreement with O'Dell Engineering, Inc., of Modesto, CA for the preparation of construction documentation (design) for Phase 2 of Mary E. Grogan Community Park in the amount of \$231,787, plus \$23,179 for contingency, if needed, for an Agreement total not to exceed \$254,966; approving a budget adjustment as outlined in Attachment A and forwarding to the Council for approval. (Funding Source: Mary Grogan Park – Phase 2 Project #101017 in the Parks CFF Fund 3460)  
PRN; Nathan Houx, 571-5526, nhoux@modestogov.com

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving an Agreement with O'Dell Engineering, Inc., of Modesto, CA for the preparation of construction documentation (design) for Phase 2 of Mary E. Grogan Community Park in the amount of \$231,787, plus \$23,179 for contingency, if needed, for an Agreement total not to exceed \$254,966; approving a budget adjustment as outlined in Attachment A and forwarding to the Council for approval.

3. Consider accepting the Office of Traffic Safety 2021 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$440,000 and amending the Fiscal Year 2020-21 Operating and Multi-Year budget and forwarding to Council for acceptance. (Funding Source: Grants - Police)  
POLICE DEPARTMENT; Galen Carroll, 572-9501, carrollg@modestopd.com

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting the Office of Traffic Safety 2021 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$440,000 and amending the Fiscal Year 2020-21 Operating and Multi-Year budget and forwarding to Council for acceptance.

4. Consider accepting the Office of Traffic Safety 2021 Pedestrian and Bicycle Safety Grant in the amount of \$100,000, amending the Fiscal Year 2020-21 Operating and Multi-Year budget and forwarding to Council for approval. (Funding Source: Grants - Police)  
POLICE DEPARTMENT; Galen Carroll, 572-9501, carrollg@modestopd.com

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** accepting the Office of Traffic Safety 2021 Pedestrian and Bicycle Safety Grant in the amount of \$100,000, amending the Fiscal Year 2020-21 Operating and Multi-Year budget and forwarding to Council for approval.

5. Consider approving an Amendment to the Modesto City-County Airport Advisory Committee Bylaws, and forwarding to Council for approval. (Funding Source: Not Applicable)  
PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving an Amendment to the Modesto City-County Airport Advisory Committee Bylaws, and forwarding to Council for approval.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 5:12 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday Aug 11, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation from Michael Schiefelbein, College Avenue United Church of Christ

City Clerk’s Announcements: Item 7 - continued to future Council meeting date; City Clerk Lopez gave an update on the November 3, 2020 election filing period

Declaration of Conflicts of Interest: Grewal – Item 8

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

**MISCELLANEOUS**

Consent

1. Consider accepting the resignation of Rachel Hernandez from the City’s Citizens Housing & Community Development Committee. (Funding Source: Not Applicable)

**Staff Recommendation:**

- Resolution accepting the resignation of Rachel Hernandez from the City of Modesto Citizens Housing & Community Development Committee.

*CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

**ACTION: (Kenoyer/You; 7/0) Resolution 2020-329** accepting the resignation of Rachel Hernandez from the City of Modesto Citizens Housing & Community Development Committee.

**PUBLIC COMMENT PERIOD**

- May Rico, Executive Director of Haven, spoke in opposition to the Straight Pride Event in Modesto.
- Sebastian Jones spoke in support of renaming Mellis Park to Martin Luther King, Jr. Park.
- Emerson Drake spoke regarding transparency at the City of Modesto and Public Record Act requests.
- Cristal Gleason also spoke in opposition to the Straight Pride Event in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 2-5: (Kenoyer/Ah You; 7/0)**

**CONSENT ITEMS**

Consent

2. Consider approving the minutes from the August 5, 2020 Council meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the August 5, 2020 Council meeting.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/You; 7/0)** Motion approving the minutes from the August 5, 2020 Council meeting.

Consent

3. Consider approving a Fourth Amendment to the Outside Counsel Legal Services Agreement with Norton Rose Fulbright US LLP, for continued representation in relation to financing matters, in the amount of \$200,000, for an Agreement total not to exceed \$615,000. (Funding Source: Redevelopment Successor Agency, General Fund, Employee Benefits Fund, Wastewater, Water, and Golf Fund)
  - Resolution approving a Fourth Amendment to the Legal Services Agreement dated December 21, 2016 with Norton Rose Fulbright US LLP in an amount not to exceed \$200,000, for a total Agreement amount not to exceed \$615,000, to continue representing the City in finance matters, and authorizing the City Manager, or his designee, to execute the Agreement.  
*CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com*

**ACTION: (Kenoyer/You; 7/0) Resolution 2020-330** approving a Fourth Amendment to the Legal Services Agreement dated December 21, 2016 with Norton Rose Fulbright US LLP in an amount not to exceed \$200,000, for a total Agreement amount not to exceed \$615,000, to continue representing the City in finance matters, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

4. Consider ratifying the Modesto OpenAir Initiative in response to the COVID-19 Pandemic and temporarily supersede existing conflicting provisions of the Modesto Municipal Code. (Funding Source: Not Applicable)
  - Resolution ratifying the Modesto OpenAir Initiative in response to the COVID-19 Pandemic and temporarily supersede existing conflicting provisions of the Modesto Municipal Code.  
*CED; Marcus Tucker, 577-5473, mtucker@modestogov.com*

**ACTION: (Kenoyer/You; 7/0) Resolution 2020-331** ratifying the Modesto OpenAir Initiative in response to the COVID-19 Pandemic and temporarily supersede existing conflicting provisions of the Modesto Municipal Code.

Consent

5. Consider approving a Memorandum of Agreement with Stanislaus County for a joint application for funding in the amount of \$158,495 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 \$158,495 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement.  
*CITY CLERK; Galen Carroll, 572-9501, carrollg@modestopd.com*

**ACTION: (Kenoyer/You; 7/0) Resolution 2020-332** approving a Memorandum of Agreement with Stanislaus County for a joint application for funding in the amount \$158,495 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement.

### COUNCIL COMMENTS & REPORTS

Councilmember Ah You spoke regarding a Resolution passed on August 13, 2019 denouncing hate and hate crimes and spoke in opposition to the Straight Pride event in Modesto.

Councilmember Kenoyer spoke in favor of wearing masks.

### CITY MANAGER COMMENTS & REPORTS

None.

### UNFINISHED BUSINESS

6. Consider approving the award of bid and Agreement for the furnishing of Spoils Screening and Rock Crushing Services to Rock Crushing Solutions Inc., Rohnert Park, CA, for a two year Agreement with three one-year extension options, for an estimated cost for the first-year of \$1,259,000, \$754,500 thereafter, and a total amount not to exceed \$4,277,000 over five years. (Funding Source: Water, Wastewater and Streets Funds)
  - Resolution approving the award of bid and Agreement for the furnishing of Spoils Screening and Rock Crushing Services to Rock Crushing Solutions Inc., Rohnert Park, CA, for a two year Agreement with three one-year extension options, for an estimated cost for the first-year of \$1,259,000, \$754,500 thereafter, and a total amount not to exceed \$4,277,000 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

*FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com*

**ACTION: (Zoslocki/You; 6/0; Grewal absent) Resolution 2020-333** approving the award of bid and Agreement for the furnishing of Spoils Screening and Rock Crushing Services to Rock Crushing Solutions Inc., Rohnert Park, CA, for a two year Agreement with three one-year extension options, for an estimated cost for the first-year of \$1,259,000, \$754,500 thereafter, and a total amount not to exceed \$4,277,000 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

### HEARINGS

*Published in the Modesto Bee on July 3, 2020, Continued from the July 14, 2020 Council Meeting. Continued to a future Council Meeting*

7. Hearing to consider approving an Ordinance amending Modesto Municipal Code sections 10-3.702, 10-3.704, 10-3.707 and add section 10-3.713 regarding regulation of cannabis deliveries. (Funding Source: General Fund)  
*CITY CLERK; Marcus Tucker, 577-5473, mtucker@modestogov.com*

**ACTION:** Continued to a future Council Meeting.

### NEW BUSINESS

*Councilmember Grewal absent due to conflict of interest*

8. Consider approving a Resolution adopting the Downtown Master Plan. (Funding Source: Measure L Funds and SB2 Grant)
  - Resolution adopting the Downtown Master Plan.

*CED; Brad Wall, 577-5273, bwall@modestogov.com*

**ACTION: (Madrigal/You; 6/0; Grewal absent due to conflict of interest) Resolution 2020-334** adopting the Downtown Master Plan.

9. Consider a Resolution authorizing staff to release a Request for Proposals (RFP) for the preparation of the comprehensive General Plan 2050 update and directing staff to return to Council with the results of

the RFP and request for approval of award and appropriation of the budget at that time. (Funding Source: General Fund, Water and Wastewater Funds)

- Resolution authorizing staff to release a Request for Proposals (RFP) for the preparation of the comprehensive General Plan 2050 update and directing staff to return to Council with the results of the RFP and request for approval of award and appropriation of the budget at that time.

*CITY CLERK; Brad Wall, 577-5273, bwall@modestogov.com*

**ACTION: (Zoslocki/Madriral; 7/0) Resolution 2020-335** authorizing staff to release a Request for Proposals (RFP) for the preparation of the comprehensive General Plan 2050 update and directing staff to return to Council with the results of the RFP and request for approval of award and appropriation of the budget at that time.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 7:20 p.m.

#### **CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

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

Name of Case: Derrick Tyler v. City of Modesto  
Stanislaus County Superior Court  
Case No.: CV-19-006446

Christian Rangel v. City of Modesto, et al.  
United States Eastern District  
Case No.: 1:19-AT-00347

Dorado v. City of Modesto  
Stanislaus County Superior Court  
Case No. 2017930

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

**MINUTES**  
**City of Modesto**  
**SPECIAL AUDIT COMMITTEE /COUNCIL WORKSHOP**  
**Zoom Virtual Meeting**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Thursday Aug 20, 2020 at 10:00 AM**

Roll Call – Present: Mayor Brandvold, Councilmembers Ah You and Grewal  
Absent: None  
Also Present: Councilmembers Ridenour, Kenoyer (arrived at 10:33 p.m.)

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None**  
**NEW BUSINESS**

1. Consider approving the results of the California Public Employees’ Retirement System (CalPERS) Review of Retroactive Special Compensation Adjustments of the City of Modesto, and forwarding to Council for approval. (Funding Source: Not Applicable) *FINANCE DEPARTMENT; DeAnna Christensen, (209) 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Grewal/Ah You; 3/0)** approving the results of the California Public Employees’ Retirement System (CalPERS) Review of Retroactive Special Compensation Adjustments of the City of Modesto, and forwarding to Council for approval.

*Councilmember Grewal left meeting at 10:30 a.m.*

2. Consider accepting the final report for a Risk Assessment and Implementation Plan conducted by Management Strategies and forwarding to Council for approval. (Funding Source: Various Funds) *HUMAN RESOURCES; Christina Alger, 571-5126, calger@modestogov.com*

**ACTION: Motion (Ah You/Ridenour; 3/0)** accepting the final report for a Risk Assessment and Implementation Plan conducted by Management Strategies and forwarding to Council for approval.

3. Consider accepting a report of historical data from calendar years 2012 through 2019 related to general liability tree claims including annual settlements and legal fees

associated with such claims. (Funding Source: General Liability Fund)  
*HUMAN RESOURCES; Christina Alger, 571-5126, calger@modestogov.com*

**ACTION: Motion (Ah You/Ridenour; 3/0)** accepting a report of historical data from calendar years 2012 through 2019 related to general liability tree claims including annual settlements and legal fees associated with such claims.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:05 a.m.

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

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL WORKSHOP**  
**Held Via Teleconference**

**Monday Aug 24, 2020 at 3:00 PM**

Roll Call – Present: Councilmembers Zoslocki, Ridenour and Kenoyer (alternate)  
Absent: Councilmember Grewal

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 1-9**

**CONSENT**

1. Consider accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2019-20 and forwarding to Council for approval. (Funding Source: Airport Operating, P/R Building Services, Capital Improvement, Compost, General Fund Fleet Replacement, Storm Drain, Sewer Operations, Bus Fixed Route Max Operations, Surface Transportation, Water, Fleet Management, General Fund) *FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2019-20 and forwarding to Council for approval.

2. Consider accepting a report on Fiscal Year 2019-2020 unclaimed funds of \$27,798 that can be transferred to the General Fund and forwarding to Council for approval. (Funding Source: General Fund) *FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting a report on Fiscal Year 2019-2020 unclaimed funds of \$27,798 that can be transferred to the General Fund and forwarding to Council for approval.

*Removed from Consent*

3. Consider accepting the Fiscal Year 2019-20 Write-off and Adjustments reports through Fiscal Year-end June 30, 2020 in the total amount of \$410,248 and forwarding to Council for approval. (Funding Source: Abatement and Public Nuisance Fund, General

Fund, Solid Waste Fund, Water Fund, Storm Drain Fund, and Wastewater Fund)  
*FINANCE DEPARTMENT; DeAnna Christensen, 577-5387,  
dachristensen@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting the Fiscal Year 2019-20 Write-off and Adjustments reports through Fiscal Year-end June 30, 2020 in the total amount of \$410,248 and forwarding to Council for approval.

4. Consider accepting an informational report on the May and June 2020 grant applications and awards and forwarding to Council for approval. (Funding Source: Not Applicable)  
*FINANCE DEPARTMENT; Maria Garnica, 209-577-5249,  
mgarnica@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting an informational report on the May and June 2020 grant applications and awards and forwarding to Council for approval.

5. Consider approving the extension of termination dates of four annual Purchasing Agreements and forwarding to Council for approval. (Funding Source: Various Funds)  
*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the extension of termination dates of four annual Purchasing Agreements and forwarding to Council for approval.

6. Consider approving a Second Amendment to the Service Agreement with ThyssenKrupp Elevator Corporation for elevator maintenance and repair services increasing funding by \$80,000 from \$383,960 to a new total amount of \$463,960, extending the term of the Agreement from September 21, 2020 to September 21, 2021 and forwarding to Council for approval. (Funding Source: Various Funds)  
*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving a Second Amendment to the Service Agreement with ThyssenKrupp Elevator Corporation for elevator maintenance and repair services increasing funding by \$80,000 from \$383,960 to a new total amount of \$463,960, extending the term of the Agreement from September 21, 2020 to September 21, 2021 and forwarding to Council for approval.

7. Consider approving the award of bid and Agreement for On-Call Boring Services for High Voltage Circuit Upgrades and other City projects throughout Modesto to MP Nexlevel of California Inc., Merced, CA for a two year Agreement with three one-year extension options, for an estimated annual cost of \$500,000 and a total amount not to exceed \$2,500,000 over five years and forwarding to Council for approval. (Funding Source: Surface Transportation Funds)  
*FINANCE DEPARTMENT; Cynthia Kline, (209) 577-5412, ckline@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the award of bid and Agreement for On-Call Boring Services for High Voltage Circuit Upgrades and other City projects throughout Modesto to MP Nexlevel of California Inc., Merced, CA for a two year Agreement with three one-year extension options, for an estimated annual cost of \$500,000 and a total amount not to exceed \$2,500,000 over five years and forwarding to Council for approval.

8. Consider approving Legal Services Agreements with Renne Public Law, San Francisco, CA; Kramer Workplace Investigations, Danville, CA; and Amy Oppenheimer, Berkeley, CA to conduct citywide Administrative Investigations on an as needed basis and Consultant Agreements with Armistead Research and Investigations, Pinole, CA; and Municipal Resource Group, LLC, Wilton, CA for conducting citywide Administrative Investigations on an as needed basis, in an amount not to exceed \$100,000 each, for two years; and a First Amendment to the Legal Services Agreement with Shaw Law Group, PC, Sacramento, CA for conducting citywide Administrative Investigations on an as needed basis, for an extended term of one year and increasing the agreement amount by \$100,000, for an amount not to exceed \$200,000 and forwarding to Council for approval. (Funding Source: Various depending on subject of the investigation)  
*HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving Legal Services Agreements with Renne Public Law, San Francisco, CA; Kramer Workplace Investigations, Danville, CA; and Amy Oppenheimer, Berkeley, CA to conduct citywide Administrative Investigations on an as needed basis and Consultant Agreements with Armistead Research and Investigations, Pinole, CA; and Municipal Resource Group, LLC, Wilton, CA for conducting citywide Administrative Investigations on an as needed basis, in an amount not to exceed \$100,000 each, for two years; and a First Amendment to the Legal Services Agreement with Shaw Law Group, PC, Sacramento, CA for conducting citywide Administrative Investigations on an as needed basis, for an extended term of one year and increasing the agreement amount by \$100,000, for an amount not to exceed \$200,000 and forwarding to Council for approval.

9. Consider approving an Agreement with SPS VAR, LLC, Atlanta, GA., for the purchase of the IBM Power 9 Server for a one-time cost of \$99,896 and forwarding to Council for approval. (Funding Source: Utility and Public Works Funds)  
*IT; Michael Bumanlag, 209-571-5529, mbumanlag@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving an Agreement with SPS VAR, LLC, Atlanta, GA., for the purchase of the IBM Power 9 Server for a one-time cost of \$99,896 and forwarding to Council for approval.

### UNFINISHED BUSINESS

10. Consider accepting a report on the annual review of adopted sewer rate increases for Fiscal Year 2020-21, and forwarding to Council for approval. (Funding Source:

Wastewater Fund)

*UTILITIES; Jesse Franco, (209) 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** accepting a report on the annual review of adopted sewer rate increases for Fiscal Year 2020-21, and forwarding “Option 2” to Council for approval.

### NEW BUSINESS

11. Consider approving the recommended budget adjustments to Fiscal Year 2019-20 and Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)  
*BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** approving the recommended budget adjustments to Fiscal Year 2019-20 and Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

12. Consider approving and authorizing the issuance of not to exceed \$110,000,000 principal amount of execution of the City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2020; authorizing and directing execution of a fifth supplemental Wastewater Revenue Bond Indenture pursuant to which such bonds are issued, approving a bond Purchasing Agreement, an official statement and a continuing disclosure Agreement, and authorizing other official actions and forwarding to Council for approval. (Funding Source: Wastewater Fund)  
*FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving and authorizing the issuance of not to exceed \$110,000,000 principal amount of execution of the City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2020; authorizing and directing execution of a fifth supplemental Wastewater Revenue Bond Indenture pursuant to which such bonds are issued, approving a bond Purchasing Agreement, an official statement and a continuing disclosure Agreement, and authorizing other official actions and forwarding to Council for approval.

13. Consider approving an ordinance amending Title 8, Chapter 2, Article 6 of the Modesto Municipal Code, amending the City’s Transient Occupancy Tax Registration guidelines to require an Issuance of a Transient Occupancy Registration Permit for persons desiring to engage in or conduct business as an operator of any hotel and the guidelines for permit approval and compliance, and forwarding to Council for approval. (Funding Source: General Fund – Transient Occupancy Tax)  
*FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving an ordinance amending Title 8, Chapter 2, Article 6 of the Modesto Municipal Code, amending the City's Transient Occupancy Tax Registration guidelines to require an Issuance of a Transient Occupancy Registration Permit for persons desiring to engage in or conduct business as an operator of any hotel and the guidelines for permit approval and compliance, and forwarding to Council for approval.

14. Consider accepting requirements for annual training of certain City of Modesto employees and officials regarding municipal disclosure responsibilities and forwarding to Council for approval. (Funding Source: Not Applicable)  
*FINANCE DEPARTMENT; Cal Maniscalco, (209) 577-5219,  
cmaniscalco@modestogov.com*

**ACTION: Motion (Ridenour/Kenoyer; 3/0)** accepting requirements for annual training of certain City of Modesto employees and officials regarding municipal disclosure responsibilities and forwarding to Council for approval.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 4:38 p.m.

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

**MINUTES**  
**City of Modesto**  
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL**  
**WORKSHOP**

**Held Via Teleconference**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**

**Thursday Aug 27, 2020 at 5:00 PM**

Roll Call - Present: Mayor Brandvold, Councilmember Kenoyer  
Absent: Councilmember Madrigal

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS - ROLL CALL VOTE REQUIRED:** None

**NEW BUSINESS**

1. Consider recommending an appointment to fill one vacancy on the Modesto Convention and Visitors Bureau Board of Directors and forwarding to Council for approval. (Funding Source: Not Applicable) *PRN; Laurie Smith, 577-5437, lsmith@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 2/0; Madrigal absent)** appointing Angela Cangiamilla to the Modesto Convention and Visitors Bureau Board of Directors and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:20 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 Sep 01, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation from Anthony Bargas, The Center Church; he also requested a moment of silence in honor of Supervisor Tom Berryhill

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: Ridenour – Item 5; Zoslocki – Items 9 and 13; Grewal – Item 12

Reports from Closed Session: City Attorney Sanchez reported on Closed Session matters: no reportable action

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 1-4; 6-8;10-11: (Kenoyer/Ah You; 7/0)**

**ACTION CONSENT ITEM 5: (Kenoyer/Ah You; 6/0; Ridenour absent due to conflict of interest)**

**ACTION CONSENT ITEM 9: (Ridenour/Kenoyer; 6/0; Zoslocki absent due to conflict of interest)**

**CONSENT ITEMS**

Consent

1. Consider approving the minutes from the August 11, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the August 11, 2020 Council Meeting.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Ah You; 7/0)** Motion approving the minutes from the August 11, 2020 Council Meeting.

Consent

2. Consider approving a Measure L Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the Briggsmore at State Route 99 Interchange Reconstruction Project; accepting the Federal Regional Surface Transportation (RSTP) funds; and amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of \$2,847,879 for the PID and PA&ED Phases of the project. (Funding Source: Regional Measure L, Federal Grant)
  - Resolution approving a Measure L Cooperative Agreement with Stanislaus Council of Governments for the Project Initiation Document (PID) and Project Approval and

Environmental Document (PA&ED) Phases of the Briggsmore at State Route 99 Interchange Reconstruction Project and authorizing the City Manager, or his designee, to execute the Agreement.

- Resolution accepting the Federal Regional Surface Transportation (RSTP) funds for the Briggsmore at State Route 99 Interchange reconstruction project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.
- Resolution amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) budget, project #101271 in the amount of \$2,847,879 for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the Briggsmore at State Route 99 Interchange reconstruction project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

*CED; Vickey Dion, 209.571.5542, vdion@modestogov.com*

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-336** approving a Measure L Cooperative Agreement with Stanislaus Council of Governments for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the Briggsmore at State Route 99 Interchange Reconstruction Project and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-337** accepting the Federal Regional Surface Transportation (RSTP) funds for the Briggsmore at State Route 99 Interchange reconstruction project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-338** amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) budget, project #101271 in the amount of \$2,847,879 for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the Briggsmore at State Route 99 Interchange reconstruction project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

#### Consent

3. Consider approving Measure L Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the Standiford at State Route 99 Interchange Reconstruction Project; and amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of \$1,098,000 for the PID and PA&ED Phases of the project. (Funding Source: Regional Measure L and Streets Capital Facility Fees)
  - Resolution approving a Measure L Cooperative Agreement with Stanislaus Council of Governments for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the Standiford at State Route 99 Interchange Reconstruction Project and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of \$1,098,000 for Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the project #101182 for the Standiford Interchange Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

*CED; Vickey Dion, 209-571-5542, vdion@modestogov.com*

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-339** approving a Measure L Cooperative Agreement with Stanislaus Council of Governments for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the Standiford at State Route 99 Interchange Reconstruction Project and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-340** amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of \$1,098,000 for Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Phases of the project #101182 for the Standiford

Interchange Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

4. Consider approving a series of Real-Property Transactions to Perfect Right-of-way at Scenic Bend Curve, including; Quitclaim Deed from Stanislaus County for APN 067-016-022; granting a portion of APN 067-016-022 to Ringhoffs; and granting a portion of APN 067-016-022 to Joseph R. Muratore Trust; and receiving a portion of APN 067-016-025 from Joseph R. Muratore Trust. (Funding Source: Capital Improvement Services Fund – Transportation Engineering and Design)
- Resolution accepting the property conveyed via quit-claim deed from Stanislaus County for APN 067-016-022 and authorizing the City Manager, or his Designee, to execute the certificate of acceptance and other documents necessary to receive and record ownership of the parcel.
  - Resolution granting a portion of real property located within APN 067-016-022 to the Steven J. and Eve A. Ringhoff Trust, as described and depicted in the attached exhibits A & A-1, and granting a portion of real property located within 067-016-022 to Joseph R. Muratore, Trustee of the Esther Rose Saint Clair Trust Dated January 25, 2018 as described and depicted in attachments B & B-1 and authorizing the City Manager or his designee to execute any and all documents necessary to complete and record the transfer.
  - Resolution accepting a portion of real property from Joseph R. Muratore Trust located within APN 067-016-025 as depicted and described in attached exhibits A & B and authorizing the City Manager, or his Designee, to execute any and all documents necessary to receive and record ownership of the parcel.

*CED; Dan England, 571-5589, dengland@modestogov.com*

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-341** accepting the property conveyed via quit-claim deed from Stanislaus County for APN 067-016-022 and authorizing the City Manager, or his Designee, to execute the certificate of acceptance and other documents necessary to receive and record ownership of the parcel.

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-342** granting a portion of real property located within APN 067-016-022 to the Steven J. and Eve A. Ringhoff Trust, as described and depicted in the attached exhibits A & A-1, and granting a portion of real property located within 067-016-022 to Joseph R. Muratore, Trustee of the Esther Rose Saint Clair Trust Dated January 25, 2018 as described and depicted in attachments B & B-1 and authorizing the City Manager or his designee to execute any and all documents necessary to complete and record the transfer.

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-343** accepting a portion of real property from Joseph R. Muratore Trust located within APN 067-016-025 as depicted and described in attached exhibits A & B and authorizing the City Manager, or his Designee, to execute any and all documents necessary to receive and record ownership of the parcel.

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

5. Consider approving the Final Map and Subdivision Agreement of Trails at Falling Leaf Subdivision located in Village One at the northwest corner of the intersection of Floyd Avenue and Claus Road. (Funding Source: Developer Fees)
- Resolution approving the Final Map of The Trails at Falling Leaf Subdivision, approving the Subdivision Agreement with the owners, Modesto GAFL, LLC and Bonaventure Fund I, LLC, authorizing the City Manager, or his designee, to execute a Subdivision Agreement and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder’s Office.

*CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com*

**ACTION: (Kenoyer/Ah You; 6/0; Ridenour absent due to conflict of interest) Resolution 2020-344** approving the Final Map of The Trails at Falling Leaf Subdivision, approving the Subdivision Agreement with the owners, Modesto GAFL, LLC and Bonaventure Fund I, LLC, authorizing the City Manager, or his designee, to execute a Subdivision Agreement and authorizing the City Clerk to certify the final map and record it with the

Stanislaus County Recorder's Office.

Consent

6. Consider approving the award of bid and Agreement for the Hauling of Non-Hazardous Brine Services to Sun Valley Transport Inc, Hughson, CA., for a two year Agreement with three one-year extension options, for an estimated annual cost of \$88,000, and a total amount not to exceed \$458,915 over five years. (Funding Source: Water Fund)
- Resolution approving the award of bid and Agreement for the Hauling of Non-Hazardous Brine Services to Sun Valley Transport Inc, Hughson, CA, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$88,000 and a total amount not to exceed \$458,915 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

*FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com*

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-345** approving the award of bid and Agreement for the Hauling of Non-Hazardous Brine Services to Sun Valley Transport Inc, Hughson, CA, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$88,000 and a total amount not to exceed \$458,915 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

Consent

7. Consider accepting the Office of Traffic Safety (OTS) 2021 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$440,000 and amending the Fiscal Year 2020-21 Operating and Multi-Year budget. (Funding Source: Grants - Police)
- Resolution accepting the 2021 OTS Selective Traffic Enforcement Program (STEP) grant in the amount of \$440,000 to increase enforcement for speed, driving under the influence, and other special traffic enforcement overtime operations; and authorizing the City Manager, or his designee, to execute the necessary documents.
  - Resolution amending the Fiscal Year 2020-2021 Operating and Multi-Year Project Budget to appropriate revenue and expenses in the amount of \$440,000 related to the 2021 OTS Selective Traffic Enforcement Program (STEP); and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

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

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-346** accepting the 2021 OTS Selective Traffic Enforcement Program (STEP) grant in the amount of \$440,000 to increase enforcement for speed, driving under the influence, and other special traffic enforcement overtime operations; and authorizing the City Manager, or his designee, to execute the necessary documents.

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-347** amending the Fiscal Year 2020-2021 Operating and Multi-Year Project Budget to appropriate revenue and expenses in the amount of \$440,000 related to the 2021 OTS Selective Traffic Enforcement Program (STEP); and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

8. Consider accepting the 2021 Office of Traffic Safety (OTS) Pedestrian and Bicycle Safety Grant in the amount of \$100,000, amending the Fiscal Year 2020-21 Operating and Multi-Year budget. (Funding Source: Grants - Police)
- Resolution accepting the 2021 OTS Pedestrian and Bicycle Safety grant in the amount of \$100,000 to help reduce the number of collisions and reduce the number of persons injured or killed through education and public outreach; and authorizing the City Manager, or his designee, to execute the necessary documents.
  - Resolution amending the Fiscal Year 2020-21 Operating and Multi-Year Project Budget to the appropriate revenue and expenses in the amount of \$100,000 related to the 2021 OTS Pedestrian and Bicycle grant; and authorizing the City Manager, or his designee, to implement

the provisions of this Resolution.

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

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-348** accepting the 2021 OTS Pedestrian and Bicycle Safety grant in the amount of \$100,000 to help reduce the number of collisions and reduce the number of persons injured or killed through education and public outreach; and authorizing the City Manager, or his designee, to execute the necessary documents.

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-349** amending the Fiscal Year 2020-21 Operating and Multi-Year Project Budget to the appropriate revenue and expenses in the amount of \$100,000 related to the 2021 OTS Pedestrian and Bicycle grant; and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

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

9. Consider approving adjustments to various airport rates and fees for specific activities and services at the Modesto City-County Airport, effective September 1, 2020, and rescinding Resolution No. 2019-217. (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, effective September 1, 2020, and rescinding Resolution No. 2019-217.

*PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com*

**ACTION: (Ridenour/Kenoyer; 6/0; Zoslocki absent due to conflict of interest) Resolution 2020-350** approving adjustments to various Airport rates and fees for specific activities and services at the Modesto City-County Airport, effective September 1, 2020, and rescinding Resolution No. 2019-217.

Consent

10. Consider approving an Agreement with Engeo, Inc., of Lathrop, CA, for Geotechnical Services for the East Morris Sewer Rehabilitation Project in an amount not to exceed \$45,900, plus \$4,590 for additional services (if needed), for a total amount not to exceed \$50,490. (Funding Source: Wastewater Fund)

- Resolution approving an Agreement with Engeo, Inc., of Lathrop, CA, for geotechnical services associated with the East Morris Sewer Rehabilitation Project in the amount of \$45,900 for the identified scope of services, plus \$4,590 for additional services (if needed), for a total not to exceed amount of \$50,490 and authorizing the City Manager, or his designee, to execute the Agreement.

*UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com*

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-351** approving an Agreement with Engeo, Inc., of Lathrop, CA, for geotechnical services associated with the East Morris Sewer Rehabilitation Project in the amount of \$45,900 for the identified scope of services, plus \$4,590 for additional services (if needed), for a total not to exceed amount of \$50,490 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider approving an Agreement with West Yost Associates, Inc., of Pleasanton, CA, for consultant services for development of the 2020 Joint Urban Water Management Plan and Water Conservation Plan Update in an amount not to exceed \$151,200, plus \$15,120 for additional services (if needed), for a total amount not to exceed \$166,320, and approving an associated Cost Share Agreement with Modesto Irrigation District. (Funding Source: Water Fund)

- Resolution approving an Agreement with West Yost Associates, Inc., of Pleasanton, CA, for consultant services for development of the 2020 Joint Urban Water Management Plan and Water Conservation Plan update in the amount of \$151,200 for the identified scope of services, plus \$15,120 for additional services (if needed), for a total not to exceed amount of \$166,320 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution approving a cost share Agreement with the Modesto Irrigation District for expenses

associated with the development of the 2020 Joint Urban Water Management Plan update in the amount of \$39,171 and authorizing the City Manager, or his designee, to execute the Agreement.

*UTILITIES; Jim Alves, 571-5557, jalves@modestogov.com*

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-352** approving an Agreement with West Yost Associates, Inc., of Pleasanton, CA, for consultant services for development of the 2020 Joint Urban Water Management Plan and Water Conservation Plan update in the amount of \$151,200 for the identified scope of services, plus \$15,120 for additional services (if needed), for a total not to exceed amount of \$166,320 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Kenoyer/Ah You; 7/0) Resolution 2020-353** approving a cost share Agreement with the Modesto Irrigation District for expenses associated with the development of the 2020 Joint Urban Water Management Plan update in the amount of \$39,171 and authorizing the City Manager, or his designee, to execute the Agreement.

### COUNCIL COMMENTS & REPORTS

Councilmember Madrigal assisted the South Modesto Businesses United with grant programs.

Councilmember Ah You sent an email to the City Manager and City Attorney regarding today's meeting.

Councilmember Kenoyer spoke regarding the passing of Supervisor Tom Berryhill.

Councilmember Ridenour also spoke regarding the passing of Supervisor Tom Berryhill.

### CITY MANAGER COMMENTS & REPORTS

None.

### HEARINGS

*Published in the Modesto Bee on August 12, 2020 – Councilmember Grewal absent due to conflict of interest*

12. Hearing to consider approving a proposed rezoning of .92 acres located at 3313 Coffee Road from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(609) to allow the development of a 25,168 square foot, three-story mixed office/retail/residential project. (Funding Source: Developer Funded)  
*CED; Jonnie Lan, 209-577-5267, jlan@modestogov.com*

**ACTION: (Ridenour/Kenoyer; 6/0; Grewal absent due to conflict of interest)** Motion introducing and waiving the first reading of **Ordinance No. 3718-C.S.** amending Section 9-3-9 of the Zoning Map to rezone .92 acres from Low Density Residential (R-1) Zone to Planned Development Zone P-D(609), property located at 3313 Coffee Road.

**ACTION: (Ridenour/Kenoyer; 6/0; Grewal absent due to conflict of interest) Resolution 2020-354** approving a Development Plan for Planned Development Zone P-D(609).

**ACTION: (Ridenour/Kenoyer; 6/0; Grewal absent due to conflict of interest) Resolution 2020-355** 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. 2014042081): Rezone of 3313 Coffee Road from Low Density Residential (R-1) Zone to Planned Development Zone P-D(609).

*Published in the Modesto Bee on August 12, 2020 – Councilmember Zoslocki absent due to conflict of interest*

13. Hearing to consider approving a rezone of 1.35 acres from Low Density Residential Zone, R-1, to Planned Development Zone P-D(346) as an addition to the existing Planned Development Zone P-D(346) to allow for a 34-unit senior independent living apartment complex, property located at 2600

West Rumble Road, west of Conant Avenue. (Funding Source: Developer Funded)  
*CED; Katharine Martin, 209-577-5267, kamartin@modestogov.com*

**ACTION: (Kenoyer/Grewal; 6/0; Zoslocki absent due to conflict of interest)** Motion introducing and waiving the first reading of **Ordinance No. 3719-C.S.** amending Section 13-3-8 of the Zoning Map to rezone from Low Density Residential (R-1) Zone to Planned Development Zone P-D(346) as an addition to the existing Planned Development Zone P-D(346), property located at the northwest corner of Rumble Road and Conant Avenue.

**ACTION: (Kenoyer/Grewal; 6/0; Zoslocki absent due to conflict of interest) Resolution 2020-356** approving a Development Plan for P-D(346).

**ACTION: (Kenoyer/Grewal; 6/0; Zoslocki absent due to conflict of interest) Resolution 2020-357** 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 13-3-8 of the Zoning Map to rezone from Low Density Residential (R-1) Zone to Planned Development Zone P-D(346) as an addition to the existing P-D(346) Zone, property located 2600 West Rumble Road, west of Conant Avenue.

*Published in the Modesto Bee on August 21, 2020*

- 14. Hearing to consider approving the annual rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the garbage haulers, for an increase of \$1.11 per month for residential services, a decrease of \$1.42 per cubic yard per month for commercial services, and an increase of \$25.27 per pull for industrial services to become effective October 1, 2020, and rescinding Resolution No. 2019-323 for the July 1, 2019 annual rate adjustment; and increasing the Compost Facility tip fee from \$27.59 per ton to \$30.35 per ton and the Green Waste Diversion tip fee from \$15.36 per ton to \$16.90 per ton to become effective October 1, 2020, and rescinding Resolution No. 2016-308. (Funding Source: Solid Waste Funds, Compost Funds)  
*PUBLIC WORKS; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: (Kenoyer/Grewal; 7/0) Resolution 2020-358** approving the annual rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the garbage haulers, for an increase of \$1.11 per month for residential services, a decrease of \$1.42 per cubic yard per month for commercial services, and an increase of \$25.27 per pull for industrial services to become effective October 1, 2020, and rescinding Resolution No. 2019-323 for the July 1, 2019 annual rate adjustment.

**ACTION: (Kenoyer/Grewal; 7/0) Resolution 2020-359** increasing the Compost Facility tip fee from \$27.59 per ton to \$30.35 per ton and the Green Waste Diversion tip fee from \$15.36 per ton to \$16.90 per ton to become effective October 1 2020, and rescinding Resolution No. 2016-308.

**NEW BUSINESS**

- 15. Consider approving and authorizing the issuance of not to exceed \$110,000,000 principal amount of execution of the City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2020; authorizing and directing execution of a fifth supplemental Wastewater Revenue Bond Indenture pursuant to which such bonds are issued, approving a bond purchasing agreement, an official statement and a continuing disclosure agreement, and authorizing other official actions. (Funding Source: Wastewater Fund)
  - Resolution authorizing the issuance of not to exceed \$110,000,000 principal amount of Wastewater Revenue Refunding Bonds, Series 2020, authorizing and directing execution of a Fifth Supplemental Wastewater Revenue Bond Indenture pursuant to which such bonds are issued, approving a bond purchasing agreement, an Official Statement and a continuing disclosure agreement, and authorizing other official action.  
*FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com*

**ACTION: (Ah You/Kenoyer; 7/0) Resolution 2020-360** authorizing the issuance of not to exceed \$110,000,000

principal amount of Wastewater Revenue Refunding Bonds, Series 2020, authorizing and directing execution of a Fifth Supplemental Wastewater Revenue Bond Indenture pursuant to which such bonds are issued, approving a bond purchasing agreement, an Official Statement and a continuing disclosure agreement, and authorizing other official action.

- 16. Consider accepting the Annual Investment Report for Fiscal Year 2019-2020. (Funding Source: Various Funds)
  - Motion accepting the Annual Investment Report for Fiscal Year 2019-2020.  
*FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: (Kenoyer/Ah You; 7/0)** Motion accepting the Annual Investment Report for Fiscal Year 2019-2020.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:45 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)**

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

Name of Case: City of Modesto v. Foy & Associates  
Superior Court of California, County of Stanislaus  
Stanislaus County Case No.: CV 19-003083

R. Alexander Acosta v. Riverstone Capital, LLC  
United States District Court, Central District of California  
Case No.: 19-CV-778-MWF

WLMBS, Inc. dba Burnside Body Shop v. City of Modesto, et al.  
Superior Court of California, County of Stanislaus  
Stanislaus County Case No.: CV 20-003270

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

**MINUTES**  
**City of Modesto**  
**ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL**  
**WORKSHOP**

**Second Floor, Room 2008**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Wednesday Sep 02, 2020 at 5:30 PM**

Roll Call - Present: Mayor Brandvold; Councilmembers Madrigal and Ridenour  
Absent: None  
Also Present: Councilmember Kenoyer

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-4**

**CONSENT**

Consent

1. Consider approving the creation of a pilot program to allow the use of autonomous robots, also known as Personal Delivery Devices “PDD” in the City of Modesto, issuing a PDD Permit to Starship Technologies, Inc., and forwarding to Council for approval. (Funding Source: General Fund)  
*CED; Marcus Tucker, 577-9473, mtucker@modestogov.com*

**ACTION: (Madrigal/Ridenour; 3/0)** Motion approving the creation of a pilot program to allow the use of autonomous robots, also known as Personal Delivery Devices “PDD” in the City of Modesto, issuing a PDD Permit to Starship Technologies, Inc., and forwarding to Council for approval.

Consent

2. Consider approving a Purchasing Agreement for the furnishing of Electrical Motor Rewind-Rebuild services to C.H.W. Enterprises Inc., dba Industrial Electric Machinery, Visalia, CA, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$124,304 and a total amount not to exceed \$621,520 over five years, and forwarding to Council for approval. (Funding Source: Various Funds)  
*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Madrigal/Ridenour; 3/0)** Motion approving a Purchasing Agreement for the furnishing of Electrical Motor Rewind-Rebuild services to C.H.W. Enterprises Inc., dba Industrial Electric Machinery, Visalia, CA, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$124,304 and a total amount not to exceed \$621,520 over five years, and forwarding to Council for approval.

Consent

3. Consider accepting the grant award of \$841,048 for the Low Carbon Transit Operations Program for free transit fares for specific dates and events to encourage more ridership on Modesto Area Express buses, and forwarding to Council for approval. (Funding Source: Transit Funds)

*PUBLIC WORKS; Adam Barth, 209-577-5298, abarth@modestogov.com*

**ACTION: (Madrigal/Ridenour; 3/0)** Motion accepting the grant award of \$841,048 for the Low Carbon Transit Operations Program for free transit fares for specific dates and events to encourage more ridership on Modesto Area Express buses, and forwarding to Council for approval.

Consent

4. Consider authorizing the acceptance of transit funds from the Stanislaus Council of Governments previously allocated to the City of Ceres from Proposition 1B for a total of \$146,519 for transit projects, and forwarding to Council for approval. (Funding Source: Transit Funds)

*PUBLIC WORKS; Adam Barth, 209-577-5298, abarth@modestogov.com*

**ACTION: (Madrigal/Ridenour; 3/0)** Motion authorizing the acceptance of transit funds from the Stanislaus Council of Governments previously allocated to the City of Ceres from Proposition 1B for a total of \$146,519 for transit projects, and forwarding to Council for approval.

### **UNFINISHED BUSINESS**

5. Consider accepting an informational report regarding the status of various Year 1 Initiatives for the 2020-2025 Strategic Plan. (Funding Source: Not Applicable)

*CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION:** No reportable action.

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

None.

### **ADJOURNMENT**

This meeting adjourned at 6:13 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday Sep 08, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation from David White, The Church of Jesus Christ of Latter Day Saints

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: Zoslocki - Item 8; Grewal - Items 7, 24 and 28; Ridenour - Item 23; Ah You - Items 24 and 25

Reports from Closed Session: No Closed Session items

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Proclamation declaring September 2020 as National Senior Center Awareness Month. (Funding Source: Not Applicable)  
*PRN; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation declaring September 2020 as National Senior Center Awareness Month.

2. Presentation of Proclamation proclaiming Sunday, September 6, 2020 as Jaswant Singh Khalra Day in the City of Modesto. (Funding Source: Not Applicable)  
*CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation proclaiming Sunday, September 6, 2020 as Jaswant Singh Khalra Day in the City of Modesto.

**MISCELLANEOUS**

3. Consider appointing Dewey Bedford, Omar Silva, Kyle Fliflet, and Beth Garcia to the Citizen’s Housing and Community Development Committee. (Funding Source: Not Applicable)

**Staff Recommendation:**

- Resolution approving the appointment of Dewey Bedford, Omar Silva, Kyle Fliflet, and Beth Garcia to the Citizen’s Housing and Community Development Committee with a term expiration date of January 1, 2024.

*CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-361** approving the appointment of Dewey Bedford, Omar Silva, Kyle Fliflet, and Beth Garcia to the Citizen’s Housing and Community Development Committee with a term expiration date of January 1, 2024.

**PUBLIC COMMENT PERIOD**

- Colby spoke regarding having a small business in Modesto during the COVID-19 pandemic; he requested opening Council meetings to the public.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS: 4-6; 9-22: (Kenoyer/Zoslocki; 7/0)**

**ACTION CONSENT ITEM 7: (Kenoyer/Zoslocki; 6/0: Grewal absent due to conflict of interest)**

**ACTION CONSENT ITEM 8: (Kenoyer/Ridenour; 6/0; Zoslocki absent due to conflict of interest)**

**ACTION CONSENT ITEM 23: (Kenoyer/Zoslocki; 6/0; Ridenour absent due to conflict of interest)**

**CONSENT ITEMS**

Consent

4. Consider approving the minutes from the September 1, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the September 1, 2020 Council Meeting.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0)** Motion approving the minutes from the September 1, 2020 Council Meeting.

Consent

5. Consider appointing a voting delegate for the 2020 League of California Cities Annual Conference to be held in Long Beach, CA on October 7-9, 2020. (Funding Source: Not Applicable)
  - Motion approving Mayor Ted Brandvold as a voting delegate and Councilmembers Tony Madrigal and Doug Ridenour as alternates for the 2020 League of California Cities Annual Conference to be held in Long Beach, CA on October 7-9, 2020.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0)** Motion approving Mayor Ted Brandvold as a voting delegate and Councilmembers Tony Madrigal and Doug Ridenour as alternates for the 2020 League of California Cities Annual Conference to be held in Long Beach, CA on October 7-9, 2020.

Consent

6. Consider approving the Amended Conflict of Interest Code for the City of Modesto. (Funding Source: Not Applicable)
  - Resolution approving the amended Conflict of Interest Code for the City of Modesto and rescinding Resolution No. 2018-383.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-362** approving the amended Conflict of Interest Code for the City of Modesto and rescinding Resolution No. 2018-383.

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

7. Consider approving final adoption of **Ordinance No. 3718-C.S.** amending Section 9-3-9 of the Zoning Map to rezone .92 acres from Low Density Residential (R-1) to Planned Development Zone P-D(609), property located at 3313 Coffee Road. (Funding Source: Developer Funded)

- Motion approving final adoption of **Ordinance No. 3718-C.S.** amending Section 9-3-9 of the Zoning Map to rezone .92 acres from Low Density Residential (R-1) to Planned Development Zone P-D(609), property located at 3313 Coffee Road.

*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 6/0; Grewal absent due to conflict of interest)** Motion approving final adoption of **Ordinance No. 3718-C.S.** amending Section 9-3-9 of the Zoning Map to rezone .92 acres from Low Density Residential (R-1) to Planned Development Zone P-D(609), property located at 3313 Coffee Road.

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

8. Consider approving final adoption of **Ordinance No. 3719-C.S.** amending Section 13-3-8 of the Zoning Map to rezone from Low Density Residential (R-1) Zone to Planned Development Zone P-D(346) as an addition to the existing Planned Development Zone P-D(346), property located at the northwest corner of Rumble Road and Conant Avenue. (Funding Source: Developer Funded)

- Motion approving final adoption of **Ordinance No. 3719-C.S.** amending Section 13-3-8 of the Zoning Map to rezone from Low Density Residential (R-1) Zone to Planned Development Zone P-D(346) as an addition to the existing Planned Development Zone P-D(346), property located at the northwest corner of Rumble Road and Conant Avenue.

*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 6/0; Zoslocki absent due to conflict of interest)** Motion approving final adoption of **Ordinance No. 3719-C.S.** amending Section 13-3-8 of the Zoning Map to rezone from Low Density Residential (R-1) Zone to Planned Development Zone P-D(346) as an addition to the existing Planned Development Zone P-D(346), property located at the northwest corner of Rumble Road and Conant Avenue.

Consent

9. Consider approving an update to the Records Retention Policy. (Funding Source: Not Applicable)
- Resolution approving an update to the Records Retention Policy.

*CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-363** approving an update to the Records Retention Policy.

Consent

10. Consider approving a Second Amendment to the Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of \$150,000, for a total amount not to exceed \$395,000 for continued representation, and a Fifth Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore in the amount of \$100,000, for a total Agreement amount not to exceed \$487,500, for continued representation. (Funding Source: General Liability Insurance Fund)

- Resolution approving a Second Amendment to the Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of \$150,000, for a total amount not to exceed \$395,000, for continued representation and authorizing the City Manager or his designee, to execute the Agreement.
- Resolution approving a Fifth Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore in the amount of \$100,000, for a total Agreement amount not to exceed \$487,500 to continue representing the City of Modesto in labor and employment matters, and authorizing the City Manager or his designee, to execute the Agreement.

*CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-364** approving a Second Amendment to the Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of \$150,000, for a total amount not to exceed \$395,000, for continued representation and authorizing the City Manager or his designee, to execute the Agreement.

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-365** approving a Fifth Amendment to the Legal Services

Agreement with Liebert Cassidy Whitmore in the amount of \$100,000, for a total Agreement amount not to exceed \$487,500 to continue representing the City of Modesto in labor and employment matters, and authorizing the City Manager or his designee, to execute the Agreement.

Consent

11. Consider approving the addition of Section 18 to the Housing and Urban Development Policies & Procedures Manual (CARES Act Grant Funding Policy). (Funding Source: CARES Act Community Development Block Grant Funds and CARES Act Emergency Solutions Grant Funds)
- Resolution approving the addition of Section 18 to the Housing and Urban Development Policies & Procedures Manual (CARES Act Grant Funding Policy).
- CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-366** approving the addition of Section 18 to the Housing and Urban Development Policies & Procedures Manual (CARES Act Grant Funding Policy).

Consent

12. Consider approving the extension of termination dates of four annual Purchasing Agreements. (Funding Source: Various Funds)
- Resolution approving the extension of termination dates of four annual Purchasing Agreements as defined under Attachment A; approving termination dates for the services stated herein; and authorizing the Purchasing Manager, or her designee, to issue the identified Purchase Agreements termination dates approved by Council.
- FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-367** approving the extension of termination dates of four annual Purchasing Agreements as defined under Attachment A; approving termination dates for the services stated herein; and authorizing the Purchasing Manager, or her designee, to issue the identified Purchase Agreements termination dates approved by Council.

Consent

13. Consider approving a Second Amendment to the Service Agreement with ThyssenKrupp Elevator Corporation for elevator maintenance and repair services increasing funding by \$80,000 from \$383,960 to a new total amount of \$463,960, extending the term of the Agreement from September 21, 2020 to September 21, 2021. (Funding Source: Various Funds)
- Resolution approving a Second Amendment to the Service Agreement with ThyssenKrupp Elevator Corporation for elevator maintenance and repair services increasing funding by \$80,000 from \$383,960 to a new total amount of \$463,960, extending the term of the Agreement from September 21, 2020 to September 21, 2021 and authorizing the City Manager, or his designee, to execute the Amendment.
- FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-368** approving a Second Amendment to the Service Agreement with ThyssenKrupp Elevator Corporation for elevator maintenance and repair services increasing funding by \$80,000 from \$383,960 to a new total amount of \$463,960, extending the term of the Agreement from September 21, 2020 to September 21, 2021 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

14. Consider accepting an informational report on the May and June 2020 grant applications and awards. (Funding Source: Not Applicable)
- Motion accepting an informational report for the May and June 2020 grant applications and awards.
- FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0)** Motion accepting an informational report for the May and June 2020 grant applications and awards.

Consent

15. Consider approving Legal Services Agreements with Renne Public Law, San Francisco, CA; Kramer Workplace Investigations, Danville, CA; and Amy Oppenheimer, Berkeley, CA to conduct citywide Administrative Investigations on an as needed basis and Consultant Agreements with Armistead Research and Investigations, Pinole, CA; and Municipal Resource Group, LLC, Wilton, CA for conducting citywide Administrative Investigations on an as needed basis, in an amount not to exceed \$100,000 each, for two years; and a First Amendment to the Legal Services Agreement with Shaw Law Group, PC, Sacramento, CA for conducting citywide Administrative Investigations on an as needed basis, for an extended term of one year and increasing the Agreement amount by \$100,000, for an amount not to exceed \$200,000. (Funding Source: Various depending on subject of the investigation)
- Resolution approving Legal Services Agreements with Renne Public Law, San Francisco, CA; Kramer Workplace Investigations, Danville, CA; and Amy Oppenheimer, Berkeley, CA to conduct citywide Administrative Investigations on an as needed basis and Consultant Agreements with Armistead Research and Investigations, Pinole, CA; and Municipal Resource Group, LLC, Wilton, CA for conducting citywide Administrative Investigations on an as needed basis, in an amount not to exceed \$100,000 each, for two years and authorizing the City Manager, or his designee, to execute the Agreements.
  - Resolution approving a First Amendment to the Legal Services Agreement with Shaw Law Group, PC, Sacramento, CA for conducting citywide Administrative Investigations on an as needed basis, for an extended term of one year and increasing the Agreement amount by \$100,000, for an amount not to exceed \$200,000 and authorizing the City Manager, or his designee, to execute the Amendment.

*HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-369** approving Legal Services Agreements with Renne Public Law, San Francisco, CA; Kramer Workplace Investigations, Danville, CA; and Amy Oppenheimer, Berkeley, CA to conduct citywide Administrative Investigations on an as needed basis and Consultant Agreements with Armistead Research and Investigations, Pinole, CA; and Municipal Resource Group, LLC, Wilton, CA for conducting citywide Administrative Investigations on an as needed basis, in an amount not to exceed \$100,000 each, for two years and authorizing the City Manager, or his designee, to execute the Agreements.

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-370** approving a First Amendment to the Legal Services Agreement with Shaw Law Group, PC, Sacramento, CA for conducting citywide Administrative Investigations on an as needed basis, for an extended term of one year and increasing the Agreement amount by \$100,000, for an amount not to exceed \$200,000 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

16. Consider approving an Agreement with O'Dell Engineering, Inc., of Modesto, CA for the preparation of construction documentation (design) for Phase 2 of Mary E. Grogan Community Park in the amount of \$231,787, plus \$23,179 for additional services, if needed, for an agreement total not to exceed \$254,966; and amending the Fiscal Year 2020-2021 Capital Improvement Program budget for Project 101017 – Mary Grogan Park - Phase 2 in the amount of \$1,013,588 as outlined in Attachment A. (Funding Source: Parks CFF Fund 3460)
- Resolution approving an Agreement with O'Dell Engineering, Inc., of Modesto, CA for the preparation of construction documentation (design) for Phase 2 of Mary E. Grogan Community Park in the amount of \$231,787, plus \$23,179 for additional services, if needed, for an Agreement total not to exceed \$254,966, and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution amending the Fiscal Year 2020-2021 Capital Improvement Program budget for Project 101017 – Mary Grogan Phase 2 in the amount of \$1,013,588 as outlined in Attachment A and authorizing the City Manager, or his designee, to implement the provisions of this

Resolution.

*PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-371** approving an Agreement with O’Dell Engineering, Inc., of Modesto, CA for the preparation of construction documentation (design) for Phase 2 of Mary E. Grogan Community Park in the amount of \$231,787, plus \$23,179 for additional services, if needed, for an Agreement total not to exceed \$254,966, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-372** amending the Fiscal Year 2020-2021 Capital Improvement Program budget for Project 101017 – Mary Grogan Phase 2 in the amount of \$1,013,588 as outlined in Attachment A and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

- 17. Consider approving a Second Amendment to the Cell Tower Site Lease Agreement with Crown Castle MU, Inc to expand the leased land space at Downey Park by an additional 160 square feet to allow for a back-up generator and amending the Fiscal Year 2020-2021 Operating Budget as outlined in Attachment A. (Funding Source: Cell Tower Facility Rental Revenue)
  - Resolution approving a Second Amendment to the cell tower Site Lease Agreement with Crown Castle MU, Inc to expand the leased land space at Downey Park by an additional 160 square feet to allow for a back-up generator and authorizing the City Manager, or his designee, to execute the Amendment.
  - Resolution amending the Fiscal Year 2020-2021 Operating Budget as outlined in Attachment A.

*PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-373** approving a Second Amendment to the cell tower Site Lease Agreement with Crown Castle MU, Inc to expand the leased land space at Downey Park by an additional 160 square feet to allow for a back-up generator and authorizing the City Manager, or his designee, to execute the Amendment.

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-374** amending the Fiscal Year 2020-2021 Operating Budget as outlined in Attachment A.

Consent

- 18. Consider accepting the New Emergency Vehicle Pre-emption Project as complete, authorizing the City Clerk, or her designee, to complete all necessary steps to file the appropriate notices and documents with the County Recorder, releasing securities, and releasing payments totaling \$585,783 to Advanced Traffic Products Inc., Everett, Washington. (Funding Source: Highway Safety Improvement Program Grant and Measure L Funds)
  - Resolution accepting the New Emergency Vehicle Pre-emption Project as complete, authorizing the City Clerk, or her designee, to complete all necessary steps to file the appropriate notices and documents with the County Recorder, releasing securities, and releasing payments totaling \$585,783 to Advanced Traffic Products Inc., Everett, Washington.

*PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-375** accepting the New Emergency Vehicle Pre-emption Project as complete, authorizing the City Clerk, or her designee, to complete all necessary steps to file the appropriate notices and documents with the County Recorder, releasing securities, and releasing payments totaling \$585,783 to Advanced Traffic Products Inc., Everett, Washington.

Consent

- 19. Consider accepting the New Traffic Signal Controllers Project (101043) as complete and authorizing the City Clerk, or her designee, to complete all necessary steps to file the appropriate notices and documents

with the County Recorder. (Funding Source: Measure L Local Control)

- Resolution accepting the New Traffic Signal Controllers Project (101043) as complete and authorizing City Clerk or her designee, to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

*PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-376** accepting the New Traffic Signal Controllers Project (101043) as complete and authorizing City Clerk or her designee, to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

Consent

20. Consider accepting the State Route 99 / Pelandale Avenue Interchange Reconstruction Project as complete and authorizing the City Clerk, or her designee, to complete all necessary steps to file the appropriate notices and documents with the County Recorder. (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 as complete and authorizing the City Clerk, or her designee, to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

*PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-377** accepting the State Route 99 / Pelandale Avenue Interchange Reconstruction Project as complete and authorizing the City Clerk, or her designee, to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

Consent

21. Consider approving a First Amendment to the Agreement with Provost & Pritchard Consulting Group, Modesto, CA, for Engineering Design Services for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project in the amount of \$37,508 for the identified scope of services, for an amended total not to exceed amount of \$145,218. (Funding Source: Water Fund)

- Resolution approving a First Amendment to the Agreement with Provost & Pritchard Consulting Group, Modesto, CA, for Engineering Design Services for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project in the amount of \$37,508 for the identified scope of services, for an amended total amount not to exceed \$145,218 and authorizing the City Manager, or his designee, to execute the Amendment.

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

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-378** approving a First Amendment to the Agreement with Provost & Pritchard Consulting Group, Modesto, CA, for Engineering Design Services for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project in the amount of \$37,508 for the identified scope of services, for an amended total amount not to exceed \$145,218 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

22. Consider approving the plans and specifications for the Yosemite Water Valves project and awarding a construction contract with Marshall Brothers Enterprises, Inc., Livermore, CA, in the amount of \$215,000 plus \$32,250 for contingency (if needed), for a total amount not to exceed \$247,250; authorizing an increase in the Director's Authority from 10% to 15% to issue change orders; and amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of \$270,000. (Funding Source: Water Fund-CIP)

- Resolution approving plans and specifications for the Yosemite Water Valves Project, accepting the bid, and approving a construction contract to Marshall Brothers Enterprises, Inc., Livermore, CA, in the amount of \$215,000 plus \$32,250 for contingency (if needed) for a total amount not to exceed \$247,250 and authorizing the City Manager, or his designee, to execute the Agreement.

- Resolution authorizing an increase in the Director’s Authority to issue change orders for the Yosemite Water Valves Project from 10% (\$21,500) to 15% (\$32,250) of the construction contract amount of \$215,000 with Marshall Brothers Enterprises, Inc., Livermore, CA.
- Resolution amending the Fiscal Year 2020-2021 Capital Improvement Program Budget in the amount of \$270,000 to establish the budget of 101237 – UPP Engineering Design “Yosemite Water Valves” from Water Fund Reserves in order to fund the construction, contingency, construction administration, city construction forces, engineering design support and administration.

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

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-379** approving plans and specifications for the Yosemite Water Valves Project, accepting the bid, and approving a construction contract to Marshall Brothers Enterprises, Inc., Livermore, CA, in the amount of \$215,000 plus \$32,250 for contingency (if needed) for a total amount not to exceed \$247,250 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-380** authorizing an increase in the Director’s Authority to issue change orders for the Yosemite Water Valves Project from 10% (\$21,500) to 15% (\$32,250) of the construction contract amount of \$215,000 with Marshall Brothers Enterprises, Inc., Livermore, CA.

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-381** amending the Fiscal Year 2020-2021 Capital Improvement Program Budget in the amount of \$270,000 to establish the budget of 101237 – UPP Engineering Design “Yosemite Water Valves” from Water Fund Reserves in order to fund the construction, contingency, construction administration, city construction forces, engineering design support and administration.

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

23. Consider accepting the Village One Slurry Seal project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$2,208,266 to California Pavement Maintenance Company, Inc. dba C P M, of Sacramento, California. (Funding Source: Local Control Measure L Funds)

- Resolution accepting the Village One Slurry Seal Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$2,208,266 to California Pavement Maintenance Company, Inc. dba C P M, of Sacramento, CA.

*UTILITIES; Greg Showerman, (209) 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 6/0; Ridenour absent due to conflict of interest) Resolution 2020-382** accepting the Village One Slurry Seal Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$2,208,266 to California Pavement Maintenance Company, Inc. dba C P M, of Sacramento, CA.

### COUNCIL COMMENTS & REPORTS

Councilmember Ridenour attended the La Loma Neighborhood Drive-thru BBQ.

Councilmember Madrigal spoke regarding a letter received regarding closing downtown streets for restaurants and support for local businesses.

Councilmember Ah You also spoke regarding a letter received regarding closing downtown streets for restaurants and support for local businesses.

Mayor Brandvold also spoke regarding a letter received regarding closing downtown streets for restaurants and support of local businesses; he also spoke about providing assistance for local businesses.

### CITY MANAGER COMMENTS & REPORTS

City Manager Lopez is continuing to work with our Downtown partners.

### HEARINGS

*Published in the Modesto Bee on August 28, 2020 – Councilmembers Ah You and Grewal absent due to conflict of interest*

24. Hearing to consider approving an Ordinance amending Modesto Municipal Code sections 10-3.702, 10-3.704, 10-3.707 and adding section 10-3.713 regarding regulation of cannabis deliveries, consumption of cannabis on commercial cannabis premises, and background checks of employees and operators and approving an application for authorization to access State and Federal level summary criminal history information for Cannabis employment, contractors, licensing or certification purposes. (Funding Source: General Fund)  
*CED; Marcus Tucker, (209) 577-5473, mtucker@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 5/0; Ah You, Grewal absent due to conflict of interest)** Motion introducing and waiving the first reading of **Ordinance No. 3720-C.S.** amending Modesto Municipal Code sections 10-3.702, 10-3.704, 10-3.707 and adding section 10-3.713 regarding regulation of cannabis deliveries, consumption of cannabis on commercial cannabis premises, and background checks of employees and operators.

**ACTION: (Madrigal/Kenoyer; 5/0; Ah You, Grewal absent due to conflict of interest)** **Resolution 2020-383** approving an application for authorization to access State and Federal level summary criminal history information for Cannabis employment, contractors, licensing or certification purposes.

*Published in the Modesto Bee on August 28, 2020 – Councilmember Ah You absent due to conflict of interest*

25. Consider approving a Commercial Cannabis Cultivation Type 3A Business and Manufacturer 2-Type 7 (volatile) permit for Nuggy, located at the northeast corner of E. Whitmore Avenue and Nickerson Drive (APN 086-013-008), with the appropriate condition and consider approving a 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 Reporting. (Funding Source: Cannabis Business Permit Fees)  
*CED; Marcus Tucker, 577-5473, mtucker@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 6/0; Ah You absent due to conflict of interest)** **Resolution 2020-384** approving a commercial cannabis cultivation Type 3A Business and Manufacturer 2-Type 7 (volatile) permit for Nuggy, located at the northeast corner of E. Whitmore Avenue & Nickerson Drive (APN 086-013-008), and authorizing the City Manager to impose site specific conditions of approval.

**ACTION: (Madrigal/Kenoyer; 6/0; Ah You absent due to conflict of interest)** **Resolution 2020-385** 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. 2014042081): Site Development and Commercial Cannabis Cultivation Type 3A Business and Manufacturing 2-7 (Volatile) Permit for Nuggy, located at the Northeast Corner of E. Whitmore Avenue and Nickerson Drive (APN 086-013-008), with the Appropriate Condition.

### NEW BUSINESS

26. Consider approving the recommended budget adjustments to Fiscal Year 2019-20 and Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
- Resolution amending Fiscal Year 2019-2020 and Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager to take the necessary steps to implement the provisions of this Resolution.
  - Resolution amending the Position Allocation for Fiscal Year 2020-21 as adopted in the Fiscal Year 2020-21 Operating Budget.

*BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com*

**ACTION: (Ridenour/Ah You; 7/0) Resolution 2020-386** amending Fiscal Year 2019-2020 and Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager to take the necessary steps to implement the provisions of this Resolution.

**ACTION: (Ridenour/Ah You; 7/0) Resolution 2020-387** amending the Position Allocation for Fiscal Year 2020-21 as adopted in the Fiscal Year 2020-21 Operating Budget.

27. Consider approving the creation of a pilot program to allow the use of autonomous robots, also known as Personal Delivery Devices “PDD” in the City of Modesto, and issuing a PDD Permit to Starship Technologies, Inc. (Funding Source: Not Applicable)

- Resolution approving the creation of a pilot program to allow the use of autonomous robots, also known as Personal Delivery Devices “PDD” for delivery devices for delivery of goods from City of Modesto businesses to customers, and issuing a PDD permit to Starship Technologies, Inc. with such terms and conditions as determined necessary by the City Manager.

*CED; Marcus Tucker, 577-5473, mtucker@modestogov.com*

**ACTION: (Madrigal/Ah You; 7/0) Resolution 2020-388** approving the creation of a pilot program to allow the use of autonomous robots, also known as Personal Delivery Devices “PDD” for delivery devices for delivery of goods from City of Modesto businesses to customers, and issuing a PDD permit to Starship Technologies, Inc. with such terms and conditions as determined necessary by the City Manager.

*Councilmember Grewal absent due to conflict of interest*

28. Consider approving an Ordinance amending Title 8, Chapter 2, Article 6 of the Modesto Municipal Code, amending the City’s Transient Occupancy Tax Registration guidelines to require an Issuance of a Transient Occupancy Registration Permit for persons desiring to engage in or conduct business as an operator of any hotel and the guidelines for permit approval and compliance. (Funding Source: General Fund – Transient Occupancy Tax)

- Motion introducing and waiving the first reading of an Ordinance amending Title 8 Chapter 2, Article 6 of the Modesto Municipal Code related to Transient Occupancy Tax and the issuance and guidelines related to the newly created Transient Occupancy Tax Permit.

*FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com*

**ACTION: (Ridenour/Zoslocki; 6/0; Grewal absent due to conflict of interest)** Motion introducing and waiving the first reading of **Ordinance No. 3721-C.S.** amending Title 8 Chapter 2, Article 6 of the Modesto Municipal Code related to Transient Occupancy Tax and the issuance and guidelines related to the newly created Transient Occupancy Tax Permit.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:20 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 Sep 14, 2020 at 5:00 PM**

Roll Call - Present: Councilmembers Ah You, Kenoyer and Ridenour (arrived at 5:18 p.m.)  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 1-2**

**CONSENT**

1. Consider approving an Agreement with Modesto Irrigation District for the relocation of power poles at the Virginia Corridor Phase 7 site in the amount of \$220,000, plus \$44,000 for contingency, if needed, for an Agreement total not to exceed \$264,000 and forwarding to Council for approval. (Funding Source: CIP Project 100813 - Virginia Corridor Phase 7)  
PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

**ACTION: Motion (Kenoyer/Ah You; 2/0; Ridenour absent)** approving an Agreement with Modesto Irrigation District for the relocation of power poles at the Virginia Corridor Phase 7 site in the amount of \$220,000, plus \$44,000 for contingency, if needed, for an Agreement total not to exceed \$264,000 and forwarding to Council for approval.

2. Consider accepting a California State Parks grant award, under the Per Capita Program in the amount of \$177,952 for the purpose of funding various park improvement projects and approving the submittal of application(s) for Per Capita Grant Funds; and amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of \$100,000 to adjust CIP # 100922 – Downey Shade Structure as described in Attachment A; amending the Fiscal Year 2020-2021 Operating Budget in the amount of \$77,952 to adjust non-capital project # 101289 – Revard Park Playground Renovation as described in Attachment B, and forwarding to Council for approval. (Funding Source: Per Capita Program Grant – Proposition 68)  
PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

**ACTION: Motion (Kenoyer/Ah You; 2/0; Ridenour absent)** accepting a California State Parks grant award, under the Per Capita Program in the amount of \$177,952 for the purpose of funding various park improvement projects and approving the submittal of application(s) for Per Capita Grant Funds; and amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of \$100,000 to adjust CIP # 100922 – Downey Shade Structure as described in Attachment A; amending the Fiscal Year 2020-2021 Operating Budget in the amount of \$77,952 to adjust non-capital project # 101289 – Revard Park Playground Renovation as described in Attachment B, and forwarding to Council for approval.

**UNFINISHED BUSINESS**

3. Consider accepting an informational update on the High Voltage Circuit Project. (Funding Source: Not Applicable)  
*PUBLIC WORKS; Scott Collins, 577-5431, scollins@modestogov.com*

**ACTION:** No reportable action.

4. Consider accepting an informational report regarding the status of various Year 1 Initiatives for the 2020-2025 Strategic Plan. (Funding Source: Not applicable)  
*CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com*

**ACTION:** No reportable action.

5. Consider approving the bylaws and formation of the Blight Abatement Advisory Committee in alignment with the City's Comprehensive Blight Abatement Strategy, and authorizing the City Manager, or his designee, to solicit membership, and forwarding to Council for approval. (Funding Source: Not Applicable)
  - Not applicable*CITY MANAGER; Scotty Douglass, 577-9149, sdouglass@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 3/0)** approving the bylaws and formation of the Blight Abatement Advisory Committee in alignment with the City's Comprehensive Blight Abatement Strategy, and authorizing the City Manager, or his designee, to solicit membership, and forwarding to Council for approval.

**NEW BUSINESS**

6. Consider accepting an informational report regarding speed humps and funding. (Funding Source: Not Applicable)  
*PUBLIC WORKS; Scott Collins, 577-5431, scollins@modestogov.com*

**ACTION:** No reportable action.

*Removed from Agenda*

7. Consider accepting presentation and discussion regarding Community Forestry/Green Waste Division Action Plan. (Funding Source: Not Applicable)  
*PUBLIC WORKS; Bill Sandhu, 341-2906, bsandhu@modestogov.com*

**ACTION:** Item removed from Agenda.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:00 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday Sep 22, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation from Michael Douglass, Advancing Vibrant Communities

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: Grewal – Items 3, 4, 23 and 24; Ah You – Item 3; Ridenour – Item 6

Reports from Closed Session: Mayor Brandvold reported on Closed Session item regarding City Manager Performance Evaluation

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of a Proclamation proclaiming October 3, 2020 Civility Day in the City of Modesto. (Funding Source: Not Applicable)  
*CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation proclaiming October 3, 2020 Civility Day in the City of Modesto.

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 2; 5; 7-21: (Kenoyer/Ridenour; 7/0)**

**ACTION CONSENT ITEM 3: (Kenoyer/Zoslocki; 5/0; Ah You, Grewal absent due to conflict of interest)**

**ACTION CONSENT ITEM 4: (Kenoyer/Ah You; 6/0; Grewal absent due to conflict of interest)**

**ACTION CONSENT ITEM 6: (Kenoyer/Zoslocki; 6/0; Ridenour absent due to conflict of interest)**

**CONSENT ITEMS**

Consent

2. Consider approving the minutes from the September 8, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the September 8, 2020 Council Meeting.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion approving the minutes from the September 8, 2020 Council Meeting.

Consent – *Councilmembers Ah You and Grewal absent due to conflict of interest*

3. Consider approving final adoption of **Ordinance No. 3720-C.S.** amending Modesto Municipal Code sections 10-3.702, 10-3.704, 10-3.707 and adding section 10-3.713 regarding regulation of cannabis deliveries, consumption of cannabis on commercial cannabis premises, and background checks of employees and operators. (Funding Source: General Fund)
  - Motion approving final adoption of **Ordinance No. 3720-C.S.** amending Modesto Municipal Code sections 10-3.702, 10-3.704, 10-3.707 and adding section 10-3.713 regarding regulation of cannabis deliveries, consumption of cannabis on commercial cannabis premises, and background checks of employees and operators.

*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 5/0; Ah You, Grewal absent due to conflict of interest)** Motion approving final adoption of **Ordinance No. 3720-C.S.** amending Modesto Municipal Code sections 10-3.702, 10-3.704, 10-3.707 and adding section 10-3.713 regarding regulation of cannabis deliveries, consumption of cannabis on commercial cannabis premises, and background checks of employees and operators.

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

4. Consider approving final adoption of **Ordinance No. 3721-C.S.** amending Title 8, Chapter 2, Article 6 of the Modesto Municipal Code related to Transient Occupancy Tax and the issuance and guidelines related to the newly created Transient Occupancy Tax Permit. (Funding Source: General Fund - Transient Occupancy Tax)
  - Motion approving final adoption of **Ordinance No. 3721-C.S.** amending Title 8, Chapter 2, Article 6 of the Modesto Municipal Code related to Transient Occupancy Tax and the issuance and guidelines related to the newly created Transient Occupancy Tax Permit.

*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/You; 6/0; Grewal absent due to conflict of interest)** Motion approving final adoption of **Ordinance No. 3721-C.S.** amending Title 8, Chapter 2, Article 6 of the Modesto Municipal Code related to Transient Occupancy Tax and the issuance and guidelines related to the newly created Transient Occupancy Tax Permit.

Consent

5. Consider awarding a CARES Act Community Development Block Grant (CDBG-CV) Public Service Grant to Opportunity Stanislaus in the amount of \$100,000 for the COVID-19 VOLT Institute Program. (Funding Source: CDBG-CV Funding)
  - Resolution awarding a CARES Act Community Development Block Grant (CDBG-CV) Public Service Grant to Opportunity Stanislaus in the amount of \$100,000 for eligible COVID-19 activities, and authorizing the City Manager or his designee to execute the Agreement.

*CED; Jessica Narayan, 209-577-5321, jnarayan@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-389** awarding a CARES Act Community Development Block Grant (CDBG-CV) Public Service Grant to Opportunity Stanislaus in the amount of \$100,000 for eligible COVID-19 activities, and authorizing the City Manager or his designee to execute the Agreement.

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

6. Consider approving the Final Map and Subdivision Agreement of the Villa D’Este Subdivision located in Village One east of Roselle Avenue and north of Kodiak Drive. (Funding Source: Developer Fees)
  - Resolution approving the Final Map of the Villa D’Este Subdivision, authorizing the City Manager, or his designee, to execute a Subdivision Agreement with Kimberly Kuppens and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder’s Office.

*CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 6/0; Ridenour absent due to conflict of interest) Resolution 2020-390** approving the Final Map of the Villa D’Este Subdivision, authorizing the City Manager, or his designee, to execute a Subdivision Agreement with Kimberly Kuppens and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder’s Office.

Consent

7. Consider accepting the Public Improvements of Vintage Unit 2 Subdivision, and releasing securities upon expiration of statutory periods. (Funding Source: No City Funds)
- Resolution accepting the public improvements for Vintage Unit 2 Subdivision, located north of the Vintage Fair Mall, 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.

*CED; Tamorah Bryant, 577-5328, tbryant@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-391** accepting the public improvements for Vintage Unit 2 Subdivision, located north of the Vintage Fair Mall, 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

8. Consider approving a Will Serve Letter and Outside Service Agreement for sewer connection for the property located at 1601 Woodland Avenue in Modesto (APN: 081-029-031). (Funding Source: Sewer Fund)
- Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Yehia Ahmed Qassem Shaibi and Fatima Kassim as Trustees of the Yehia Ahmed Quassem Shaibi Family Trust, to connect to the City of Modesto’s existing sewer system for the property located at 1601 Woodland Avenue (APN: 081-029-031), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

*CED; Vickey Dion, 209.571.5542, vdion@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-392** approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Yehia Ahmed Qassem Shaibi and Fatima Kassim as Trustees of the Yehia Ahmed Quassem Shaibi Family Trust, to connect to the City of Modesto’s existing sewer system for the property located at 1601 Woodland Avenue (APN: 081-029-031), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

9. Consider approving the plans and specifications for the Street Improvements Southbound McHenry Avenue to Westbound Briggsmore Avenue, CML 5059(186) project, accepting the bid, and awarding a construction contract to George Reed, Inc., of Modesto, California, in the amount of \$1,168,665; and authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$116,867. (Funding Source: Congestion Mitigation and Air Quality (CMAQ), Regional Surface Transportation Program Funds (RSTP), Streets Community Facilities Fees (CFF), and Local Control Measure L Funds)
- Resolution approving the plans and specifications for the Street Improvements Southbound McHenry Avenue to Westbound Briggsmore Avenue, CML 5059(186) project, accepting the bid, and awarding the construction contract to George Reed, Inc., of Modesto, California in the amount of \$1,168,665, and authorizing the City Manager, or his designee to execute the Agreement.
  - Resolution authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$116,867 (10% of the original contract price) for the Street Improvements Southbound McHenry Avenue to Westbound Briggsmore Avenue, CML 5059(186) project.

*CED; Phillip Soares, 209.577.5258, psoares@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-393** approving the plans and specifications for the Street Improvements Southbound McHenry Avenue to Westbound Briggsmore Avenue, CML 5059(186) project, accepting the bid, and awarding the construction contract to George Reed, Inc., of Modesto, California in the amount of \$1,168,665, and authorizing the City Manager, or his designee to execute the Agreement.

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-394** authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$116,867 (10% of the original contract price) for the Street Improvements Southbound McHenry Avenue to Westbound Briggsmore Avenue, CML 5059(186) project.

Consent

10. Consider approving the results of the California Public Employees' Retirement System (CalPERS) Review of Retroactive Special Compensation Adjustments of the City of Modesto. (Funding Source: Not Applicable)
  - Resolution approving the results of the California Public Employees' Retirement System (CalPERS) Review of Retroactive Special Compensation Adjustments of the City of Modesto.  
*FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-395** approving the results of the California Public Employees' Retirement System (CalPERS) Review of Retroactive Special Compensation Adjustments of the City of Modesto.

Consent

11. Consider accepting the Fiscal Year 2019-20 Write-off and Adjustments reports through Fiscal Year-end June 30, 2020 in the total amount of \$410,248. (Funding Source: Abatement and Public Nuisance Fund, General Fund, Solid Waste Fund, Water Fund, Storm Drain Fund, and Wastewater Fund)
  - Resolution approving the 2019-2020 Write-Off and Adjustments reports through Fiscal Year end June 30, 2020 in the total amount of \$410,248 and directing a report of disposition to be filed with the City Clerk.  
*FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-396** approving the 2019-2020 Write-Off and Adjustments reports through Fiscal Year end June 30, 2020 in the total amount of \$410,248 and directing a report of disposition to be filed with the City Clerk.

Consent

12. Consider claiming Fiscal Year 2019-2020 unclaimed funds of \$27,798 held in the City's trust for more than three years and authorizing the transfer to the General Fund. (Funding Source: General Fund)
  - Resolution claiming Fiscal Year 2019-2020 unclaimed funds of \$27,798 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund; and authorizing the City Manager, or his designee to execute the necessary steps to implement the provisions of this Resolution.  
*FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-397** claiming Fiscal Year 2019-2020 unclaimed funds of \$27,798 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund; and authorizing the City Manager, or his designee to execute the necessary steps to implement the provisions of this Resolution.

Consent

13. Consider approving a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2019-20. (Funding Source: Funding Source: Airport Operating, P/R Building Services, Capital Improvement, Compost, General Fund Fleet Replacement, Storm Drain, Sewer Operations, Bus Fixed Route Max Operations, Surface Transportation, Water, Fleet Management, General Fund)

- Motion approving a report detailing all personal property sold, donated, or disposed of during Fiscal Year 2019-20.

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

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion approving a report detailing all personal property sold, donated, or disposed of during Fiscal Year 2019-20.

Consent

14. Consider approving the award of bid and Agreement for On-Call Boring Services for High Voltage Circuit Upgrades and other City projects throughout Modesto to MP Nexlevel of California Inc., Merced, CA for a two year Agreement with three one-year extension options, for an estimated annual cost of \$500,000 and a total amount not to exceed \$2,500,000 over five years. (Funding Source: Surface Transportation Funds)
- Resolution approving the award of bid and Agreement for On-Call Boring Services for High Voltage Circuit Upgrades and other City projects throughout Modesto to MP Nexlevel of California Inc., Merced, CA for a two year Agreement with three one-year extension options, for an estimated annual cost of \$500,000 and a total amount not to exceed \$2,500,000 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

*FINANCE DEPARTMENT; Cynthia Kline, (209) 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-398** approving the award of bid and Agreement for On-Call Boring Services for High Voltage Circuit Upgrades and other City projects throughout Modesto to MP Nexlevel of California Inc., Merced, CA for a two year Agreement with three one-year extension options, for an estimated annual cost of \$500,000 and a total amount not to exceed \$2,500,000 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

Consent

15. Consider accepting an informational report for the July 2020 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the July 2020 Accounts Payable Payment Register and Void report.

*FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion accepting an informational report for the July 2020 Accounts Payable Payment Register and Void report.

Consent

16. Consider accepting the Monthly Investment Report for July 2020. (Funding Source: Various Funds)
- Motion accepting the Monthly Investment Report for July 2020.

*FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion accepting the Monthly Investment Report for July 2020.

Consent

17. Consider approving an Agreement with SPS VAR, LLC, of Atlanta, GA., for the purchase of the IBM Power 9 Server for a one-time cost of \$99,896. (Funding Source: Water Fund, Wastewater Fund, Storm Drain Fund, and Solid Waste Fund)
- Resolution approving an Agreement with SPS VAR, LLC, of Atlanta, GA., for the purchase of the IBM Power 9 Server for a one-time cost of \$99,896 software, installation and configuration; and authorizing the City Manager, or his designee, to execute the Agreement.

*IT; Michael Bumanlag, 571-5529, mbumanlag@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-399** approving an Agreement with SPS VAR, LLC, of Atlanta, GA., for the purchase of the IBM Power 9 Server for a one-time cost of \$99,896 software, installation

and configuration; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

18. Consider authorizing a payment in the amount of \$100,000 to Belfor Property Restoration, Modesto, CA for the Dryden Golf Clubhouse Fire Renovation; and amending the Fiscal Year 2020-21 Capital Improvement budget in the amount of \$100,000 to establish a new capital project for the renovation of the Dryden Golf Clubhouse. (Funding Source: Golf Fund)
- Resolution authorizing a payment in the amount of \$100,000 to Belfor Property Restoration, Modesto, CA for the Dryden Golf Clubhouse Fire Renovation and authorizing the Purchasing Manager, or her designee, to issue the payment.
  - Resolution amending the Fiscal Year 2020-2021 Capital Improvement Program Budget in the amount of \$100,000 to establish a new capital project for the renovation of the Dryden Golf Clubhouse.

*PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-400** authorizing a payment in the amount of \$100,000 to Belfor Property Restoration, Modesto, CA for the Dryden Golf Clubhouse Fire Renovation and authorizing the Purchasing Manager, or her designee, to issue the payment.

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-401** amending the Fiscal Year 2020-2021 Capital Improvement Program Budget in the amount of \$100,000 to establish a new capital project for the renovation of the Dryden Golf Clubhouse.

Consent

19. Consider accepting the grant award of \$841,048 for the Low Carbon Transit Operations Program for free transit fares for specific dates and events to encourage more ridership on Modesto Area Express buses, and amending the Fiscal Year 2020-21 Operation budget in the amount of \$841,048 to increase grant revenues from the Low Carbon Transit Operations grant awarded to transit to provide free fares to passengers. (Funding Source: Low Carbon Transit Operations Program Funds)
- Resolution accepting the grant award of \$841,048 for the Low Carbon Transit Operations Program for free transit fares for specific dates and events to encourage more ridership on Modesto Area Express buses.
  - Resolution amending the Fiscal Year 2020-21 Operation budget in the amount of \$841,048 to increase grant revenues from the Low Carbon Transit Operations grant awarded to transit to provide free fares to passengers.

*PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-402** accepting the grant award of \$841,048 for the Low Carbon Transit Operations Program for free transit fares for specific dates and events to encourage more ridership on Modesto Area Express buses.

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-403** amending the Fiscal Year 2020-21 Operation budget in the amount of \$841,048 to increase grant revenues from the Low Carbon Transit Operations grant awarded to transit to provide free fares to passengers.

Consent

20. Consider accepting the Well 295 Salt Tank Platforms project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$77,599 to Smith Construction Company, Inc., Fresno, CA. (Funding Source: Water Fund - CIP)
- Resolution accepting the Well 295 Salt Tank Platforms project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$77,599 to Smith Construction, Inc., of Fresno, CA.

*UTILITIES; Greg Showerman, (209) 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-404** accepting the Well 295 Salt Tank Platforms project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$77,599 to Smith Construction, Inc., of Fresno, CA.

Consent

21. Consider accepting the Del Rio Replacement Well 271 Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$422,767 to Nor-Cal Pump & Well Drilling, Inc., of Yuba City, CA. (Funding Source: Water Fund)
- Resolution accepting the Del Rio Replacement Well 271 Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$422,767 to Nor-Cal Pump & Well Drilling, Inc., of Yuba City, CA.
- UTILITIES; Greg Showerman, (209) 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-405** accepting the Del Rio Replacement Well 271 Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$422,767 to Nor-Cal Pump & Well Drilling, Inc., of Yuba City, CA.

**COUNCIL COMMENTS & REPORTS**

Councilmember Madrigal announced free COVID testing on Monday, September 28, 2020 at the Downtown Stanislaus County Library.

Councilmember Zoslocki attended a meeting with San Joaquin Policy Council regarding transportation projects; he also spoke regarding opportunities for serving the community.

Councilmember Kenoyer spoke regarding attending Council meetings via Zoom.

Councilmember Ah You also spoke regarding attending Council meetings via Zoom.

**CITY MANAGER COMMENTS & REPORTS**

None.

**UNFINISHED BUSINESS**

22. Consider approving the annual sewer rate review and proceeding with 4% sewer rate increases to be effective January 1, 2021 for Fiscal Year 2020-21. (Funding Source: Wastewater Fund)
- Resolution approving the annual sewer rate review and approving 4% sewer rate increases to be effective January 1, 2021 for Fiscal Year 2020-21.
- UTILITIES; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: (Ridenour/Grewal; 7/0) Resolution 2020-406** approving the annual sewer rate review and approving 4% sewer rate increases to be effective January 1, 2021 for Fiscal Year 2020-21.

*Councilmember Grewal left meeting at 6:30 p.m.*

**HEARINGS**

*Published in the Modesto Bee on September 11, 2020 – Councilmember Grewal absent due to conflict of interest*

23. Hearing to consider approving an Ordinance amending Title 10 of the Modesto Municipal Code to amend Sections 10-3.101, 10-3.217, 10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, and 10-4.115 and add Section 10-4.116 regarding accessory dwelling units, and to consider approving a Resolution adopting modified Capital Facilities Fees Policies and Procedures, and amending Resolution 2019-464. (Funding Source: General Fund)
- CED; Cindy van Empel, 209-577-5267, cvanempel@modestogov.com*

**ACTION: (Ridenour/Zoslocki; 6/0; Grewal absent due to conflict of interest)** Motion introducing and waiving the first reading of **Ordinance No. 3722-C.S.** amending Title 10 of the Modesto Municipal Code to amend Sections 10-3.101, 10-3.217, 10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, and 10-4.115 and add Section 10-4.116 regarding accessory dwelling units.

**ACTION: (Ridenour/Zoslocki; 6/0; Grewal absent due to conflict of interest)** **Resolution 2020-407** adopting modified Capital Facilities Fees policies and procedures, and amending Resolution 2019-464.

**NEW BUSINESS**

*Councilmember Grewal absent due to conflict of interest*

- 24. Discussion and Possible Direction on Additional OpenAir Dining and Commercial Options Using Public Streets in the Downtown. (Funding Source: Not Applicable)
  - Motion accepting direction on additional OpenAir Dining and Commercial Options Using Public Streets in the Downtown.

*CITY MANAGER; Joseph Lopez, 577-5224, joelopez@modestogov.com*

**ACTION: (Ridenour/Madriral; 6/0; Grewal absent due to conflict of interest)** Motion directing staff to move forward with Option 3 for the temporary restriping of J Street in Downtown Modesto.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 8:00 p.m.

**CLOSED SESSION**

*All Closed Session Matters heard prior to meeting*

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

**(Pursuant to Section 54957 of the Government Code)**

Title: City Manager

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

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL WORKSHOP**  
**Held Via Teleconference**

**Monday September 28, 2020 at 3:00 p.m.**

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

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 1-6**

**CONSENT**

- 1 Consider approving the recommended budget adjustments to Fiscal Year 2019-20 and 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)  
*BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the recommended budget adjustments to Fiscal Year 2019-20 and 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

- 2 Consider approving an Amendment to increase the Purchasing Agreement with Amazon Business through the OMNIA Partners Public Sector cooperative purchasing organization (formerly known as US Communities and National IPA) for an online marketplace for products by \$50,000 annually, for a two-year Agreement with three two-year extension options, for a revised annual estimated cost of \$125,000, and a total revised amount not to exceed \$1,000,000 over eight years and forwarding to Council for approval. (Funding Source: Various Funds)  
*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving an Amendment to increase the Purchasing Agreement with Amazon Business through the OMNIA Partners Public Sector cooperative purchasing organization (formerly known as US Communities and National IPA) for an online marketplace for products by \$50,000 annually, for a two-year Agreement with three two-year extension options, for a revised annual estimated cost of \$125,000, and a total revised amount not to exceed \$1,000,000 over eight years and forwarding to Council for approval.

- 3 Consider approving the First Amendment increasing the annual estimated amount with Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for financial advisory services to \$150,000 from \$75,000 and a new total amount not to exceed \$525,000 over five years; and forwarding to Council for approval. (Funding Source: General Fund, Redevelopment Successor Agency, Water, Wastewater, and Golf Funds)  
*FINANCE DEPARTMENT; Cal Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the First Amendment increasing the annual estimated amount with Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for financial advisory services to \$150,000 from \$75,000 and a new total amount not to exceed \$525,000 over five years; and forwarding to Council for approval.

- 4 Consider approving the First Amendment increasing the Agreement amount with Willdan Inc., for Traffic Engineering services by \$60,000 from \$145,000 to a new total amount of \$205,000, and extending the term of the Agreement from one year to two years with a one-year extension, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund)  
*PUBLIC WORKS; Scott Collins, 577-5431, scollins@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the First Amendment increasing the Agreement amount with Willdan Inc., for Traffic Engineering services by \$60,000 from \$145,000 to a new total amount of \$205,000, and extending the term of the Agreement from one year to two years with a one-year extension, and forwarding to Council for approval.

- 5 Consider approving a grant application for Urban Forest Management Activities from the California Department of Forestry and Fire Protection, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*PUBLIC WORKS; Michael Hoesch, 342-4566, mhoesch@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving a grant application for Urban Forest Management Activities from the California Department of Forestry and Fire Protection, and forwarding to Council for approval.

- 6 Consider approving an Amendment to the Purchasing Agreement with Republic Services, Inc., Forward Inc. Landfill, of Manteca, CA, for non-hazardous waste disposal by \$49,534 from \$180,000 to \$229,534 over six years and extending the term of the Agreement from January 31, 2020 to January 31, 2023, and forwarding to Council for approval. (Funding Source: Wastewater Fund)  
*UTILITIES; Ben Koehler, 209-342-4502, bkoehler@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving an Amendment to the Purchasing Agreement with Republic Services, Inc., Forward Inc. Landfill, of Manteca, CA, for non-hazardous waste disposal by \$49,534 from \$180,000 to \$229,534 over six years and extending the term of the Agreement from January 31, 2020 to January 31, 2023, and forwarding to Council for approval.

#### **UNFINISHED BUSINESS**

- 7 Consider accepting an informational report regarding the status of various Year 1 Initiatives for the 2020-2025 Strategic Plan, including (1) Formalize the City's performance management system, (2) Implement the organizational workforce development and talent management plan, and (3) Pursue new and alternative revenue sources. (Funding Source: Not Applicable)  
*CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com*

**ACTION:** No reportable action.

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 3:47 p.m.

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

**MINUTES**  
**City of Modesto**  
**ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Held Via Teleconference**  
**Monday Oct 05, 2020 at 2:00 PM**

Roll Call - Present: Mayor Brandvold, Councilmembers Madrigal and Ridenour  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 2-7**

**CONSENT**

*Removed from Consent*

1. Consider approving an Ordinance repealing and replacing Article 12 of Chapter 1 of Title 4 of the Modesto Municipal Code related to Sidewalk Food Vendors and establishing a Sidewalk Vendor Permit program, and forwarding to Council for approval. (Funding Source: General Fund)  
*FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: Motion (Madrigal/Ridenour; 3/0)** approving an Ordinance repealing and replacing Article 12 of Chapter 1 of Title 4 of the Modesto Municipal Code related to Sidewalk Food Vendors and establishing a Sidewalk Vendor Permit program, and forwarding to Council for approval.

Consent

2. Consider rejecting all bids for Request for Bid (RFB) No. 1819-60 for 33,000-pound GVWR Truck with Chlorine Tank, RFB 1920-09RB for four Extended Cab One-Ton Trucks and a Sourcewell Quote for a One-Ton Crew Cab Flatbed Truck and authorizing staff to reissue the RFB's at a future date when approved by the City Manager, and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)  
*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Ridenour/Madrigal; 2/0; Mayor Brandvold absent)** rejecting all bids for Request for Bid (RFB) No. 1819-60 for 33,000-pound GVWR Truck with Chlorine Tank, RFB 1920-09RB for four Extended Cab One-Ton Trucks and a Sourcewell Quote for a One-Ton Crew Cab Flatbed Truck and authorizing staff to reissue the RFB's at a future date when approved by the City Manager, and forwarding to Council for approval.

Consent

3. Consider approving the award of bid for the purchase of two Forklifts to East Bay Clarklift Inc., dba Cromer Equipment, Fresno, CA for a total amount not to exceed \$61,481 and approving the award of bid for purchase for one One-Ton Truck to Sonora Ford, Sonora CA, for a total amount not to exceed \$65,269 and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund and Water Fund)  
*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Ridenour/Madriral; 2/0; Mayor Brandvold absent)** approving the award of bid for the purchase of two Forklifts to East Bay Clarklift Inc., dba Cromer Equipment, Fresno, CA for a total amount not to exceed \$61,481 and approving the award of bid for purchase for one One-Ton Truck to Sonora Ford, Sonora CA, for a total amount not to exceed \$65,269 and forwarding to Council for approval.

Consent

4. Consider approving the award of bid for the furnishing of Analytical Laboratory Testing Service for Drinking Water Services to IEH- JL Analytical, Modesto, Ca, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$52,696 and a total amount not to exceed \$263,480 over five years, and forwarding to Council for approval. (Funding Source: Water Fund)  
*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Ridenour/Madriral; 2/0; Mayor Brandvold absent)** approving the award of bid for the furnishing of Analytical Laboratory Testing Service for Drinking Water Services to IEH- JL Analytical, Modesto, Ca, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$52,696 and a total amount not to exceed \$263,480 over five years, and forwarding to Council for approval.

Consent

5. Consider approving the First Amendment to extend the term of the Agreement with STOTT Outdoor Advertising for bus exterior advertising services from November 30, 2020 to June 30, 2021 with a one-year extension option, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: Motion (Ridenour/Madriral; 2/0; Mayor Brandvold absent)** Consider approving the First Amendment to extend the term of the Agreement with STOTT Outdoor Advertising for bus exterior advertising services from November 30, 2020 to June 30, 2021 with a one-year extension option, and forwarding to Council for approval.

Consent

6. Consider approving the award of Request for Bid and an Agreement for bulk oils and lubricants to Hunt & Sons Inc. of Modesto, California, for the total amount not to exceed \$486,602 over a five-year period, and forwarding to Council for approval. (Funding Source: Transit Funds)  
*PUBLIC WORKS; Adam Barth, 209-577-5298, abarth@modestogov.com*

**ACTION: Motion (Ridenour/Madriral; 2/0; Mayor Brandvold absent)** approving the award of Request for Bid and an Agreement for bulk oils and lubricants to Hunt & Sons Inc. of Modesto, California, for the total amount not to exceed \$486,602 over a five-year period, and forwarding to Council for approval.

Consent

7. Consider approving the sole source Agreement with Hach Company, Loveland, CO, for nitrate analyzer equipment and field services, for an estimated annual cost of \$103,000 and a total amount not to exceed \$339,000 over three years, and forwarding to Council for approval. (Funding Source: Water Fund)  
*UTILITIES; Jeff Daniels, 342-4585, jdaniels@modestogov.com*

**ACTION: Motion (Ridenour/Madriral; 2/0; Mayor Brandvold absent)** approving the sole source Agreement with Hach Company, Loveland, CO, for nitrate analyzer equipment and field services, for an estimated annual cost of \$103,000 and a total amount not to exceed \$339,000 over three years, and forwarding to Council for approval.

#### UNFINISHED BUSINESS

8. Consider accepting an informational report regarding the status of the following Year 1 Initiative for the 2020-2025 Strategic Plan: Review and update the citywide capital improvement plan and deferred maintenance needs. (Funding Source: Not Applicable)
  - Not Applicable

*CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com*

**ACTION:** No reportable action.

**NEW BUSINESS**

9. Consider accepting an informational report regarding the status of the Measure L program. (Funding Source: Not Applicable)
- Consider accepting an informational report regarding the status of the Measure L program.  
*CED; Vickey Dion, 209-571-5542, vdion@modestogov.com*

**ACTION:** No reportable action.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 2:41 p.m.

Attest: \_\_\_\_\_  
Joseph Lopez

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday Oct 06, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read invocation from Marvin Jacobo, City Ministry Network

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of a Proclamation proclaiming October 3-11, 2020 as Water Professionals Appreciation Week. (Funding Source: Not Applicable)  
*CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation proclaiming October 3-11, 2020 as Water Professionals Appreciation Week.

2. Presentation of a Commendation from Governor Gavin Newsom acknowledging the City of Modesto's 150th Anniversary. (Funding Source: Not Applicable)  
*CITY MANAGER; Thomas Reeves, 571-5809, treeves@modestogov.com*

**ACTION:** Mayor Brandvold read a Commendation from Governor Gavin Newsom acknowledging the City of Modesto's 150th Anniversary.

**MISCELLANEOUS**

3. Consider approving the appointment of Angela Cangiamilla to the Modesto Convention and Visitors Bureau Board of Directors to serve a four-year term retroactive to January 1, 2020 through January 1, 2024. (Funding Source: Not Applicable)  
*PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com*

**ACTION: (Kenoyer/You; 7/0) Resolution 2020-408** approving the appointment of Angela Cangiamilla to the Modesto Convention and Visitors Bureau Board of Directors to serve a four year term retroactive to January 1, 2020 through January 1, 2024.

**PUBLIC COMMENT PERIOD**

- Emerson Drake spoke regarding the City Attorney and Public Record Act requests.

- Vanessa Emo spoke regarding the Modesto Tourism and Marketing District.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 4-12: (Kenoyer/Zoslocki/ 7/0)**

**CONSENT ITEMS**

Consent

4. Consider approving the minutes from the September 22, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the September 22, 2020 Council Meeting.  
*CITY CLERK; Stephanie Lopez, 577-5296, slopez@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0)** Motion approving the minutes from the September 22, 2020 Council Meeting.

Consent

5. Consider approving final adoption of Ordinance No. 3722-C.S. Amending Title 10 of the Modesto Municipal Code to amend Sections 10-3.101, 10-3.217, 10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, and 10-4.115 and add Section 10-4.116 regarding accessory dwelling units. (Funding Source: General Fund)
  - Motion approving final adoption of Ordinance No. 3722-C.S. Amending Title 10 of the Modesto Municipal Code to amend Sections 10-3.101, 10-3.217, 10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, and 10-4.115 and add Section 10-4.116 regarding accessory dwelling units.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0)** Motion approving final adoption of **Ordinance No. 3722-C.S.** amending Title 10 of the Modesto Municipal Code to amend Sections 10-3.101, 10-3.217, 10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, and 10-4.115 and add Section 10-4.116 regarding accessory dwelling units.

Consent

6. Consider approving requirements for annual training of certain City of Modesto employees and officials regarding municipal disclosure responsibilities. (Funding Source: Not Applicable)
  - Resolution approving requirements for annual training of certain City of Modesto employees and officials regarding municipal disclosure responsibilities.  
*FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-409** approving requirements for annual training of certain City of Modesto employees and officials regarding municipal disclosure responsibilities.

Consent

7. Consider approving a First Amendment increasing the annual estimated amount with Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for financial advisory services to \$150,000 from \$75,000 and a new total amount not to exceed \$525,000 over five years. (Funding Source: General Fund, Redevelopment Successor Agency, Water, Wastewater, and Golf Funds)
  - Resolution approving a First Amendment increasing the annual estimated amount with Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for financial advisory services to \$150,000 from \$75,000 and a new total amount not to exceed \$525,000 over five years and authorizing the City Manager, or his designee, to execute the Agreement.  
*FINANCE DEPARTMENT; Cal Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-410** approving a First Amendment increasing the annual estimated amount with Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California,

for financial advisory services to \$150,000 from \$75,000 and a new total amount not to exceed \$525,000 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider accepting transit funds from the Stanislaus Council of Governments previously allocated to the City of Ceres from Proposition 1B for a total of \$159,129 for transit projects, and amending the Fiscal Year 2020-21 Capital Improvement Program budget for Fund 4540 – Bus Fixed Route Fund and 4540-Bus Fixed Route MAX Operations Fund in the amount of \$159,129 to fully fund the projects. (Funding Source: Transit Funds)
- Resolution accepting transit funds from the Stanislaus Council of Governments previously allocated to the City of Ceres from Proposition 1B for a total of \$159,129 for transit projects.
  - Resolution amending Fiscal Year 2020-21 Capital Improvement Program budget for Fund 4510 – Bus Fixed Route Fund and 4540-Bus Fixed Route MAX Operations Fund in the amount of \$159,129 to fully fund the projects; and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

*PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-411** accepting transit funds from the Stanislaus Council of Governments previously allocated to the City of Ceres from Proposition 1B for a total of \$159,129 for transit projects.

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-412** amending Fiscal Year 2020-21 Capital Improvement Program budget for Fund 4510 – Bus Fixed Route Fund and 4540-Bus Fixed Route MAX Operations Fund in the amount of \$159,129 to fully fund the projects; and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

Consent

9. Consider approving an Agreement with Hazen and Sawyer, of Sacramento, CA, for Engineering Support During Construction for the Grayson Well 69 (Replacing Well 274) project in the amount of \$332,470 for the identified scope of services, plus \$33,247 for additional services (if needed) for a total amount not to exceed \$365,717. (Funding Source: Water Fund)
- Resolution approving an Agreement with Hazen and Sawyer, of Sacramento, CA, for Engineering Support During Construction for the Grayson Well 69 (Replacing Well 274) project in the amount of \$332,470 for the identified scope of services, plus \$33,247 in additional services (if needed) for a total amount not to exceed \$365,717 and authorizing the City Manager, or his designee, to execute the Agreement.

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

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-413** approving an Agreement with Hazen and Sawyer, of Sacramento, CA, for Engineering Support During Construction for the Grayson Well 69 (Replacing Well 274) project in the amount of \$332,470 for the identified scope of services, plus \$33,247 in additional services (if needed) for a total amount not to exceed \$365,717 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider approving an Agreement with Carollo Engineers, Inc., of Walnut Creek, CA for Design-Build Owner Advisor Services for the SCADA System Replacement Project in the amount of \$1,948,299, plus \$194,830 in additional services (if needed) for a total amount not to exceed \$2,143,129 and amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of \$2,240,544. (Funding Source: Water and Wastewater Fund)
- Resolution approving an Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for Design-Build Owner Advisor Services for the SCADA System Replacement Project, in the amount of \$1,948,299 for the identified scope of services, plus \$194,830 in additional services (if needed), for a total amount not to exceed \$2,143,129, and authorizing the City Manager, or his designee, to execute the Agreement.

- Resolution amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of \$2,240,544 to be transferred into the project from Water and Wastewater Reserves in order to fully fund the Agreement for Design-Build Owner Advisor Services, staff time for project management and administration for the SCADA System Replacement Project (101292).

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

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-414** approving an Agreement with Carollo Engineers, Inc., of Walnut Creek, CA, for Design-Build Owner Advisor Services for the SCADA System Replacement Project, in the amount of \$1,948,299 for the identified scope of services, plus \$194,830 in additional services (if needed), for a total amount not to exceed \$2,143,129, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-415** amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of \$2,240,544 to be transferred into the project from Water and Wastewater Reserves in order to fully fund the Agreement for Design-Build Owner Advisor Services, staff time for project management and administration for the SCADA System Replacement Project (101292).

Consent

11. Consider approving the plans and specifications for the Rebid Sonoma Sanitary Sewer Trunk Extension Project and awarding a construction contract with A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, in the amount of \$2,022,180 plus \$242,662 for contingency (if needed), for a total amount not to exceed \$2,264,842; authorizing an increase in the Director's Authority from 8% to 12% to issue change orders; and Amending the Fiscal Year 2020-2021 Capital Improvement Project Program Budget in the amount of \$35,000. (Funding Source: Wastewater Fund)

- Resolution approving plans and specifications for the Rebid Sonoma Sanitary Sewer Trunk Extension Project, accepting the bid, and approving a construction contract with A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, in the amount of \$2,022,180 plus \$242,662 for contingency (if needed) for a total amount not to exceed \$2,264,842 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution authorizing an increase in the Director's authority to issue change orders for the Rebid Sonoma Sanitary Sewer Trunk Extension Project from 8% (\$161,774) to 12% (\$242,662) of the construction contract price of \$2,022,180 with A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA.
- Resolution amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of \$35,000 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration and design support during construction for the Rebid Sonoma Sanitary Sewer Trunk Extension Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

*UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-416** approving plans and specifications for the Rebid Sonoma Sanitary Sewer Trunk Extension Project, accepting the bid, and approving a construction contract with A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, in the amount of \$2,022,180 plus \$242,662 for contingency (if needed) for a total amount not to exceed \$2,264,842 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-417** authorizing an increase in the Director's authority to issue change orders for the Rebid Sonoma Sanitary Sewer Trunk Extension Project from 8% (\$161,774) to 12% (\$242,662) of the construction contract price of \$2,022,180 with A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA.

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-418** amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of \$35,000 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration and design support during construction for the Rebid Sonoma Sanitary Sewer Trunk Extension Project and authorizing the City Manager, or

his designee, to implement the provisions of this Resolution.

Consent

- 12. Consider accepting the Bowen, Johansen, Naraghi, and Orchard Storm Lift Station Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,181,829 to Tri-Technic, Inc., Sonora, CA. (Funding Source: Storm Drain Fund)
  - Resolution accepting the Bowen, Johansen, Naraghi and Orchard Storm Lift Station Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,181,829 to Tri-Technic, Inc., Sonora, CA.

*UTILITIES; Greg Showerman, (209) 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-419** accepting the Bowen, Johansen, Naraghi and Orchard Storm Lift Station Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,181,829 to Tri-Technic, Inc., Sonora, CA.

**COUNCIL COMMENTS & REPORTS**

Councilmember Ah You announced the United Way “Power of the Purse” event on November 6, 2020 and the needs for non-profits in Modesto; she also announced Gala in Graceada on October 17, 2020.

**CITY MANAGER COMMENTS & REPORTS**

City Manager Lopez spoke regarding Stanislaus County and moving into a lower COVID-19 tier.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:00 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): Sonita Saalfeld v. City of Modesto  
California Workers Compensation Appeals Board  
Nos. ADJ10463263; STIL 166006; Unassigned

**CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION  
One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)**

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

**MINUTES**  
**City of Modesto**  
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Video Conference**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Thursday Oct 08, 2020 at 5:30 PM**

Roll Call – Present: Councilmember Madrigal, Mayor Brandvold, Councilmember Kenoyer  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS - ROLL CALL VOTE REQUIRED: No Consent Items**

**NEW BUSINESS**

1. Consider approving the reappointment of Douglas Parman and Julie Scherer to the Citizens Housing and Community Development Committee and forwarding a recommendation to the City Council for approval. (Funding Source: Not Applicable)  
*CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** approving the reappointment of Douglas Parman and Julie Scherer to the Citizens Housing and Community Development Committee and forwarding to Council for approval.

2. Consider recommending appointments for one vacancy to the Board of Building Appeals and one vacancy to the Disabled Access Appeals Board and forwarding to Council for approval. (Funding Source: Not Applicable)  
*CED; Oscar Diaz, 571-5885, odiaz@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** appointing Nand Kishore to the Board of Building Appeals and Alejandro Lanzas to the to the Disabled Access Appeals Board and forwarding to Council for approval.

3. Consider approving the reappointment of Board Member Gary Blom and appointments for two vacancies on the City of Modesto Board of Zoning Adjustment and forwarding to Council for approval. (Funding Source: Not Applicable)  
*CED; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** directing staff to schedule interviews for the City of Modesto Board of Zoning Adjustment on October 22, 2020 at 4:30 p.m.

4. Consider approving an appointment for one vacancy on the City of Modesto Landmark Preservation Commission and forwarding to Council for approval. (Funding Source: Not Applicable)  
*CED; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: Motion (Kenoyer/Mayor Brandvold; 3/0)** approving the appointment of Lisa Lomas to the City of Modesto Landmark Preservation Commission and forwarding to Council for approval.

5. Consider approving the reappointments of Commissioners Hank Pollard and Ameet Biring and the appointment for one vacancy on the City of Modesto Planning Commission and forwarding to Council for approval. (Funding Source: Not Applicable)  
*CED; Steve Mitchell, 209-577-5267, smitchell@modestogov.com*

**ACTION: Motion (Mayor Brandvold/Kenoyer; 3/0)** directing staff to schedule interviews for the City of Modesto Planning Commission on October 22, 2020 at 4:30 p.m.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:09 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 Oct 13, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation from Scott Nelson, Covenant Grove Church

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: Grewal – Item 12

Reports from Closed Session: City Attorney Sanchez reported regarding Closed Session matter

**ACTION: Motion (Ridenour/Ah You; 6/0; Grewal absent due to conflict of interest)** appointing Real Property Negotiators Laurie Smith, Director of Parks, Recreation and Neighborhoods and Jose M. Sanchez, City Attorney for Property: APN: 105-048-011 (portion).

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of a Commendation from U.S. Senator Dianne Feinstein and recognition by Congressman Josh Harder acknowledging the City of Modesto’s 150th anniversary. (Funding Source: Not Applicable)  
*CITY MANAGER; Thomas Reeves, 571-5809, treeves@modestogov.com*

**ACTION:** Mayor Brandvold presented a Commendation from U.S. Senator Dianne Feinstein and recognition by Congressman Josh Harder acknowledging the City of Modesto's 150th anniversary.

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**  
**ACTION CONSENT ITEMS 2-8: (Kenoyer/Zoslocki; 7/0)**

**CONSENT ITEMS**

Consent

2. Consider approving the minutes from the October 6, 2020 Council Meeting. (Funding Source: Not Applicable)

- Motion approving the minutes from the October 6, 2020 Council Meeting.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestgov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0)** Motion approving the minutes from the October 6, 2020 Council Meeting.

Consent

3. Consider approving the recommended budget adjustments to Fiscal Year 2019-2020 and Fiscal Year 2020-2021 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
  - Resolution amending Fiscal Year 2019-2020 and Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager to take the necessary steps to implement the provisions of this Resolution.  
*BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-420** amending Fiscal Year 2019-2020 and Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager to take the necessary steps to implement the provisions of this Resolution.

Consent

4. Consider approving the plans and specifications for the 2016 Pavement Rehabilitation Project, STPL-5059(205), La Loma Avenue, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, California, in the amount of \$1,880,845; and authorizing the Director of Utilities to approve change orders up to the cumulative amount of \$188,085. (Funding Source: Federal RSTP and Local Control Measure L Funds)
  - Resolution approving the plans and specifications for the 2016 Pavement Rehabilitation Project, STPL-5059(205), accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, California, in the amount of \$1,880,845 and authorizing the City Manager, or his designee to execute the Agreement.
  - Resolution authorizing the Director of Community & Economic Development to approve change orders up to the cumulative amount of \$188,085 (10% of the original contract price) for the 2016 Pavement Rehabilitation Project, STPL-5059(205).  
*CED; Phillip Soares, 577-5258, psoares@modestgov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-421** approving the plans and specifications for the 2016 Pavement Rehabilitation Project, STPL-5059(205), accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, California, in the amount of \$1,880,845 and authorizing the City Manager, or his designee to execute the Agreement.

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-422** authorizing the Director of Community & Economic Development to approve change orders up to the cumulative amount of \$188,085 (10% of the original contract price) for the 2016 Pavement Rehabilitation Project, STPL-5059(205).

Consent

5. Consider approving the award of bid and Agreement for Rockwell Rejuvenation services to Fox Loomis, Inc, Sacramento, Ca, for a two year Agreement with three one-year extension options for an estimated annual cost of \$600,000 and a total amount not to exceed \$3,000,000 over five years. (Funding Source: Storm Drain Fund)
  - Resolution approving the award of bid and Agreement for Rockwell Rejuvenation services to Fox Loomis, Inc, Sacramento, 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 \$600,000 and a total amount not to exceed \$3,000,000 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.  
*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestgov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-423** approving the award of bid and Agreement for Rockwell Rejuvenation services to Fox Loomis, Inc, Sacramento, 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 \$600,000 and a total amount not to exceed \$3,000,000 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

6. Consider approving the award of bid and Agreement for Electrical Motor Rewind-Rebuild services to C.H.W. Enterprises Inc., dba Industrial Electric Machinery, Visalia, Ca, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$124,304 and a total amount not to exceed \$621,520 over five years. (Funding Source: Various Funds)

- Resolution approving the award of bid and Agreement for Electrical Motor Rewind-Rebuild services to C.H.W. Enterprises Inc., DBA Industrial Electric Machinery, Visalia, 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 \$124,304 and a total amount not to exceed \$621,520 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-424** approving the award of bid and Agreement for Electrical Motor Rewind-Rebuild services to C.H.W. Enterprises Inc., DBA Industrial Electric Machinery, Visalia, 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 \$124,304 and a total amount not to exceed \$621,520 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider accepting a California State Parks grant award, under the Per Capita Program, in the amount of \$177,952 for the purpose of funding various park improvement projects and approving the submittal of application(s) for Per Capita Grant Funds; amending the Fiscal Year 2020-2021 Capital Improvement Program Budget in the amount of \$100,000 to adjust CIP # 100922 – Downey Shade Structure; and amending the Fiscal Year 2020-2021 Operating Budget in the amount of \$77,952 to adjust Multi-Year Operating Project # 101289 – Revard Park Playground Renovation. (Funding Source: Per Capita Program Grant – Proposition 68)

- Resolution accepting a California State Parks grant award, under the Per Capita Program, in the amount of \$177,952 for the purpose of funding various park improvement projects and approving the submittal of application(s) for Per Capita Grant Funds and authorizing the City Manager, or his designee, to execute all Agreements necessary to implement the provisions of this Resolution.
- Resolution amending the Fiscal Year 2020-2021 Capital Improvement Program Budget in the amount of \$100,000 to adjust CIP # 100922 – Downey Shade Structure as described in Attachment A and amending the Fiscal Year 2020-2021 Operating Budget in the amount of \$77,952 to adjust Multi-Year Operating Project # 101289 – Revard Park Playground Renovation as described in Attachment B and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

*PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-425** accepting a California State Parks grant award, under the Per Capita Program, in the amount of \$177,952 for the purpose of funding various park improvement projects and approving the submittal of application(s) for Per Capita Grant Funds and authorizing the City Manager, or his designee, to execute all Agreements necessary to implement the provisions of this Resolution.

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-426** amending the Fiscal Year 2020-2021 Capital Improvement Program Budget in the amount of \$100,000 to adjust CIP # 100922 – Downey Shade Structure as described in Attachment A and amending the Fiscal Year 2020-2021 Operating Budget in the amount of \$77,952 to adjust Multi-Year Operating Project # 101289 – Revard Park Playground Renovation as described in Attachment B and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

- 8. Consider approving an Agreement with Modesto Irrigation District for the relocation of power poles at the Virginia Corridor Phase 7 site in the amount of \$220,000, plus \$44,000 for contingency, if needed, for an Agreement total not to exceed \$264,000. (Funding Source: CIP Project 100813 - Virginia Corridor Phase 7)
  - Resolution approving an Agreement with Modesto Irrigation District for the relocation of power poles at the Virginia Corridor Phase 7 site in the amount of \$220,000, plus \$44,000 for contingency, if needed, for an Agreement total not to exceed \$264,000, and authorizing the City Manager, or his designee, to execute the Agreement.

*PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-427** approving an Agreement with Modesto Irrigation District for the relocation of power poles at the Virginia Corridor Phase 7 site in the amount of \$220,000, plus \$44,000 for contingency, if needed, for an Agreement total not to exceed \$264,000, and authorizing the City Manager, or his designee, to execute the Agreement.

**COUNCIL COMMENTS & REPORTS**

Councilmember Madrigal thanked the Community & Economic Development staff for assisting with building soccer fields in Modesto.

Councilmember Ridenour participated virtually at the League of California Cities Annual Conference.

**CITY MANAGER COMMENTS & REPORTS**

None.

**WRITTEN COMMUNICATIONS**

- 9. Consider a written communication from Henry Petrino regarding the Coffee/Claratina Specific Plan. (Funding Source: Not Applicable)  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** No reportable action.

**UNFINISHED BUSINESS**

- 10. Consider approving the bylaws and formation of the Blight Abatement Advisory Committee in alignment with the City’s Comprehensive Blight Abatement Strategy, and authorizing the City Manager, or his designee, to solicit membership to the committee. (Funding Source: Not Applicable)
  - Resolution approving the formation of the Blight Abatement Advisory Committee, in alignment with the City’s comprehensive blight abatement strategy, and authorizing the City Manager to solicit membership to the committee.

*CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION: (Ridenour/Zoslocki; 7/0) Resolution 2020-428** approving the formation of the Blight Abatement Advisory Committee, in alignment with the City’s comprehensive blight abatement strategy, and authorizing the City Manager to solicit membership to the committee.

*Councilmember Grewal left meeting at 6:10 p.m.*

**HEARINGS**

*Published in the Modesto Bee on October 6, 2020*

11. Hearing to consider accepting an Affordable Housing & Sustainable Communities (AHSC) grant in the amount of \$24,766,157 for the Archway Commons Phase II project and enter into an AHSC Standard Agreement with the State of California; approving a First Amendment to the Capital Facilities Fees Deferral Loan Agreement; amending the Fiscal Year 2020-2021 Capital Improvement Program Budget to establish Project 101295 in the amount of \$10,490,000; and approving the issuance of bonds by the California Municipal Finance Authority (CMFA) for the benefit of Archway EAH II LP (the “Borrower”), a California Limited Partnership to provide for the financing of the Archway Commons Phase II project, for the purposes of satisfying the requirements of the Tax and Equity Fiscal Responsibility Act of 1982 (TEFRA), the Internal Revenue Code and California Government Code Section 6500, et seq. (Funding Source: Affordable Housing & Sustainable Communities Grant, Capital Facilities Fees)  
*CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

**ACTION: (Ah You/Ridenour; 6/0; Grewal absent) Resolution 2020-429** accepting the Affordable Housing & Sustainable Communities (AHSC) Grant in the amount of \$24,766,157 for the Archway Commons Phase II Project and approving entering into an AHSC Standard Agreement with the State of California, and authorize the City Manager or his designee to execute the AHSC Standard Agreement and any subsequent amendments or modifications as well as any other documents which are related to the program or the AHSC Grant awarded to the City as the State of California may deem appropriate.

**ACTION: (Zoslocki/Kenoyer; 6/0; Grewal absent) Resolution 2020-430** amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of \$10,490,000 to establish a new project for the AHSC Program Grant Project #101295 – 9th St Corridor Improvements and authorizing the City Manager, or his designee to implement the provisions of this Resolution.

**ACTION: (Ridenour/Zoslocki; 6/0; Grewal absent) Resolution 2020-431** approving the First Amendment to the Capital Facilities Fees Deferral Loan Agreement in the amount of \$750,138 with EAH Inc. for 74 Senior and Family Units, located at 1101 Carver Road, Modesto, and authorizing staff to finalize the provisions of the Amendment to the Capital Facilities Fees Deferral Loan Agreement and authorizing the City Manager, or his Designee, to execute the Agreement.

**ACTION: (You/Zoslocki; 6/0; Grewal absent) Resolution 2020-432** approving the issuance of tax-exempt revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$35,000,000 to finance a project consisting of a 74-unit multifamily rental housing facility for the benefit of Archway EAH II LP, a California Limited Partnership, or another entity created by EAH Inc. (or an affiliate), and certain other matters relating thereto.

**NEW BUSINESS**

*Councilmember Grewal absent due to conflict of interest*

12. Consider approving a Resolution of the City Council of the City of Modesto declaring its Intention for the disestablishment of the Modesto Tourism Marketing District and fixing the time and place of a public hearing thereon and giving notice thereof. (Funding Source: Not Applicable)
- Resolution of the City Council of the City of Modesto declaring its intention for the disestablishment of the Modesto Tourism Marketing District (MTMD) and fixing the time and place of a Public Hearing thereon and giving notice thereof.

*PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com*

**ACTION: (Ridenour/Madrigal; 6/0; Grewal absent due to conflict of interest) Resolution 2020-433** of the City Council of the City of Modesto declaring its intention for the disestablishment of the Modesto Tourism Marketing District (MTMD) and fixing the time and place of a Public Hearing thereon and giving notice thereof.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:30 p.m.

**CLOSED SESSION**

*Closed Session meeting was not held*

**CONSENT ITEMS**

*Councilmember Grewal absent due to conflict of interest*

1. Consider appointing Real Property Negotiators Laurie Smith, Director of Parks, Recreation and Neighborhoods and Jose M. Sanchez, City Attorney for Property: APN: 105-048-011 (portion).

- Motion appointing Real Property Negotiators Laurie Smith, Director of Parks, Recreation and Neighborhoods and Jose M. Sanchez, City Attorney for Property: APN: 105-048-011 (portion).  
City Attorney, Jose M. Sanchez, 577-5284, jsanchez@modestogov.com

**ACTION: Motion (Ridenour/Ah You; 6/0; Grewal absent due to conflict of interest)** appointing Real Property Negotiators Laurie Smith, Director of Parks, Recreation and Neighborhoods and Jose M. Sanchez, City Attorney for Property: APN: 105-048-011 (portion).

**CLOSED SESSION**

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

Property: 105-048-011 (portion), 1150 9th Street, Modesto, CA

Property Owners: Modesto Redevelopment Successor Agency

Negotiating Parties:

For Successor Agency: Laurie Smith, Director of Parks, Recreation and Neighborhoods  
Jose M. Sanchez, City Attorney

For Buyer: Starla Warren

Under Negotiation: Price and Terms

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

**MINUTES**  
**City of Modesto**  
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Video Conference**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Thursday Oct 22, 2020 at 4:30 PM**

Roll Call – Present: Councilmember Madrigal, Mayor Brandvold, Councilmember Kenoyer  
Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS - ROLL CALL VOTE REQUIRED: No Consent Items**

**UNFINISHED BUSINESS**

1. Consider interviewing and recommending to the City Council the reappointment of Board Member Gary Blom, and the appointment of two prospective candidates to fill the vacancies on the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)  
*CED; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: Motion (Madrigal/Kenoyer; 3/0)** approving the reappointment of Gary Blom to the Board of Zoning Adjustment and forwarding to Council for approval.

**ACTION: Motion (Madrigal/Kenoyer; 3/0)** approving the appointments of Rhoda Yare, and Minal Desai to the Board of Zoning and Adjustment and forwarding to Council for approval.

2. Consider interviewing and recommending to the City Council the reappointment of Planning Commissioners Hank Pollard and Ameet Biring, and the appointment of a prospective candidate to fill the vacancy on the City of Modesto Planning Commission. (Funding Source: Not Applicable)  
*CED; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** approving the reappointment of Hank Pollard and Ameet Biring to the Planning Commission and forwarding to Council for approval.

**ACTION: Motion (Madrigal/Kenoyer; 2/1; Mayor Brandvold no)** approving the appointment of Omar Silva to the Planning Commission and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:09 p.m.

Attest: \_\_\_\_\_  
Dana Sanchez, Deputy City Clerk

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL WORKSHOP**  
**1010 10th Street**  
**Modesto, California**  
**(Held Via Teleconference)**  
**Monday Oct 26, 2020 at 3:00 PM**

Roll Call – Present: Councilmembers Zoslocki (arrived at 3:22 p.m.), Ridenour and Kenoyer (alternate)

Absent: Councilmember Grewal

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 1-4**

**CONSENT**

1. Consider approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval. (Funding Source: Various Funds)  
*BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 2/0; Zoslocki absent)** approving the recommended budget adjustments to Fiscal Year 2020-21 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider approving the award of bid for the purchase of three one-ton trucks to Sonora Ford, Sonora, CA, for a total amount not to exceed \$141,951, and forwarding to Council for approval. (Funding Source: Fleet Replacement Fund)  
*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 2/0; Zoslocki absent)** approving the award of bid for the purchase of three one-ton trucks to Sonora Ford, Sonora, CA, for a total amount not to exceed \$141,951, and forwarding to Council for approval.

3. Consider approving a Purchase Agreement with Comcast communication services, by utilizing the competitive bid process with the State of California Comcast CALNET 3 for communication services, for a three-year Agreement with an annual estimated cost not to exceed \$32,000 and a total amount not to exceed \$96,000 over three-years and forwarding to Council for approval. (Funding Source: Information Technology Fund)  
*IT; Kevin Harless, 571-5593, kharless@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 2/0; Zoslocki absent)** approving a Purchase Agreement with Comcast communication services, by utilizing the competitive bid process with the State of California Comcast CALNET 3 for communication services, for a three-year Agreement with an annual estimated cost not to exceed \$32,000 and a total amount not to exceed \$96,000 over three-years and forwarding to Council for approval.

4. Consider rejecting the proposals for Traffic Engineering Services On-Call for the Traffic Engineering Division, and authorizing staff to re-advertise for bid at a future date with an amended scope of work, and forwarding to Council for approval. (Funding Source: Various Federal Grants)  
*PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; 2/0; Zoslocki absent)** rejecting the proposals for Traffic Engineering Services On-Call for the Traffic Engineering Division, and authorizing staff to re-advertise for bid at a future date with an amended scope of work, and forwarding to Council for approval.

#### UNFINISHED BUSINESS

5. Consider approving a Second Amendment to the Professional Services Agreement for security services with Rank Investigation & Protection (Rank Security), Inc., increasing the Agreement by \$150,000 from \$3,699,756 to \$3,846,756 over seven years and forwarding to Council for approval. (Funding Source: Insurance Recovery Funds)  
*FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com*

**ACTION: Motion (Kenoyer/Ridenour; Zoslocki absent)** approving a Second Amendment to the Professional Services Agreement for security services with Rank Investigation & Protection (Rank Security), Inc., increasing the Agreement by \$150,000 from \$3,699,756 to \$3,846,756 over seven years and forwarding to Council for approval.

6. Consider approving an Agreement with Bartle Wells Associates, Berkeley, CA, for the preparation of the Wastewater Rate Study in the amount of \$119,275, plus \$11,928 in additional services (if needed) for a total amount not to exceed \$131,203; approving an Agreement with Carollo Engineers, Walnut Creek, CA, for the preparation of the Wastewater System Engineer's Report Update in the amount of \$149,870, plus \$14,987 in additional services (if needed) for a total amount not to exceed \$164,857 and amending the Fiscal Year 2020-21 Operating Budget by \$165,000, and forwarding to Council for approval. (Funding Source: Wastewater Fund)  
*UTILITIES; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Zoslocki/Kenoyer; 3/0)** approving an Agreement with Bartle Wells Associates, Berkeley, CA, for the preparation of the Wastewater Rate Study in the amount of \$119,275, plus \$11,928 in additional services (if needed) for a total amount not to exceed \$131,203; approving an Agreement with Carollo Engineers, Walnut Creek, CA, for the preparation of the Wastewater System Engineer's Report Update in the amount of \$149,870, plus \$14,987 in additional services (if needed) for a total amount not to exceed \$164,857 and amending the Fiscal Year 2020-21 Operating Budget by \$165,000, and forwarding to Council for approval.

7. Consider approving an Agreement with Bartle Wells Associates, Berkeley, CA, for the preparation of the Water Rate Study in the amount of \$132,925, plus \$13,293 in additional services (if needed) for a total amount not to exceed \$146,218; approving an Agreement with West Yost, Davis, CA, for the preparation of the Water System Engineer's Report Update in the amount of \$48,500, plus \$4,850 in additional services (if needed) for a total amount not to exceed \$53,350 and amending the Fiscal Year 2020-21 Operating Budget by \$65,000, and forwarding to Council for approval. (Funding Source: Water Fund)  
*UTILITIES; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Zoslocki/Kenoyer; 3/0)** approving an Agreement with Bartle Wells Associates, Berkeley, CA, for the preparation of the Water Rate Study in the amount of \$132,925, plus \$13,293 in additional services (if needed) for a total amount not to exceed \$146,218; approving an Agreement with West Yost, Davis, CA, for the preparation of the Water System Engineer's Report Update in the amount of \$48,500, plus \$4,850 in additional services (if needed) for a total amount not to exceed \$53,350 and amending the Fiscal Year 2020-21 Operating Budget by \$65,000, and forwarding to Council for approval.

8. Consider accepting a report on the annual review of approved water rate increases for Fiscal Year 2020-21 and forwarding to Council for approval. (Funding Source: Water Fund)  
*UTILITIES; Jesse Franco, 571-5175, jfranco@modestogov.com*

**ACTION: Motion (Zoslocki/Kenoyer; 3/0)** directing staff to return to the next Finance Committee meeting with more information.

#### NEW BUSINESS

9. Consider amending the Fiscal Year 2020-21 Annual Operating Budget in the amount of \$1,242,103 to fund the Maintenance of Effort (MOE) related to the Road Repair Accountability Act (Senate Bill 1) and forwarding to Council for approval. (Funding Source: General Fund)  
*BUDGET; Kacey Culbertson, 209-577-5479, kculbertson@modestogov.com*

**ACTION: Motion (Zoslocki/Kenoyer; 3/0)** amending the Fiscal Year 2020-21 Annual Operating Budget in the amount of \$1,242,103 to fund the Maintenance of Effort (MOE) related to the Road Repair Accountability Act (Senate Bill 1) and forwarding to Council for approval.

10. Consider accepting the informational Fiscal Year 2020-21 General Fund Quarterly Report for the first quarter ending September 2020 and forwarding to Council for acceptance. (Funding Source: General Fund)  
*BUDGET; Stephan Christensen, 209-577-5390, schristensen@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** accepting the informational Fiscal Year 2020-21 General Fund Quarterly Report for the first quarter ending September 2020 and forwarding to Council for acceptance.

11. Consider approving the award of proposal and Agreement for the furnishing of Golf Course Management services for Creekside Golf Course and Dryden Golf Course, and Golf Course Maintenance services for all City owned golf courses, to BrightView Golf Maintenance, Inc., Calabasas, CA, in partnership with KemperSports Management, Modesto, CA, for a three-year Agreement with two two-year extension options, for an estimated annual cost of \$2,632,648 and a total amount not to exceed \$18,428,536 over seven years and forwarding to Council for approval. (Funding Source: Golf Fund and General Fund Operating Subsidy)  
*PRN; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the award of proposal and Agreement for the furnishing of Golf Course Management services for Creekside Golf Course and Dryden Golf Course, and Golf Course Maintenance services for all City owned golf courses, to BrightView Golf Maintenance, Inc., Calabasas, CA, in partnership with KemperSports Management, Modesto, CA, for a three-year Agreement with two two-year extension options, for an estimated annual cost of \$2,632,648 and a total amount not to exceed \$18,428,536 over seven years and forwarding to Council for approval.

12. Consider approving the Second Amendment to Agreement with HWS Baseball IV, LLC, aka The Modesto Nuts Baseball Club, for the use, operation, and management of John Thurman Field and forwarding to Council for approval. (Funding Source: CIP Project 101019/General Fund)  
*PRN; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Kenoyer/Zoslocki; 3/0)** approving the Second Amendment to Agreement with HWS Baseball IV, LLC, aka The Modesto Nuts Baseball Club, for the use, operation, and management of John Thurman Field and forwarding to Council for approval.

13. Consider approving a Memorandum of Understanding and Cooperative Agreement with the Modesto Downtown Improvement District for the distribution of taxes collected by the City for the improvement of the downtown area and forwarding to Council for approval. (Funding Source: Downtown)

Improvement District Business Tax)  
*PRN; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Zoslocki/Kenoyer; 3/0)** approving a Memorandum of Understanding and Cooperative Agreement with the Modesto Downtown Improvement District for the distribution of taxes collected by the City for the improvement of the downtown area and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:08 p.m.

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

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday Oct 27, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read Invocation from Cindy Marks, Pray Modesto

City Clerk’s Announcements – Item 8 removed from Consent at request of Mayor Brandvold, Vice Mayor Ah You, and Councilmember Madrigal

Declaration of Conflicts of Interest: Ridenour – Item 18

Reports from Closed Session: City Attorney Sanchez reported on Closed Session matters: Council authorized the City Attorney’s Office to initiate litigation regarding contract claims

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of a Commendation from State Assembly Member Adam Gray acknowledging the City of Modesto’s 150th anniversary. (Funding Source: Not Applicable)  
*CITY MANAGER; Thomas Reeves, 571-5809, treeves@modestogov.com*

**ACTION:** Mayor Brandvold presented a Commendation from State Assembly Member Adam Gray and Senator Cathleen Galgiani acknowledging the City of Modesto’s 150th anniversary.

2. Presentation by Esther Knobel regarding "Kids Food Drive - how the next generation is learning to serve." (Funding Source: Not Applicable)  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Esther Knobel and her students gave a Presentation regarding "Kids Food Drive - How the Next Generation is Learning to Serve."

**MISCELLANEOUS**

3. Consider accepting the resignation of Beth Garcia from the City’s Citizens Housing & Community Development Committee. (Funding Source: Not Applicable)  
**Staff Recommendation:**
  - Resolution accepting the resignation of Beth Garcia from the City of Modesto Citizens Housing & Community Development Committee.  
*CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-434** accepting the resignation of Beth Garcia from the City of Modesto Citizens Housing & Community Development Committee.

- 4. Consider approving the reappointment of Douglas Parman and Julie Scherer, Citizens-at-Large, to the Citizens’ Housing and Community Development Committee with a term expiration date of December 31, 2023. (Funding Source: Not Applicable)

**Staff Recommendation:**

- Resolution approving the reappointment of Douglas Parman and Julie Scherer, Citizens-At-Large, to the Citizen’s Housing and Community Development Committee with a term expiration date of December 31, 2023.

*CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

**ACTION: (Ridenour/Ah You; 7/0) Resolution 2020-435** approving the reappointment of Douglas Parman and Julie Scherer, Citizens-At-Large, to the Citizen’s Housing and Community Development Committee with a term expiration date of December 31, 2023.

- 5. Consider approving the appointment of Sonja Hurst to the Citizen’s Housing and Community Development Committee with a term expiration date of December 31, 2024. (Funding Source: Not Applicable)

**Staff Recommendation:**

- Resolution approving the appointment of Sonja Hurst to the Citizen’s Housing and Community Development Committee with a term expiration date of December 31, 2024.

*CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

**ACTION: (Ah You/Kenoyer; 7/0) Resolution 2020-436** approving the appointment of Sonja Hurst to the Citizen’s Housing and Community Development Committee with a term expiration date of December 31, 2024.

**PUBLIC COMMENT PERIOD**

- Sebastian Jones spoke regarding Rank Security and COVID-19 funds in the City of Modesto.
- Sarah Johnson spoke regarding COVID-19 funds in the City of Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 6-7; 9-16: (Kenoyer/Ridenour; 7/0)**

**CONSENT ITEMS**

Consent

- 6. Consider approving the minutes from the October 13, 2020 Council Meeting. (Funding Source: Not Applicable)

- Motion approving the minutes from the October 13, 2020 Council Meeting.

*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion approving the minutes from the October 13, 2020 Council Meeting.

Consent

- 7. Consider approving the 2021 Calendar of regularly scheduled City Council and Council Standing Committee meetings. (Funding Source: Not Applicable)

- Resolution approving the 2021 City Calendars of regularly scheduled City Council and Council Standing Committee meetings.

*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Resolution 2020-437 approving the 2021 City Calendars of regularly scheduled City Council and Council Standing Committee meetings.

*Removed from Consent*

8. Consider approving a Fourth Amendment to the Legal Services Agreement with Kronick, Moskovitz, Tiedemann & Girard (Kronick) for personnel and administrative investigation support through December 31, 2021, and increasing the Agreement amount by \$25,000, from \$75,000 to \$100,000. (Funding Source: Insurance Administration Fund)
- Resolution approving a Fourth Amendment to the Legal Services Agreement with Kronick, Moskovitz, Tiedemann & Girard (Kronick) for personnel and administrative investigation support through December 31, 2021, and increasing the Agreement amount by \$25,000, from \$75,000 to \$100,000, and authorizing Deputy City Manager Caluha Barnes, to execute the Amendment.

*CITY MANAGER; Caluha Barnes, 577-5228, cbarnes@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 4/3; Ah You, Madrigal, Mayor Brandvold no) Resolution 2020-438** approving a Fourth Amendment to the Legal Services Agreement with Kronick, Moskovitz, Tiedemann & Girard (Kronick) for personnel and administrative investigation support through December 31, 2021, and increasing the Agreement amount by \$25,000, from \$75,000 to \$100,000, and authorizing Deputy City Manager Caluha Barnes, to execute the Amendment.

Consent

9. Consider accepting an informational report for the August 2020 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the August 2020 Accounts Payable Payment Register and Void report.

*FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion accepting an informational report for the August 2020 Accounts Payable Payment Register and Void report.

Consent

10. Consider accepting the Monthly Investment Report for August 2020. (Funding Source: Various Funds)
- Motion accepting the Monthly Investment Report for August 2020.

*FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion accepting the Monthly Investment Report for August 2020.

Consent

11. Consider approving an Amendment to increase the Purchasing Agreement with Amazon Business through the OMNIA Partners Public Sector cooperative purchasing organization (formerly known as US Communities and National IPA) for an online marketplace for products by \$50,000 annually, for a two-year Agreement with three two-year extension options, for a revised annual estimated cost of \$125,000, and a total revised amount not to exceed \$1,000,000 over eight years. (Funding Source: Various Funds)
- Resolution approving an Amendment to increase the Purchasing Agreement with Amazon Business through the OMNIA Partners Public Sector cooperative purchasing organization (formerly known as US Communities and National IPA) for an online marketplace for products by \$50,000 annually, for a two-year Agreement with three two-year extension options, for a revised annual estimated cost of \$125,000, and a total revised amount not to exceed \$1,000,000 over eight years; and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-439** approving an Amendment to increase the Purchasing Agreement with Amazon Business through the OMNIA Partners Public Sector cooperative purchasing organization (formerly known as US Communities and National IPA) for an online marketplace for products by \$50,000 annually, for a two-year Agreement with three two-year extension options, for a revised annual estimated cost of \$125,000, and a total revised amount not to exceed \$1,000,000 over eight years; and authorizing the

Purchasing Manager, or her designee, to execute the Amendment.

Consent

12. Consider approving the award of bid for the furnishing of Analytical Laboratory Testing Service for Drinking Water services to Institute for Environmental Health Inc., dba IEH- JL Analytical, Modesto, CA, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$52,696 and a total amount not to exceed \$263,480 over five years. (Funding Source: Water Fund)
- Resolution approving the award of bid for the furnishing of Analytical Laboratory Testing Service for Drinking Water services to Institute for Environmental Health Inc., dba IEH- JL Analytical, Modesto, CA, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$52,696 and a total amount not to exceed \$263,480 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.
- FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-440** approving the award of bid for the furnishing of Analytical Laboratory Testing Service for Drinking Water services to Institute for Environmental Health Inc., dba IEH- JL Analytical, Modesto, CA, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$52,696 and a total amount not to exceed \$263,480 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

13. Consider approving an Amendment to Article VII of the bylaws of the Modesto City-County Airport Advisory Committee calling for regular bi-monthly meetings; and an Amendment to Article III to remove the annual report submission requirement. (Funding Source: Not Applicable)
- Resolution approving an Amendment to Article VII of the bylaws of the Modesto City-County Airport Advisory Committee calling for regular bi-monthly meetings; and an amendment to Article III to remove the annual report submission requirement.
- PUBLIC WORKS; Steve Fischio, 342-2222, sfischio@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-441** approving an Amendment to Article VII of the bylaws of the Modesto City-County Airport Advisory Committee calling for regular bi-monthly meetings; and an amendment to Article III to remove the annual report submission requirement.

Consent

14. Consider approving the First Amendment to an Agreement with Willdan, Inc., for Traffic Engineering services increasing the Agreement amount by \$60,000 from \$145,000, to a new total not to exceed amount of \$205,000, and extending the term of the Agreement from one year to two years with a one-year extension. (Funding Source: Surface Transportation Fund)
- Resolution approving the First Amendment increasing the Agreement amount with Willdan, Inc., for Traffic Engineering services by \$60,000 from \$145,000 to a new total not to exceed amount of \$205,000, and extending the term of the Agreement from one year to two years with a one-year extension, and authorizing the City Manager, or his designee, to execute the Amendment.
- PUBLIC WORKS; Scott Collins, 577-5431, scollins@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-442** approving the First Amendment increasing the Agreement amount with Willdan, Inc., for Traffic Engineering services by \$60,000 from \$145,000 to a new total not to exceed amount of \$205,000, and extending the term of the Agreement from one year to two years with a one-year extension, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

15. Consider approving the First Amendment to extend the term of the Agreement with STOTT Outdoor Advertising for bus exterior advertising services from December 1, 2020 to June 30, 2021 with a one-year extension option. (Funding Source: Transit Funds)

- Resolution approving the First Amendment to extend the term of the Agreement with STOTT Outdoor Advertising for bus exterior advertising services from December 1, 2020 to June 30, 2021 with a one-year extension option, and authorizing the City Manager, or his designee, to execute the Agreement.

*PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-443** approving the First Amendment to extend the term of the Agreement with STOTT Outdoor Advertising for bus exterior advertising services from December 1, 2020 to June 30, 2021 with a one-year extension option, and authorizing the City Manager, or his designee, to execute the Agreement.

#### Consent

16. Consider approving the sole source Agreement with Hach Company, Loveland, CO, for nitrate analyzer equipment and field services, for a three-year Agreement, for an estimated annual cost of \$103,000, and a total amount not to exceed \$339,000 over three years. (Funding Source: Water Fund)
- Resolution approving the sole source Agreement with Hach Company, Loveland, CO, for nitrate analyzer equipment and field services, for a three-year Agreement, for an annual cost not to exceed \$103,000, and a total amount not to exceed \$339,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

*UTILITIES; Jeff Daniels, 209-342-4285, jdaniels@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-444** approving the sole source Agreement with Hach Company, Loveland, CO, for nitrate analyzer equipment and field services, for a three-year Agreement, for an annual cost not to exceed \$103,000, and a total amount not to exceed \$339,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

### COUNCIL COMMENTS & REPORTS

Councilmember Ah You spoke regarding her duties as a Councilmember.

Councilmember Kenoyer thanked Stanislaus County for moving into "red" tier for COVID-19.

### CITY MANAGER COMMENTS & REPORTS

None.

### HEARINGS

*Published in the Modesto Bee on October 16, 2020*

17. Hearing to consider an appeal of Sherwood Forest Homeowners of a decision by the Board of Zoning Adjustment (BZA) denying their appeal of a staff approval of a second-story addition located at 3109 Yorkshire Lane. (Funding Source: Not Applicable)
- CED; Jonnie Lan, 577-5267, jlan@modestogov.com*
- Resolution denying the appeal of the Sherwood Forest Homeowners and affirming the Board of Zoning Adjustment decision denying the appeal of the Sherwood Forest Homeowners' appeal of a staff approval of a second-story addition located at 3109 Yorkshire Lane.

**ACTION: (Kenoyer/Ah You; 5/2; Madrigal, Ridenour no) Resolution 2020-445** denying the appeal of the Sherwood Forest Homeowners and affirming the Board of Zoning Adjustment decision denying the appeal of the Sherwood Forest Homeowners' appeal of a staff approval of a second-story addition located at 3109 Yorkshire Lane.

*Published in the Modesto Bee on October 7, 2020 – Councilmember Ridenour absent due to conflict of interest*

18. Hearing to consider a proposed amendment to the Village One Specific Plan and Precise Plan No. 20, to

allow Small-Lot Single Family Residential at a minimum density of 10 units per acre on property located on Chandon Drive north of Montorra Drive. (Funding Source: Developer Funded)  
*CED; Katharine Martin, 209-577-5267, kamartin@modestogov.com*

- Resolution approving Specific Plan Amendment No. 25 to the Village One Specific Plan to amend allowable uses in the Senior Housing Land Use designation, property located on Chandon Drive north of Montorra Drive.
- Motion introducing and waiving the first reading of an Ordinance amending the Precise Plan for Area No. 20 Subarea C in the Village One Specific Plan to allow small-lot single-family residential developments at a minimum density of 10 units per net acre within the Senior Housing Land Use designation, property located on Chandon Drive north of Montorra Drive.
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (State Clearinghouse No. 2014042081): Amendment to the Village One Specific Plan and Village One Precise Plan No. 20 Subarea C, to allow that multi-family residential uses and small-lot single-family developments at a minimum density of 10 units per net acre are permitted uses in the Senior Housing Land Use designation, property located on Chandon Drive north of Montorra Drive.

**ACTION: (Kenoyer/Madrigal; 6/0; Ridenour absent due to conflict of interest) Resolution 2020-446** approving Specific Plan Amendment No. 25 to the Village One Specific Plan to amend allowable uses in the Senior Housing Land Use designation, property located on Chandon Drive north of Montorra Drive.

**ACTION: (Kenoyer/Madrigal; 6/0; Ridenour absent due to conflict of interest)** Motion introducing and waiving the first reading of Ordinance No. 3723-C.S. amending the Precise Plan for Area No. 20 Subarea C in the Village One Specific Plan to allow small-lot single-family residential developments at a minimum density of 10 units per net acre within the Senior Housing Land Use designation, property located on Chandon Drive north of Montorra Drive.

**ACTION: (Kenoyer/Madrigal; 6/0; Ridenour absent due to conflict of interest) Resolution 2020-447** finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (State Clearinghouse No. 2014042081): Amendment to the Village One Specific Plan and Village One Precise Plan No. 20 Subarea C, to allow that multi-family residential uses and small-lot single-family developments at a minimum density of 10 units per net acre are permitted uses in the Senior Housing Land Use designation, property located on Chandon Drive north of Montorra Drive.

*Published in the Modesto Bee on October 7, 2020 and in the Spanish Vida en al Valle on October 14, 2020*

19. Hearing to consider approving Amendment #4 to the City of Modesto’s Program Year 2019-2020 Annual Action Plan to allocate Community Development Block Grant Coronavirus Round 3 (CDBG-CV3) and Emergency Solutions Grant Coronavirus Round 2 (ESG-CV2). (Funding Source: Community Development Block Grant CV1, Community Development Block Grant CV3, and Emergency Solutions Grant CV2)  
*CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

- Resolution approving Amendment #4 to Program Year 2019-2020 Annual Action Plan and authorizing the City Manager or his designee to execute any documents and/or Agreements.
- Resolution amending the Fiscal Year 2019-2020 Operating and Multi-Year project budget to re-allocate Community Development Block Grant (CDBG) funds and Emergency Solution Grant (ESG) Funds as proposed in the Program Year 2019-20 Annual Action Plan Amendment No. 4 and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.
- Resolution amending the classification plan for the City of Modesto to create the classification of Homeless Outreach Specialist.
- Resolution amending the position allocation for Fiscal Year 2020-21 as adopted in the Operating Budget.
- Resolution approving an ESG-CV2 grant award contract with the Salvation Army for the Access Center Emergency Shelter (ACES) in an amount not to exceed \$630,000 plus activity delivery costs for shelter operations and authorizing the City Manager or his designee to execute any documents and/or Agreements.

- Resolution approving an ESG CV2 grant award contract with the Downtown Streets Team in the amount not to exceed \$450,000 plus activity delivery costs for the expansion of the shelter job training program and authorizing the City Manager or his designee to execute any documents and/or Agreements.
- Resolution approving an ESG-CV2 grant award contract with the Downtown Streets Team in an amount not to exceed \$450,000 plus activity delivery costs for the rapid rehousing program and authorizing the City Manager or his designee to execute any documents and/or Agreements.

**ACTION: (Ridenour/Zoslocki; 7/0) Resolution 2020-448** approving Amendment #4 to Program Year 2019-2020 Annual Action Plan and authorizing the City Manager or his designee to execute any documents and/or Agreements.

**ACTION: (Ridenour/Zoslocki; 7/0) Resolution 2020-449** amending the Fiscal Year 2019-2020 Operating and Multi-Year project budget to re-allocate Community Development Block Grant (CDBG) funds and Emergency Solution Grant (ESG) Funds as proposed in the Program Year 2019-20 Annual Action Plan Amendment No. 4 and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

**ACTION: (Ridenour/Zoslocki; 7/0) Resolution 2020-450** amending the classification plan for the City of Modesto to create the classification of Homeless Outreach Specialist.

**ACTION: (Ridenour/Zoslocki; 7/0) Resolution 2020-451** amending the position allocation for Fiscal Year 2020-21 as adopted in the Operating Budget.

**ACTION: (Ridenour/Zoslocki; 7/0) Resolution 2020-452** approving an ESG-CV2 grant award contract with the Salvation Army for the Access Center Emergency Shelter (ACES) in an amount not to exceed \$630,000 plus activity delivery costs for shelter operations and authorizing the City Manager or his designee to execute any documents and/or Agreements.

**ACTION: (Ridenour/Zoslocki; 7/0) Resolution 2020-453** approving an ESG CV2 grant award contract with the Downtown Streets Team in the amount not to exceed \$450,000 plus activity delivery costs for the expansion of the shelter job training program and authorizing the City Manager or his designee to execute any documents and/or Agreements.

**ACTION: (Ridenour/Zoslocki; 7/0) Resolution 2020-454** approving an ESG-CV2 grant award contract with the Downtown Streets Team in an amount not to exceed **\$500,000** plus activity delivery costs for the rapid rehousing program and authorizing the City Manager or his designee to execute any documents and/or Agreements. **(AS AMENDED)**

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

None.

#### **ADJOURNMENT**

This meeting adjourned at 8:40 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)(4) of the Government Code)**

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

Property: 105-048-011 (portion), 1150 9th Street, Modesto, CA

Property Owners: Modesto Redevelopment Successor Agency

Negotiating Parties:

For Successor Agency: Laurie Smith, Director of Parks, Recreation and  
Neighborhoods  
Jose M. Sanchez, City Attorney

For Buyer: Starla Warren

Under Negotiation: Price and Terms

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 04, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read Invocation from Marvin Jacobo, City Ministry Network

City Clerk’s Announcements: None

Declaration of Conflicts of Interest – Ridenour Item 3

Reports from Closed Session: None

**MISCELLANEOUS**

Legislation  
Appointments  
Other

1. Consider approving the appointment of Nand Kishore to the Board of Building Appeals, and the appointment of Alejandro Lanzas to the Disabled Access Appeals Board, both with a term expiration of January 1, 2025. (Funding Source: Not Applicable)

- Resolution approving the appointment of Nand Kishore to the Board of Building Appeals with a term expiration of January 1, 2025.
- Resolution approving the appointment of Alejandro Lanzas to the Disabled Access Appeals Board with a term expiration of January 1, 2025.

*CED; Oscar Diaz, 571-5885, odiaz@modestogov.com*

**ACTION: (Ah You/Kenoyer; 7/0) Resolution 2020-455** approving the appointment of Nand Kishore to the Board of Building Appeals with a term expiration of January 1, 2025.

**ACTION: (Ah You/Kenoyer; 7/0) Resolution 2020-456** approving the appointment of Alejandro Lanzas to the Disabled Access Appeals Board with a term expiration of January 1, 2025.

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION CONSENT ITEMS 2, 4-8 (Ah You, Madrigal; 7/0)**

**ACTION CONSENT ITEM 3: (Ah You/Madrigal; 6/0; Ridenour absent due to conflict of interest)**

**CONSENT ITEMS**

Consent

2. Consider approving the minutes from the October 27, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the October 27, 2020 Council Meeting  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Ah You/Madriral; 7/0)** Motion approving the minutes from the October 27, 2020 Council Meeting

Consent – *Councilmember Ridenour absent due to Conflict of Interest*

3. Consider approving final adoption of Ordinance No. 3723-C.S. amending the Precise Plan for Area No. 20 Subarea C in the Village One Specific Plan to allow small-lot single-family residential developments at a minimum density of 10 units per net acre within the Senior Housing Land Use designation, property located on Chandon Drive north of Montorra Drive. (Funding Source: Developer Funded)
  - Motion approving final adoption of Ordinance No. 3723-C.S. amending the Precise Plan for Area No. 20 Subarea C in the Village One Specific Plan to allow small-lot single-family residential developments at a minimum density of 10 units per net acre within the Senior Housing Land Use designation, property located on Chandon Drive north of Montorra Drive.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Ah You/Madriral; 6/0; Ridenour absent due to conflict of interest)** Motion approving final adoption of **Ordinance No. 3723-C.S.** amending the Precise Plan for Area No. 20 Subarea C in the Village One Specific Plan to allow small-lot single-family residential developments at a minimum density of 10 units per net acre within the Senior Housing Land Use designation, property located on Chandon Drive north of Montorra Drive.

Consent

4. Consider approving the sale of the City’s interest in real estate located at 2846 Finch Road, Modesto to the County of Stanislaus for \$375,000 and corresponding Purchase and Sale Agreement. (Funding Source: Not Applicable)
  - Resolution approving the sale of the City’s Interest in property located at 2846 Finch Rd. Modesto, California to the County of Stanislaus for \$375,000, and corresponding Purchase and Sale Agreement, and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement and any related escrow documents.  
*CITY ATTORNEY; Jose Sanchez, 577-5284, jsanchez@modestogov.com*

**ACTION: (Ah You/Madriral; 7/0) Resolution 2020-457** approving the sale of the City’s Interest in property located at 2846 Finch Rd. Modesto, California to the County of Stanislaus for \$375,000, and corresponding Purchase and Sale Agreement, and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement and any related escrow documents.

Consent

5. Consider approving an \$85,107 Homeowner Rehabilitation Loan and a \$10,000 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, Modesto, CA 95350. (Funding Source: Community Development Block Grant Revolving Loan Fund)
  - Resolution approving an \$85,107 Homeowner Rehabilitation Loan and a \$10,000 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, Modesto, CA 95350 and authorizing the City Manager to execute the Agreements.  
*CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

**ACTION: (Ah You/Madriral; 7/0) Resolution 2020-458** approving an \$85,107 Homeowner Rehabilitation Loan and a \$10,000 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W

Orangeburg Avenue, Modesto, CA 95350 and authorizing the City Manager to execute the Agreements.

Consent

6. Consider approving the award of bid for the purchase of two forklifts to East Bay Clarklift Inc., dba Cromer Equipment, Fresno, CA for a total amount not to exceed \$61,481 and approving the award of bid for purchase for one One-Ton Truck to Sonora

Ford, Sonora CA, for a total amount not to exceed \$65,269. (Funding Source: Fleet Replacement Fund and Water Fund)

- Resolution approving the award of bid for the purchase of two forklifts to East Bay Clarklift Inc., dba Cromer Equipment, Fresno, CA for a total amount not to exceed \$61,481 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
- Resolution approving the award of bid for purchase for one One-Ton Truck to Sonora Ford, Sonora, CA, for a total amount not to exceed \$65,269 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Ah You/Madrigal; 7/0) Resolution 2020-459** approving the award of bid for the purchase of two forklifts to East Bay Clarklift Inc., dba Cromer Equipment, Fresno, CA for a total amount not to exceed \$61,481 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

**ACTION: (Ah You/Madrigal; 7/0) Resolution 2020-460** approving the award of bid for purchase for one One-Ton Truck to Sonora Ford, Sonora, CA, for a total amount not to exceed \$65,269 and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

7. Consider rejecting all bids for Request for Bid (RFB) No. 1819-60 for 33,000-pound GVWR Truck with Chlorine Tank, RFB 1920-09RB for Four Extended Cab One-Ton Trucks and a Sourcewell Quote for a One-Ton Crew Cab Flatbed Truck and authorizing staff to reissue the RFB's at a future date when approved by the City Manager. (Funding Source: Fleet Replacement Fund)

- Resolution rejecting all bids received for Request for Bid (RFB) No. 1819-60 for 33,000 GVWR Truck with Chlorine Tank, RFB 1920-092019-RB for Four Extended Cab One-Ton Trucks and a Sourcewell Quote for a One-Ton Crew Cab Flatbed Truck and authorizing staff to reissue the RFB's at a future date when approved by the City Manager.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Ah You/Madrigal; 7/0) Resolution 2020-461** rejecting all bids received for Request for Bid (RFB) No. 1819-60 for 33,000 GVWR Truck with Chlorine Tank, RFB 1920-092019-RB for Four Extended Cab One-Ton Trucks and a Sourcewell Quote for a One-Ton Crew Cab Flatbed Truck and authorizing staff to reissue the RFB's at a future date when approved by the City Manager.

Consent

8. Consider approving the award of Request for Bid and an Agreement for bulk oils and lubricants to Hunt & Sons Inc. of Modesto, California, for the total amount not to exceed \$486,602 over a five-year period. (Funding Source: Transit Funds)

- Resolution approving the award of Request for Bid and an Agreement for bulk oils and lubricants to Hunt & Sons Inc. of Modesto, California, for the total amount not to exceed \$486,602 over a five-year period, and authorizing the City Manager, or his designee, to execute the Agreement.

*PUBLIC WORKS; Adam Barth, 577-5298, abarth@modestogov.com*

**ACTION: (Ah You/Madrigal; 7/0) Resolution 2020-462** approving the award of Request for Bid and an Agreement for bulk oils and lubricants to Hunt & Sons Inc. of Modesto, California, for the total amount not to exceed \$486,602 over a five-year period, and authorizing the City Manager, or his designee, to execute the Agreement.

### COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer congratulated the election winners, and thanked those who took time to run for office. She also viewed police video cams, and praised the restraint shown by MPD and Stockton police officers.

Councilmember Zoslocki agreed with Councilmember Kenoyer about the great work the police department does.

### CITY MANAGER COMMENTS & REPORTS

None.

### NEW BUSINESS

9. Consider approving a Hemp Operating Agreement (OA) between the City of Modesto and Canopy Growth USA, LLC (Canopy) for an industrial hemp manufacturing facility. (Funding Source: General Funds)
- Resolution approving a Hemp Operating Agreement between the City of Modesto and Canopy Growth USA, LLC and authorizing the City Manager, or his designee to execute the Agreement.
- CED; Marcus Tucker, 577-5473, mtucker@modestogov.com*

**ACTION: (Kenoyer/Madrigal; 7/0) Resolution 2020-463** approving a Hemp Operating Agreement between the City of Modesto and Canopy Growth USA, LLC and authorizing the City Manager, or his designee to execute the Agreement.

10. Consider approving an Ordinance repealing and replacing Article 12 of Chapter 1 of Title 4 of the Modesto Municipal Code related to Sidewalk Food Vendors and establishing a Sidewalk Vendor Permit program. (Funding Source: General Fund)
- Motion introducing and waiving the first reading of an Ordinance repealing and replacing Article 12 of Chapter 1 of Title 4 of the Modesto Municipal Code related to Sidewalk Food Vendors and establishing a Sidewalk Vendor Permit program.
  - Resolution approving a new Annual Sidewalk Vendor Permit fee of \$150 for the Sidewalk Vendor Permit Program.
- FINANCE DEPARTMENT; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION: (Madrigal/Ah You; 7/0) Motion** introducing and waiving the first reading of **Ordinance No. 3724-C.S.** repealing and replacing Article 12 of Chapter 1 of Title 4 of the Modesto Municipal Code related to Sidewalk Food Vendors and establishing a Sidewalk Vendor Permit program.

**ACTION: (Madrigal/Ah You; 7/0) Resolution 2020-464** approving a new Annual Sidewalk Vendor Permit fee of \$150 for the Sidewalk Vendor Permit Program.

### MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

This meeting adjourned at 6:06 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, November 10, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation from Michael Schiefelbein, College Avenue United Church of Christ

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: Ah You – Item 23. Grewal – Item 23, Resolution 2020-485

Reports from Closed Session: None

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Proclamation proclaiming November 28, 2020 as Small Business Saturday. (Funding Source: Not Applicable)  
*CITY COUNCIL; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

**ACTION:** Mayor Brandvold presented a Proclamation proclaiming November 28, 2020 as Small Business Saturday.

2. Presentation of a comprehensive report on homelessness that includes accomplishments, current projects, and future initiatives from the City of Modesto and the County of Stanislaus. (Funding Source: Not Applicable)  
*CITY MANAGER; Edgar Garcia, 571-5101, edgarcia@modestogov.com*

**ACTION:** Deputy City Manager Caluha Barnes and City staff presented a comprehensive report on homelessness that included accomplishments, current projects, and future initiatives from the City of Modesto and the County of Stanislaus.

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, 2019. (Funding Source: Not Applicable)  
*FINANCE; DeAnna Christensen, 577-5387, dachristensen@modestogov.com*

**ACTION:** City Manager Joe Lopez presented 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, 2019.

4. Presentation of the 5th 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, 2019. (Funding Source: Not Applicable)

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

**ACTION:** City Manager Joe Lopez presented the 5th 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, 2019.

### **PUBLIC COMMENT PERIOD**

- Sebastian Jones spoke regarding the renaming of Mellis Park for Martin Luther King Jr.
- Dave Pratt spoke regarding computer issues, COVID-19, and praised the City's report on homelessness.
- Emerson Drake spoke regarding the City Auditor, the City Clerk, City politics, and the money spent on investigating employees.

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

**ACTION CONSENT ITEMS 5-19: (Kenoyer/Ridenour; 7/0)**

### **CONSENT ITEMS**

Consent

5. Consider approving the minutes from the November 4, 2020 Council Meeting. (Funding Source: Not Applicable)

- Motion approving the minutes from the November 4, 2020 Council Meeting.

*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion approving the minutes from the November 4, 2020 Council Meeting.

Consent

6. Consider approving final adoption of Ordinance No. 3724-C.S. repealing and replacing Article 12 of Chapter 1 of Title 4 of the Modesto Municipal Code related to Sidewalk Food Vendors and establishing a Sidewalk Vendor Permit program. (Funding Source: General Fund)

- Motion approving final adoption of **Ordinance No. 3724-C.S.** repealing and replacing Article 12 of Chapter 1 of Title 4 of the Modesto Municipal Code related to Sidewalk Food Vendors and establishing a Sidewalk Vendor Permit program.

*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion approving final adoption of **Ordinance No. 3724-C.S.** repealing and replacing Article 12 of Chapter 1 of Title 4 of the Modesto Municipal Code related to Sidewalk Food Vendors and establishing a Sidewalk Vendor Permit program.

Consent

7. Consider approving and ratifying a Contingency Legal Services Agreement with Miller & Axline for representation of the City in Claims and Litigation related to 1, 2, 3-Trichloropropane (TCP) contamination. (Funding Source: Water Fund)

- Resolution approving and ratifying a Contingency Legal Services Agreement with Miller & Axline for representation of the City in Claims and Litigation related to 1, 2, 3-Trichloropropane (TCP) contamination and authorizing the City Manager or his designee, to execute the Agreement.

*CITY ATTORNEY; Jose Sanchez, 577-5284, jsanchez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-465** approving and ratifying a Contingency Legal Services Agreement with Miller & Axline for representation of the City in Claims and Litigation related to 1, 2, 3-Trichloropropane (TCP) contamination and authorizing the City Manager or his designee, to execute the Agreement.

Consent

8. Consider approving the recommended budget adjustments to Fiscal Year 2020-2021 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
- Resolution amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager to take the necessary steps to implement the provisions of this Resolution.

*BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-466** amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager to take the necessary steps to implement the provisions of this Resolution.

Consent

9. Consider accepting the informational Fiscal Year 2020-21 General Fund Quarterly Report for the first quarter ending September 2020. (Funding Source: General Fund)
- Motion accepting the Fiscal Year 2020-21 General Fund Quarterly Report for the First Quarter ending September 2020.

*BUDGET; Stephan Christensen, 209-577-5390, schristensen@modestgov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Motion** accepting the Fiscal Year 2020-21 General Fund Quarterly Report for the First Quarter ending September 2020.

Consent

10. Consider amending the Fiscal Year 2020-21 Annual Operating Budget in the amount of \$1,242,103 and allocating Fiscal Year 2018-19 General Fund carryover to fund the Maintenance of Effort (MOE) related to the Road Repair Accountability Act (Senate Bill 1). (Funding Source: General Fund)
- Resolution amending the Fiscal Year 2020-21 Annual Operating Budget in the amount of \$1,242,103 and allocating Fiscal Year 2018-19 General Fund carryover to fund the Maintenance of Effort (MOE) related to the Road Repair Accountability Act (Senate Bill 1) and authorizing the City Manager to take the necessary steps to implement the provisions of this Resolution.

*BUDGET; Kacey Culbertson, 209-577-5479, kc Culbertson@modestgov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-467** amending the Fiscal Year 2020-21 Annual Operating Budget in the amount of \$1,242,103 and allocating Fiscal Year 2018-19 General Fund carryover to fund the Maintenance of Effort (MOE) related to the Road Repair Accountability Act (Senate Bill 1) and authorizing the City Manager to take the necessary steps to implement the provisions of this Resolution.

Consent

11. Consider approving a Memorandum of Understanding and Cooperative Agreement with the Modesto Downtown Improvement District for the distribution of taxes collected by the City for the improvement of the downtown area. (Funding Source: Downtown Improvement District Business Tax)
- Resolution approving a Memorandum of Understanding and Cooperative Agreement with the Modesto Downtown Improvement District for the distribution of taxes collected by the City for the improvement of the downtown area, and authorizing the City Manager or his designee, to execute the Agreement.

*PRN; Laurie Smith, 577-5347, lsmith@modestgov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-468** approving a Memorandum of Understanding and Cooperative Agreement with the Modesto Downtown Improvement District for the distribution of taxes collected by the City for the improvement of the downtown area, and authorizing the City Manager or his designee, to execute the Agreement.

Consent

12. Consider approving the plans and specifications for the Modesto Centre Plaza Lighting Control Replacement Project, accepting the bid and awarding a contract to Collins Electrical Company, Inc. of Modesto, CA in the amount of \$99,975 and authorizing the Director of Parks, Recreation and Neighborhoods to approve change orders up to the cumulative amount of \$9,998 (10% of the original Contract price) if needed for a total amount not to exceed \$109,973. (Funding Source: Community Center Operations Fund - 4700)
- Resolution approving the plans and specifications for the Modesto Centre Plaza Lighting Control Replacement Project, accepting the bid and awarding a contract to Collins Electrical Company, Inc. of Modesto, CA in the amount of \$99,975 and authorizing the Director of Parks, Recreation and Neighborhoods to approve change orders up to the cumulative amount of \$9,998 (10% of the original Contract price), if needed, for a total amount not to exceed \$109,973 and authorizing the City Manager, or his designee to execute the Agreement.
- PRN; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-469** approving the plans and specifications for the Modesto Centre Plaza Lighting Control Replacement Project, accepting the bid and awarding a contract to Collins Electrical Company, Inc. of Modesto, CA in the amount of \$99,975 and authorizing the Director of Parks, Recreation and Neighborhoods to approve change orders up to the cumulative amount of \$9,998 (10% of the original Contract price), if needed, for a total amount not to exceed \$109,973 and authorizing the City Manager, or his designee to execute the Agreement.

Consent

13. Consider approving a Cell Tower Option and Lease Agreement with Vertical Bridge Development, LLC of Boca Raton, Fl for the construction of a Cell Tower in Tuolumne River Regional Park (TRRP) at Neece Drive. (Funding Source: Cell Tower Facility Rental Revenue)
- Resolution approving a Cell Tower Option and Lease Agreement with Vertical Bridge Development, LLC of Boca Raton, Fl for the construction of a Cell Tower in Tuolumne River Regional Park (TRRP) at Neece Drive and authorizing the City Manager, or his designee, to execute the Agreement.
- PRN; Nathan Houx, 571-5526, nhoux@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-470** approving a Cell Tower Option and Lease Agreement with Vertical Bridge Development, LLC of Boca Raton, Fl for the construction of a Cell Tower in Tuolumne River Regional Park (TRRP) at Neece Drive and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving the Second Amendment to the Site Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company (AT&T) to increase the existing cell tower lease terms at Beyer Park to add five additional five-year renewal options and increase the lease area by an additional 78 Square feet and amending the Fiscal Year 2020-2021 Operating Budget as outlined in Attachment A. (Funding Source: Cell Tower Facility Rental Revenue Fund)
- Resolution approving the Second Amendment to the Site Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company (AT&T) to increase the existing cell tower lease terms at Beyer Park to add five additional five-year renewal options and increase the lease area by an additional 78 Square feet and authorizing the City Manager, or his designee, to execute the Amendment.
  - Resolution amending the Fiscal Year 2020-2021 Operating Budget as outlined in Attachment A and authorizing the City Manager, or his designee, to implement the provisions of the

Resolution.

*PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-471** approving the Second Amendment to the Site Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company (AT&T) to increase the existing cell tower lease terms at Beyer Park to add five additional five-year renewal options and increase the lease area by an additional 78 Square feet and authorizing the City Manager, or his designee, to execute the Amendment.

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-472** amending the Fiscal Year 2020-2021 Operating Budget as outlined in Attachment A and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

Consent

15. Consider accepting Proposition 68 Statewide Park Development and Community Revitalization Program - Round 3 Grant Award of \$8,500,000; approving an Agreement with O'Dell Engineering, Inc., of Modesto, CA for the preparation of construction documentation (design) for César E. Chavez Park Renovation Project in the amount of \$757,780, plus \$37,889 for additional services, if needed, for an Agreement total not to exceed \$795,669; and amending the Fiscal Year 2020- 2021 Capital Improvement Program Budget as outlined in Attachment A. (Funding Source: Statewide Park Development and Community Revitalization Program - Proposition 68)

- Resolution accepting Proposition 68 Statewide Park Development and Community Revitalization Program - Round 3 Grant Award of \$8,500,000 for the César E. Chavez Park Renovation Project.
- Resolution approving an Agreement with O'Dell Engineering, Inc., of Modesto, CA for the preparation of construction documentation (design) for César E. Chavez Park Renovation Project in the amount of \$757,780, plus \$37,889 for additional services, if needed, for an Agreement total not to exceed \$795,669 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2020-2021 Capital Improvement Program Budget as outlined in Attachment A and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

*PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-473** accepting Proposition 68 Statewide Park Development and Community Revitalization Program - Round 3 Grant Award of \$8,500,000 for the César E. Chavez Park Renovation Project.

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-474** approving an Agreement with O'Dell Engineering, Inc., of Modesto, CA for the preparation of construction documentation (design) for César E. Chavez Park Renovation Project in the amount of \$757,780, plus \$37,889 for additional services, if needed, for an Agreement total not to exceed \$795,669 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-475** amending the Fiscal Year 2020-2021 Capital Improvement Program Budget as outlined in Attachment A and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

16. Consider approving the First Amendment to the Parking Agreement with 3G, LLC and WBL&CC, LLC, California, Collective Owners of the cinema/retail parcel at 1021 Tenth Street. (Funding Source: Parking Services Enterprise Fund)

- Resolution approving the First Amendment to the Parking Agreement with 3G, LLC and WBL&CC, LLC, California, Collective Owners of the cinema/retail parcel at 1021 Tenth Street, effective retroactively to November 1, 2020, and authorizing the City Manager, or his

designee, to execute the Amendment.

*PUBLIC WORKS; Patrick Crowley, 402-6812, pcrowley@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-476** approving the First Amendment to the Parking Agreement with 3G, LLC and WBL&CC, LLC, California, Collective Owners of the cinema/retail parcel at 1021 Tenth Street, effective retroactively to November 1, 2020, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

17. Consider accepting the Bermuda Way Strengthen & Replace Water Main project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,648,864 to D.A. Wood Construction, Inc., Oakdale, CA. (Funding Source: Water Fund)

- Resolution accepting the Bermuda Way Strengthen & Replace Water Main project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,648,864 to D.A. Wood Construction, Inc., Oakdale, CA.

*UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-477** accepting the Bermuda Way Strengthen & Replace Water Main project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$1,648,864 to D.A. Wood Construction, Inc., Oakdale, CA.

Consent

18. Consider approving an Amendment to the Purchasing Agreement with Republic Services, Inc., Forward Inc. Landfill, of Manteca, CA, for non-hazardous waste disposal, by \$49,534 from \$180,000 to \$229,534, and extending the term of the Agreement from January 31, 2020 to January 31, 2023. (Funding Source: Wastewater Fund)

- Resolution approving an Amendment to the Purchasing Agreement with Republic Services, Inc., Forward Inc. Landfill, of Manteca, CA, for non-hazardous waste disposal by \$49,534 from \$180,000 to \$229,534 and extending the term of the Agreement from January 31, 2020 to January 31, 2023 and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

*UTILITIES; Ben Koehler, 209-342-4502, bkoehler@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-478** approving an Amendment to the Purchasing Agreement with Republic Services, Inc., Forward Inc. Landfill, of Manteca, CA, for non-hazardous waste disposal by \$49,534 from \$180,000 to \$229,534 and extending the term of the Agreement from January 31, 2020 to January 31, 2023 and authorizing the Purchasing Manager, or her designee, to execute the Amendment.

Consent

19. Consider approving an Agreement with West Yost Associates, Inc., of Sacramento, CA, for Construction Management and Inspection Services for the River Trunk Realignment – Gravity System Project, in the amount of \$2,453,750, plus \$245,375 in additional services (if needed), for a total amount not to exceed \$2,699,125 and amending the Fiscal Year 2020-21 Capital Improvement Project Program Budget. (Funding Source: Wastewater Fund)

- Resolution approving an Agreement with West Yost Associates, Inc., of Sacramento, CA, for Construction Management and Inspection Services for the River Trunk Realignment – Gravity System Project in the amount of \$2,453,750 plus \$245,375 in additional services (if needed), for a total amount not to exceed \$2,699,125, and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of \$2,724,125 to be transferred into the project from Wastewater Reserves in order to fully fund an Agreement for Construction Management and Inspection Services and staff time

for project management and administration for the River Trunk Realignment – Gravity System Project.

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

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-479** approving an Agreement with West Yost Associates, Inc., of Sacramento, CA, for Construction Management and Inspection Services for the River Trunk Realignment – Gravity System Project in the amount of \$2,453,750 plus \$245,375 in additional services (if needed), for a total amount not to exceed \$2,699,125, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Kenoyer/Ridenour; 7/0) Resolution 2020-480** amending the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of \$2,724,125 to be transferred into the project from Wastewater Reserves in order to fully fund an Agreement for Construction Management and Inspection Services and staff time for project management and administration for the River Trunk Realignment – Gravity System Project.

### COUNCIL COMMENTS & REPORTS

Councilmember Madrigal announced a potential new business in the initial phase of development, and expressed profound gratitude to veterans including his brother.

Councilmember Kenoyer discussed Veterans Day and family members who have served, and thanked everyone who is in the military or has served. She expressed condolences to those who have lost loved ones.

Councilmember Ah You thanked veterans for the freedom we enjoy daily, and discussed the effect of war on family members who have served. She also expressed her disappointment with the return to purple tier due to an increase in the COVID-19 positivity rate, and urged everyone to continue to be safe and healthy, wear a mask, and social distance.

Mayor Brandvold thanked veterans for their service to our country.

### CITY MANAGER COMMENTS & REPORTS

City Manager Lopez discussed returning to purple tier, and said that the County will file to begin the adjudication process to provide evidence that we may not meet that criteria.

### UNFINISHED BUSINESS

20. Consider approving a Second Amendment to the Professional Services Agreement for security services with Rank Investigation & Protection (Rank Security), Inc. increasing the Agreement by \$150,000 from \$3,699,756 to \$3,846,756 over seven years. (Funding Source: Insurance Recovery Funds)
  - Resolution approving a Second Amendment to the Professional Services Agreement for security services with Rank Investigation & Protection (Rank Security), Inc. increasing the Agreement by \$150,000 from \$3,699,756 to \$3,846,756 over seven years and authorizing the City Manager, or his designee, to execute the Amendment.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Grewal; 7/0) Resolution 2020-481** approving a Second Amendment to the Professional Services Agreement for security services with Rank Investigation & Protection (Rank Security), Inc. increasing the Agreement by \$150,000 from \$3,699,756 to \$3,846,756 over seven years and authorizing the City Manager, or his designee, to execute the Amendment.

### HEARINGS

*Published in the Modesto Bee on October 21, 2020*

21. Hearing to consider approving Amendment #2 to the City of Modesto's Neighborhood Stabilization

Program 3 (NSP3) Plan. (Funding Source: Neighborhood Stabilization Program 3)

- Resolution approving Amendment #2 to the City of Modesto's Neighborhood Stabilization Program 3 Plan related to the River Vista Development and authorizing the City Manager or his designee to execute any documents and/or Agreements.

*CED; Jessica Narayan, 577-5321, jnarayan@modestogov.com*

**ACTION: (Madrigal/Ridenour; 7/0) Resolution 2020-482** approving Amendment #2 to the City of Modesto's Neighborhood Stabilization Program 3 Plan related to the River Vista Development and authorizing the City Manager or his designee to execute any documents and/or Agreements.

*Published in the Modesto Bee on October 30, 2020.*

22. Hearing to consider approving an amendment to P-D(577) to allow the development of 23 detached and 12 attached units of affordable housing on Vine Street. (Funding Source: Developer Funded)

- Ordinance amending Section 31-3-9 of the Zoning Map to amend Planned Development Zone, P-D(577), property located northwest of the intersection of S. Martin Luther King Drive and Vine Street.
- Resolution approving a development plan for Planned Development Zone, P-D(577).
- 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. 2014042081): Amendment to P-D(577) to allow the development of 23 detached and 12 attached units of affordable housing.

*CED; Cindy van Empel, 577-5267, cvanempel@modestogov.com*

**ACTION: (Madrigal/Ridenour; 7/0) Motion** introducing and waiving the first reading of **Ordinance No. 3725-C.S.** amending Section 31-3-9 of the Zoning Map to amend Planned Development Zone, P-D(577), property located northwest of the intersection of S. Martin Luther King Drive and Vine Street.

**ACTION: (Madrigal/Ridenour; 7/0) Resolution 2020-483** approving a development plan for Planned Development Zone, P-D(577).

**ACTION: (Madrigal/Ridenour; 7/0) Resolution 2020-484** 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. 2014042081): Amendment to P-D(577) to allow the development of 23 detached and 12 attached units of affordable housing.

## NEW BUSINESS

*Councilmember Ah You absent due to conflict of interest. Councilmember Grewal absent for Resolution 2020-485 due to conflict of interest.*

23. Consider approving the renewal of six Commercial Cannabis Retail Dispensary Permits for dispensaries currently open at various locations in the City with appropriate conditions, approving the limited term Commercial Cannabis Retail Dispensary Permit for People's Remedy with appropriate conditions, and approving the Commercial Cannabis Retail Dispensary Permit for Medallion Wellness with appropriate conditions. (Funding Source: Cannabis Permit Fees)

- Resolution approving the renewal of six Commercial Cannabis Retail Dispensary Permit Renewals for dispensaries currently open at various locations in the City with appropriate conditions.
- Resolution approving a limited term Commercial Cannabis Retail Dispensary Permit renewal for People's Remedy located at 1982 Crows Landing Road with appropriate conditions.
- Resolution approving the commercial cannabis retail dispensary permit renewal for Medallion Wellness located at 1313 McHenry Avenue with appropriate conditions.

*CED; Marcus Tucker, 577-5473, mtucker@modestogov.com*

**ACTION: (Kenoyer/Madrigal; 5/0; Ah You and Grewal absent due to conflict of interest) Resolution 2020-485** approving the renewal of one Commercial Cannabis Retail Dispensary Permit for Doctor's Choice

Dispensary at 2039 Yosemite Avenue.

**ACTION: (Grewal/Kenoyer; 6/0; Ah You absent due to conflict of interest) Resolution 2020-486** approving the renewal of five Commercial Cannabis Retail Dispensary Permit Renewals for dispensaries currently open at various locations in the City with appropriate conditions.

**ACTION: (Madrigal/Grewal; 6/0; Ah You absent due to conflict of interest) Resolution 2020-487** approving a limited term Commercial Cannabis Retail Dispensary Permit renewal for People’s Remedy located at 1982 Crows Landing Road with appropriate conditions.

**ACTION: (Kenoyer/Madrigal; 6/0; Ah You absent due to conflict of interest) Resolution 2020-488** approving the commercial cannabis retail dispensary permit renewal for Medallion Wellness located at 1313 McHenry Avenue with appropriate conditions.

24. Consider approving the additional Coronavirus Relief Funds (CRF) from Stanislaus County and the City’s spending plan in the amount of \$2,745,524 and amending the Fiscal Year 2020-21 Multi-Year Operating Budget to establish a new project in the amount of \$2,745,524. (Funding Source: Coronavirus Relief Funds (CRF))

- Resolution approving the additional Coronavirus Relief Funds (CRF) from Stanislaus County and the City’s spending plan in the amount of \$2,745,524 and authorizing the City Manager, or his designee, to carry out any administrative actions required for the City to receive the CRF funds or enter and execute any agreements necessary in order to receive and expend the CRF funds.
- Resolution amending the Fiscal Year 2020-21 Multi-Year Operating Budget to establish a new project and appropriate a revenue and expenditure budget in the amount of \$2,745,524 funded by the additional Coronavirus Relief Funds (CRF) from Stanislaus County.

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

**ACTION: (Madrigal/Zoslocki; 6/1; Mayor Brandvold no) Resolution 2020-489** approving the additional Coronavirus Relief Funds (CRF) from Stanislaus County and the City’s spending plan in the amount of \$2,745,524 and authorizing the City Manager, or his designee, to carry out any administrative actions required for the City to receive the CRF funds or enter and execute any agreements necessary in order to receive and expend the CRF funds (**AS AMENDED**).

**ACTION: (Madrigal/Zoslocki; 6/1; Mayor Brandvold no) Resolution 2020-490** amending the Fiscal Year 2020-21 Multi-Year Operating Budget to establish a new project and appropriate a revenue and expenditure budget in the amount of \$2,745,524 funded by the additional Coronavirus Relief Funds (CRF) from Stanislaus County (**AS AMENDED**).

**MATTERS TOO LATE FOR THE AGENDA**

None

**ADJOURNMENT**

This meeting adjourned at 9:36 PM

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, December 01, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation from Marvin Jacobo, City Ministry Network

City Clerk’s Announcements: Items 1, 7 and 8 were voted on by Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki and Mayor Brandvold. Items 4-6, and 9-19 were voted on by Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki and Mayor Brandvold.

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session meeting was held

**ELECTION ITEMS**

1. Consider approving the certificate of canvass of votes from the November 3, 2020 Election. (Funding Source: Elections)  
*CITY CLERK; Cathi Erbe, 577-5396, cerbe@modestogov.com*

**ACTION: (Grewal/Ridenour; 7/0) Resolution 2020-491** 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 3, 2020 and declaring the results of said election.

2. Comments from outgoing Councilmembers. (Funding Source: Not Applicable)  
*CITY CLERK; Cathi Erbe, 577-5396, cerbe@modestogov.com*

**ACTION:** Comments were made by outgoing Councilmembers Ah You, Grewal and Ridenour.

3. Oath of Office by newly elected Councilmembers and the Modesto City School Board Members. (Funding Source: Not Applicable)  
*CITY CLERK; Cathi Erbe, 577-5396, slopez@modestogov.com*

**ACTION:** Assistant City Clerk Cathi Erbe administered the Oath of Office to newly elected Councilmembers and Modesto Board of Education Members, and the Councilmembers in attendance were seated at the dais.

**MISCELLANEOUS**

Legislation  
Appointments

Other

- 4. Consider reappointing Gary Blom and appointing Rhoda Yare and Minal Desai to the City’s Board of Zoning Adjustment, each with a term expiration of January 1, 2025. (Funding Source: Not Applicable)
  - Resolution reappointing Gary Blom and appointing Rhoda Yare and Minal Desai to the City of Modesto Board of Zoning Adjustment, each with a term expiration of January 1, 2025.  
*CED; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: (Wright/Zoslocki; 7/0) Resolution 2020-492** reappointing Gary Blom and appointing Rhoda Yare and Minal Desai to the City of Modesto Board of Zoning Adjustment, each with a term expiration of January 1, 2025.

- 5. Consider reappointing Hank Pollard and Ameet Biring and appointing Omar Silva to the City of Modesto Planning Commission, each with a term expiration of January 1, 2025. (Funding Source: Not Applicable)
  - Resolution reappointing Hank Pollard and Ameet Biring and appointing Omar Silva to the City of Modesto Planning Commission, each with a term expiration of January 1, 2025.  
*CED; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2020-493** reappointing Hank Pollard and Ameet Biring and appointing Omar Silva to the City of Modesto Planning Commission, each with a term expiration of January 1, 2025.

- 6. Consider reappointing Joe Cahill and appointing Lisa Lomas to the City of Modesto Landmark Preservation Commission, each with a term expiration of January 1, 2025. (Funding Source: Not Applicable)
  - Resolution reappointing Joe Cahill and appointing Lisa Lomas to the City of Modesto Landmark Preservation Commission, each with a term expiration of January 1, 2025.  
*CED; Steve Mitchell, 577-5267, smitchell@modestogov.com*

**ACTION: (Wright/Escutia-Braaton; 7/0) Resolution 2020-494** reappointing Joe Cahill and appointing Lisa Lomas to the City of Modesto Landmark Preservation Commission, each with a term expiration of January 1, 2025.

**PUBLIC COMMENT PERIOD**

- Sebastian Jones thanked Councilmember Kristi Ah You for serving as an advocate for the African American community, and said he would be presenting her with a plaque.

**CONSENT ITEMS**

Consent

- 7. Consider approving the minutes from the November 10, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the November 10, 2020 Council Meeting.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion approving the minutes from the November 10, 2020 Council Meeting.

Consent

- 8. Consider approving final adoption of **Ordinance No. 3725-C.S.** amending Section 31-3-9 of the Zoning Map to amend Planned Development Zone, P-D(577), property located northwest of the intersection of S. Martin Luther King Drive and Vine Street. (Funding Source: Developer Funded)

- Motion approving final adoption of **Ordinance No. 3725-C.S.** amending Section 31-3-9 of the Zoning Map to amend Planned Development Zone, P-D(577), property located northwest of the intersection of S. Martin Luther King Drive and Vine Street.

*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Kenoyer/Ridenour; 7/0)** Motion approving final adoption of **Ordinance No. 3725-C.S.** amending Section 31-3-9 of the Zoning Map to amend Planned Development Zone, P-D(577), property located northwest of the intersection of S. Martin Luther King Drive and Vine Street.

Consent

9. Consider approving the award of bid for the purchase of three one-ton trucks to Sonora Ford, Sonora, CA, for a total amount not to exceed \$141,951. (Funding Source: Fleet Replacement Fund)
- Resolution approving the purchase of three one-ton trucks to Sonora Ford, Sonora, CA., for a total amount not to exceed \$141,951, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-495** approving the purchase of three one-ton trucks to Sonora Ford, Sonora, CA., for a total amount not to exceed \$141,951, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

10. Consider approving the award of proposal and Agreement for custodial services and supplies to CCS Facility Services, Fresno, CA, for a five-year Agreement with two 1-year extension options, for an annual estimated cost of \$667,298 and a total amount not to exceed \$4,981,080 over seven years, with any new site additions, removals, or substantive service changes to be authorized by the Director of Finance or her designee. (Funding Source: General Fund, Water Fund, Central Stores and Building Services Fund)
- Resolution approving the award of proposal and Agreement for custodial services and supplies to CCS Facility Services, Fresno, CA, for a five-year Agreement with two 1-year extension options, for an annual estimated cost of \$667,298 and a total amount not to exceed \$4,981,080 over seven years, with any new site additions, removals, or substantive service changes to be authorized by the Director of Finance or her designee; and authorizing the City Manager, or his designee, to execute the Agreement.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-496** approving the award of proposal and Agreement for custodial services and supplies to CCS Facility Services, Fresno, CA, for a five-year Agreement with two 1-year extension options, for an annual estimated cost of \$667,298 and a total amount not to exceed \$4,981,080 over seven years, with any new site additions, removals, or substantive service changes to be authorized by the Director of Finance or her designee; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider accepting an informational report for the October 2020 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
- Motion accepting an informational report for the October 2020 Accounts Payable Payment Register and Void report.

*FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0)** Motion accepting an informational report for the October 2020 Accounts Payable Payment Register and Void report.

Consent

12. Consider accepting an informational report on the July and August 2020 grant applications and awards.

(Funding Source: Not Applicable)

- Motion accepting an informational report for the July and August 2020 grant applications and awards.

*FINANCE DEPARTMENT; Maria Garnica, 577-5249, mgarnica@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0)** Motion accepting an informational report for the July and August 2020 grant applications and awards.

Consent

13. Consider accepting the Monthly Investment Report for September 2020. (Funding Source: Various Funds)

- Motion accepting the Monthly Investment Report for September 2020.

*FINANCE DEPARTMENT; Calogero Maniscalco, 577-5219, cmaniscalco@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0)** Motion accepting the Monthly Investment Report for September 2020.

Consent

14. Consider rejecting the proposals for On-Call Traffic Engineering Services for the Traffic Engineering Division, and authorizing staff to re-advertise for bid at a future date with an amended scope of work. (Funding Source: Various Federal Grants)

- Resolution rejecting the proposals for On-Call Traffic Engineering Services for the Traffic Engineering Division, and authorizing staff to re-advertise for bid at a future date with an amended scope of work.

*PUBLIC WORKS; Scott Collins, 577-5431, scollins@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-497** rejecting the proposals for On-Call Traffic Engineering Services for the Traffic Engineering Division, and authorizing staff to re-advertise for bid at a future date with an amended scope of work.

Consent

15. Consider accepting the Ceres Trunk Rehabilitation project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$5,824,831 to Rolfe Construction, Inc., of Atwater, CA (Funding Source: Wastewater Fund)

- Resolution accepting the Ceres Trunk Rehabilitation project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$5,824,831 to Rolfe Construction, Inc., of Atwater, CA.

*UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-498** accepting the Ceres Trunk Rehabilitation project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$5,824,831 to Rolfe Construction, Inc., of Atwater, CA.

Consent

16. Consider accepting the Crows Landing Sewer Trunk project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$3,057,529 to A. Teichert & Son, Inc., dba Teichert Construction, Roseville, CA. (Funding Source: Wastewater Fund)

- Resolution accepting the Crows Landing Sewer Trunk project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$3,057,529 to A. Teichert & Son, Inc., dba Teichert Construction, Roseville, CA.

*UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-499** accepting the Crows Landing Sewer Trunk project as

complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$3,057,529 to A. Teichert & Son, Inc., dba Teichert Construction, Roseville, CA.

Consent

17. Consider accepting the Right Turn Lane Improvements at Westbound D Street to Northbound 9th Street project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$870,310 to Ross F. Carroll, Inc. of Oakdale, California. (Funding Source: Congestion Mitigation and Air Quality, Regional Surface Transportation Program, and Federal Transit Administration)

- Resolution accepting the Right Turn Lane Improvements Westbound D Street at Northbound 9th Street Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$870,310 to Ross F. Carroll, Inc., Oakdale, CA.

*UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-500** accepting the Right Turn Lane Improvements Westbound D Street at Northbound 9th Street Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$870,310 to Ross F. Carroll, Inc., Oakdale, CA.

Consent

18. Consider accepting the South Martin Luther King Drive Strengthen & Replace Water Mains project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$860,248 to D.A. Wood Construction, Inc., Oakdale, CA. (Funding Source: Water Fund & Community Development Block Grant)

- Resolution accepting the South Martin Luther King Drive Strengthen & Replace Water Mains project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$860,248 to D.A. Wood Construction, Inc., Oakdale, CA.

*UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-501** accepting the South Martin Luther King Drive Strengthen & Replace Water Mains project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$860,248 to D.A. Wood Construction, Inc., Oakdale, CA.

Consent

19. Consider rejecting all bids for the Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 and authorizing staff to re-advertise the project for bids at a future date. (Funding Source: Wastewater Fund)

- Resolution rejecting all bids for the Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 and authorizing staff to re-advertise the project for bids at a future date.

*UTILITIES; Cristian Ciotau, 577-5260, cciotau@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-502** rejecting all bids for the Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 and authorizing staff to re-advertise the project for bids at a future date.

### COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton expressed appreciation & gratitude to voters of District 1 for giving her their support, and she is looking forward to working with her colleagues.

Councilmember Wright thanked his family and the voters of District 6 for their support and he is looking forward to working with the new and experienced Councilmembers to help get the City thru the tough

upcoming months.

Councilmember Ricci thanked his family, Councilmember Ah You, and the voters of District 3 for believing Modesto deserves more, and he's thrilled to be working with the Council and staff on making improvements on how we present our City to the world.

Councilmember Kenoyer thanked the outgoing Councilmembers and staff, said it was a pleasure to serve with them and they accomplished a lot, and she looks forward to working with the new Councilmembers.

Councilmember Madrigal expressed gratitude for the service, time & energy provided to the City by previous Councilmembers, looks forward to getting to know the new Councilmembers, and requested that the new members download the Go Modesto app on their phones.

Councilmember Zoslocki congratulated the new Council, appreciates the diversity and opportunity of working with them, and requested they do the following three things: do something for our City to be remembered as a great Council, respect one another, and when voting, express their views and respect the decision.

Mayor Brandvold gave congratulations to each new member, and said they have been given a huge responsibility, but they need to remember who put them here - the citizens of this City. Councilmembers represent this City, and their goal should be to do their best for the citizens because if they do, the City will be even better.

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

City Manager Joe Lopez thanked each outgoing Councilmember and expressed his thankfulness for their leadership and guidance, and he looks forward to working together with the new Councilmembers.

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

None

#### **ADJOURNMENT**

This meeting adjourned at 6:28 PM

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, December 08, 2020 at 5:30 PM**

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mayor Brandvold read the Invocation from Rabbi Shalom Bochner, Congregation Beth Shalom

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported on Closed Session matters: No reportable action on Existing Litigation or Labor Negotiations. Mayor Brandvold reported on Anticipated Litigation: Council (7-0) waived Attorney Privilege and voted to release the report publicly.

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of the Stanislaus Animal Services Agency 2019-2020 Annual Report by Annette Patton, Executive Director. (Funding Source: Not Applicable)  
*CITY MANAGER; Scotty Douglass, 577-9149, sdouglass@modestogov.com*

**ACTION:** Annette Patton, Executive Director, gave a presentation of the Stanislaus Animal Services Agency 2019-2020 Annual Report.

**PUBLIC COMMENT PERIOD**

- Joe Duran thanked the Councilmembers and Mayor Brandvold for their help with the Community Center in South Modesto.
- Sebastian Jones asked that the renaming of Mellis Park to Dr. Martin Luther King Park be placed on the agenda.
- Dave Pratt discussed the website and his inability to access the agendas.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED**

**ACTION: CONSENT ITEMS – Item 12 removed from Consent (7-0) after reading. 2-11; 13-24**

**CONSENT ITEMS**

Consent

2. Consider approving the minutes from the December 1, 2020 Council Meeting. (Funding Source: Not Applicable)
  - Motion approving the minutes from the December 1, 2020 Council Meeting.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0)** Motion approving the minutes from the December 1, 2020 Council Meeting.

Consent

3. Consider approving the 2021 City of Modesto Standing Committees and City Council Committees. (Funding Source: Not Applicable)
  - Motion approving the 2021 City of Modesto Standing Committees and City Council Committees.  
*CITY CLERK; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0)** Motion approving the 2021 City of Modesto Standing Committees and City Council Committees.

Consent

4. Consider approving the recommended budget adjustments to Fiscal Year 2020-2021 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
  - Resolution amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager to take the necessary steps to implement the provisions of this Resolution.  
*BUDGET; Steve Christensen, 577-5390, schristensen@modestgov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-503** amending Fiscal Year 2020-2021 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager to take the necessary steps to implement the provisions of this Resolution.

Consent

5. Consider approving a Fourth Amendment to the Professional Design Services Agreement for the State Route 132 West Freeway/Expressway - Phase 1 Project with Dokken Engineering, increasing the Agreement amount by \$304,270 from \$8,851,728 to a total not to exceed amount of \$9,155,998. (Funding Source: Regional Measure L)
  - Resolution approving a Fourth Amendment increasing the Agreement amount with Dokken Engineering, for Professional Design Services for the State Route 132 West Freeway/Expressway - Phase 1 Project by \$304,270 from \$8,851,728 to a total not to exceed amount of \$9,155,998, and authorizing the City Manager, or his designee, to execute the Fourth Amendment.  
*CED; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-504** approving a Fourth Amendment increasing the Agreement amount with Dokken Engineering, for Professional Design Services for the State Route 132 West Freeway/Expressway - Phase 1 Project by \$304,270 from \$8,851,728 to a total not to exceed amount of \$9,155,998, and authorizing the City Manager, or his designee, to execute the Fourth Amendment.

Consent

6. Consider approving a \$68,490 Homeowner Rehabilitation Loan and a \$10,000 Homeowner Rehabilitation Grant, for Benjamin Azizpour and Doris Azizpour for the property located at 3028 Snyder Avenue, Modesto, CA 95356. (Funding Source: Community Development Block Grant Revolving Loan Fund)

- Resolution approving an \$68,490 Homeowner Rehabilitation Loan and a \$10,000 Homeowner Rehabilitation Grant, for Benjamin Azizpour and Doris Azizpour for the property located at 3028 Snyder Avenue, Modesto, CA 95356 and authorizing the City Manager to execute the Agreements.

*CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-505** approving an \$68,490 Homeowner Rehabilitation Loan and a \$10,000 Homeowner Rehabilitation Grant, for Benjamin Azizpour and Doris Azizpour for the property located at 3028 Snyder Avenue, Modesto, CA 95356 and authorizing the City Manager to execute the Agreements.

Consent

7. Consider approving an Acquisition and Shortfall Agreement with PS Northern CA One, Inc. in an amount not to exceed \$526,996, for construction of certain public improvements completed by the developer; and amending the Fiscal Year 2020-2021 Capital Improvement Program Budget, Project #101074 in the amount of \$526,996. (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 PS Northern CA One, Inc. in the amount not to exceed \$526,996 for the construction of off-site improvements completed by the developer as part of the development, and authorizing the City Manager to execute the Agreement in both the capacity of City Manager and District Administrator.
- Resolution amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) budget, project #101074 in the amount of \$526,996 to fund improvements at the south side of Sylvan Avenue between Elsagr Way and Wood Sorrel Drive in Village One #2 and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

*CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-506** approving an Acquisition and Shortfall Agreement between the City of Modesto, City of Modesto Community Facilities District No. 2004-1 and PS Northern CA One, Inc. in the amount not to exceed \$526,996 for the construction of off-site improvements completed by the developer as part of the development, and authorizing the City Manager to execute the Agreement in both the capacity of City Manager and District Administrator.

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-507** amending the Fiscal Year 2020-2021 Capital Improvement Program (CIP) budget, project #101074 in the amount of \$526,996 to fund improvements at the south side of Sylvan Avenue between Elsagr Way and Wood Sorrel Drive in Village One #2 and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

Consent

8. Consider approving the First Amendment to the Community Housing and Shelter Services ESG CARES Act Homeless Prevention Rental Assistance subrecipient Agreement increasing the contract amount from \$40,000 to \$100,000 plus \$10,000 for staff activity delivery costs. (Funding Source: Emergency Solutions Grant CV1)

- Resolution approving the First Amendment to the Community Housing and Shelter Services ESG CARES Act Homeless Prevention Rental Assistance subrecipient Agreement increasing the contract amount from \$40,000 to \$100,000 plus \$10,000 for staff activity delivery costs, and authorizing the City Manager or his designee to execute the Agreement.

*CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-508** approving the First Amendment to the Community Housing and Shelter Services ESG CARES Act Homeless Prevention Rental Assistance subrecipient Agreement increasing the contract amount from \$40,000 to \$100,000 plus \$10,000 for staff activity delivery costs, and authorizing the City Manager or his designee to execute the Agreement.

Consent

9. Consider approving a First Amendment to the Interfaith Hospitality Network of Greater Modesto dba Family Promise of Greater Modesto ESG CARES Act Homeless Prevention Rental Assistance subrecipient agreement increasing the contract amount from \$40,000 to \$100,000, and approving the use of \$10,000 in ESG CARES Act funding for staff activity delivery costs. (Funding Source: Emergency Solutions Grant CV1)

- Resolution approving a First Amendment to the Interfaith Hospitality Network of Greater Modesto DBA Family Promise of Greater Modesto ESG CARES Act Homeless Prevention Rental Assistance subrecipient Agreement increasing the contract amount from \$40,000 to \$100,000, and approving the use of \$10,000 in ESG CARES Act funding for staff activity delivery costs and authorizing the City Manager or his designee to execute the Amendment.

*CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-509** approving a First Amendment to the Interfaith Hospitality Network of Greater Modesto DBA Family Promise of Greater Modesto ESG CARES Act Homeless Prevention Rental Assistance subrecipient Agreement increasing the contract amount from \$40,000 to \$100,000, and approving the use of \$10,000 in ESG CARES Act funding for staff activity delivery costs and authorizing the City Manager or his designee to execute the Amendment.

Consent

10. Consider awarding a \$500,000 grant in Community Development Block Grant Funds to the Center for Community Self-Help (DBA Self Help Federal Credit Union) for the development of a community center in South Modesto, and amending the Fiscal Year 2020-21 multi-year project budget. (Funding Source: Community Development Block Grant Funds)

- Resolution awarding a \$500,000 grant in Community Development Block Grant Funds (CDBG) to Center for Community Self-Help (DBA Self Help Federal Credit Union) and authorizing the City Manager or his designee to execute any documents and/or Agreements.
- Resolution amending the Fiscal Year 2020-21 multi-year project budget to establish a Non-Capital Project (101293) to be funded with Community Development Block Grant (CDBG) Funds in the amount of \$500,000 to Self Help Credit Union for the development of a community center at 900 and 924 Crows Landing Road and an additional \$25,000 for activity delivery costs and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

*CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-510** awarding a \$500,000 grant in Community Development Block Grant Funds (CDBG) to Center for Community Self-Help (DBA Self Help Federal Credit Union) and authorizing the City Manager or his designee to execute any documents and/or Agreements.

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-511** amending the Fiscal Year 2020-21 multi-year project budget to establish a Non-Capital Project (101293) to be funded with Community Development Block Grant (CDBG) Funds in the amount of \$500,000 to Self Help Credit Union for the development of a community center at 900 and 924 Crows Landing Road and an additional \$25,000 for activity delivery costs and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

Consent

11. Consider approving a Second Amendment to the Agreement with Paymentus Corporation, Charlotte, NC, for the payment gateway and online customer service portal for utility billing and miscellaneous accounts receivables, increasing the amount by \$1,647,537 from \$1,660,000 to a new total not to exceed the amount of \$3,307,537 over the five-year term. (Funding Source: Various Funds)

- Resolution approving a Second Amendment to the Agreement with Paymentus Corporation, Charlotte, NC, for the payment gateway and online customer service portal for utility billing and miscellaneous accounts receivables, increasing the amount by \$1,647,537 from \$1,660,000 to a new total not to exceed the amount of \$3,307,537 over the five-year term, and authorizing the City Manager, or his designee, to execute the Amendment.

*FINANCE DEPARTMENT; Jeni Martin, 571-5892, jmartin@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-512** approving a Second Amendment to the Agreement with Paymentus Corporation, Charlotte, NC, for the payment gateway and online customer service portal for utility billing and miscellaneous accounts receivables, increasing the amount by \$1,647,537 from \$1,660,000 to a new total not to exceed the amount of \$3,307,537 over the five-year term, and authorizing the City Manager, or his designee, to execute the Amendment.

*Removed from Consent*

12. Consider approving a two-year retail and legal advertising contract with the Modesto Bee in the amount of \$200,000 (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 a two-year retail and legal advertising contract with the Modesto Bee in the amount of \$200,000 (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Ricci/Wright; 7/0) Resolution 2020-513** approving a two-year retail and legal advertising contract with the Modesto Bee in the amount of \$200,000 (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract.

Consent

13. Consider approving the award of bid and Purchasing Agreement for emergency response vehicle preparations to Stommel Inc. dba Lehr Auto Electric, Sacramento, CA, for a two-year Agreement with three 1-year extension options, for an annual estimated cost of \$160,000 and a total amount not to exceed \$800,000 over five years. (Funding Source: Fleet Replacement Fund)

- Resolution approving the award of bid and Purchasing Agreement for emergency response vehicle preparations to Stommel Inc. dba Lehr Auto Electric, Sacramento, CA, for a two-year Agreement with three 1-year extension options, for an annual estimated cost of \$160,000 and a total amount not to exceed \$800,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-514** approving the award of bid and Purchasing Agreement for emergency response vehicle preparations to Stommel Inc. dba Lehr Auto Electric, Sacramento, CA, for a two-year Agreement with three 1-year extension options, for an annual estimated cost of \$160,000 and a total amount not to exceed \$800,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving the payment for the furnishing of street sweeping material receiving service and City-wide disposal services with Bertolotti Disposal Modesto, CA, Bertolotti Transfer & Recycling Center, Modesto, CA, Gilton Solid Waste Management, Modesto, CA, Gilton Resources Recovery Modesto, CA and Fink Road Landfill, Crows Landing, CA for an estimated annual cost of \$800,000 and a total amount not to exceed \$4,000,000 over five years. (Funding Source: Multiple Funds)

- Resolution approving the payment for the furnishing of street sweeping material receiving service and City-wide disposal services with Bertolotti Disposal Modesto, CA, Bertolotti

Transfer & Recycling Center, Modesto, CA, Gilton Solid Waste Management, Modesto, CA, Gilton Resources Recovery Modesto, CA and Fink Road Landfill, Crows Landing, CA for an estimated annual cost of \$800,000 and a total amount not to exceed \$4,000,000 over five years; and authorizing the Purchasing Manager, or her designee, to execute the payment.

*FINANCE DEPARTMENT; Cynthia Kline, 577-5412, ckline@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-515** approving the payment for the furnishing of street sweeping material receiving service and City-wide disposal services with Bertolotti Disposal Modesto, CA, Bertolotti Transfer & Recycling Center, Modesto, CA, Gilton Solid Waste Management, Modesto, CA, Gilton Resources Recovery Modesto, CA and

Fink Road Landfill, Crows Landing, CA for an estimated annual cost of \$800,000 and a total amount not to exceed \$4,000,000 over five years; and authorizing the Purchasing Manager, or her designee, to execute the payment.

Consent

15. Consider approving the award of proposal and Agreement for the purchase and installation of Linko Database Program to Linko Technology, Inc., Denver, Colorado, for a two year Agreement with three one-year extension options, for an initial cost not to exceed \$199,135 and a total amount not to exceed \$545,525 over five years. (Funding Source: Wastewater Fund)

- Resolution approving the award of proposal and Agreement for the purchase and installation of Linko Database Program to Linko Technology, Inc., Denver, Colorado, for two year Agreement with three one-year extension options, for an initial cost not to exceed \$199,135 and a total amount not to exceed \$545,525 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

*FINANCE DEPARTMENT; Cynthia Kline, 577-6240, ckline@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-516** approving the award of proposal and Agreement for the purchase and installation of Linko Database Program to Linko Technology, Inc., Denver, Colorado, for two year Agreement with three one-year extension options, for an initial cost not to exceed \$199,135 and a total amount not to exceed \$545,525 over five years; and authorizing the City Manager, or his designee to execute the Agreement.

Consent

16. Consider approving an Agreement with Benz Air Engineering Co. Inc. DBA Air West Filtration for the furnishing of on-call repair and maintenance services for Nederman exhaust removal systems, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$15,000 and a total amount not to exceed \$75,000 over a five-year term. (Funding Source: General Fund)

- Resolution approving an Agreement with Benz Air Engineering Co. Inc. DBA Air West Filtration for the furnishing of on-call repair and maintenance services for Nederman exhaust removal systems, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$15,000 and a total amount not to exceed \$75,000 over a five-year term, and authorizing the City Manager, or his designee, to execute the Agreement.

*FIRE DEPARTMENT; Alan Ernst, 572-9590, aernst@modestofire.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-517** approving an Agreement with Benz Air Engineering Co. Inc. DBA Air West Filtration for the furnishing of on-call repair and maintenance services for Nederman exhaust removal systems, for a two year Agreement with three one-year extension options, for an estimated annual cost of \$15,000 and a total amount not to exceed \$75,000 over a five-year term, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving a Third Amendment extending the termination date with Occu-Med, Ltd., Fresno,

CA, for the furnishing of occupational medicine services from December 31, 2020 to June 30, 2021.  
(Funding Source: Workers' Compensation Fund and General Fund)

- Resolution approving a Third Amendment extending the termination date with Occu-Med Ltd., Fresno, CA, for the furnishing of occupational medicine services through June 30, 2021, and authorizing the City Manager, or his designee, to execute the Amendment.

*HUMAN RESOURCES; Christina Alger, 571-5126, calger@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-518** approving a Third Amendment extending the termination date with Occu-Med Ltd., Fresno, CA, for the furnishing of occupational medicine services through June 30, 2021, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

18. Consider approving a Purchase Agreement with Comcast Business Communications, LLC, Philadelphia, PA, by utilizing the competitive bid process with the State of California Comcast CALNET 3 for communication services, for a three-year Agreement with an annual estimated cost not to exceed \$32,000 and a total amount not to exceed \$96,000 over three years. (Funding Source: Information Technology Fund)

- Resolution approving a Purchase Agreement with Comcast Business Communications, LLC, Philadelphia, PA, by utilizing the competitive bid process with the State of California Comcast CALNET 3 for communication services, for a three-year Agreement with an annual estimated cost not to exceed \$32,000 and a total amount not to exceed \$96,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

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

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-519** approving a Purchase Agreement with Comcast Business Communications, LLC, Philadelphia, PA, by utilizing the competitive bid process with the State of California Comcast CALNET 3 for communication services, for a three-year Agreement with an annual estimated cost not to exceed \$32,000 and a total amount not to exceed \$96,000 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider approving an Agreement for the purchase of retired City Police canine, Volk, by his handler, Daniel Starr. (Funding Source: General Fund Revenue)

- Resolution approving an Agreement with Officer Daniel Starr for the purchase of retired City of Modesto Police canine, Volk, and authorizing the City Manager, or his designee, to execute the Agreement.

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

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-520** approving an Agreement with Officer Daniel Starr for the purchase of retired City of Modesto Police canine, Volk, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

20. Consider approving the Agreement for the transfer of canine Ronin by its owner, the Modesto Police Canine Association (MPCA), to the City of Modesto for use as a police canine. (Funding Source: Not Applicable)

- Resolution approving an Agreement between the City of Modesto and Modesto Police Canine Association for the donation and transfer of canine Ronin, to the City of Modesto for use as a police canine; and authorizing the City Manager, or his designee, to execute the Agreement.

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

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-521** approving an Agreement between the City of Modesto and Modesto Police Canine Association for the donation and transfer of canine Ronin, to the City of

Modesto for use as a police canine; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

21. Consider approving an Agreement with Bartle Wells Associates, Berkeley, CA, for the preparation of the Wastewater Rate Study in the amount of \$119,275, plus \$11,928 in additional services (if needed) for a total amount not to exceed \$131,203; approving an Agreement with Carollo Engineers, Walnut Creek, CA, for the preparation of the Wastewater System Engineer's Report Update in the amount of \$149,870, plus \$14,987 in additional services (if needed) for a total amount not to exceed \$164,857 and amending the Fiscal Year 2020-21 Operating Budget by \$165,000. (Funding Source: Wastewater Fund)
- Resolution approving an Agreement with Bartle Wells Associates, Berkeley, CA, for the preparation of the Wastewater Rate Study in the amount of \$119,275, plus \$11,928 in additional services (if needed) for a total amount not to exceed \$131,203, and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution approving an Agreement with Carollo Engineers, Walnut Creek, CA, for the preparation of the Wastewater System Engineer's Report Update in the amount of \$149,870, plus \$14,987 in additional services (if needed) for a total amount not to exceed \$164,857, and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution amending the Fiscal Year 2020-21 Operating Budget in the amount of \$165,000 to be transferred into Cost Center 43110 – Wastewater Rate Analysis from Wastewater Fund Reserves in order to fully fund expenses associated with the Wastewater Rate Study and Wastewater System Engineer's Report Update, including support by City staff.

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

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-522** approving an Agreement with Bartle Wells Associates, Berkeley, CA, for the preparation of the Wastewater Rate Study in the amount of \$119,275, plus \$11,928 in additional services (if needed) for a total amount not to exceed \$131,203, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-523** approving an Agreement with Carollo Engineers, Walnut Creek, CA, for the preparation of the Wastewater System Engineer's Report Update in the amount of \$149,870, plus \$14,987 in additional services (if needed) for a total amount not to exceed \$164,857, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-524** amending the Fiscal Year 2020-21 Operating Budget in the amount of \$165,000 to be transferred into Cost Center 43110 – Wastewater Rate Analysis from Wastewater Fund Reserves in order to fully fund expenses associated with the Wastewater Rate Study and Wastewater System Engineer's Report Update, including support by City staff.

Consent

22. Consider approving an Agreement with Bartle Wells Associates, Berkeley, CA, for the preparation of the Water Rate Study in the amount of \$132,925, plus \$13,293 in additional services (if needed) for a total amount not to exceed \$146,218; approving an Agreement with West Yost Associates, Sacramento, CA, for the preparation of the Water System Engineer's Report Update in the amount of \$48,500, plus \$4,850 in additional services (if needed) for a total amount not to exceed \$53,350 and amending the Fiscal Year 2020-21 Operating Budget by \$65,000. (Funding Source: Water Fund)
- Resolution approving an Agreement with Bartle Wells Associates, Berkeley, CA, for the preparation of the Water Rate Study in the amount of \$132,925, plus \$13,293 in additional services (if needed) for a total amount not to exceed \$146,218, and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution approving an Agreement with West Yost Associates, Sacramento, CA, for the preparation of the Water System Engineer's Report Update in the amount of \$48,500, plus \$4,850 in additional services (if needed) for a total amount not to exceed \$53,350, and authorizing the City Manager, or his designee, to execute the Agreement.
  - Resolution amending the Fiscal Year 2020-21 Operating Budget in the amount of \$65,000 to be

transferred into Cost Center 43070 - Water Rate Analysis from Water Fund Reserves in order to fully fund expenses associated with the Water Rate Study and Water System Engineer's Report Update, including support by City staff.

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

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-525** approving an Agreement with Bartle Wells Associates, Berkeley, CA, for the preparation of the Water Rate Study in the amount of \$132,925, plus \$13,293 in additional services (if needed) for a total amount not to exceed \$146,218, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-526** approving an Agreement with West Yost Associates, Sacramento, CA, for the preparation of the Water System Engineer's Report Update in the amount of \$48,500, plus \$4,850 in additional services (if needed) for a total amount not to exceed \$53,350, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-527** amending the Fiscal Year 2020-21 Operating Budget in the amount of \$65,000 to be transferred into Cost Center 43070 - Water Rate Analysis from Water Fund Reserves in order to fully fund expenses associated with the Water Rate Study and Water System Engineer's Report Update, including support by City staff.

Consent

23. Consider approving the sole source Purchasing Agreement with Badger Meter, Inc. for the purchase and implementation of BEACON AMA (BEACON) software and associated hardware for two years with three one-year extension options, for an estimated cost for the first year of \$63,200 and a total amount not to exceed \$289,680 over five years. (Funding Source: Water Fund)

- Resolution approving the sole source purchase of BEACON AMA (BEACON) software and associated hardware to Badger Meter, Inc., for two years with three one-year extension options, for an estimated cost for the first year of \$63,200, and a total cost not to exceed \$289,680 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

*UTILITIES; Jeff Daniels, 342-4285, jdaniels@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-528** approving the sole source purchase of BEACON AMA (BEACON) software and associated hardware to Badger Meter, Inc., for two years with three one-year extension options, for an estimated cost for the first year of \$63,200, and a total cost not to exceed \$289,680 over five years, and authorizing the Purchasing Manager, or her designee, to issue the Purchase Agreement.

Consent

24. Consider accepting the Grogan Park Tivoli Production Well Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$2,098,273 to TNT Industrial Contractors of Sacramento, CA. (Funding Source: Water Fund-CIP)

- Resolution accepting the Grogan Park Tivoli Production Well Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$2,098,273 to TNT Industrial Contractors of Sacramento, CA.

*UTILITIES; Greg Showerman, 571-5860, gshowerman@modestogov.com*

**ACTION: (Madrigal/Kenoyer; 7/0) Resolution 2020-529** accepting the Grogan Park Tivoli Production Well Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$2,098,273 to TNT Industrial Contractors of Sacramento, CA.

## COUNCIL COMMENTS & REPORTS

Councilmember Madrigal spoke about the renaming of Mellis Park to Martin Luther King Park and Center: The Culture Commission will meet on January 6<sup>th</sup> to consider the item. He discussed Council Item #10 and thanked Joe Duran for helping bring the Community Center and financial services to South Modesto. He announced the broken digital billboard is being fixed and will run with higher resolution by the end of the month. He requested that a Consent item with a Resolution by added to the January 12<sup>th</sup> Council Meeting to honor the memory of Rafael R. Armenta, a local business leader.

**ACTION: Motion (Madrigal/Escutia-Braaton; 7/0) adding a Consent item to the January 12, 2021 City Council Meeting agenda to honor the memory of Rafael R. Armenta, a local business leader.**

Councilmember Ricci thanked the Parks and Recreation Department for organizing the Modesto drive-thru Christmas parade, thanked Joe Duran for his work to help bring the Community Center to South Modesto, and asked citizens to take COVID seriously and take precautions to stay safe.

Councilmember Kenoyer was sorry that she couldn't attend the parade, but is looking forward to attending next year. She also expressed her sympathy to Marvin Jacobo who lost his mother and sister to COVID, and asked everyone to be careful.

Councilmember Zoslocki praised the parade and its organizers, and the large crowd who attended. He discussed the California Transportation Commission, which approved funds for preliminary drawings to improve the rail service thru downtown Stockton. He said it is good news for Northern California, affects the ACE train, and will improve rail service for goods and public transportation.

## CITY MANAGER COMMENTS & REPORTS

City Manager Lopez congratulated staff for the COVID-proof parade: they did a good job, and he appreciates their efforts. He also recognized and congratulated Police Chief Carroll, who is retiring. His eight years of service left a lasting impact on our community, and he helped drive down crime and changed the culture within the Police Department.

## UNFINISHED BUSINESS

25. Consider approving an increase in the Director's authority to issue change orders from 48 percent (\$1,812,767) to 88 percent (\$3,312,767) of the original construction contract price of \$3,776,598 with Pacific States Environmental Contractors, Inc. of Dublin, CA for unforeseen conditions associated with the Carpenter Road Landfill Mitigation Project, approving an amended loan amortization schedule for the two interfund loans for Carpenter Road Landfill Mitigation project, rescinding Resolution No. 2020-114, approving a third interfund loan in the amount of \$1,540,000 from the Water Fund Reserves to the Carpenter Road Landfill Fund, to be paid back with interest from future revenue collected on the garbage rates, and amending the Fiscal Year 2020-2021 Capital Improvement Budget in the amount of \$1,540,000. (Funding Source: Carpenter Road Landfill Fund and Water Fund Reserves)
- Resolution authorizing an increase of the Director of Utilities Authority to issue change orders on the Carpenter Road Landfill Mitigation Project from 48 percent (\$1,812,767) to 88 percent (\$3,312,767) of the original construction contract price of \$3,776,598 with Pacific States Environmental Contractors, Inc. of Dublin, CA.
  - Resolution approving an amended loan amortization schedule for the two interfund loans for the Carpenter Road Landfill Mitigation project, rescinding Resolution No. 2020-114 and approving a third interfund loan in the amount of \$1,540,000 from the Water Fund Reserves to the Carpenter Road Landfill Fund, to be paid back with interest from future revenue collected on the garbage rates.
  - Resolution amending the Fiscal Year 2020-2021 Capital Improvement Project budget by \$1,540,000 for the Carpenter Road Landfill Mitigation project (101046), and Fiscal Year 2020-2021 operating by \$1,540,000 for the transfer from the Water fund (4100) to the Carpenter Road Landfill fund (4893).

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

**ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2020-530** authorizing an increase of the Director of Utilities Authority to issue change orders on the Carpenter Road Landfill Mitigation Project from 48 percent (\$1,812,767) to 88 percent (\$3,312,767) of the original construction contract price of \$3,776,598 with Pacific States Environmental Contractors, Inc. of Dublin, CA.

**ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2020-531** approving an amended loan amortization schedule for the two interfund loans for the Carpenter Road Landfill Mitigation project, rescinding Resolution No. 2020-114 and approving a third interfund loan in the amount of \$1,540,000 from the Water Fund Reserves to the Carpenter Road Landfill Fund, to be paid back with interest from future revenue collected on the garbage rates.

**ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2020-532** amending the Fiscal Year 2020-2021 Capital Improvement Project budget by \$1,540,000 for the Carpenter Road Landfill Mitigation project (101046), and Fiscal Year 2020-2021 operating by \$1,540,000 for the transfer from the Water fund (4100) to the Carpenter Road Landfill fund (4893).

### HEARINGS

*Published in the Modesto Bee on November 23, 2020*

26. Hearing to consider approving a mid-year rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the garbage haulers, for an increase of \$0.15 for the Carpenter Road Landfill fee and a decrease of \$0.12 for the Quarterly Fuel Adjustment and allowable pass-through costs for a net increase of \$0.03 per month for residential services, and an increase of \$0.25 for the Carpenter Road Landfill fee and a decrease of \$0.13 for the Quarterly Fuel Adjustment for a net increase of \$0.12 per cubic yard per month for commercial services, and an increase of \$8.53 per pull for industrial services to become effective January 1, 2021, and rescinding Resolution No. 2020-358 for the October 1, 2020 annual rate adjustment. (Funding Source: Solid Waste Fund, Carpenter Road Landfill Fund)

- Resolution approving a mid-year rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the garbage haulers, for an increase of \$0.15 for the Carpenter Road Landfill fee and a decrease of \$0.12 for the Quarterly Fuel Adjustment and allowable pass-through costs for a net increase of \$0.03 per month for residential services, and an increase of \$0.25 for the Carpenter Road Landfill fee and a decrease of \$0.13 for the Quarterly Fuel Adjustment for a net increase of \$0.12 per cubic yard per month for commercial services, and an increase of \$8.53 per pull for industrial services to become effective January 1, 2021, and rescinding Resolution No. 2020-358 for the October 1, 2020 annual rate adjustment.

*PUBLIC WORKS; Karin Neep, 577-5453, kneep@modestogov.com*

**ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2020-533** approving a mid-year rate adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the garbage haulers, for an increase of \$0.15 for the Carpenter Road Landfill fee and a decrease of \$0.12 for the Quarterly Fuel Adjustment and allowable pass-through costs for a net increase of \$0.03 per month for residential services, and an increase of \$0.25 for the Carpenter Road Landfill fee and a decrease of \$0.13 for the Quarterly Fuel Adjustment for a net increase of \$0.12 per cubic yard per month for commercial services, and an increase of \$8.53 per pull for industrial services to become effective January 1, 2021, and rescinding Resolution No. 2020-358 for the October 1, 2020 annual rate adjustment.

*Published in the Modesto Bee on November 27, 2020*

27. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2019-20 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 2019-2020 and making findings related to each of the fee categories.

*CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: (Madrigal/Ricci; 7/0) Resolution 2020-534** accepting the Capital Facilities Fees Annual Report for Fiscal Year 2019-2020 and making findings related to each of the fee categories.

*Published in the Modesto Bee on November 27, 2020*

28. Hearing to consider accepting the Fiscal Year 2019-20 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 2019-20 Annual Report of Funds Held for Future Improvements, and making findings related to each security on file.

*CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: (Wright/Kenoyer; 7/0) Resolution 2020-535** accepting the Fiscal Year 2019-20 Annual Report of Funds Held for Future Improvements, and making findings related to each security on file.

*Published in the Spanish Vida en el Valle and in the Modesto Bee on November 11, 2020*

29. Hearing to consider approving the Program Year 2019-2020 Consolidated Annual Performance Evaluation Report (CAPER). (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 2019-2020; and authorizing the City Manager, or his designee, to sign the required documents for submittal to the U.S. Department of Housing and Urban Development.

*CED; Jessica Narayan, 577-5211, jnarayan@modestogov.com*

**ACTION: (Wright/Madrigal; 7/0) Resolution 2020-536** approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2019-2020; and authorizing the 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 November 27, 2020*

30. Hearing to consider the disestablishment of the Modesto Tourism Marketing District. (Funding Source: Not Applicable)

- Motion to accept the withdrawal of the petition to disestablish the Modesto Tourism Marketing District.

*PRN; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: (Madrigal/Wright; 7/0) Motion** to accept the withdrawal of the petition to disestablish the Modesto Tourism Marketing District.

## NEW BUSINESS

31. Consider approving the award of proposal and Agreement for the furnishing of Golf Course Management services for Creekside Golf Course and Dryden Golf Course, and Golf Course Maintenance services for all City owned golf courses, to BrightView Golf Maintenance, Inc., Calabasas, CA, in partnership with KemperSports Management, Modesto, CA, for a three-year Agreement with two two-year extension options, for an estimated annual cost of \$2,632,648 and a total amount not to exceed \$18,428,536 over seven years. (Funding Source: Golf Fund and General Fund Operating Subsidy)

- Resolution approving the award of proposal and Agreement for the furnishing of Golf Course Management services for Creekside Golf Course and Dryden Golf Course, and Golf Course Maintenance services for all City owned golf courses, to BrightView Golf Maintenance, Inc., Calabasas, CA, in partnership with KemperSports Management, Modesto, CA, for a three-year Agreement with two two-year extension options, for an estimated annual cost of \$2,632,648

and a total amount not to exceed \$18,428,536 over seven years and authorizing the City Manager, or his designee, to execute the Agreement.

*PRN; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: (Wright/Zoslocki; 7/0) Resolution 2020-537** approving the award of proposal and Agreement for the furnishing of Golf Course Management services for Creekside Golf Course and Dryden Golf Course, and Golf Course Maintenance services for all City owned golf courses, to BrightView Golf Maintenance, Inc., Calabasas, CA, in partnership with KemperSports Management, Modesto, CA, for a three-year Agreement with two two-year extension options, for an estimated annual cost of \$2,632,648 and a total amount not to exceed \$18,428,536 over seven years and authorizing the City Manager, or his designee, to execute the Agreement.

32. Consider approving a Purchasing Agreement with Axon Enterprise, Inc., Scottsdale, AZ, by utilizing the competitive bidding process with Omnia, City of Tucson, AZ, for Axon Officer Safety Plan 7, for a total cost not to exceed \$2,566,211. (Funding Source: General Fund, SLESF and Traffic Safety Fund)

- Resolution approving a Purchasing Agreement with Axon Enterprise, Inc., Scottsdale, AZ, by utilizing the competitive bidding process with Omnia, City of Tucson, AZ, for Axon Officer Safety Plan 7, for a total cost not to exceed \$2,566,211; and authorizing the Purchasing Manager or her designee, to execute the Agreement.

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

**ACTION: (Wright/Ricci; 7/0) Resolution 2020-538** approving a Purchasing Agreement with Axon Enterprise, Inc., Scottsdale, AZ, by utilizing the competitive bidding process with Omnia, City of Tucson, AZ, for Axon Officer Safety Plan 7, for a total cost not to exceed \$2,566,211; and authorizing the Purchasing Manager or her designee, to execute the Agreement.

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

None

#### **ADJOURNMENT**

This meeting adjourned at 8:18 PM

#### **CLOSED SESSION**

*All Closed Session matters heard prior to meeting*

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

(Pursuant to Section 54956.9(a) and (d)(2) of the Government Code)

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

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

Name of case(s): Hugo Patino v. City of Modesto  
California Workers Compensation Appeals Board  
Nos. MOD1700081, MOD1700127, CIEE-07699

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code) – **MCEA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code) – **MCMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code) – **MPOA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Officers’ Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code) – **MPNSA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code) – **MPMA**  
Negotiator: Christina Alger  
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code) – **MCFFA**  
Negotiator: Christina Alger  
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code) – **Unrepresented**  
Negotiator: Christina Alger  
Employee Organization: Unrepresented Management and Confidential Employees

Attest: \_\_\_\_\_  
Cathi Erbe, Assistant City Clerk

**MINUTES**  
**City of Modesto**  
**SPECIAL APPOINTMENTS COMMITTEE / COUNCIL**  
**WORKSHOP**

**Video Conference**

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

**Thursday Dec 17, 2020 at 4:30 PM**

Roll Call – Present: Councilmember Madrigal, Mayor Brandvold (arrived at 4:36),  
Councilmember Kenoyer,  
Alternates: Councilmember Ricci,  
Absent: None

**PUBLIC COMMENTS**

- Todd Aaronson spoke regarding TACO QUEST program coming next Spring.

**CONSENT ITEMS - ROLL CALL VOTE REQUIRED: No Consent Items**

**NEW BUSINESS**

1. Consider recommending an appointment to the Disabled Access Appeals Board and forwarding to Council for approval. (Funding Source: Not Applicable)  
*CED; Oscar Diaz, 571-5885, odiaz@modestogov.com*

**ACTION: Motion (Brandvold/Kenoyer; 3/0)** approving the appointment of Vionna Adams to the Disabled Access Appeals Board and forwarding to Council for approval.

2. Consider reappointing Maria Arevalo, representing the Modesto golfing community at large, to the Golf Courses Advisory Committee for a second four-year term from January 1, 2021 to December 31, 2024, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*PRND; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Kenoyer/Brandvold; 3/0)** to reappoint Maria Arevalo, representing the Modesto golfing community at large, to the Golf Courses Advisory Committee for a second four-year term from January 1, 2021 to December 31, 2024 and forwarding to Council for approval.

3. Consider reappointing Denise Crosby, Bert Tabrizi and Rodney Cordova to the Modesto Convention and Visitors Bureau Board of Directors for a second two year term from January 1, 2021 to December 31, 2022, and forwarding to Council for approval. (Funding Source: Not Applicable)  
*PRND; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Kenoyer/Madrigal; 3/0)** to approve the reappointments of Denise Crosby,

Bert Tabrizi, and Rodney Cordova to the Modesto Convention and Visitors Bureau Board of Directors for a second two year term from January 1, 2021 to December 31, 2022, and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None

**ADJOURNMENT**

This meeting adjourned at 4:56 p.m.

Attest: \_\_\_\_\_  
Dana Sanchez, Assistant City Clerk