2022 LEGISLATIVE HISTORY

CITY OF MODESTO CALIFORNIA

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MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

(Held Via Teleconference)

Monday, January 10, 2022 at 5:00 PM

Roll Call - Present: Councilmember Escutia-Braaton, Councilmember Ricci, Mayor Zwahlen
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-5

CONSENT

1. Consider approving an increase to the Purchase Order amount with Dell Technologies, of Round Rock, TX by $ 291,534 from $1,950,000 to new total amount not to exceed $2,241,534 and a first amendment increasing the Agreement amount with Stommel Inc. DBA Lehr Auto Electric, Sacramento, CA by $125,295 from $320,000 to $445,295 for the first two years and new total amount not to exceed $925,295, and authorizing the Director of Finance to add parts and services to the Lehr Auto Electric Agreement as business needs change and forwarding to Council for approval. (Funding Source: General Fund)
   FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to approve an increase to the Purchase Order amount with Dell Technologies, of Round Rock, TX by $ 291,534 from $1,950,000 to new total amount not to exceed $2,241,534 and a first amendment increasing the Agreement amount with Stommel Inc. DBA Lehr Auto Electric, Sacramento, CA by $125,295 from $320,000 to $445,295 for the first two years and new total amount not to exceed $925,295, and authorizing the Director of Finance to add parts and services to the Lehr Auto Electric Agreement as business needs change and forwarding to Council for approval.

2. Consider approving an Agreement with Spatialitics LLC, to provide access to geo-enabled software (GeoShield) products and services for a three-year term with two, one-year extension options at an estimated annual cost of $73,500, for an estimated total not to exceed $357,000 over five years, and forwarding to Council for approval. (Funding Source: General Fund)
POLICE DEPARTMENT; Brandon Gillespie, 209-572-9500, gillespieb@modestopd.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to approve an Agreement with Spatialitics LLC, to provide access to geo-enabled software (GeoShield) products and services for a three-year term with two, one-year extension options at an estimated annual cost of $73,500, for an estimated total not to exceed $357,000 over five years, and forwarding to Council for approval.

3. Consider approving a first lease amendment for cell tower at Creekside Golf Course with MetroPCS California, LLC, a Delaware limited liability company (MetroPCS), extending the maximum term of the Agreement through October 31, 2044 and forwarding to Council for approval. (Funding Source: Cell Tower Facility Rental Revenue)
PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to approve a first lease amendment for cell tower at Creekside Golf Course with MetroPCS California, LLC, a Delaware limited liability company (MetroPCS), extending the maximum term of the Agreement through October 31, 2044 and forwarding to Council for approval.

4. Consider approving a lease amendment at Davis Park with MetroPCS California, LLC, a Delaware limited liability company (MetroPCS), extending the maximum term of the Agreement through November 30, 2044 and authorizing the replacement of existing ball field lighting infrastructure at the expense of the vendor as necessary and forwarding to Council for approval. (Funding Source: Cell Tower Facility Rental Revenue)
PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to approve a lease amendment at Davis Park with MetroPCS California, LLC, a Delaware limited

liability company (MetroPCS), extending the maximum term of the Agreement through November 30, 2044 and authorizing the replacement of existing ball field lighting infrastructure at the expense of the vendor as necessary and forwarding to Council for approval.

5. Consider approving a lease amendment at Beyer Park with T-Mobile West, LLC, a Delaware limited liability company (T-Mobile), extending the maximum term of the Agreement through December 31, 2043 and forwarding to Council for approval. (Funding Source: Cell Tower Facility Rental Revenue)
PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to approve a lease amendment at Beyer Park with T-Mobile West, LLC, a Delaware limited liability company (T-Mobile), extending the maximum term of the Agreement through December 31, 2043 and forwarding to Council for approval.

NEW BUSINESS

6. Consider approving the submission of a grant application for the California Violence Intervention and Prevention Grant Program to the Board of State and Community Corrections for up to $6 million in grant funds with up to $6 million in an in-kind match for a maximum commitment of $12 million, and forwarding to Council for approval. (Funding Source: General Fund)
POLICE DEPARTMENT; Brandon Gillespie, 209-572-9500, gillespieb@modestopd.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to approve the submission of a grant application for the California Violence Intervention and Prevention Grant Program to the Board of State and Community Corrections for up to $6 million in grant funds with up to $6 million in an in-kind match for a maximum commitment of $12 million, and forwarding to Council for approval.

7. Consider approving an agreement with Mr. Michael Baldwin Sr. Consultants, LLC to provide cultural relations and community building coaching for a one-year Agreement with two, one-year extension options, for an annual estimated cost of $98,500 and a total amount not to exceed $295,500 over three years, and forwarding to Council for approval (Funding Source: General Fund, Edward Byrne Memorial Justice Assistance Grant (BJAG) Program and Supplemental Law Enforcement Services Funds (SLESF))
POLICE DEPARTMENT; Brandon Gillespie, 209-572-9501, GillespieB@modestopd.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to approve an agreement with Mr. Michael Baldwin Sr. Consultants, LLC to provide cultural relations and community building coaching for a one-year Agreement with two, one-year extension options, for an annual estimated cost of $98,500 and a total amount not to exceed $295,500 over three years, and forwarding to Council for approval

8. Consider approving an Agreement with Berry, Dunn, McNeil & Parker, a limited liability company, for professional services for the preparation of a Fund Development Strategy and Implementation Plan for the Parks, Recreation and Neighborhoods Department in the amount of $49,999 plus $4,999 if needed, for an Agreement total not to exceed $54,998. (Funding Source: General Fund – Parks, Recreation and Neighborhoods Administration)
PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion to approve an Agreement with Berry, Dunn, McNeil & Parker, a limited liability company, for professional services for the preparation of a Fund Development Strategy and Implementation Plan for the Parks, Recreation and Neighborhoods Department in the amount of $49,999 plus $4,999 if needed, for an Agreement total not to exceed $54,998.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:05 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, January 11, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: Councilmember Kenoyer

Pledge of Allegiance to the Flag

Invocation: Mark Krieger, Modesto Covenant Church

City Clerk's Announcements:

Public Comments were received at ccmeetings, and were forwarded to all Councilmembers. Items 6 and 14 were pulled from Consent, and a request by a member of the public to speak regarding item 3

Declaration of Conflicts of Interest:

Councilmember Wright recused himself from item 24, out of abundance of caution.

Reports from Closed Session:

ACTION: (Wright/Zoslocki; 6/0; Kenoyer absent) Motion appointing Real Property Negotiators Jaylen French, Director of Community & Economic Development and Jose M. Sanchez, City Attorney for Property: APN: 135-029-022.

City Attorney Jose Sanchez reported no other reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. County/Covid-19 update. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

   ACTION: Lori Williams, Public Health Director, and Kamlesh Kaur, Public Information Officer with Stanislaus County reported regarding Covid-19.

MISCELLANEOUS

2. Consider approving the appointment of Karen Burch as the Dryden Women's Golf Club representative, and the reappointment of Pam Giusto as a Member-At-Large, to the City of Modesto Golf Courses Advisory Committee from January 1, 2022 through December 31, 2025. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution approving the appointment of Karen Burch as the Dryden Women's Golf Club representative, and the reappointment of Pam Giusto as a Member-At-Large, to the City of Modesto Golf Courses Advisory Committee from January 1, 2022 through December 31, 2025.

   PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Kenoyer absent) Resolution 2022-001 approving the appointment of Karen Burch as the Dryden Women's Golf Club representative, and the reappointment of Pam Giusto as a Member-At-Large, to the City of Modesto Golf Courses Advisory Committee from January 1, 2022 through December 31, 2025.

3. Consider reappointing Pervez Khan and Chris Murphy for a third term, and Angela Cangiamilla for a second term, to the Modesto Convention and Visitors Bureau Board of Directors from January 1, 2022 to December 31, 2023. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution reappointing Pervez Khan and Chris Murphy for a third term, and Angela Cangiamilla for a second term, to the Modesto Convention and Visitors Bureau Board of Directors from January 1, 2022 to December 31, 2023.

   PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Kenoyer absent) Resolution 2022-002 reappointing Pervez Khan and Chris Murphy for a third term, and Angela Cangiamilla for a second term, to the Modesto Convention and Visitors Bureau Board of Directors from January 1, 2022 to December 31, 2023.

PUBLIC COMMENT PERIOD

- John Dinan from County Commission on Aging, spoke regarding the need for low income senior housing,

- Joyce Gandelman from the County Commission on Aging also spoke in support of the need for low income subsidized housing for seniors. She expressed concerns that the housing workshop presented by Opticos had no mention and no planning for low income subsidized housing for seniors.

- Emerson Drake spoke regarding Covid presentation, and emphasized that 9 out of 10 people dying from Covid are unvaccinated. He also spoke regarding housing prices and sewer rates. He also spoke regarding when and where the meetings for the Charter Review recommendations are being held. He also spoke regarding mask mandates, and expressed his appreciation that the Councilmembers and staff were wearing masks.

- Jeremiah Williams spoke regarding a Martin Luther King celebration on Monday at Christian Love Baptist Church, he also noted there will be a presentation of a Peace Award to Officer Michael Rokaitis.

- Ramon Rodriguez spoke regarding the need for affordable housing. He also spoke regarding homelessness in Modesto and spoke in support of safe parking program, and re-opening a tent city. He also spoke regarding Municipal golf course being a mixture of recreational space and affordable housing.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4-5, 7-13, 15-22: (Wright/Ricci; 6/0; Kenoyer absent)
Item 6 and 14 were removed from Consent

CONSENT ITEMS

Consent
4. Consider approving the minutes from the December 14, 2021 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the December 14, 2021 Council Meeting

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Motion approving the minutes from the December 14, 2021 Council Meeting

Consent
5. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-003 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Removed from Consent
6. Consider approving a Loan Agreement and Loan from the City to the Successor Agency to fund a Settlement Agreement regarding Civic Partners Modesto, Inc. (Funding Source: General Fund and RPTTF Fund)
    - Resolution approving a Loan Agreement and Loan to the City of Modesto Redevelopment Successor Agency in the amount of $300,000 pursuant to Health and Safety Code Section 34173(h)(1), and authorizing the City Manager, or his designee to execute the loan Agreement.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Wright/Zwahlen; 6/0; Kenoyer absent) Resolution 2022-004 approving a Loan Agreement and Loan to the City of Modesto Redevelopment Successor Agency in the amount of $300,000 pursuant to Health and Safety Code Section 34173(h)(1), and authorizing the City Manager, or his designee to execute the loan Agreement.

Consent

7. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending the Fiscal Year 2021-22 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: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-005 amending the Fiscal Year 2021-22 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

8. Consider approving the "upstreaming" of the remaining Emergency Rental Assistance Program (ERAP) 1 funds to the US Treasury to be reallocated to the State of California with a designation for Modesto residents in the amount of $2,327,945. (Funding Source: US Treasury ERAP1 Funds)
    - Resolution approving the "upstreaming" of the remaining Emergency Rental Assistance Program (ERAP) 1 funds to the US Treasury to be reallocated to the State of California with a designation for Modesto residents in the amount of $2,327,945 and authorizing the City Manager or his designee, to execute any documents related to the purpose of this resolution.
    - Resolution amending the fiscal year 2021-2022 multi-year fund budget, reducing the allocation of Consolidated Appropriations Act of 2021 funds from the U.S. Department of Treasury with appropriate revenue and expenditure allocations and authorizing the City Manager, or his designee, to return the Federal Emergency Rental Assistance (ERA) #1 funding received on January 25, 2021, in an amount of $2,327,945, to the U.S. Treasury and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.
    - Resolution amending the fiscal year 2021-2022 multi-year fund budget, amending the allocation of American Rescue Plan Act of 2021 funds from the Department of Housing and Community Development with appropriate revenue and expenditure allocations and authorizing the City Manager, or his designee, to accept the State Emergency Rental Assistance (ERA) 2 funding received on November 23, 2021, in the amount of $60,751, and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-006 approving the "upstreaming" of the remaining Emergency Rental Assistance Program (ERAP) 1 funds to the US Treasury to be reallocated to the State of California with a designation for Modesto residents in the amount of $2,327,945 and authorizing the City Manager or his designee, to execute any documents related to the purpose of this resolution.

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-007 amending the fiscal year 2021-2022 multi-year fund budget, reducing the allocation of Consolidated Appropriations Act of 2021 funds from the U.S. Department of Treasury with appropriate revenue and expenditure allocations and authorizing the City Manager, or his designee, to return the Federal Emergency Rental Assistance (ERA) #1 funding received on January 25, 2021, in an amount of $2,327,945, to the U.S. Treasury and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-008 amending the fiscal year 2021-2022 multi-year fund budget, amending the allocation of American Rescue Plan Act of 2021 funds from the Department of Housing and Community Development with appropriate revenue and expenditure allocations and authorizing the City Manager, or his designee, to accept the State Emergency Rental Assistance (ERA) 2 funding received on November 23, 2021, in the amount of $60,751, and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

Consent

9. Consider approving a Will Serve Letter and Outside Service Agreement for sewer service for the property located at 1009 Chicago Avenue (APN: 030-018-015). (Funding Source: Sewer Fund and General Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Francisco Aquilar, and Maria R. Aquilar, Trustees of the Francisco and Maria R. Aquilar Trust, to connect to the City of Modesto's existing sewer system for the property located at 1009 Chicago Avenue in Modesto (APN: 030-018-015), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

    CED; Nathan Bray, 209-571-5542, nbray@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-009 approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Francisco Aquilar, and Maria R. Aquilar, Trustees of the Francisco and Maria R. Aquilar Trust, to connect to the City of Modesto's existing sewer system for the property located at 1009 Chicago Avenue in Modesto (APN: 030-018-015), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

10. Consider approving a Memorandum of Understanding (MOU) with Stanislaus Council of Governments for suballocation of Regional Early Action Planning grant program

funds, and amending Fiscal Year 2021-22 Non-Capital project #100838 – Modesto General Plan Update in the amount of $161,956 to fund certain housing-related work associated with the comprehensive General Plan update. (Funding Source: State of California Regional Early Action Planning (REAP) Grant Funds through Stanislaus Council of Governments)

- Resolution approving a Memorandum of Understanding with Stanislaus Council of Governments for suballocation of Regional Early Action Planning Grant Program funds; and authorizing the City Manager, or his designee to sign the Memorandum of Understanding.
- Resolution amending Fiscal Year 2021-22 Non-Capital project #100838 – Modesto General Plan Update in the amount of $161,956 to recognize the Regional Early Action Planning (REAP) grant and fund certain housing-related work associated with the comprehensive General Plan update; 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: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-010 approving a Memorandum of Understanding with Stanislaus Council of Governments for suballocation of Regional Early Action Planning Grant Program funds; and authorizing the City Manager, or his designee to sign the Memorandum of Understanding.

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-011 amending Fiscal Year 2021-22 Non-Capital project #100838 – Modesto General Plan Update in the amount of $161,956 to recognize the Regional Early Action Planning (REAP) grant and fund certain housing-related work associated with the comprehensive General Plan update; and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

11. Consider accepting an informational report for the November 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the November 2021 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Motion accepting an informational report for the November 2021 Accounts Payable Payment Register and Void report.

Consent

12. Consider accepting the Monthly Investment Report for October 2021. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for October 2021.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Motion accepting the Monthly Investment Report for October 2021.

Consent

13. Consider accepting an actuarial valuation report of other post-employment benefits (OPEB) as of the measurement date June 30, 2020 pursuant to updated financial reporting and accounting requirements from the Governmental Accounting Standards Board (GASB) Statements 74 and 75. (Funding Source: Not Applicable)
    - Resolution accepting an actuarial valuation report of other post-employment benefits (OPEB) as of June 30, 2020 pursuant to updated financial reporting and accounting requirements from the Governmental Accounting Standards Board (GASB) Statements 74 and 75.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-012 accepting an actuarial valuation report of other post-employment benefits (OPEB) as of June 30, 2020 pursuant to updated financial reporting and accounting requirements from the Governmental Accounting Standards Board (GASB) Statements 74 and 75.

Removed from Consent

14. Consider approving an amendment to the Purchasing Agreements with Affinitech, Chanhassen, MN, by increasing the annual estimated amount by $150,000 for a new revised total of $250,000; and decreasing the annual estimated amount with EyeP Solutions, Cameron Park, CA, by $50,000 for a new revised total of $75,000; and decreasing the annual estimated amount with Intellisite, Ceres, CA by $100,000 for a new revised total of $25,000 for cameras, LPRs, accessories and camera licensing for a total estimated annual cost of $350,000 and a total combined cost not to exceed $1,750,000 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total cost does not change. (Funding Source: Supplemental Law Enforcement Services Fund (SLESF), Byrne Justice Assistance Grants (BJAG), Utilities Funds, Traffic Safety Fund and Modesto Police Department General Fund)
    - Resolution approving an amendment to the Purchasing Agreements with Affinitech, Chanhassen, MN, by increasing the annual estimated amount by $150,000 for a new revised total of $250,000; and decreasing the annual estimated amount with EyeP Solutions, Cameron Park, CA, by $50,000 for a new revised total of $75,000; and decreasing the annual estimated amount with Intellisite, Ceres, CA by $100,000 for a new revised total of $25,000 for cameras, LPRs, accessories and camera licensing for a total estimated annual cost of $350,000 and a total combined cost not to exceed $1,750,000 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and Department's needs, ensuring the combined total cost does not change and authorizing the Director of Finance, or her designee, to execute the amendments, and authorizing the Director of Finance, or her designee, to execute the amendments.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Wright/Zoslocki; 6/0; Kenoyer absent) Resolution 2022-013 approving an amendment to the Purchasing Agreements with Affinitech, Chanhassen, MN, by increasing the annual estimated amount by $150,000 for a new revised total of $250,000; and decreasing the annual estimated amount with EyeP Solutions, Cameron Park, CA, by $50,000 for a new revised total of $75,000; and decreasing the annual estimated amount with Intellisite, Ceres, CA by $100,000 for a new revised total of $25,000 for cameras, LPRs, accessories and camera licensing for a total estimated annual cost of $350,000 and a total combined cost not to exceed $1,750,000 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and Department's needs, ensuring the combined total cost does not change and authorizing the Director of Finance, or her designee, to execute the amendments, and authorizing the Director of Finance, or her designee, to execute the amendments.

Consent

15. Consider approving the award of bids for two new additions in the amount of $95,206 and ten City Fleet Replacements for Modesto Police Department (MPD) in the amount of $407,990. (Funding Source: Fleet Replacement Fund, Police Grants Fund)
    - Resolution approving the award of bid for the purchase of two passenger vans to Napa Ford, Napa, CA for a total amount not to exceed $95,206, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
    - Resolution approving the award of bid for the purchase of six Ford Police Interceptors to Tracy Ford, Tracy, CA for a total amount not to exceed $241,425, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.
    - Resolution approving the award of bid for the purchase of four Ford Responders to Napa Ford, Napa, CA for a total amount not to exceed $166,564, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-014 approving the award of bid for the purchase of two passenger vans to Napa Ford, Napa, CA for a total amount not to exceed $95,206, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) **Resolution 2022-015** approving the award of bid for the purchase of six Ford Police Interceptors to Tracy Ford, Tracy, CA for a total amount not to exceed $241,425, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-016 approving the award of bid for the purchase of four Ford Responders to Napa Ford, Napa, CA for a total amount not

to exceed $166,564, and authorizing the Purchasing Manager, or her designee, to execute the Purchase Order.

Consent

16. Consider amending the Position Allocation Plan in two departments: Unfreezing one Captain, one Sergeant, and three Community Service Officers in the Police Department; and reallocating one Senior Software Analyst to one Senior Systems Technician in the Information Technology Department and amending the Fiscal Year 2021-22 Operating Budget in the amount of $357,525 to fund one Captain, one Sergeant, and three Community Service Officers in the General Fund from SR911 and SASA savings. (Funding Source: Various Funds)
    - Resolution amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget.
    - Resolution amending the Fiscal Year 2021-22 Operating Budget in the amount of $357,525 to fund the unfreezing of one Captain, one Sergeant, and three Community Service Officers in the general fund field operations cost center (0100-19320).

    HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-017 amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget.

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-018 amending the Fiscal Year 2021-22 Operating Budget in the amount of $357,525 to fund the unfreezing of one Captain, one Sergeant, and three Community Service Officers in the general fund field operations cost center (0100-19320).

Consent

17. Consider approving the plans and specifications for the Ralston Tower Park Project, accepting the bid and awarding a contract to Taylor Backhoe Service, Inc. DBA TBS Contractors of Merced, CA in the amount of $897,100 and authorizing the Director of Utilities to approve change orders up to the cumulative amount of $89,710 (10% of the original contract price) if needed for a total amount not to exceed $986,810; accepting grant award in the amount of $550,000 from California State Parks, Land and Water Conservation Fund; and amending the Fiscal Year 21/22 Capital Improvement Program Budget. (Funding Source: Community Development Block Grant Funds and Land and Water Conservation Fund Grant Funds)
    - Resolution approving the plans and specifications for the Ralston Tower Park Project, accepting the bid and awarding a contract to Taylor Backhoe Service, Inc. DBA TBS Contractors of Merced, CA in the amount of $897,100 and authorizing the Director of Utilities to approve change orders up to the cumulative amount of $89,710 (10% of the original contract price) if needed for a total amount not to exceed $ 986,810 and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution accepting grant award in the amount of $550,000 from California State Parks, Land and Water Conservation Fund.

- Resolution amending the Fiscal Year 2021/22 Capital Improvement Program (CIP) Budget, Project 100866 in the amount of $550,000 to recognize the Land and Water Conservation Fund grant and fund the Senior Playground 2014 project construction; 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: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-019 approving the plans and specifications for the Ralston Tower Park Project, accepting the bid and awarding a contract to Taylor Backhoe Service, Inc. DBA TBS Contractors of Merced, CA in the amount of $897,100 and authorizing the Director of Utilities to approve change orders up to the cumulative amount of $89,710 (10% of the original contract price) if needed for a total amount not to exceed $ 986,810 and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-020 accepting grant award in the amount of $550,000 from California State Parks, Land and Water Conservation Fund.

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-021 amending the Fiscal Year 2021/22 Capital Improvement Program (CIP) Budget, Project 100866 in the amount of $550,000 to recognize the Land and Water Conservation Fund grant and fund the Senior Playground 2014 project construction; and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

18. Consider approving the competitive bidding process from OMNIA, Charlotte, NC with Playcore Wisconsin, Inc., DBA Gametime of Spring Lake, NJ, for Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing, and Related Products and Services at Revard Park, for a cost not to exceed $58,457. (Funding Source: California State Parks Grant and Parks Fund)

    - Resolution approving the competitive bidding process from OMNIA, Charlotte, NC with Playcore Wisconsin, Inc DBA Gametime of Spring Lake, NJ, for Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing, and Related Products and Services at Revard Park, for a cost not to exceed $58,457; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-022 approving the competitive bidding process from OMNIA, Charlotte, NC with Playcore Wisconsin, Inc DBA Gametime of Spring Lake, NJ, for Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing, and Related Products and Services at Revard Park, for a cost not to exceed $58,457; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.

Consent

19. Consider approving the amended Bylaws for the Golf Courses Advisory Committee. (Funding Source: Golf Fund)
    - Resolution approving the amended Bylaws for the Golf Courses Advisory Committee.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-023 approving the amended Bylaws for the Golf Courses Advisory Committee.

Consent

20. Consider authorizing payment of an insurance deductible in the amount of $100,000 to Belfor Property Restoration, Modesto, CA for the Creekside Golf Clubhouse Fire Repair. (Funding Source: Golf Fund)
    - Resolution authorizing payment of an insurance deductible in the amount of $100,000 to Belfor Property Restoration, Modesto, CA for the Creekside Golf Clubhouse Fire Repair and authorizing the City Manager, or his designee, to issue the payment and execute the Agreement.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-024 authorizing payment of an insurance deductible in the amount of $100,000 to Belfor Property Restoration, Modesto, CA for the Creekside Golf Clubhouse Fire Repair and authorizing the City Manager, or his designee, to issue the payment and execute the Agreement.

Consent

21. Consider approving the First Amendment increasing the Agreement amount with Van De Pol Petroleum, Stockton, CA, for Renewable Diesel and Bulk Fuel services by $1,480,796 from $1,270,000 to a new total amount of $2,750,796 annually and a total revised amount from $6,350,000 not to exceed $12,273,184 over the total term of contract, and authorizing the Director of Finance to adjust locations based on an as needed basis, ensuring the combined total cost does not change. (Funding Source: Various Funds)
    - Resolution approving the First Amendment increasing the Agreement amount with Van De Pol Petroleum, Stockton, CA, for Renewable Diesel and Bulk Fuel services by $1,480,796 from $1,270,000 to a new total amount of $2,750,796 annually and a total revised amount from $6,350,000 not to exceed $12,273,184 over the total term of the Agreement, and authorizing the Director of Finance to adjust locations based on an as needed basis, ensuring the combined total cost does not change and authorizing the Director of Finance, or her designee, to execute the amendment.

    PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-025 approving the First Amendment increasing the Agreement amount with Van De Pol Petroleum, Stockton, CA, for Renewable Diesel and Bulk Fuel services by $1,480,796 from $1,270,000 to a new total amount of $2,750,796 annually and a total revised amount from $6,350,000 not to exceed

$12,273,184 over the total term of the Agreement, and authorizing the Director of Finance to adjust locations based on an as needed basis, ensuring the combined total cost does not change and authorizing the Director of Finance, or her designee, to execute the amendment.

Consent

22. Consider approving a First Amendment to the Consultant Agreement with Slate Communications, for Interim Public Relations Consultant Services and Communications and Outreach Support for the Utilities Department, and increasing the amount by $90,000 from $50,000 to a new total amount not to exceed $140,000. (Funding Source: General Fund, Water and Wastewater Funds & Various Departmental Funds)
    - Resolution approving a First Amendment to the Consultant Agreement with Slate Communications, for Interim Public Relations Consultant Services and Communications and Outreach Support for the Utilities Department, and increasing the amount by $90,000 from $50,000 to a new total amount not to exceed $140,000, and authorizing the City Manager, or his designee, to execute the amendment.

    UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-026 approving a First Amendment to the Consultant Agreement with Slate Communications, for Interim Public Relations Consultant Services and Communications and Outreach Support for the Utilities Department, and increasing the amount by $90,000 from $50,000 to a new total amount not to exceed $140,000, and authorizing the City Manager, or his designee, to execute the amendment.

COUNCIL COMMENTS & REPORTS

Councilmember Wright spoke regarding a citizen whose bike was stolen over the Christmas holidays, and he was pleased to see how the community came together to help this citizen. He also spoke regarding the one year anniversary of the new Councilmembers and Mayor, and looking forward to the upcoming year and the challenges ahead of them, but is optimistic about the future.

Councilmember Ricci spoke regarding reflecting back on the first year as a Councilmember. He spoke regarding the issues he's received from constituents including calls for forestry issue, homelessness, roads, dumping, park issues, business violations, housing and squatting. He also gave kudo's to Police Department for good strategy and leadership.

Councilmember Madrigal thanked the Public Works Department who responded to the GoModesto complaints made regarding dumping and code violations. He also asked for a report back on the video surveillance cameras update of illegal dumping.

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on December 31, 2021

23. Hearing to consider the application of Provident Senior Solutions, Inc and issuing this entity a permit to operate as non-emergency medical transport services in the City of Modesto. (Funding Source: General Fund)
    - Resolution accepting the application of Provident Senior Solutions, Inc. and authorizing the issuance of a permit to operate as a non-emergency medical transport company in the City of Modesto.

    POLICE DEPARTMENT; Brandon Gillespie, 209-572-9500, gillespieb@modestopd.com

ACTION: (Wright/Madrigal; 6/0; Kenoyer absent) Resolution 2022-027 accepting the application of Provident Senior Solutions, Inc. and authorizing the issuance of a permit to operate as a non-emergency medical transport company in the City of Modesto.

NEW BUSINESS

24. Consider approving the City of Modesto's Homekey 2.0 Project Application for the project located at 1208 9th Street, authorizing the City Manager, or his designee, to submit the application, applicable documentation, and provide technical alterations, as required by HCD as well as negotiate and execute any related program Agreements or documents required for the implementation and acceptance of Homekey 2.0 Program Grant., as required by HCD, approving a loan for the Center for Human Services in an amount up to $500,000 in Permanent Local Housing Allocation Funds to assist with the rehabilitation of 1208 9th Street, , and amending the fiscal year 2021-2022 multi-year fund budget to establish a project for the Homekey 2.0 program as well as to transfer $550,000 from fund (1120) – grants – PLHA Program to Homekey 2.0 project. (Funding Source: Homekey 2.0 Funds and Permanent Local Housing Allocation Funds)
    - Resolution approving the City of Modesto's Homekey 2.0 Project Application for the project located at 1208 9th Street, authorizing the City Manager, or his designee, to submit the application, applicable documentation, and provide technical alterations, as required by the State of California Housing and Community Development (HCD) as well as negotiate and execute any related program Agreements or documents required for the implementation and acceptance of Homekey 2.0 Program Grant and authorizing the City Manager or his designee to execute any documents in the execution of this Resolution.
    - Resolution of the Governing body of the City of Modesto authorizing joint application to and participation in the Homekey Program.
    - Resolution approving a loan for Center for Human Services in an amount up to $500,000 in Permanent Local Housing Allocation Funds to assist with the rehabilitation of 1208 9th Street, and authorizing the City Manager or his designee to execute the Agreements.

- Resolution amending the fiscal year 2021-2022 multi-year fund budget to establish a project for the Homekey 2.0 program to be funded with Permanent Local Housing Allocation program grants and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.
- Resolution amending the fiscal year 2021-2022 multi-year fund budget to transfer $550,000 from fund (1120) – Grants – PLHA Program to Homekey 2.0 project and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Madrigal/Ricci; 5/0; Kenoyer absent; Wright recused) Resolution 2022-028 approving the City of Modesto's Homekey 2.0 Project Application for the project located at 1208 9th Street, authorizing the City Manager, or his designee, to submit the application, applicable documentation, and provide technical alterations, as required by the State of California Housing and Community Development (HCD) as well as negotiate and execute any related program Agreements or documents required for the implementation and acceptance of Homekey 2.0 Program Grant and authorizing the City Manager or his designee to execute any documents in the execution of this Resolution.

ACTION: (Madrigal/Ricci; 5/0; Kenoyer absent; Wright recused) Resolution 2022-029 of the Governing body of the City of Modesto authorizing joint application to and participation in the Homekey Program.

ACTION: (Madrigal/Ricci; 5/0; Kenoyer absent; Wright recused) Resolution 2022-030 approving a loan for Center for Human Services in an amount up to $500,000 in Permanent Local Housing Allocation Funds to assist with the rehabilitation of 1208 9th Street, and authorizing the City Manager or his designee to execute the Agreements.

ACTION: (Madrigal/Ricci; 5/0; Kenoyer absent; Wright recused) Resolution 2022-031 amending the fiscal year 2021-2022 multi-year fund budget to establish a project for the Homekey 2.0 program to be funded with Permanent Local Housing Allocation program grants and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

ACTION: (Madrigal/Ricci; 5/0; Kenoyer absent; Wright recused) Resolution 2022-032 amending the fiscal year 2021-2022 multi-year fund budget to transfer $550,000 from fund (1120) – Grants – PLHA Program to Homekey 2.0 project and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

25. Consider approving a Professional Services Agreement with Public Agency Retirement Services (PARS), Newport Beach, CA for a three-year Agreement with four one-year extensions to provide administrative and management services of a Section 115 Trust for an amount determined based on the fee schedule defined under Exhibit A and funding a Pension Trust in the amount of $2,345,594 and an OPEB Trust in the amount of $1,387,280 and amending the Fiscal Year 2021-22 annual operating budget to

transfer funds in the amount of $2,345,594 and $1,387,280 from various funds to the employee benefits fund. (Funding Source: Various Funds)

- Resolution approving Professional Services Agreement with Public Agency Retirement Services (PARS), Newport Beach, CA, to provide Trust Administration Services for a three-year contract with four one-year extension options for a potential seven-year Agreement at the sole discretion of the City, in an amount based on the fee structure defined under Exhibit A, and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2021-22 annual operating budget to transfer funds in the amount of $2,345,594 and $1,387,280 from various funds to the employee benefits fund to establish the Unfunded Accrued Liability (UAL) Trust Fund contribution and the Other Post-Employment Benefits Liability Trust Fund contribution and authorizing the City Manager, to take the necessary steps to implement the provisions of this resolution.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Kenoyer absent) Resolution 2022-033 approving Professional Services Agreement with Public Agency Retirement Services (PARS), Newport Beach, CA, to provide Trust Administration Services for a three-year contract with four one-year extension options for a potential seven-year Agreement at the sole discretion of the City, in an amount based on the fee structure defined under Exhibit A, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 6/0; Kenoyer absent) Resolution 2022-034 amending the Fiscal Year 2021-22 annual operating budget to transfer funds in the amount of $2,345,594 and $1,387,280 from various funds to the employee benefits fund to establish the Unfunded Accrued Liability (UAL) Trust Fund contribution and the Other Post-Employment Benefits Liability Trust Fund contribution and authorizing the City Manager, to take the necessary steps to implement the provisions of this resolution.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:23 P.M.

CLOSED SESSION

Please take notice that a special Closed Session meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be convened on

TUESDAY, JANUARY 11, 2022, at 4:30 P.M.

and after the regularly scheduled meeting in the Tenth Street Place, Chambers Conference Room, Basement Level, 1010 Tenth Street, Modesto, California.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

The business to be considered at said City Council meeting shall consist of a Closed Session concerning the following:

CLOSED SESSION

1. Consider appointing Real Property Negotiators Jaylen French, Director of Community & Economic Development and Jose M. Sanchez, City Attorney for Property: APN: 135-029-022.

Motion appointing Real Property Negotiators Jaylen French, Director of Community & Economic Development and Jose M. Sanchez, City Attorney for Property: APN: 135-029-022.
City Attorney, Jose M. Sanchez, 577-5284, jsanchez@modestogov.com

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

Property: 4125 Sisk Road, Modesto CA 95356 – APN 135-029-022

Property Owners: Kimberly Anne Soranno, Trustee of the Leonard J. Soranno Marital Trust

Negotiating Parties:
For City: Jaylen French, Director of Community & Economic Development
Jose M. Sanchez, City Attorney

For Owner: Mr. Arnold J. Wolf – Freeman Firm

Under Negotiation: Price and Terms

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

Name of Case: Civic Partners Modesto, Inc. v. City of Modesto Redevelopment

Successor Agency
Stanislaus County Superior Court
Case No. 9000266

Peltier v. City of Modesto
Superior Court of California, County of Stanislaus
Stanislaus County Case No. 2022652

ACTION: (Wright/Zoslocki; 6/0; Kenoyer absent) Motion appointing Real Property Negotiators Jaylen French, Director of Community & Economic Development and Jose M. Sanchez, City Attorney for Property: APN: 135-029-022.

Attest:_____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

Special Redevelopment Successor Agency Meeting

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, January 11, 2022 at 5:30 PM

Roll Call – Present: Agency Members Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: None

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEMS Items A-B: (Wright/Ricci; 6/0; Kenoyer absent)

CONSENT ITEMS

CONSENT

A. Consider approving the minutes from the Redevelopment Successor Agency June 23, 2020. (Funding Source: Not Applicable)

Staff Recommendations:

- Motion approving the minutes from the Redevelopment Successor Agency of June 23, 2020.
  City Clerk; Dana Sanchez, 209-577-5396 dasanchez@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Motion approving the minutes from the Redevelopment Successor Agency of June 23, 2020.

CONSENT

B. Consider approving a Settlement Agreement between Successor Agency and Civic Partners Modesto, Inc. in the amount of $300,000 and Loan Agreement from the City to the Successor Agency to fund the Settlement Agreement. (Funding Source: General Fund and RPTTF Fund)

Staff Recommendations:

- Resolution approving a Settlement and General Release with Civic Partners Modesto, Inc. in the amount of $300,000, and authorizing the Executive Director or his designee, to execute the settlement agreement.
- Resolution approving a Loan Agreement from the City of Modesto to the Successor Agency in the amount of $300,000 pursuant to Health and Safety Code Section

34173(h)(1), and authorizing the Executive Director or his designee, to execute the loan agreement.
CAO; Jose Sanchez, 209-577-5284 jsanchez@modestogov.com

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-001 approving a Settlement and General Release with Civic Partners Modesto, Inc. in the amount of $300,000, and authorizing the Executive Director or his designee, to execute the settlement agreement.

ACTION: (Wright/Ricci; 6/0; Kenoyer absent) Resolution 2022-002 approving a Loan Agreement from the City of Modesto to the Successor Agency in the amount of $300,000 pursuant to Health and Safety Code Section 34173(h)(1), and authorizing the Executive Director or his designee, to execute the loan agreement.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:23 P.M.

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference

Wednesday, January 12, 2022 at 5:30 PM

Roll Call: Present: Councilmember Wright, Mayor Zwahlen
Absent: Councilmember Ricci

PUBLIC COMMENTS

None.

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

CONSENT

Consent
1. Consider approving the award of bid and Agreement for Fire Safety System Services to The BGR Group, Santa Clara, CA for a two-year Agreement with three one-year extension options, for an annual estimated cost for the first year of $292,370 and a total amount not to exceed $1,024,091 over five years, with any new site additions, removals, or substantive service changes to be authorized by the Director of Finance or her designee and forwarding to Council for approval. (Funding Source: Various Funds)
PUBLIC WORKS; Patrick Crowley, 209-402-6812, pcrowley@modestogov.com

ACTION: Motion (Wright/Zwahlen; 2/0; Ricci absent) to approve the award of bid and Agreement for Fire Safety System Services to The BGR Group, Santa Clara, CA for a two-year Agreement with three one-year extension options, for an annual estimated cost for the first year of $292,370 and a total amount not to exceed $1,024,091 over five years, with any new site additions, removals, or substantive service changes to be authorized by the Director of Finance or her designee and forwarding to Council for approval.

Consent
2. Consider approving the Sole Source Purchase Agreement with Xylem Water Solutions, Charlotte, NC, for the procurement of Ultraviolet (UV) lamps and parts for an estimated annual amount of $50,000 and a total amount not to exceed $250,000 over five years, and authorizing the Director of Finance, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total, and forwarding to Council for approval. (Funding Source: Wastewater Fund)

UTILITIES; Monte Hamilton, 209-342-4505, mhamilton@modestogov.com

ACTION: Motion (Wright/Zwahlen; 2/0; Ricci absent) to approve the Sole Source Purchase Agreement with Xylem Water Solutions, Charlotte, NC, for the procurement of Ultraviolet (UV) lamps and parts for an estimated annual amount of $50,000 and a total amount not to exceed $250,000 over five years, and authorizing the Director of Finance, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total, and forwarding to Council for approval.

UNFINISHED BUSINESS

3. Consider accepting the April - June 2021 Permitting Efficiency Report. (Funding Source: Development User Fees)
   CED; Oscar Diaz, 209-571-5885, odiaz@modestogov.com

ACTION: Motion (Wright/Zwahlen; 2/0; Ricci absent) to accept the April - June 2021 Permitting Efficiency Report.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:49 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING

Arbor Theatre, Centre Plaza
Corner of K and 10th Streets
Modesto, California
Wednesday, January 12, 2022 at 10:00 AM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer (arrived at 12:35 p.m.), Madrigal, Ricci, Wright, Zoslocki (arrived at 10:53 a.m.), Mayor Zwahlen

Pledge of Allegiance to the Flag

PUBLIC COMMENT PERIOD

- Emerson Drake spoke regarding having special meetings and workshops being recorded for public view. He also spoke regarding having an actual flag versus a flag on the screen for the pledge of allegiance. Regarding the City Auditor he expressed his feelings it should be an individual not contracted out, and the Auditor should be able to pick their own staff. He also supported a vote of five or supermajority to terminate the Auditor. He also spoke against hiring a polling firm.

- Ann Marie Hogan clarified the City Auditor should have the authority to hire their own staff but through Human Resources Department to protect the City. She also noted the Auditor can contract out, and ALGA is happy to give out advice. She also pointed out the Charter doesn't clarify whether Auditor is contracted out verses on staff. She also recommends five or super majority protection and clarified an elected auditor would have to live in the City. She expressed hope the City can mend fences with the community going forward.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

UNFINISHED BUSINESS

1. Discussion and possible action regarding the City's Charter and authorizing the City Manager, or his designee, to implement the next steps. (Funding Source: Not Applicable)
   CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Ricci/Wright; 6/0; Kenoyer Absent) Motion preliminarily approving recommended Charter Revisions by the Charter Review Committee for section 902.1 Section Items A, C-K, excluding Section Item B.

ACTION: (Ricci/Madrigal; 2/4; Escutia-Braaton, Wright, Zoslocki, Mayor Zwahlen, Noes; Kenoyer Absent) Motion preliminarily approving recommended Charter Revisions by the Charter Review Committee for section 902.1 Section Item B regarding the removal process taking five votes. **(MOTION FAILED)**

ACTION: (Wright/Escutia-Braaton; 6/0; Kenoyer Absent) Motion to accept the staff recommendations regarding the Human Relations Commission.

Meeting recessed at 11:45 a.m.
Meeting resumed at 12:22 p.m.
Councilmember Kenoyer arrived at 12:35 p.m.

ACTION: (Wright/Zoslocki; 2/5; Escutia-Braaton, Kenoyer, Madrigal, Ricci, Mayor Zwahlen Noes) Motion to accept Item 2 - Method of Election of Council members for further consideration. **(MOTION FAILED)**

ACTION: (Madrigal/Wright; 4/3; Kenoyer, Zoslocki, Mayor Zwahlen Noes) Motion to accept Item 3 - Ranked Choice Voting for further consideration.

ACTION: (Zoslocki/Wright; 7/0) Motion to NOT accept Item 5 - Chief of Police and Fire Chief as Charter officers for further consideration.

ACTION: (Escutia-Braaton/Wright; 7/0) Motion to NOT accept Item 6 - Council salaries / Salary setting commission for further consideration.

ACTION: (Madrigal/;) Motion to accept Item 7 – Term Limits for further consideration. **(MOTION FAILED FOR LACK OF SECOND)**

ACTION: (Escutia-Braaton/Kenoyer; 5/2; Madrigal, Ricci Noes) Motion to reconsider Item 3 - Ranked Choice voting.

ACTION: (Escutia-Braaton/Wright; 6/1; Madrigal No) Motion to NOT accept Item 3 - Ranked Choice Voting for further consideration.

Items 1 regarding Removal Process of other Charter Officers, and Item 4 regarding Advertising Bids to Newspapers were withdrawn from further consideration.

Recessed at 1:47 p.m.
Resumed at 1:55 p.m.

NEW BUSINESS

2. Consider accepting a presentation regarding the City's financial forecast, benchmark comparison with peer jurisdictions, and discussion regarding budget priorities for the 2022-2023 Fiscal Year. (Funding Source: Not Applicable)
   CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

Recessed at 3:30 p.m.
Resumed at 3:38 p.m.

ACTION: (Kenoyer/Zoslocki; 7/0) Motion to accept a presentation regarding the City's financial forecast, benchmark comparison with peer jurisdictions, and discussion regarding budget priorities for the 2022-2023 Fiscal Year.

ACTION: (Wright/Escutia-Braaton; 7/0) Motion to provide direction to City Manager to secure firm for polling services.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 3:53 p.m.

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Via Zoom

Tuesday, January 18, 2022 at 4:00 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

CLOSED SESSION

Please take notice that a special Closed Session meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be convened on

TUESDAY, JANUARY 18, 2022 at 4:00 PM

and after the special scheduled meeting via Zoom.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

The business to be considered at said City Council meeting shall consist of a Closed Session concerning the following:

CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: City Clerk

Reports from Closed Session: No reportable action

PUBLIC COMMENTS

None.

ADJOURNMENT

This meeting adjourned at 4:59 p.m.

Attest:_____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

SPECIAL AUDIT COMMITTEE /COUNCIL WORKSHOP

Held Via Teleconference

Thursday, January 20, 2022 at 10:00 AM

Roll Call – Present: Mayor Zwahlen, Councilmembers Escutia-Braaton (alternate) and Wright
Absent: Councilmember Kenoyer

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider approving the audited financial statements and various audit reports for Fiscal Year 2020-2021 audited by external auditors Hudson Henderson & Company, Inc. for the City's Annual Comprehensive Financial Report, twelve (12) Community Facilities Districts, and various Joint Powers Agencies and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

   ACTION: (Wright/Escutia-Braaton; 3/0) Motion made to approve the audited financial statements and various audit reports for Fiscal Year 2020-2021 audited by external auditors Hudson Henderson & Company, Inc. for the City's Annual Comprehensive Financial Report, twelve (12) Community Facilities Districts, and various Joint Powers Agencies and forwarding to Council for approval.

2. Consider approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2021, and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

   ACTION: (Escutia-Braaton/Wright; 3/0) Motion made to approve the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2021, 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, 2021 and forwarding to Council for approval (Funding Source: Not Applicable)

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion made to approve the Auditors' Reports and Schedule of Measure L Program Revenues and Expenditures for Fiscal Year Ended June 30, 2021 and forwarding to Council for approval (Funding Source: Not Applicable)

4. Consider approving the Fiscal Year 2020-2021 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 DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Escutia-Braaton/Wright; 3/0) Motion made to postpone review of the Fiscal Year 2020-2021 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc. until further guidance on funding.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:48 a.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference

Monday, January 24, 2022 at 3:00 PM

Roll Call: Present: Escutia-Braaton, Wright
Absent: Zoslocki
Alternate: Ricci (arrived at 3:09pm)
Also Present: Kenoyer (arrived at 3:10pm)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
Items 1-5 (Escutia- Braaton/Wright; 2/0; Zoslocki Absent)

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 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 (Escutia-Braaton/Wright; 2/0; Zoslocki Absent) to approve the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider approving the competitive bidding process from Merced County, Fast Open Contracts Utilization Services (FOCUS), Merced, CA for Cisco Annual Licensing and Support Maintenance with Telcion Communications Group, Turlock, CA for a three-year Agreement for a total amount not to exceed $554,814 and forwarding to Council for approval. (Funding Source: Information Technology Fund)
FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: Motion (Escutia-Braaton/Wright; 2/0; Zoslocki Absent) to approve the competitive bidding process from Merced County, Fast Open Contracts Utilization Services (FOCUS), Merced, CA for Cisco Annual Licensing and Support Maintenance with Telcion Communications Group, Turlock, CA for a three-year Agreement for a total amount not to exceed $554,814 and forwarding to Council for approval.

3. Consider approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Rapid View IBAK North America under authorized dealer Jack Doheny Company, Northville, MI, for a Closed-Circuit

Television (CCTV) van for a total amount not to exceed $264,154 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: Motion (Escutia-Braaton/Wright; 2/0; Zoslocki Absent) to approve the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Rapid View IBAK North America under authorized dealer Jack Doheny Company, Northville, MI, for a Closed-Circuit Television (CCTV) van for a total amount not to exceed $264,154 and forwarding to Council for approval.

4. Consider approving an Agreement with LCP Tracker for Certified Payroll Monitoring Software in the amount of $16,460 for the initial year of implementation, and $12,343 annually for three years, for a total not to exceed amount of $53,489 and forward to Council for approval. (Funding Source: Capital Improvement Support Fund)
UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: Motion (Escutia-Braaton/Wright; 2/0; Zoslocki Absent) to approve an Agreement with LCP Tracker for Certified Payroll Monitoring Software in the amount of $16,460 for the initial year of implementation, and $12,343 annually for three years, for a total not to exceed amount of $53,489 and forward to Council for approval.

5. Consider approving an increase of purchase with Allsteel Inc., Muscatine, IA, for the procurement of modular systems furniture for the Sutter Plant Offices by $34,691 from $45,157, plus $3,469 in contingency (if needed) for a revised total amount not to exceed $83,317 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

ACTION: Motion (Escutia-Braaton/Wright; 2/0; Zoslocki Absent) to approve an increase of purchase with Allsteel Inc., Muscatine, IA, for the procurement of modular systems furniture for the Sutter Plant Offices by $34,691 from $45,157, plus $3,469 in contingency (if needed) for a revised total amount not to exceed $83,317 and forwarding to Council for approval.

Councilmember Ricci joined the meeting at 3:09 p.m. and assumed voting position as an alternate for Councilmember Zoslocki.

NEW BUSINESS

6. Consider accepting an update on the Parks, Recreation and Neighborhood Department accounts at the Stanislaus Community Foundation and approve the recommendations for account adjustments and forwarding to Council for approval. (Funding Source: Stanislaus Community Foundation revenue)
PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: Motion (Ricci/Escutia-Braaton; 3/0; Zoslocki Absent) to accept an update on the Parks, Recreation and Neighborhood Department accounts at the Stanislaus Community Foundation and approve the recommendations for account adjustments and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:29 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, January 25, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal (arrived 5:41 p.m.), Ricci, Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Jon Apodaca, Good Life

City Clerk's Announcements:

Public Comments were received at ccmeetings for Item 16, and were forwarded to all Councilmembers. Items 9, 10, 13 and 14 were pulled from Consent by a member of the public.

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Stanislaus Council of Governments regarding 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

ACTION: Isael Ojeda Senior Planner at StanCOG gave presentation regarding the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

PUBLIC COMMENT PERIOD

- Emerson Drake spoke regarding transparency and accountability regarding a public records request done by Kevin Valine regarding an accident in 2015. He also spoke regarding the Mayor serving on the School Board when a settlement was made, and serving as a Councilmember on the same settlement. He also requested to pull items 9, 10, 13, & 14 from Consent.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 2-8, 11-12: (Escutia-Braaton/Kenoyer; 7/0)
Items 9, 10, 13, and 14 were removed from Consent

CONSENT ITEMS

Consent

2. Consider approving the minutes from the January 11, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the January 11, 2022 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Motion approving the minutes from the January 11, 2022 Council Meeting.

Consent

3. Consider authorizing staff to submit a California Department of Transportation Clean California Local Grant Program application intended to develop a city-owned vacant lot at 1850 Rouse Avenue (APN: 037053040) to a walking path with amenities for the neighborhood, and a grant application for financial support to launch a Multi-Family Bulky Item Pick-Up Program. (Funding Source: Not Applicable)
    - Resolution authorizing staff to submit a California Department of Transportation Clean California Local Grant intended to develop a city-owned vacant lot at 1850 Rouse Avenue (APN: 037053040) to a walking path with amenities for the neighborhood, and a grant application for financial support to launch a multi-family bulky item pick-up program and authorizing the City Manager, or his designee, to execute such documents as necessary to carry out the purpose of this Resolution.

    CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2022-035 authorizing staff to submit a California Department of Transportation Clean California Local Grant intended to develop a city-owned vacant lot at 1850 Rouse Avenue (APN: 037053040) to a walking path with amenities for the neighborhood, and a grant application for financial support to launch a multi-family bulky item pick-up program and authorizing the City Manager, or his designee, to execute such documents as necessary to carry out the purpose of this Resolution.

Consent

4. Consider authorizing the City Manager, or his designee, to solicit applications from the community for the Citizen's Salary Setting Commission in compliance with the City Charter. (Funding Source: Not Applicable)
    - Motion authorizing the City Manager, or his designee, to solicit applications from the community for the Citizen's Salary Setting Commission in compliance with the City Charter.

    CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Motion authorizing the City Manager, or his designee, to solicit applications from the community for the Citizen's Salary Setting Commission in compliance with the City Charter.

Consent

5. Consider approving a Settlement Agreement with John K. Peltier, Administrator of the Estate of Ida A. McClure and rescinding Resolution No. 2015-477, removing the surplus designation from the McClure Property. (Funding Source: Not Applicable)
    - Resolution approving a Settlement Agreement with John K. Peltier, Administrator of the Estate of Ida A. McClure and rescinding Resolution No. 2015-477, removing the surplus designation from the McClure Property and authorizing the City Manager or his designee, to execute the Agreement.

    CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2022-036 approving a Settlement Agreement with John K. Peltier, Administrator of the Estate of Ida A. McClure and rescinding Resolution No. 2015-477, removing the surplus designation from the McClure Property and authorizing the City Manager or his designee, to execute the Agreement.

Consent

6. Consider accepting an informational report on the September and October 2021 grant applications and awards. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the September and October 2021 grant applications and awards.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Motion accepting an informational report for the September and October 2021 grant applications and awards.

Consent

7. Consider approving an increase to the purchase order amount with Dell Technologies, of Round Rock, TX by $ 291,534 from $1,950,000 to new total amount not to exceed $2,241,534 and a first amendment and increasing the Agreement amount with Stommel Inc. DBA Lehr Auto Electric, Sacramento, CA by $125,295 from $320,000 to $445,295 for the first two years and new total amount not to exceed $925,295,for the purchase and installation of mobile data computers for the Modesto Police Department, and allow the Director of Finance to add parts and services to the Lehr Auto Electric Agreement as business needs change. (Funding Source: General Fund)
    - Resolution approving an increase to the purchase order amount with Dell Technologies, of Round Rock, TX by $ 291,534 from $1,950,000 to new total amount not to exceed $2,241,534; and authorizing the Purchasing Manager, or her designee, to execute the purchase order.
    - Resolution approving a first amendment and increasing the Agreement amount with Stommel Inc. DBA Lehr Auto Electric, Sacramento, CA by $125,295 from $320,000 to $445,295 for the first two years and new total amount not to

exceed $925,295, for the purchase and installation of mobile data computers for the Modesto Police Department, and allow the Director of Finance to add parts and services to the Lehr Auto Electric agreement as business needs change; and authorizing the Director of Finance, or her designee, to execute the amendment.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2022-037 approving an increase to the purchase order amount with Dell Technologies, of Round Rock, TX by $ 291,534 from $1,950,000 to new total amount not to exceed $2,241,534; and authorizing the Purchasing Manager, or her designee, to execute the purchase order.

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2022-038 approving a first amendment and increasing the Agreement amount with Stommel Inc. DBA Lehr Auto Electric, Sacramento, CA by $125,295 from $320,000 to $445,295 for the first two years and new total amount not to exceed $925,295, for the purchase and installation of mobile data computers for the Modesto Police Department, and allow the Director of Finance to add parts and services to the Lehr Auto Electric agreement as business needs change; and authorizing the Director of Finance, or her designee, to execute the amendment.

Consent

8. Consider approving the award of bid for a Three Axle Roll-off Bin Hauler Truck to Interstate Truck Center, LLC, Stockton, CA for a total amount not to exceed $164,941; and approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Caterpillar Inc. authorized dealer Holt of CA, Stockton, CA for Two Loader Claws for a total amount not to exceed $242,870; and approving the award of bid for Twelve Half-ton Trucks to Penske Chevrolet, Cerritos, CA for a total amount not to exceed $425,159. (Funding Source: Fleet Replacement Fund)
    - Resolution approving the award of bid for a Three Axle Roll-off Bin Hauler Truck to Interstate Truck Center, LLC, Stockton, CA for a total amount not to exceed $164,941; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.
    - Resolution approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Caterpillar Inc. authorized dealer Holt of CA, Stockton, CA for two Loader Claws for a total amount not to exceed $242,870; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.
    - Resolution approving the award of bid for the Twelve Half-ton Trucks to Penske Chevrolet, Cerritos, CA to for a total amount not to exceed $425,159 and authorizing the Purchasing Manager, or her designee, to issue the purchase order.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2022-039 approving the award of bid for a Three Axle Roll-off Bin Hauler Truck to Interstate Truck Center, LLC, Stockton, CA for a total amount not to exceed $164,941; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2022-040 approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Caterpillar Inc. authorized dealer Holt of CA, Stockton, CA for two Loader Claws for a total amount not to exceed $242,870; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2022-041 approving the award of bid for the Twelve Half-ton Trucks to Penske Chevrolet, Cerritos, CA to for a total amount not to exceed $425,159 and authorizing the Purchasing Manager, or her designee, to issue the purchase order.

Removed from Consent

9. Consider approving an Agreement to provide Fire Administrative Services between the City of Modesto and the Stanislaus Consolidated Fire Protection District for a five-year, five-month term, with one two-year extension option, amending the Position Allocation for Fiscal Year 2021-2022 as adopted in the operating budget, and amending the Fiscal Year 2021-22 Operating Budget by $148,364 in revenues and $127,530 in expenses. (Funding Source: General Fund)
    - Resolution approving an Agreement to provide Fire Administrative Services between the City of Modesto and the Stanislaus Consolidated Fire Protection District for a five-year, five-month term, with one two-year extension option, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Position Allocation for Fiscal Year 2021-2022 as adopted in the operating budget.
    - Resolution amending the Fiscal Year 2021-22 Operating Budget by $148,364 in revenues and $127,530 in expenses and authorizing the City Manager, or his designee, to implement the provisions the resolution.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-042 approving an Agreement to provide Fire Administrative Services between the City of Modesto and the Stanislaus Consolidated Fire Protection District for a five-year, five-month term, with one two-year extension option, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-043 amending the Position Allocation for Fiscal Year 2021-2022 as adopted in the operating budget.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-044 amending the Fiscal Year 2021-22 Operating Budget by $148,364 in revenues and $127,530 in expenses and authorizing the City Manager, or his designee, to implement the provisions the resolution.

Removed from Consent

10. Consider approving an Agreement to provide fire protection services between the City of Modesto, the City of Oakdale and the Oakdale Fire Protection District for a five-year term, with one two-year extension option. (Funding Source: General Fund)

- Resolution approving an Agreement to provide fire protection services between the City of Modesto, the City of Oakdale and the Oakdale Fire Protection District for a five-year term, with one two-year extension option, and authorizing the City Manager, or his designee, to execute the Agreement.

FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Wright/Kenoyer; 7/0) Resolution 2022-045 approving an Agreement to provide fire protection services between the City of Modesto, the City of Oakdale and the Oakdale Fire Protection District for a five-year term, with one two-year extension option, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider approving an Agreement with Arrow Construction, of Manteca, CA, for Subsurface Exploration (Potholing) Services for the La Loma Sewer Project in the amount of $143,000 for the identified scope of services, plus $14,300 in additional services, if needed, for a total not to exceed amount of $157,300. (Funding Source: Wastewater Fund)
    - Resolution approving an Agreement with Arrow Construction, of Manteca, CA, for Subsurface Exploration (Potholing) Services for the La Loma Sewer Project in the amount of $143,000 for the identified scope of services, plus $14,300 in additional services, if needed, for a total amount not to exceed $157,300 and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2022-046 approving an Agreement with Arrow Construction, of Manteca, CA, for Subsurface Exploration (Potholing) Services for the La Loma Sewer Project in the amount of $143,000 for the identified scope of services, plus $14,300 in additional services, if needed, for a total amount not to exceed $157,300 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Services for the development of a Well Equipping Design Template in the amount of $70,300 for the identified scope of services, plus $7,030 in additional services, if needed for a total not to exceed amount of $77,330 and amending the Fiscal Year 2021/22 Multi-Year Program Budget. (Funding Source: Water Fund)
    - Resolution approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Services for the development of a Well Equipping Design Template in the amount of $70,300 for the identified scope of services, plus $7,030 in additional services, if needed, for a total amount not to exceed $77,330 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2021/22 Multi-Year Program Budget in the amount of $87,875 to be transferred into the project from Water Reserves to fund the development of a Well Equipping Design Template and authorizing

the City Manager, or his designee, to implement the provisions of the resolution.

UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2022-047 approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Services for the development of a Well Equipping Design Template in the amount of $70,300 for the identified scope of services, plus $7,030 in additional services, if needed, for a total amount not to exceed $77,330 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Escutia-Braaton/Kenoyer; 7/0) Resolution 2022-048 amending the Fiscal Year 2021/22 Multi-Year Program Budget in the amount of $87,875 to be transferred into the project from Water Reserves to fund the development of a Well Equipping Design Template and authorizing the City Manager, or his designee, to implement the provisions of the resolution.

Removed from Consent

13. Consider approving an On-Call Construction Services Agreement with Ewing Construction Services, of Davis, CA, for a term of one-year with two one-year extensions options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years. (Funding Source: Various Capital Improvement Projects)
    - Resolution approving an On-Call Agreement for Construction Services with Ewing Construction Services, Davis, CA, for one year 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, 209-571-5175, jfranco@modestogov.com

ACTION: (Wright/Kenoyer; 7/0) Resolution 2022-049 approving an On-Call Agreement for Construction Services with Ewing Construction Services, Davis, CA, for one year 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.

Removed from Consent

14. Consider approving an On-Call Real Property Consulting Services Agreement with Associated Right of Way Services, of Pleasant Hill, CA, for a term of one-year with two one-year extension options, not to exceed $100,000 per year for a total not to exceed amount of $300,000 over three years. (Funding Source: Various Capital Improvement Projects)
    - Resolution approving an On-Call Real Property Consulting Services Agreement with Associated Right of Way Services, of Pleasant Hill, CA, for a term of one year 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, 209-571-5175, jfranco@modestogov.com

ACTION: (Wright/Kenoyer; 7/0) Resolution 2022-050 approving an On-Call Real Property Consulting Services Agreement with Associated Right of Way Services, of Pleasant Hill, CA, for a term of one year 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 Ricci spoke regarding things we can do as a community and expressed his desire for an outdoor roller rink.

Mayor Zwahlen spoke regarding Fire Services being extended and immediate response times to help the community.

CITY MANAGER COMMENTS & REPORTS

None

NEW BUSINESS

15. Consider approving the adoption of a Diversity, Equity, & Inclusion Program and supporting plans including the Equal Employment Opportunity Plan (EEOP), Language Access Plan, Americans with Disabilities (ADA) Plan and amending the Equal Opportunity/Disability Commission and Article II Duties to the Equity Commission. (Funding Source: Various Funds)
    - Resolution adopting a Diversity, Equity, and Inclusion Program.
    - Resolution adopting the City of Modesto Equal Employment Opportunity Plan for Fiscal Years 2021-22 through 2026-27.
    - Resolution adopting the City of Modesto Language Access Plan.
    - Resolution approving an amendment to the Equal Opportunity/Disability Commission to retitle to the Equity Commission and amending Article II Duties.

    HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Madrigal/Escutia-Braaton; 7/0) Resolution 2022-051 adopting a Diversity, Equity, and Inclusion Program.

ACTION: (Madrigal/Escutia-Braaton; 7/0) Resolution 2022-052 adopting the City of Modesto Equal Employment Opportunity Plan for Fiscal Years 2021-22 through 2026-27.

ACTION: (Madrigal/Escutia-Braaton; 7/0) Resolution 2022-053 adopting the City of Modesto Language Access Plan.

ACTION: (Madrigal/Escutia-Braaton; 7/0) Resolution 2022-054 approving an amendment to the Equal Opportunity/Disability Commission to retitle to the Equity Commission and amending Article II Duties.

Councilmember Kenoyer left meeting approximately 7:30 p.m.

16. Consider approving an eighteen month Park Ranger Pilot Program to allocate and hire four full time Police Cadet II's to serve as Park Rangers to patrol and conduct outreach in city parks, trails and open spaces, for a total amount not to exceed $623,708, amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget, and introducing an Ordinance amending Section 1-2.10 of the Modesto Municipal Code relating to issuance of citations by designated employees, to include Park Rangers and Police Cadet II's. (Funding Source: American Rescue Plan Act)
    - Resolution approving an eighteen month Park Ranger pilot program to hire four full time Police Cadet II's to serve as Park Rangers to patrol and conduct outreach in city parks, trails and open spaces, for a total amount not to exceed $623,708.
    - Resolution amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget.
    - Motion introducing and waiving the first reading of an Ordinance amending Section 1-2.10 of Title 1, "General Provisions," Chapter 2, "Penalty Provisions," of the Modesto Municipal Code, relating to issuance of citations by designated employees, to include Park Rangers and Police Cadet II's.

    POLICE DEPARTMENT; Brandon Gillespie, 209-572-9500, gillespieb@modestopd.com

ACTION: (Ricci/Zoslocki; 6/0; Kenoyer Absent) Resolution 2022-055 approving an eighteen month Park Ranger pilot program to hire four full time Police Cadet II's to serve as Park Rangers to patrol and conduct outreach in city parks, trails and open spaces, for a total amount not to exceed $623,708.

ACTION: (Ricci/Zoslocki; 6/0; Kenoyer Absent) Resolution 2022-056 amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget.

ACTION: (Ricci/Wright; 6/0; Kenoyer Absent) Motion introducing and waiving the first reading of an Ordinance amending Section 1-2.10 of Title 1, "General Provisions," Chapter 2, "Penalty Provisions," of the Modesto Municipal Code, relating to issuance of citations by designated employees, to include Park Rangers and Police Cadet II's.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:35 P.M.

CLOSED SESSION

Please take notice that a special Closed Session meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be convened on

TUESDAY, JANUARY 25, 2022, at 4:15 P.M.

and after the regularly scheduled meeting via Zoom.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

The business to be considered at said City Council meeting shall consist of a Closed Session concerning the following:

CLOSED SESSION

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

Name of Case: Stephanie Lopez v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV-21-00925

Peltier v. City of Modesto
Superior Court of California, County of Stanislaus
Stanislaus County Case No. 2022652

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:_____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Held Via Teleconference

Modesto, California

Tuesday, February 01, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Councilmember Wright gave the invocation in lieu of Ahmad Kayello, Islamic Center of Modesto

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. County/Covid-19 Update (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

   ACTION: No update was given.

2. Modesto Convention and Visitor's Bureau Presentation (Funding Source: Not Applicable)
   PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

   Laurie Smith and Todd Aaronsen gave Modesto Convention and Visitor's Bureau Presentation.

PUBLIC COMMENT PERIOD

- Richard Anderson spoke regarding a refugee Assyrian family that he is helping, and the need for affordable housing.

- Melissa Cruz spoke regarding the Park Ranger program if it would also be available for small businesses and community churches. She also spoke regarding the homeless and vandalism of local businesses and the need for solutions.

- Ramon Rodriguez spoke regarding affordable housing at the Municipal Golf Course, and the need for shelter for the homeless.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 3-15 (Kenoyer/Wright; 7/0)

CONSENT ITEMS

Consent
3. Consider approving the minutes from the January 25, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the January 25, 2022 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the January 25, 2022 Council Meeting.

Consent
4. Consider final adoption of Ordinance 3741-C.S. amending Section 1-2.10 of Title 1, "General Provisions," Chapter 2, "Penalty Provisions," of the Modesto Municipal Code, relating to issuance of citations by designated employees, to include Park Rangers and Police Cadet II's. (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3741-C.S. amending Section 1-2.10 of Title 1, "General Provisions," Chapter 2, "Penalty Provisions," of the Modesto Municipal Code, relating to issuance of citations by designated employees, to include Park Rangers and Police Cadet II's.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving final adoption of **Ordinance 3741-C.S.** amending Section 1-2.10 of Title 1, "General Provisions," Chapter 2, "Penalty Provisions," of the Modesto Municipal Code, relating to issuance of citations by designated employees, to include Park Rangers and Police Cadet II's.

Consent
5. Consider amending Section 23 of the Housing and Urban Development Policies and Procedures Manual (Section 3 Compliance). (Funding Source: Not Applicable)
    - Resolution approving amended Section 23 of the HUD Policies and Procedures Manual (Section 3 Compliance).

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-057 approving amended Section 23 of the HUD Policies and Procedures Manual (Section 3 Compliance).

Consent
6. Consider approving an Emergency Solutions Grant CARES Act (ESG-CV2) to Center for Human Services for the operation of the Navigation Center – Low Barrier Youth

Shelter located at 2008 W. Briggsmore Ave., Modesto, CA 95350 in an amount not to exceed $50,304 to prevent, mitigate, and respond to the spread of COVID-19 as well as $5,000 for activity delivery. (Funding Source: Emergency Solutions Grant CV2)

- Resolution approving an Emergency Solutions Grant CARES Act (ESG-CV2) to Center for Human Services for the operation of the Navigation Center – Low Barrier Youth Shelter located at 2008 W. Briggsmore Ave., Modesto, CA 95350 in an amount not to exceed $50,304 to prevent, mitigate, and respond to the spread of COVID-19 as well as $5,000 in activity delivery and authorizing the City Manager or his designee to execute any documents and/or Agreements.

CED; Jessica Hill, 209-577-5321, ehunt@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-058 approving an Emergency Solutions Grant CARES Act (ESG-CV2) to Center for Human Services for the operation of the Navigation Center – Low Barrier Youth Shelter located at 2008 W. Briggsmore Ave., Modesto, CA 95350 in an amount not to exceed $50,304 to prevent, mitigate, and respond to the spread of COVID-19 as well as $5,000 in activity delivery and authorizing the City Manager or his designee to execute any documents and/or Agreements.

Consent

7. Consider approving the First Amendment to the Center for Human Services ESG CARES Act subrecipient Agreement for youth street outreach by increasing the contract amount from $40,000 to $56,893, extending the term of the Agreement from ending June 30, 2022 to September 30, 2022. (Funding Source: Emergency Solutions Grant CV2)

    - Resolution approving the First Amendment to the Center for Human Services ESG CARES Act subrecipient Agreement for youth street outreach by increasing the contract amount from $40,000 to $56,893, extending the term of the Agreement from ending June 30, 2022 to September 30, 2022, and authorizing the City Manager or his designee to execute the amendment.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-059 approving the First Amendment to the Center for Human Services ESG CARES Act subrecipient Agreement for youth street outreach by increasing the contract amount from $40,000 to $56,893, extending the term of the Agreement from ending June 30, 2022 to September 30, 2022, and authorizing the City Manager or his designee to execute the amendment.

Consent

8. Consider approving the First Amendment to the Haven Women's Center of Stanislaus ESG CARES Act subrecipient Agreement increasing the contract amount from $36,000 to $98,000, extending the term of the Agreement from ending June 30, 2022 to September 30, 2022 as well as increasing the activity delivery from $5,000 to $7,000. (Funding Source: Emergency Solutions Grant CV2)

    - Resolution approving the First Amendment to Haven Women's Center of Stanislaus ESG CARES Act subrecipient Agreement, increasing the contract amount from $36,000 to $98,000, extending the term of the Agreement from

ending June 30, 2022 to September 30, 2022 as well as increasing the activity delivery from $5,000 to $7,000 and authorizing the City Manager or his designee to execute any documents.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-060 approving the First Amendment to Haven Women's Center of Stanislaus ESG CARES Act subrecipient Agreement, increasing the contract amount from $36,000 to $98,000, extending the term of the Agreement from ending June 30, 2022 to September 30, 2022 as well as increasing the activity delivery from $5,000 to $7,000 and authorizing the City Manager or his designee to execute any documents.

Consent

9. Consider approving a Second Amendment to Downtown Streets Inc. ESG CARES Act Program Subrecipient Agreement increasing the contract amount from $450,000 to $900,000 and extending the term of the Agreement from ending June 30, 2022, to September 30, 2022. (Funding Source: Emergency Solutions Grant CV2)
    - Resolution approving the Second Amendment to Downtown Streets Inc ESG CARES Act Program Subrecipient Agreement increasing the contract amount from $450,000 to $900,000, extending the term of the Agreement from ending June 30, 2022, to September 30, 2022, and authorizing the City Manager or his designee to execute the Agreements.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-061 approving the Second Amendment to Downtown Streets Inc ESG CARES Act Program Subrecipient Agreement increasing the contract amount from $450,000 to $900,000, extending the term of the Agreement from ending June 30, 2022, to September 30, 2022, and authorizing the City Manager or his designee to execute the Agreements.

Consent

10. Consider approving an Agreement with Mr. Michael Baldwin Sr. Consultants, LLC to provide cultural relations and community building coaching for a one-year Agreement with two, one-year extension options, for an annual estimated cost of $98,500 and a total amount not to exceed $295,500 over three years. (Funding Source: General Fund, Edward Byrne Memorial Justice Assistance Grant (BJAG) Program and Supplemental Law Enforcement Services Funds (SLESF))
    - Resolution approving the Agreement with Mr. Michael Baldwin Sr. Consultants LLC to provide cultural relations and community building coaching for a one-year Agreement with two, one-year extension options for an annual cost not to exceed $98,500 and a total amount not to exceed $295,500 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

    POLICE DEPARTMENT; Brandon Gillespie, 209-572-9500, gillspieb@modestopd.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-062 approving the Agreement with Mr. Michael Baldwin Sr. Consultants LLC to provide cultural relations and community building

coaching for a one-year Agreement with two, one-year extension options for an annual cost not to exceed $98,500 and a total amount not to exceed $295,500 over three years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider approving an Agreement with Spatialitics LLC, to provide access to Geo-Enabled Software (GeoShield) products and services for a three-year term with two, one-year extension options at an estimated annual cost of $73,500, for an estimated total not to exceed $357,000 over five years. (Funding Source: General Fund)
    - Resolution approving the Agreement with Spatialitics LLC to provide access to Geo-Enabled Software (GeoShield) for a three-year Agreement with two, one-year extension options for annual cost not to exceed $73,500, and a total amount not to exceed $357,000 over five years, and to authorizing the City Manager, or his designee, to execute the Agreement.

    POLICE DEPARTMENT; Brandon Gillespie, 209-572-9500, gillespieb@modestopd.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-063 approving the Agreement with Spatialitics LLC to provide access to Geo-Enabled Software (GeoShield) for a three-year Agreement with two, one-year extension options for annual cost not to exceed $73,500, and a total amount not to exceed $357,000 over five years, and to authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving the award of bid and Agreement for Fire Safety System Services to The BGR Group, Santa Clara, CA for a two-year Agreement with three one-year extension options, for an annual estimated cost for the first year of $292,370 and a total amount not to exceed $1,024,091 over five years, with any new site additions, removals, or substantive service changes to be authorized by the Director of Finance or her designee. (Funding Source: Various Funds)
    - Resolution approving the award of bid and Agreement for Fire Safety System Services to The BGR Group, Santa Clara, CA for a two-year Agreement with three one-year extension options, for an annual estimated cost for the first year of $292,370 and not to exceed amount of $1,024,091 over five years, and authorizing the Director of Finance, or her designee, to add new site additions, removals, or substantive service changes without exceeding the estimated annual cost of $1,024,091, and authorizing the City Manager, or his designee, to execute the Agreement.

    PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-064 approving the award of bid and Agreement for Fire Safety System Services to The BGR Group, Santa Clara, CA for a two-year Agreement with three one-year extension options, for an annual estimated cost for the first year of $292,370 and not to exceed amount of $1,024,091 over five years, and authorizing the Director of Finance, or her designee, to add new site additions, removals, or substantive

service changes without exceeding the estimated annual cost of $1,024,091, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

13. Consider authorizing staff to apply for the CalRecycle SB1383 Local Assistance Grant Programs as available; and authorizing staff to apply for any future CalRecycle SB1383 Grants. (Funding Source: CalRecycle)
    - Resolution approving applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for Senate Bill (SB1383) Local Assistance Grant Programs, accepting payment, amending the annual budget, and authorizing the City Manager, or his designee, to execute all related documents.
    - Resolution approving applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for Senate Bill (SB1383) Grant Programs, accepting payment, amending the annual budget, and authorizing the City Manager, or his designee, to execute all related documents.

    PUBLIC WORKS; Vicki Rice, 209-577-5495, vrice@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-065 approving applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for Senate Bill (SB1383) Local Assistance Grant Programs, accepting payment, amending the annual budget, and authorizing the City Manager, or his designee, to execute all related documents.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-066 approving applications to the California Department of Resources, Recycling and Recovery (CalRecycle) for Senate Bill (SB1383) Grant Programs, accepting payment, amending the annual budget, and authorizing the City Manager, or his designee, to execute all related documents.

Consent

14. Consider approving a Second 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 Modesto Subbasin, in the amount of $220,015 for the identified scope of services, for an amended total not to exceed $2,689,311 and amending the FY 2021/22 Multi-Year Program Budget in the amount of $70,000. (Funding Source: Water Fund)
    - Resolution approving a Second 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 Modesto Subbasin in the amount of $220,015 for the identified scope of services, for an amended total not to exceed $2,689,311 and authorizing the City Manager, or his designee, to execute the Amendment.
    - Resolution amending the Fiscal Year 2021/22 Multi-Year Program Budget in the amount of $70,000 to be transferred into the Project from Water Fund Reserves in order to fully fund the GSP Modesto Sub-Basin Project and authorizing the City Manager, or his designee to implement the provisions of this resolution.

UTILITIES; Miguel Alvarez, 209-577-5348, malvarez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-067 approving a Second 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 Modesto Subbasin in the amount of $220,015 for the identified scope of services, for an amended total not to exceed $2,689,311 and authorizing the City Manager, or his designee, to execute the Amendment.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-068 amending the Fiscal Year 2021/22 Multi-Year Program Budget in the amount of $70,000 to be transferred into the Project from Water Fund Reserves in order to fully fund the GSP Modesto Sub-Basin Project and authorizing the City Manager, or his designee to implement the provisions of this resolution.

Consent

15. Consider accepting the Headworks, Dryden Box and Influent Flume Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $18,637,897 to C. Overaa & Co., of Richmond, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the Headworks, Dryden Box and Influent Flume Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $18,637,897 to C. Overaa & Co., Richmond, CA.

    UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-069 accepting the Headworks, Dryden Box and Influent Flume Improvements project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $18,637,897 to C. Overaa & Co., Richmond, CA.

COUNCIL COMMENTS & REPORTS

Councilmember Wright thanked the Police Department for recent collection of shopping carts and arrests of persons with warrants. He also mentioned affordable apartment complex projects in the works.

Mayor Zwahlen spoke regarding a Concerned Citizens meeting she attended regarding issues of homelessness downtown. She also spoke regarding the loss of Fire Fighter Max Fortuna who lost his life in the line of duty, and expressed her concern, and love, and well-being to his family.

Councilmember Escutia-Braaton acknowledged Black History Month and encouraged everyone to participate in various community events that will be happening. She also spoke regarding a Blue Mass event she attended to pray for and with law enforcement and first responders. She also offered condolences to the family of fallen Fire Captain Max Fortuna.

Councilmember Ricci also offered his condolences to the family of fallen Fire Fighter Max Fortuna. He was encouraged regarding a City/County meeting regarding efforts towards homelessness such as Safe Parking. And finally he spoke regarding Blighted Commercial Properties.

Councilmember Kenoyer offered her condolences and prayers to the family of fallen firefighter Max Fortuna. She also spoke regarding her own personal health issues, and thanked everyone for their prayers and concerns.

Councilmember Madrigal expressed his condolences to the Fortuna family for their loss, and the fire fighter community. He also expressed his thoughts and prayers to Councilmember Kenoyer. He also asked for an update on surveillance cameras regarding illegal dumping hotspots.

Councilmember Zoslocki expressed his condolences to the family of fallen firefighter Max Fortuna, as well as the other firefighters that were also at risk while doing their work.

CITY MANAGER COMMENTS & REPORTS

None

NEW BUSINESS

16. Consider approving the submission of a grant application for the California Violence Intervention and Prevention Grant Program to the Board of State and Community Corrections for up to $6 million in grant funds with up to $6 million in an in-kind and/or cash match for a maximum commitment of $12 million. (Funding Source: General Fund)
    - Resolution approving the submission of a grant application for the California Violence Intervention and Prevention Grant Program to the Board of State and Community Corrections for up to $6 million in grant funds with up to $6 million in an in-kind and/or cash match for a maximum commitment of $12 million, and authorizing the City Manager, or his designee, to execute and submit all documents which may be necessary for the completion of the grant application.

    POLICE DEPARTMENT; Robert Reyna, 209-572-9500, reynar@modestopd.com

ACTION: (Wright/Zoslocki; 7/0) Resolution 2022-070 approving the submission of a grant application for the California Violence Intervention and Prevention Grant Program to the Board of State and Community Corrections for up to $6 million in grant funds with up to $6 million in an in-kind and/or cash match for a maximum commitment of $12 million, and authorizing the City Manager, or his designee, to execute and submit all documents which may be necessary for the completion of the grant application.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:44 P.M.

CLOSED SESSION

Please take notice that a special Closed Session meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be convened on

TUESDAY, FEBRUARY 1, 2022, at 4:45 P.M.

and after the regularly scheduled meeting via Zoom.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

The business to be considered at said City Council meeting shall consist of a Closed Session concerning the following:

CLOSED SESSION

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

Name of Case: City of Modesto, et al. v. Covanta Stanislaus, Inc.
Stanislaus County Superior Court
Case No. CV-20-004932

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference
Modesto, California

Monday, February 07, 2022 at 5:30 PM

Roll Call: Present: Councilmembers Ricci, Wright, Mayor Zwahlen
Absent: None
Also Present: Councilmember Kenoyer (arrived at 5:36 p.m.), Councilmember Madrigal (arrived at 5:45 p.m.)

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEMS 1: (Wright/Ricci;3/0)

CONSENT

Consent

1. Consider approving the award of bid and Agreement with Western Oilfields Supply Company, dba Rain for Rent, Bakersfield, CA for the annual rental of three DV-400c pumps, and related equipment for contingency bypass pumping during cannery season, for a one-year Agreement with four one-year extension options, for an estimated annual amount of $60,545, and a total amount not to exceed $334,549 over five years, and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   UTILITIES; Robert Englent, 209-577-6222, renglent@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion approving the Award of Bid and Agreement with Western Oilfields Supply Company, dba Rain for Rent, Bakersfield, CA for the annual rental of three DV-400c pumps, and related equipment for contingency bypass pumping during cannery season, for a one-year Agreement with four one-year extension options, for an estimated annual amount of $60,545, and a total amount not to exceed $334,549 over five years, and forwarding to Council for approval.

UNFINISHED BUSINESS

2. Consider an ordinance adding Article 7, "Local Hiring Preferences in Public Works Contracts," and Article 8, "Utilizing Skilled and Trained Workforce in Public Works Contracts," to Title 8, Chapter 3 of the Modesto Municipal Code, establishing

requirements for contractors submitting bids to the City for Public Works Projects, and forwarding to Council for approval. (Funding Source: Not Applicable)
CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Ricci/Zwahlen; 2/1; Wright No) Motion to consider an Ordinance adding Article 7, "Local Hiring Preferences in Public Works Contracts," and Article 8, "Utilizing Skilled and Trained Workforce in Public Works Contracts," to Title 8, Chapter 3 of the Modesto Municipal Code, establishing requirements for contractors submitting bids to the City for Public Works Projects, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:17 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES

City of Modesto

CITY COUNCIL MEETING

Held Via Teleconference
Modesto, California
Tuesday, February 08, 2022 at 5:30 PM

Roll Call - Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Councilmember Wright gave the invocation in lieu of Scott Nelson, Covenant Grove Church

City Clerk's Announcements: Public comments were received from ccmeetings and forwarded to Council.

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring February 2022 as Black History Month (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Khani Gustafson from NAACP accepted the proclamation and invited the public to come and enjoy celebrations this month.

2. Presentation of Proclamation recognizing February 1, 2022 as Lunar New Year (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Huey Lee from Stanislaus Chinese Association accepted the proclamation.

MISCELLANEOUS

3. Consider approving the appointment of Maria Apodaca and reappointments of Bart Barringer and David Boring to the Downtown Improvement District Board of Directors for a four-year term to expire January 1, 2026. (Funding Source: Not Applicable)
   Staff Recommendation:

- Resolution approving the appointment of Maria Apodaca and reappointments of Bart Barringer and David Boring to the Downtown Improvement District Board of Directors for a four-year term to expire January 1, 2026.

CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Wright/Kenoyer; 7/0) Resolution 2022-071 approving the appointment of Maria Apodaca and reappointments of Bart Barringer and David Boring to the Downtown Improvement District Board of Directors for a four-year term to expire January 1, 2026.

PUBLIC COMMENT PERIOD

- No public comments

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-25 (Kenoyer/Zoslocki; 7/0)

CONSENT ITEMS

Consent

4. Consider approving the minutes from the February 1, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the February 1, 2022 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Motion approving the minutes from the February 1, 2022 Council Meeting.

Consent

5. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-072 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

6. Consider approving the City Council Code of Conduct to promote a fair, ethical, and transparent government. (Funding Source: Not Applicable)
    - Resolution approving the City Council Code of Conduct and Ethics to promote a fair, ethical, and transparent government.

    CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-073 approving the City Council Code of Conduct and Ethics to promote a fair, ethical, and transparent government.

Consent

7. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make 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 2022-074 amending Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

Consent

8. Consider approving the City of Modesto's Homekey 2.0 Project Application for the project located at 112 James Street, authorizing the City Manager, or his designee, to submit the application, applicable documentation, and provide technical alterations, as required by HCD as well as negotiate and execute any related program Agreements or documents required for the implementation and acceptance of Homekey 2.0 Program Grant., as required by HCD, approving a loan to the Stanislaus Equity Partners in an amount up to $200,000 in Community Development Block Grant Funds to assist with the acquisition, $50,000 for staff activity, and amending the fiscal year 2021-2022 multi-year fund budget to establish a project for the Homekey 2.0 program as well as to transfer $250,000 from fund fund (1130) – Grants – CDBG Program to Homekey 2.0 project . (Funding Source: Homekey 2.0 Funds and Community Development Block Grant Funds)
    - Resolution approving the City of Modesto's Homekey 2.0 Project Application for 112 James Street, authorizing the City Manager, or his designee, to submit the application, applicable documentation, and provide technical alterations, as required by HCD as well as negotiate and execute any related program Agreements or documents required for the implementation and acceptance of Homekey 2.0 Program Grant and authorizing the City Manager or his designee to execute the any documents for the implementation of this Resolution.
    - Resolution of the Governing body of the City of Modesto authorizing joint to and participation in the Homekey Program.
    - Resolution approving a loan to the Stanislaus Equity Partners in an amount up to $200,000 in Community Development Block Grant Funds to assist with the acquisition of 112 James Street and $50,000 for staff activity delivery costs, and authorizing the City Manager or his designee to execute the Agreements.
    - Resolution amending the fiscal year 2021-2022 multi-year fund budget to establish a project for the Homekey 2.0 program to be funded with Community Develoment Block Grant (CDBG) grant and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

- Resolution amending the fiscal year 2021-2022 multi-year fund budget to transfer $250,000 from fund (1130) – Grants – CDBG Program to the Homekey 2.0 project and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-075 approving the City of Modesto's Homekey 2.0 Project Application for 112 James Street, authorizing the City Manager, or his designee, to submit the application, applicable documentation, and provide technical alterations, as required by HCD as well as negotiate and execute any related program Agreements or documents required for the implementation and acceptance of Homekey 2.0 Program Grant and authorizing the City Manager or his designee to execute the any documents for the implementation of this Resolution.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-076 of the Governing body of the City of Modesto authorizing joint application to and participation in the Homekey Program.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-077 approving a loan to the Stanislaus Equity Partners in an amount up to $200,000 in Community Development Block Grant Funds to assist with the acquisition of 112 James Street and $50,000 for staff activity delivery costs, and authorizing the City Manager or his designee to execute the Agreements.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-078 amending the fiscal year 2021-2022 multi-year fund budget to establish a project for the Homekey 2.0 program to be funded with Community Develoment Block Grant (CDBG) grant and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-079 amending the fiscal year 2021-2022 multi-year fund budget to transfer $250,000 from fund (1130) – Grants – CDBG Program to the Homekey 2.0 project and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

Consent

9. Consider directing staff to prepare and file the Fiscal Year 2022-2023 Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 (Dry Creek Meadows Subdivisions Nos. 1-6). (Funding Source: Landscape Maintenance Assessment District No. 1)
    - Resolution directing staff to prepare and file the Fiscal Year 2022-2023 Engineer's Annual Report for City of Modesto Landscape Maintenance Assessment District No. 1 (Dry Creek Meadows Subdivisions Nos. 1-6).

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-080 directing staff to prepare and file the Fiscal Year 2022-2023 Engineer's Annual Report for City of Modesto Landscape Maintenance Assessment District No. 1 (Dry Creek Meadows Subdivisions Nos. 1-6).

Consent

10. Consider directing staff to prepare and file the Fiscal Year 2022-2023 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 (Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivisions Units 1 and 2). (Funding Source: Landscape Maintenance Assessment District No. 2)
    - Resolution directing staff to prepare and file the Fiscal Year 2022-2023 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 (Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivisions Units 1 and 2).

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-081 directing staff to prepare and file the Fiscal Year 2022-2023 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 (Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivisions Units 1 and 2).

Consent

11. Consider directing staff to prepare and file the Fiscal Year 2022-2023 Engineer's Annual Report for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
    - Resolution directing staff to prepare and file the Fiscal Year 2022-2023 Engineer's Annual Report for the Shackelford Landscape and Lighting District.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-082 directing staff to prepare and file the Fiscal Year 2022-2023 Engineer's Annual Report for the Shackelford Landscape and Lighting District.

Consent

12. Consider accepting an informational report for the December 2021 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the December 2021 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Motion accepting an informational report for the December 2021 Accounts Payable Payment Register and Void report.

Consent

13. Consider accepting the Monthly Investment Report for November 2021. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for November 2021.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Motion accepting the Monthly Investment Report for November 2021.

Consent

14. Consider approving the award of bid for a Low-Profile Dump Truck to Towne Ford Sales, Redwood City, CA for a total amount not to exceed $99,797; approving the award of bid for two One-Ton Extended Cab Trucks to Napa Ford, Napa, CA for a total amount not to exceed $110,114; and approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Pape Machinery, French Camp, CA for a John Deere Wheel Loader for a total amount not to exceed $288,135. (Funding Source: Fleet Replacement Fund)
    - Resolution approving the award of bid for a Low-Profile Dump Truck to Towne Ford Sales, Redwood City, CA for a total amount not to exceed $99,797; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.
    - Resolution approving the award of bid for two One-Ton Extended Cab Trucks to Napa Ford, Napa, CA for a total amount not to exceed $110,114; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.
    - Resolution approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Pape Machinery, French Camp, CA for a John Deere Wheel Loader for a total amount not to exceed $288,135; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-083 approving the award of bid for a Low-Profile Dump Truck to Towne Ford Sales, Redwood City, CA for a total amount not to exceed $99,797; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-084 approving the award of bid for two One-Ton Extended Cab Trucks to Napa Ford, Napa, CA for a total amount not to exceed $110,114; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-085 approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Pape Machinery, French Camp, CA for a John Deere Wheel Loader for a total amount not to exceed $288,135; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.

Consent

15. Consider approving the competitive bidding process from Merced County, Fast Open Contracts Utilization Services (FOCUS), Merced, CA for Cisco Annual Licensing and Support Maintenance with Telcion Communications Group, Turlock, CA for a three-

year Agreement for a total amount not to exceed $554,814. (Funding Source: Information Technology Fund)

- Resolution approving the competitive bidding process from Merced County, Fast Open Contracts Utilization Services (FOCUS), Merced, CA for Cisco Annual Licensing and Support Maintenance with Telcion Communications Group, Turlock, CA for a three-year Agreement for a total amount not to exceed $554,814; and authorizing the Purchasing Manager, or her designee, to issue a purchase order.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-086 approving the competitive bidding process from Merced County, Fast Open Contracts Utilization Services (FOCUS), Merced, CA for Cisco Annual Licensing and Support Maintenance with Telcion Communications Group, Turlock, CA for a three-year Agreement for a total amount not to exceed $554,814; and authorizing the Purchasing Manager, or her designee, to issue a purchase order.

Consent

16. Consider approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Rapid View IBAK North America under authorized dealer Jack Doheny Company, Northville, MI, for a Closed-Circuit Television (CCTV) van for a total amount not to exceed $264,154. (Funding Source: Wastewater Fund)

    - Resolution approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Rapid View IBAK North America under authorized dealer Jack Doheny Company, Northville, MI, for a Closed-Circuit Television (CCTV) van for a total amount not to exceed $264,154; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-087 approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Rapid View IBAK North America under authorized dealer Jack Doheny Company, Northville, MI, for a Closed-Circuit Television (CCTV) van for a total amount not to exceed $264,154; and authorizing the Purchasing Manager, or her designee, to issue the purchase order.

Consent

17. Consider approving an Agreement to provide Fire Administrative Services between the City of Modesto and the City of Turlock for a four-year, four and one-half month term, with one two-year extension option, amending the Position Allocation for Fiscal Year 2021-2022 as adopted in the operating budget, and amending the Fiscal Year 2021-22 Operating Budget by $126,555 in revenues and $107,805 in expenses. (Funding Source: General Fund)

    - Resolution approving an Agreement to provide Fire Administrative Services between the City of Modesto and the City of Turlock for a four-year, four and

one-half month term, with one two-year extension option, and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Position Allocation for Fiscal Year 2021-2022 as adopted in the operating budget.
- Resolution amending the Fiscal Year 2021-22 Operating Budget by $126,555 in revenues and $107,805 in expenses and authorizing the City Manager, or his designee, to implement the provisions the resolution.

FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-088 approving an Agreement to provide Fire Administrative Services between the City of Modesto and the City of Turlock for a four-year, four and one-half month term, with one two-year extension option, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-089 amending the Position Allocation for Fiscal Year 2021-2022 as adopted in the operating budget.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-090 amending the Fiscal Year 2021-22 Operating Budget by $126,555 in revenues and $107,805 in expenses and authorizing the City Manager, or his designee, to implement the provisions the resolution.

Consent

18. Consider approving a cell tower lease amendment at Beyer Park with T-Mobile West, LLC, a Delaware limited liability company (T-Mobile), extending the maximum term of the Agreement through December 31, 2043. (Funding Source: Cell Tower Facility Rental Revenue)
    - Resolution approving a cell tower lease amendment at Beyer Park with T-Mobile West, LLC, a Delaware limited liability company (T-Mobile), extending the maximum term of the Agreement through December 31, 2043 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 2022-091 approving a cell tower lease amendment at Beyer Park with T-Mobile West, LLC, a Delaware limited liability company (T-Mobile), extending the maximum term of the Agreement through December 31, 2043 and authorizing the City Manager, or his designee to execute the Agreement.

Consent

19. Consider approving a cell tower lease amendment at Davis Park with MetroPCS California, LLC, a Delaware Limited Liability Company (MetroPCS), extending the maximum term of the Agreement through November 30, 2044 and authorizing the replacement of existing ball field lighting infrastructure at the expense of the vendor as necessary. (Funding Source: Cell Tower Facility Rental Revenue)
    - Resolution approving a cell tower lease amendment at Davis Park with MetroPCS California, LLC, a Delaware Limited Liability Company (MetroPCS), extending the maximum term of the Agreement through

November 30, 2044 and authorizing the replacement of existing ball field lighting infrastructure at the expense of the vendor as necessary; 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 2022-092 approving a cell tower lease amendment at Davis Park with MetroPCS California, LLC, a Delaware Limited Liability Company (MetroPCS), extending the maximum term of the Agreement through November 30, 2044 and authorizing the replacement of existing ball field lighting infrastructure at the expense of the vendor as necessary; and authorizing the City Manager, or his designee to execute the Agreement.

Consent

20. Consider approving a first amendment to cell tower lease at Creekside Golf Course with MetroPCS California, LLC, a Delaware limited liability company (MetroPCS), extending the maximum term of the Agreement through October 31, 2044. (Funding Source: Cell Tower Facility Rental Revenue)
    - Resolution approving a first amendment to the cell tower lease at Creekside Golf Course with MetroPCS California, LLC, a Delaware limited liability company (MetroPCS), extending the maximum term of the Agreement through October 31, 2044, 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 2022-093 approving a first amendment to the cell tower lease at Creekside Golf Course with MetroPCS California, LLC, a Delaware limited liability company (MetroPCS), extending the maximum term of the Agreement through October 31, 2044, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

21. Consider approving the plans and specifications for the Modesto Modular Building Relocation Project, accepting the bid and awarding a contract to Harris Builders, Inc. of Hilmar, CA to move the Boys and Girls Club modular building from Dr. Martin Luther King, Jr. Park to the undeveloped park property adjacent to Dryden Golf Course in the amount of $458,896 and authorizing the Director of Utilities to approve change orders up to the cumulative amount of $55,068 (12% of the original contract price) if needed for a total amount not to exceed $513,964; and amending the Fiscal Year 21/22 Capital Improvement Program Budget. (Funding Source: Community Development Block Grant Funds)
    - Resolution approving the plans and specifications for the Modesto Modular Relocation Project, accepting the bid and awarding a contract to Harris Builders, Inc. of Hilmar, CA in the amount of $458,896 and authorizing the Director of Utilities to approve change orders up to the cumulative amount of $55,068 (12% of the original contract price) if needed for a total amount not to

exceed $513,964 and authorizing the City Manager, or his designee to execute the Agreement.

- Resolution amending the Fiscal Year 2021/22 Capital Improvement Program (CIP) budget, Project 101296 in the amount of $624,464 to recognize Community Development Block Grant (CDBG) funding and fund the PFI First Tee Activity 1373 project construction; 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 2022-094 approving the plans and specifications for the Modesto Modular Relocation Project, accepting the bid and awarding a contract to Harris Builders, Inc. of Hilmar, CA in the amount of $458,896 and authorizing the Director of Utilities to approve change orders up to the cumulative amount of $55,068 (12% of the original contract price) if needed for a total amount not to exceed $513,964 and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-095 amending the Fiscal Year 2021/22 Capital Improvement Program (CIP) budget, Project 101296 in the amount of $624,464 to recognize Community Development Block Grant (CDBG) funding and fund the PFI First Tee Activity 1373 project construction; and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

22. Consider approving an Agreement with Berry, Dunn, McNeil, and Parker, LLC for professional services to prepare a Fund Development Strategy and Implementation Plan for the Parks, Recreation and Neighborhoods Department in the amount of $49,999, plus a $4,999 contingency if needed, for an Agreement total not to exceed $54,998. (Funding Source: General Fund – Parks, Recreation and Neighborhoods Administration)

    - Resolution approving an Agreement with Berry, Dunn, McNeil, and Parker, LLC for professional services to prepare a Fund Development Strategy and Implementation Plan for the Parks, Recreation and Neighborhoods Department in the amount of $49,999, plus a $4,999 contingency if needed, for an Agreement total not to exceed $54,998, and authorizing the City Manager, or his designee, to execute the Agreement.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-096 approving an Agreement with Berry, Dunn, McNeil, and Parker, LLC for professional services to prepare a Fund Development Strategy and Implementation Plan for the Parks, Recreation and Neighborhoods Department in the amount of $49,999, plus a $4,999 contingency if needed, for an Agreement total not to exceed $54,998, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

23. Consider accepting an update on the Parks, Recreation and Neighborhood Department accounts at the Stanislaus Community Foundation and approve the recommendations for account adjustments. (Funding Source: Stanislaus Community Foundation)
    - Resolution accepting an update on the Parks, Recreation and Neighborhood Department accounts at the Stanislaus Community Foundation and approving the recommendations for account adjustments; and authorizing the Director of Finance, or her designee, to make the account adjustments.

    PRN; Laurie A. Smith, 209-577-5437, lsmith@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-097 accepting an update on the Parks, Recreation and Neighborhood Department accounts at the Stanislaus Community Foundation and approving the recommendations for account adjustments; and authorizing the Director of Finance, or her designee, to make the account adjustments.

Consent

24. Consider approving the City of Modesto Solid Waste Division to apply for a Notice of Intent to Comply with regulations set in Senate Bill 1383, which allows the California Department of Resources Recycling and Recovery to delay administrative civil penalties for non-compliance. (Funding Source: Not Applicable)
    - Resolution approving the City of Modesto Solid Waste Division to apply for a Notice of Intent to Comply with regulations set in Senate Bill 1383 which allows for the California Department of Resources Recycling and Recovery (CalRecycle) to delay administrative civil penalties for non-compliance.

    PUBLIC WORKS; Myriah Hill, 209-577-5458, mhill@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-098 approving the City of Modesto Solid Waste Division to apply for a Notice of Intent to Comply with regulations set in Senate Bill 1383 which allows for the California Department of Resources Recycling and Recovery (CalRecycle) to delay administrative civil penalties for non-compliance.

Consent

25. Consider approving the Sole Source Purchase Agreement with Xylem Water Solutions, Charlotte, NC, for the procurement of Ultraviolet (UV) lamps and parts for an estimated annual amount of $50,000 and a total amount not to exceed $250,000 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total. (Funding Source: Wastewater Fund)
    - Resolution approving the sole source purchase Agreement with Xylem Water Solutions, Charlotte, NC, for the procurement of Ultraviolet (UV) lamps and parts for an estimated annual amount of $50,000 and a total amount not to exceed $250,000 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Director of Finance, or her designee, to execute the Agreement.

    UTILITIES; Monte Hamilton, 209-342-4505, mhamilton@modestogov.com

ACTION: (Kenoyer/Zoslocki; 7/0) Resolution 2022-099 approving the sole source purchase Agreement with Xylem Water Solutions, Charlotte, NC, for the procurement of Ultraviolet (UV) lamps and parts for an estimated annual amount of $50,000 and a total amount not to exceed $250,000 over five years, and authorizing the Purchasing Manager, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Director of Finance, or her designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked everyone for their kindness and providing meals to help her and her family.

Councilmember Wright thanked City Staff and the City Manager for their work on beautifying Briggsmore Ave.

Councilmember Ricci spoke regarding further needs regarding homelessness. He is pleased with progress like CHAT and Park Rangers, and success with programs like Downtown Streets Team and Kansas House, but more needs to be done, such as the Safe Parking and more safe spaces for the homeless.

Councilmember Madrigal also spoke regarding homelessness and the need for Safe Parking and safe spaces for the homeless, and asked for an update regarding the progress. He also asked for an update regarding surveillance cameras at illegal dumping hotspots. He also spoke regarding the loss of his aunt and her service he attended today.

Mayor Zwahlen spoke regarding the service honoring fallen firefighter Max Fortuna. She also spoke regarding a recent car crash involving several youths, and also the loss of a CHAT Officer Randy Lindberg.

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on January 12, 2022

26. Hearing to consider approving an amendment to the Urban Area General Plan to change the designation of approximately 23 acres of land in the Fairview Village Specific Plan area from C, Commercial, to VR, Village Residential; approving an amendment to the Fairview Village Specific Plan to make the Specific Plan consistent with the General Plan, change the land use and circulation plans, and make other revisions; approving the filing of an application with the Stanislaus Local Agency Formation Commission to annex approximately 177.75 acres located east of Carpenter Road and north of Whitmore Avenue to the City of Modesto; and adopting a resolution

finding that the project is within the scope of the General Plan Master Environmental Impact Report. (Funding Source: General Fund)

- Resolution approving an amendment to the Modesto Urban Area General Plan to change the designation of approximately 23 acres of land in the in the Fairview Village Specific Plan area from C, Commercial, to VR, Village Residential.
- Resolution approving Amendment No. 4 to the Fairview Village Specific Plan to make the Specific Plan consistent with policies in the Urban Area General Plan, change the land use and circulation plans, and make other revisions.
- Resolution approving the filing of an application with the Stanislaus Local Agency Formation Commission for the reorganization of approximately 177.75 acres located east of Carpenter Road and north of Whitmore Avenue for annexation to the City of Modesto and Modesto Sewer District No. 1 and simultaneous detachment from the Westport and Burbank-Paradise Fire Protection Districts.
- 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): General Plan Amendment from Commercial to Village Residential in the Fairview Village Specific Plan, Specific Plan Amendment No. 4, annexation of 177.75 acres to the City of Modesto and simultaneous detachment from Westport and Burbank-Paradise Fire Protection Districts.

CED; Cindy van Empel, 209-577-5267, cvanempel@modestogov.com

ACTION: (Madrigal/Wright; 7/0) Resolution 2022-100 approving an amendment to the Modesto Urban Area General Plan to change the designation of approximately 23 acres of land in the in the Fairview Village Specific Plan area from C, Commercial, to VR, Village Residential.

ACTION: (Kenoyer/Escutia-Braaton; 7/0) Resolution 2022-101 approving Amendment No. 4 to the Fairview Village Specific Plan to make the Specific Plan consistent with policies in the Urban Area General Plan, change the land use and circulation plans, and make other revisions.

ACTION: (Wright/Madrigal; 7/0) Resolution 2022-102 approving the filing of an application with the Stanislaus Local Agency Formation Commission for the reorganization of approximately 177.75 acres located east of Carpenter Road and north of Whitmore Avenue for annexation to the City of Modesto and Modesto Sewer District No. 1 and simultaneous detachment from the Westport and Burbank-Paradise Fire Protection Districts.

ACTION: (Wright/Madrigal; 7/0) Resolution 2022-103 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): General Plan Amendment from Commercial to Village Residential in the Fairview Village Specific Plan, Specific Plan Amendment No. 4, annexation of 177.75 acres to the City of Modesto and simultaneous detachment from Westport and Burbank-Paradise Fire Protection Districts.

NEW BUSINESS

27. Consider accepting Mayor Sue Zwahlen's Budget Priority Message as per Charter Section 1302.1 for the upcoming Fiscal Year 2022-23 budget year. (Funding Source: Not Applicable)
    - Motion to accept Mayor Sue Zwahlen's Budget Priority Message as per Charter Section 1302.1 for the upcoming Fiscal Year 2022-23 budget year.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Wright/Madrigal; 7/0) Motion to accept Mayor Sue Zwahlen's Budget Priority Message as per Charter Section 1302.1 for the upcoming Fiscal Year 2022-23 budget year.

28. Consider providing direction to staff regarding the processing of an application for annexation, specific plan and environmental review for the future development area referred to as Tivoli North, which is bounded by Claribel Road to the north, Roselle Avenue to the east, Claratina Avenue to the south, and Oakdale Road to the west. (Funding Source: Application Filing Fees)
    - Motion directing staff to accept and process an application for annexation, specific plan and environmental review for Tivoli North.

    CED; Brad Wall, 209-577-5273, bwall@modestogov.com

ACTION: (Wright/Escutia-Braaton; 7/0) Motion directing staff to accept and process an application for annexation, specific plan and environmental review for Tivoli North.

29. Consider approving revised allocations in the spending plan for the City's Pandemic Recovery Strategy, Modesto Forward, for the use of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocations; and authorizing the City Manager to negotiate and execute Agreements with the Children's Museum, Awesome Spot Playground (Valley Mountain Regional Center), and Graffiti Museum for $500,000 each, Convention and Visitor's Bureau for $250,000, Modesto Neighborhoods Inc. for $120,000, Stanislaus Equity Partners and Opportunity Stanislaus for $100,000 each, Stanislaus Community Foundation for $90,000, and Modesto Art Museum, Opera Theater, Prospect Theater, and State Theater for $50,000 each. (Funding Source: American Rescue Plan Funding)
    - Resolution approving revised allocations in the spending plan for the City's Pandemic Recovery Strategy, Modesto Forward, for the use of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocations.
    - Resolution authorizing the City Manager to negotiate and execute Agreements with the Children's Museum, Awesome Spot Playground (Valley Mountain Regional Center), and Graffiti Museum for $500,000 each, Convention and Visitor's Bureau for $250,000, Modesto Neighborhoods Inc. for $120,000, Stanislaus Equity Partners and Opportunity Stanislaus for $100,000 each,

Stanislaus Community Foundation for $90,000, and Modesto Art Museum, Opera Theater, Prospect Theater, and State Theater for $50,000 each.
CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Ricci/Madrigal; 7/0) Resolution 2022-104 approving revised allocations in the spending plan for the City's Pandemic Recovery Strategy, Modesto Forward, for the use of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocations.

ACTION: (Ricci/Madrigal; 7/0) Resolution 2022-105 authorizing the City Manager to negotiate and execute Agreements with the Children's Museum, Awesome Spot Playground (Valley Mountain Regional Center), and Graffiti Museum for $500,000 each, Convention and Visitor's Bureau for $250,000, Modesto Neighborhoods Inc. for $120,000, Stanislaus Equity Partners and Opportunity Stanislaus for $100,000 each, Stanislaus Community Foundation for $90,000, and Modesto Art Museum, Opera Theater, Prospect Theater, and State Theater for $50,000 each.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:08 P.M.

CLOSED SESSION

Please take notice that a special Closed Session meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be convened on

TUESDAY, FEBRUARY 8, 2022, at 3:30 P.M.

and after the regularly scheduled meeting via Zoom.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

The business to be considered at said City Council meeting shall consist of a Closed Session concerning the following:

CLOSED SESSION

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

Attest:_____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference

Monday, February 14, 2022 at 5:00 PM

Roll Call: Present: Councilmember Escutia-Braaton, Councilmember Ricci, Mayor Zwahlen
Also Present: Councilmember Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEMS 1-3: (Escutia-Braaton/Zwahlen; 3/0)

CONSENT

1. Consider approving the Award of Bid and Agreement for Backflow Prevention Testing Services to Dan Ely Backflow Services, Turlock, CA for a two year Agreement with three one-year extension options, for an estimated annual amount of $25,000 and a total amount not to exceed $125,000 over five years, and forwarding to Council for approval. (Funding Source: General Fund, Airport and Centre Plaza Funds)
PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

   ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion approving the Award of Bid and Agreement for Backflow Prevention Testing Services to Dan Ely Backflow Services, Turlock, CA for a two-year Agreement with three one-year extension options, for an estimated annual amount of $25,000 and a total amount not to exceed $125,000 over five years, and forwarding to Council for approval.

2. Consider approving the Award of Bid and Agreement for Discing and Flail Mowing Services to Elite Maintenance & Tree Service, Inc., Clovis, CA for a two year Agreement with three one-year extension options, for an annual estimated cost of $151,335, and a total amount not to exceed $756,675 over five years, and forwarding to Council for approval. (Funding Source: Various Funds)
PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

   ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion approving the Award of Bid and Agreement for Discing and Flail Mowing Services to Elite Maintenance & Tree Service, Inc., Clovis, CA for a two-year Agreement with three one-year

extension options, for an annual estimated cost of $151,335, and a total amount not to exceed $756,675 over five years, and forwarding to Council for approval.

3. Consider approving the First Amendment to the Memorandum of Understanding (MOU) between the La Loma Neighborhood Association and the City of Modesto for the Native Plant Garden on Encina Avenue, extending the term of the MOU from March 28, 2022 to March 28, 2027, and forwarding to Council for approval. (Funding Source: General Fund and Water Fund)
PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion approving the First Amendment to the Memorandum of Understanding (MOU) between the La Loma Neighborhood Association and the City of Modesto for the Native Plant Garden on Encina Avenue, extending the term of the MOU from March 28, 2022 to March 28, 2027, and forwarding to Council for approval.

UNFINISHED BUSINESS

4. Presentation on High Voltage Circuit Conversion and Traffic Signal System Master Plan Update (Funding Source: Gas Tax Fund, Measure L, Congestion Mitigation and Air Quality, SB1)
PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

ACTION: Presentation Only. No reportable action.

NEW BUSINESS

5. Consider accepting an informational report providing an update regarding the City of Modesto Camera program including cameras used to reduce blight and illegal dumping. (Funding Source: Not Applicable)
POLICE; Brandon Gillespie, 209-572-9501, gillespieb@modestopd.com

ACTION: Presentation Only. No reportable action.

6. Consider accepting an informational report providing an update on crime in the City of Modesto (Funding Source: Not Applicable)
POLICE; Brandon Gillespie, 209-572-9501, gillespieb@modestopd.com

ACTION: Presentation Only. No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:27 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday, February 16, 2022 at 3:00 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal (arrived 3:01p.m.), Wright, Zoslocki (arrived 3:03p.m.), Mayor Zwahlen
Absent: Councilmember Ricci

Pledge of Allegiance to the Flag

CLOSED SESSION

Please take notice that a special Closed Session meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be convened on

WEDNESDAY, FEBRUARY 16, 2022, at 3:00 P.M.

and after the special scheduled meeting via Zoom.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

The business to be considered at said City Council meeting shall consist of a Closed Session concerning the following:

CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: City Clerk

Reports from Closed Session: No reportable action

PUBLIC COMMENTS

None.

ADJOURNMENT

This meeting adjourned at 4:41p.m.

Attest:_____
Andrea Cook, Deputy City Clerk

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE /COUNCIL WORKSHOP
Held Via Teleconference
Wednesday, February 23, 2022 at 11:00 AM

Roll Call: Present: Mayor Zwahlen, Councilmember Kenoyer (arrived 11:05a.m.)
Absent: Councilmember Wright
Also Present: Alternates Councilmembers Escutia-Braaton and Ricci (arrived 11:01a.m.)

PUBLIC COMMENTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

Councilmember Escutia-Braaton joined the meeting as an alternate for Wright.
Councilmember Ricci joined the meeting as an alternate at 11:01 a.m.
Councilmember Kenoyer joined the meeting at 11:05a.m. and assumed her voting position.
Councilmember Ricci relegated himself back as an alternate upon the arrival of Councilmember Kenoyer at 11:05a.m.

NEW BUSINESS

1. Consider approving the Fiscal Year 2020-2021 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 DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

   ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion to consider approving the Fiscal Year 2020-2021 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc., and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:25 a.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference

Monday, February 28, 2022 at 3:00 PM

Roll Call: Present: Councilmembers Escutia-Braaton, Wright, and Zoslocki
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-10 (Escutia-Braaton/Zoslocki; 3/0)

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 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 (Escutia-Braaton/Zoslocki; 3/0) to consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider adopting the 2022 State and Federal Legislative Priorities, and authorizing the City Manager, or his designee, to carry out the necessary steps to help the city achieve the identified priorities, and forwarding to Council for approval. (Funding Source: Not Applicable)
CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

   ACTION: Motion (Escutia-Braaton/Zoslocki; 3/0) to consider adopting the 2022 State and Federal Legislative Priorities, and authorizing the City Manager, or his designee, to carry out the necessary steps to help the city achieve the identified priorities, and forwarding to Council for approval.

3. Consider accepting an informational report on the November and December 2021 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 (Escutia-Braaton/Zoslocki; 3/0) to consider accepting an informational report on the November and December 2021 grant applications and awards and forwarding to Council for approval.

4. Consider approving the submission of the City's Local Transportation Funds Fiscal Year 2021-2022 Claim for Non-Motorized Purposes (bike lanes and pedestrian pathways and local streets and roads interest) in the amount of $503,707 to the Stanislaus Council of Governments (StanCOG); amending the Fiscal Year 2021-22 Capital Improvement Program Budget in an amount not to exceed $503,707 and forwarding to Council for approval. (Funding Source: Local Transportation Funds) *FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com*

   ACTION: Motion (Escutia-Braaton/Zoslocki; 3/0) to consider approving the submission of the City's Local Transportation Funds Fiscal Year 2021-2022 Claim for Non-Motorized Purposes (bike lanes and pedestrian pathways and local streets and roads interest) in the amount of $503,707 to the Stanislaus Council of Governments (StanCOG); amending the Fiscal Year 2021-22 Capital Improvement Program Budget in an amount not to exceed $503,707 and forwarding to Council for approval.

5. Consider approving a First Amendment with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts from an annual amount of $600,880 to a new estimated annual amount of $1,500,880 and a total revised amount not to exceed from $3,059,022 to $7,504,400 over five years, authorizing the Director of Finance, or her designee, the ability to add parts based on the Department's needs, ensuring the total cost does not exceed the authorized amount, and forwarding to Council for approval. (Funding Source: Water Fund) *FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com*

   ACTION: Motion (Escutia-Braaton/Zoslocki; 3/0) to consider approving a First Amendment with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts from an annual amount of $600,880 to a new estimated annual amount of $1,500,880 and a total revised amount not to exceed from $3,059,022 to $7,504,400 over five years, authorizing the Director of Finance, or her designee, the ability to add parts based on the Department's needs, ensuring the total cost does not exceed the authorized amount, and forwarding to Council for approval.

6. Consider approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Kenworth Truck Company under authorized dealer with NorCal Kenworth-Bay Area, San Leandro, CA, for a Kenworth Cab and Chassis Truck for a total amount not to exceed $148,510; and approving the competitive bidding process from BuyBoard Cooperative Purchasing with Cooper Equipment, Company, San Antonio, TX, for a Slurry Tank for a total amount not to

exceed $279,034 and forwarding to Council for approval. (Funding Source: Surface Transportation Fund)
FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: Motion (Escutia-Braaton/Zoslocki; 3/0) to consider approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Kenworth Truck Company under authorized dealer with NorCal Kenworth-Bay Area, San Leandro, CA, for a Kenworth Cab and Chassis Truck for a total amount not to exceed $148,510; and approving the competitive bidding process from BuyBoard Cooperative Purchasing with Cooper Equipment, Company, San Antonio, TX, for a Slurry Tank for a total amount not to exceed $279,034 and forwarding to Council for approval.

7. Consider reissuing new bids for Request for Bid (RFB) No. 1819-49RB for Seven Stake Side Dump Trucks and RFB 1920-83 for One-Ton Utility 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, 209-577-5412, ckline@modestogov.com

ACTION: Motion (Escutia-Braaton/Zoslocki; 3/0) to consider reissuing new bids for Request for Bid (RFB) No. 1819-49RB for Seven Stake Side Dump Trucks and RFB 1920-83 for One-Ton Utility 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.

8. Consider approving a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2022-2023, and forwarding to Council for approval. (Funding Source: Senate Bill 1 Funds)
PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

ACTION: Motion (Escutia-Braaton/Zoslocki; 3/0) to consider approving a list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2022-2023, and forwarding to Council for approval.

9. Consider authorizing the submittal of a grant application to the California Department of Water Resources' Urban and Multi-Benefit Drought Relief Grant Program for the Well 312 Treatment System & Flush Line Project, and forwarding to Council for approval. (Funding Source: Water Fund)
UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: Motion (Escutia-Braaton/Zoslocki; 3/0) to consider authorizing the submittal of a grant application to the California Department of Water Resources' Urban and Multi-Benefit Drought Relief Grant Program for the Well 312 Treatment System & Flush Line Project, and forwarding to Council for approval.

10. Consider approving an Agreement with O'Dell Engineering, Modesto, CA, for Engineering Design Services for the Sonoma Sewer Trunk Phases 3 and 4 Projects in the amount of $72,600.00 for the identified scope of services, plus $7,260.00 in additional services, if needed, for a total amount not to exceed $79,860.00, and forwarding to Council for approval. (Funding Source: Wastewater)
UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: Motion (Escutia-Braaton/Zoslocki; 3/0) to consider approving an Agreement with O'Dell Engineering, Modesto, CA, for Engineering Design Services for the Sonoma Sewer Trunk Phases 3 and 4 Projects in the amount of $72,600.00 for the identified scope of services, plus $7,260.00 in additional services, if needed, for a total amount not to exceed $79,860.00, and forwarding to Council for approval.

UNFINISHED BUSINESS

11. Consider accepting an informational update on the 2020-2025 Strategic Plan (Funding Source: Not Applicable)
CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: No reportable action.

12. Consider accepting "SB 1383 Collection Program and Compliance Options" report, accepting the recommended waste collection method therein, and forwarding to Council for approval. (Funding Source: Solid Waste Fund, Compost Fund)
PUBLIC WORKS; Myriah Hill, 209-577-5458, mhill@modestogov.com

ACTION: Motion (Zoslocki;) to consider accepting "SB 1383 Collection Program and Compliance Options" report, accepting the recommended waste collection method therein, and forwarding to Council for approval. **(MOTION FAILED FOR LACK OF SECOND)**

ACTION: Motion (Wright/Escutia-Braaton; 3/0) to have Staff conduct additional public outreach and bring back to Finance Committee at the end of March 2022.

NEW BUSINESS

13. Consider accepting the informational Fiscal Year 2021-22 General Fund Update Report and forwarding the report and the recommended budget adjustments to major General Fund revenues on to Council for acceptance and approval. (Funding Source: General Fund)
BUDGET; Stephan Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: Motion (Escutia-Braaton/Zoslocki; 3/0) to consider accepting the informational Fiscal Year 2021-22 General Fund Update Report and forwarding the report and the recommended budget adjustments to major General Fund revenues on to Council for acceptance and approval.

14. Consider amending the Position Allocation Plan in three Departments: adding one Administrative Office Assistant III allocation in the Modesto Fire Department; and reallocating two Senior Utility Service Workers to two Senior Plant Mechanics, three Plant Mechanic Trainees to three Plant Mechanic II's, eliminating two Utilities Service Worker III's, and amending the salary range of the Plant Maintenance Planner from 134 to 136 in the Utilities Department; and allocating two limited-term Administrative Analyst II's, and reallocating one Housing Rehabilitation Specialist to a Community Development Program Specialist in the Community and Economic Development Department; and forwarding to Council for approval. (Funding Source: Various Funds) *HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com*

ACTION: Motion (Escutia-Braaton/Zoslocki; 3/0) to consider amending the Position Allocation Plan in three Departments: adding one Administrative Office Assistant III allocation in the Modesto Fire Department; and reallocating two Senior Utility Service Workers to two Senior Plant Mechanics, three Plant Mechanic Trainees to three Plant Mechanic II's, eliminating two Utilities Service Worker III's, and amending the salary range of the Plant Maintenance Planner from 134 to 136 in the Utilities Department; and allocating two limited-term Administrative Analyst II's, and reallocating one Housing Rehabilitation Specialist to a Community Development Program Specialist in the Community and Economic Development Department; and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:04 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 01, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Kenoyer, Madrigal (arrived at 5:48 p.m.), Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: Councilmember Escutia-Braaton

Pledge of Allegiance to the Flag

Moment of Reflection: Moment of reflection for the people our Sister City and the people of Ukraine.

Invocation: Laura Williams, The Church of Jesus Christ of Latter-Day Saints.

City Clerk's Announcements: Item 10 was removed from the agenda. Item 11 was noticed to begin at 5:45 p.m. so that will be taken out of order. Several public comments were received at ccmeetings and forwarded to Council.

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming March 2022 as Developmental Disabilities Awareness Month (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented a Proclamation proclaiming March 2022 as Developmental Disabilities Awareness Month.

2. Presentation of Proclamation proclaiming March 2022 as Women's History Month (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented a Proclamation proclaiming March 2022 as Women's History Month.

3. Presentation of Proclamation in honor of Golden Valley Health Center's 50th Anniversary (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@mdoestogov.com

ACTION: Mayor Zwahlen presented a Proclamation in honor of Golden Valley Health Center's 50th Anniversary.

PUBLIC COMMENT PERIOD

- Stephen Allen expressed concerns regarding the cost of housing and the definition of affordable housing. He also spoke regarding acts of violence by hate groups against people with differing opinions.

- Ramon Rodriguez spoke regarding propaganda of hate groups. He also spoke regarding Forward Together and expressed his shock regarding juvenile arrest statistics. He encouraged school programs to invest in the youth.

- Darlene Ruiz spoke in support of Trevor Seever Day to honor Trevor. She also agreed that more needs to be done in regards to affordable housing.

- Richard Navarro thanked the City Council for the moment of silence in support of the people of Ukraine and our Sister City in Ukraine. He asked the Council to consider a proclamation of support for Ukraine. He also mentioned Open World.

- Sergei thanked the Council for the Moment of Reflection for Ukraine, and spoke regarding the history the City has had with our Sister City in Ukraine. He also spoke regarding the conditions the people of Ukraine are presently dealing with, and supported the idea of a proclamation of support.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-9: (Madrigal/Zoslocki; 6/0; Escutia-Braaton absent)
Item 10 was removed from the Agenda.

CONSENT ITEMS

Consent

4. Consider approving the minutes from the February 8, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the February 8, 2022 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Madrigal/Zoslocki; 6/0; Escutia-Braaton absent) Motion approving the minutes from the February 8, 2022 Council Meeting.

Consent

5. Consider approving a Will Serve Letter and Outside Service Agreement for sewer service for the property located at 792 Codoni Avenue (APN: 009-019-047). (Funding Source: Sewer Fund, General Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Modesto Irrigation District, a California

irrigation district, to connect to the City of Modesto's existing sewer system for the property located at 792 Codoni Avenue in Modesto (APN: 009-019-047), and authorizing the City Manager, or his designee, to sign the Will-Serve Letter and execute the Outside Service Agreement.

CED; Nathan Bray, 209-571-5542, nbray@modestogov.com

ACTION: (Madrigal/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2022-106 approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Modesto Irrigation District, a California irrigation district, to connect to the City of Modesto's existing sewer system for the property located at 792 Codoni Avenue in Modesto (APN: 009-019-047), and authorizing the City Manager, or his designee, to sign the Will-Serve Letter and execute the Outside Service Agreement.

Consent

6. Consider approving an Agreement for an analysis of emergency dispatch service options with Mission Critical Partners, for an amount of $156,741, with an 8% contingency of $12,539, for a total not to exceed $169,280. (Funding Source: General Fund)
    - Resolution approving an Agreement for an analysis of emergency dispatch service options with Mission Critical Partners, for an amount of $156,741, with an 8% contingency of $12,539, for a total not to exceed $169,280 and authorizing the City Manager, or his designee to execute the Agreement.

CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Madrigal/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2022-107 approving an Agreement for an analysis of emergency dispatch service options with Mission Critical Partners, for an amount of $156,741, with an 8% contingency of $12,539, for a total not to exceed $169,280 and authorizing the City Manager, or his designee to execute the Agreement.

Consent

7. Consider accepting an informational report for the January 2022 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the January 2022 Accounts Payable Payment Register and Void report.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Madrigal/Zoslocki; 6/0; Escutia-Braaton absent) Motion accepting an informational report for the January 2022 Accounts Payable Payment Register and Void report.

Consent

8. Consider accepting the Monthly Investment Report for December 2021. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for December 2021.

FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Madrigal/Zoslocki; 6/0; Escutia-Braaton absent) Motion accepting the Monthly Investment Report for December 2021.

Consent

9. 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, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Madrigal/Zoslocki; 6/0; Escutia-Braaton absent) Resolution 2022-108 approving requirements for annual training of certain City of Modesto employees and officials regarding municipal disclosure responsibilities.

Item 10 was removed from the Agenda

10. Consider approving an increase of purchase with Allsteel Inc., Muscatine, IA, for the procurement of modular systems furniture for the Sutter Plant Offices by $34,691 from $45,157, plus $3,469 in contingency (if needed) for a revised total amount not to exceed $83,317. (Funding Source: Wastewater Fund)
    - Resolution approving an increase of purchase with Allsteel Inc., Muscatine, IA, for the procurement of modular systems furniture for the Sutter Plant Offices by $34,691 from $45,157, plus $3,469 in contingency (if needed) for a revised total amount not to exceed $83,317, and authorizing the Purchasing Manager, or her designee to execute the Purchase Order.

    UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

COUNCIL COMMENTS & REPORTS

Councilmember Wright expressed his thoughts and concern for the people of Ukraine and our Sister City.

Councilmember Zoslocki spoke regarding Ukrainian history, and made a motion for at least a letter of support to Ukraine.

ACTION: (Zoslocki/Madrigal; 6/0; Escutia-Braaton absent) Motion to issue at least a letter in support of the people of Ukraine at a subsequent meeting.

Councilmember Kenoyer spoke in support of the people of Ukraine and a proclamation. She also expressed support and concern for Councilmember Escutia-Braaton in her time of loss with the soon passing of mother.

Councilmember Ricci spoke regarding the Ukraine, and expressed his support for Ukraine and our Sister City.

Councilmember Madrigal expressed solidarity with the people of Ukraine, and asked for a Resolution of support. He also asked for City Hall to be lighted in the colors of Ukraine. He also spoke regarding community concerns regarding traffic in South Modesto due to road projects. He also asked for a report back of video surveillance camera's being brought to Council level. He also asked for a status update of Canna Pass update for Cannabis tourism.

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on February 15th & 22nd, 2022

11. Presentation of Recommended Council District Map from the Citizens' Districting Commission and Public Hearing to receive public input. (Funding Source: Not Applicable)
    - Hold a public hearing on the Recommended Council District Map submitted by the Citizens' Districting Commission prior to considering adoption of Final Council District Map at the March 8, 2022 City Council meeting.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: No Action for Public Hearing on the recommended Council District Map submitted by the Citizens' Districting Commission prior to considering adoption of Final Council District Map at the March 8, 2022 City Council meeting.

Published in the Modesto Bee on February 18, 2022

12. Public hearing to consider expanding the role of the Cannabis Permit Review Committee and renaming it to be known as the "Cannabis Program and Permit Review Committee," an Ordinance amending Section 10-3.704, "Application and Permit Procedures," of the Modesto Municipal Code, an Ordinance amending Section 2-1.18, "Standing Committees," of the Modesto Municipal Code to include the "Cannabis Program and Permit Review Committee" as a Standing Committee of the City, and associated Resolution making these changes and rescinding Resolution No. 2021-132. (Funding Source: Not Applicable)
    - Motion introducing and waiving the first reading of an Ordinance amending Section 10-3.704, "Application and Permit Procedures," of Article 7 of Chapter 3 of Title 10, "Commercial Cannabis Uses," of the Modesto Municipal Code to

Rename the "Cannabis Permit Committee," to be known as the "Cannabis Program and Permit Review Committee," in order to capture the Standing Committee's new expanded role.

- Motion introducing and waiving the first reading of an Ordinance amending Section 2-1.18, "Standing Committees," of the Modesto Municipal Code to include the "Cannabis Program and Permit Review Committee" as a Standing Committee of the City.
- Resolution approving expanding the role of the Cannabis Permit Review Committee and renaming it to be known as the "Cannabis Program and Permit Review Committee" and rescinding Resolution No. 2021-132.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Ricci/Kenoyer; 6/0; Escutia-Braaton absent) Motion introducing and waiving the first reading of an **Ordinance 3742-C.S.** amending Section 10-3.704, "Application and Permit Procedures," of Article 7 of Chapter 3 of Title 10, "Commercial Cannabis Uses," of the Modesto Municipal Code to Rename the "Cannabis Permit Committee," to be known as the "Cannabis Program and Permit Review Committee," in order to capture the Standing Committee's new expanded role.

ACTION: (Madrigal/Ricci; 6/0; Escutia-Braaton absent) Motion introducing and waiving the first reading of an **Ordinance 3743-C.S.** amending Section 2-1.18, "Standing Committees," of the Modesto Municipal Code to include the "Cannabis Program and Permit Review Committee" as a Standing Committee of the City.

ACTION: (Kenoyer/Zwahlen; 6/0; Escutia-Braaton absent) Resolution 2022-109 approving expanding the role of the Cannabis Permit Review Committee and renaming it to be known as the "Cannabis Program and Permit Review Committee" and rescinding Resolution No. 2021-132.

NEW BUSINESS

13. Consider an Ordinance adding Article 7, "Local Hiring Preferences in Public Works Contracts," and Article 8, "Utilizing Skilled and Trained Workforce in Public Works Contracts," to Title 8, Chapter 3 of the Modesto Municipal Code. (Funding Source: Not Applicable)

    - Motion introducing and waiving the first reading of an Ordinance adding Article 7, "Local Hiring Preference in Public Works Contracts," and Article 8, "Utilizing skilled and Trained Workforce in Public Works Contracts," to Title 8, Chapter 3 of the Modesto Municipal Code.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Madrigal/Ricci; 4/2; Kenoyer, Wright Noes; Escutia-Braaton absent) Motion introducing and waiving the first reading of an **Ordinance 3744-C.S**. adding Article 7, "Local Hiring Preference in Public Works Contracts," and Article 8, "Utilizing skilled and Trained Workforce in Public Works Contracts," to Title 8, Chapter 3 of the Modesto Municipal Code.

Recessed at 8:56 p.m.
Reconvened at 9:01 p.m

14. Consider amending the City Manager Employment Agreement with Joseph P. ("Joe") Lopez adjusting the compensation as a result of the delivery of a very positive performance evaluation rating of "highly competent." (Funding Source: General Fund)
    - Resolution approving a first amendment to the employment Agreement with Joe Lopez, City Manager, dated July 10, 2018 to increase base salary to $256,221.

    HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Zoslocki/Wright; 6/0; Escutia-Braaton absent) Resolution 2022-110 approving a first amendment to the employment Agreement with Joe Lopez, City Manager, dated July 10, 2018 to increase base salary to $256,221.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 9:17 p.m.

Attest:_____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Thursday, March 3, 2022 at 4:30 PM

Roll Call – Present: Councilmember Escutia-Braaton, Kenoyer, Ricci, Wright, Zoslocki, Mayor Zwahlen
Absent: Councilmember Madrigal

CLOSED SESSION

Please take notice that a special Closed Session meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be convened on

THURSDAY, MARCH 3, 2022, at 4:30 P.M.

and after the special scheduled meeting via Zoom.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

The business to be considered at said City Council meeting shall consist of a Closed Session concerning the following:

CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: City Clerk

Reports from Closed Session: No reportable action

PUBLIC COMMENTS

None.

ADJOURNMENT

This meeting adjourned at 6:35 P.M.

Attest:_____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference
Modesto, California
Monday, March 07, 2022 at 5:30 PM

Roll Call: Present: Mayor Zwahlen, Councilmembers Ricci, and Wright
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEMS 1-6: (Wright/Ricci; 3/0)

CONSENT

Consent

1. Consider authorizing submittal of an Active Transportation Program Grant application 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)
CED; Michael Sacuskie, 209-271-5552, msacuskie@modestogov.com

   ACTION: (Wright/Ricci; 3/0) Motion to consider authorizing submittal of an Active Transportation Program Grant application 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.

Consent

2. Consider accepting a Highway Safety Improvement Program (HSIP) Grant in the amount of $100,350 for the installation of Pedestrian Hybrid Beacons at Standiford/Longbridge and Sylvan/Bridgeford project, amending the Fiscal Year 2022/23 Capital Improvement Budget and forwarding to Council for approval. (Funding Source: Highway Safety Improvement Program (HSIP) grant (90%) and Local Funds – Measure L (10%))
CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

   ACTION: (Wright/Ricci; 3/0) Motion to consider accepting a Highway Safety Improvement Program (HSIP) Grant in the amount of $100,350 for the installation of Pedestrian Hybrid Beacons at Standiford/Longbridge and Sylvan/Bridgeford

project, amending the Fiscal Year 2022/23 Capital Improvement Budget and forwarding to Council for approval.

Consent

3. Consider accepting a Highway Safety Improvement Program (HSIP) Grant in the amount of $147,510 for the Oakdale Road from Lancey Drive to Celeste Drive Improvements project, amending the Fiscal Year 2021/22 Capital Improvement Program Budget and forwarding to Council for approval. (Funding Source: Highway Safety Improvement Program (HSIP) grant (90%) and Local Funds – Measure L (10%))
CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider accepting a Highway Safety Improvement Program (HSIP) Grant in the amount of $147,510 for the Oakdale Road from Lancey Drive to Celeste Drive Improvements project, amending the Fiscal Year 2021/22 Capital Improvement Program Budget and forwarding to Council for approval.

Consent

4. Consider approving a First Amendment to the Agreement with Associated Engineering Group, Inc. for additional Professional Engineering Design services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, increasing the Agreement amount by $59,795 from $147,845.50 to a new total amount of $207,640.50, and forwarding to Council for approval. (Funding Source: Local Capital Facilities Fees)
CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving a First Amendment to the Agreement with Associated Engineering Group, Inc. for additional Professional Engineering Design services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, increasing the Agreement amount by $59,795 from $147,845.50 to a new total amount of $207,640.50, and forwarding to Council for approval.

Consent

5. Consider approving a third one-year extension option for the Purchasing Agreement for Hot Patch work with United Pavement Maintenance, Hughson, CA., for an estimated annual amount of $3,906,500 and forwarding to Council for approval. (Funding Source: Water Funds 4100 and 4180, Wastewater Fund 4210, and Stormwater Fund 4480)
FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving a third one-year extension option for the Purchasing Agreement for Hot Patch work with United Pavement Maintenance, Hughson, CA., for an estimated annual amount of $3,906,500 and forwarding to Council for approval.

Consent

6. Consider approving a First Amendment with Sun Valley Transport, Inc., for the Hauling of Non-Hazardous Brine Services, to increase the amount by $208,910 from $458,915, for a new total amount not to exceed $667,825 over five years and forwarding to Council for approval. (Funding Source: Water Fund)
UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving a first amendment with Sun Valley Transport, Inc., for the hauling of non-hazardous brine services, to increase the amount by $208,910 from $458,915, for a new total amount not to exceed $667,825 over five years and forwarding to Council for approval.

UNFINISHED BUSINESS

7. Consider approving a Fifth 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 $89,227 from $9,155,998 to a total not to exceed amount of $9,245,225, and forwarding to Council for approval. (Funding Source: Regional Measure L)
CED; John Rawles, 209-577-5253, jrawles@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving a Fifth 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 $89,227 from $9,155,998 to a total not to exceed amount of $9,245,225, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:45 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, March 08, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki (arrived at 5:33 p.m., left approx. 6:46 p.m.), Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Rev. Edward Eissabake, St. John's Assyrian Evangelical Presbyterian Church

City Clerk's Announcements: Item 7 has been removed from Consent for a separate vote. Items 5, 6, 8, 12, 13, 15, 18, 19, 20, 21, and 26 were removed from consent by a member of the public. Item 31 Public Hearing was noticed to commence at 5:45 pm, so that item will be taken out of order. Public Comment was received at ccmeetings and that email was forwarded to all Councilmembers.

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Resolution of the City Council of the City of Modesto condemning the unprovoked assault on Ukraine's sovereign nation borders, independence and territorial integrity, and opposing the unnecessary violence this conflict has cause. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: (Zoslocki/Wright; 7/0) Resolution 2022-111 of the City Council of the City of Modesto condemning the unprovoked assault on Ukraine's sovereign nation borders, independence and territorial integrity, and opposing the unnecessary violence this conflict has cause.

2. Presentation of Proclamation proclaiming March 8, 2022 International Women's Day (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented a proclamation declaring March 8, 2022 as "International Women's Day."

3. Presentation of Proclamation proclaiming March 22, 2022 as "World Water Day" (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring March 22, 2022 as "World Water Day"

PUBLIC COMMENT PERIOD

- Jorge Martinez spoke regarding underprivileged neighborhoods and the need for improvements of infrastructure.

- Luisa Bryant spoke regarding issues of mold problems in her apartment, and asked the Council for help and referrals to resolve the issues.

- Emerson Drake spoke regarding his desire that Committee meetings be recorded for transparency. He also spoke regarding women's rights, and the treatment of women in the workplace.

- Sebastian Jones apologized to City Manager Joe Lopez regarding his comments from the previous week. He also spoke regarding a Dr. Martin Luther King Jr. Committee and memorializing Martin Luther King Jr. with a statue.

- Diane Kroeze spoke regarding her desire to serve on a Committee to help Ukraine.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4, 9-11, 14, 16-17, 22-25, 27-29: (Kenoyer/Wright; 7/0) Item 7 was removed from Consent for a separate vote. Items 5, 6, 8, 12, 13, 15, 18, 19, 20, 21, 26 were removed from Consent by a member of the public for discussion.

CONSENT ITEMS

Consent

4. Consider approving the minutes from the March 1, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the March 1, 2022 Council Meeting.

CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Motion approving the minutes from the March 1, 2022 Council Meeting.

Removed from Consent

5. Consider final adoption of Ordinance 3742-C.S. amending Section 10-3.704, "Application and Permit Procedures," of Article 7 of Chapter 3 of Title 10, "Commercial Cannabis Uses," of the Modesto Municipal Code to Rename the "Cannabis Permit Committee," to be known as the "Cannabis Program and Permit

Review Committee," in order to capture the Standing Committee's new expanded role. (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance 3742-C.S. amending Section 10-3.704, "Application and Permit Procedures," of Article 7 of Chapter 3 of Title 10, "Commercial Cannabis Uses," of the Modesto Municipal Code to Rename the "Cannabis Permit Committee," to be known as the "Cannabis Program and Permit Review Committee," in order to capture the Standing Committee's new expanded role.

CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Wright/Kenoyer; 6/0; Zoslocki absent) Motion approving final adoption of **Ordinance 3742-C.S.** amending Section 10-3.704, "Application and Permit Procedures," of Article 7 of Chapter 3 of Title 10, "Commercial Cannabis Uses," of the Modesto Municipal Code to Rename the "Cannabis Permit Committee," to be known as the "Cannabis Program and Permit Review Committee," in order to capture the Standing Committee's new expanded role.

Removed from Consent

6. Consider final adoption of Ordinance 3743-C.S. amending Section 2-1.18, "Standing Committees," of the Modesto Municipal Code to include the "Cannabis Program and Permit Review Committee" as a Standing Committee of the City. (Funding Source: Not Applicable)

    - Motion approving final adoption of Ordinance 3743-C.S. amending Section 2-1.18, "Standing Committees," of the Modesto Municipal Code to include the "Cannabis Program and Permit Review Committee" as a Standing Committee of the City.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Ricci/Wright; 6/0; Zoslocki absent) Motion approving final adoption of **Ordinance 3743-C.S.** amending Section 2-1.18, "Standing Committees," of the Modesto Municipal Code to include the "Cannabis Program and Permit Review Committee" as a Standing Committee of the City.

Removed from Consent

7. Consider final adoption of Ordinance 3744-C.S. adding Article 7, "Local Hiring Preference in Public Works Contracts," and Article 8, "Utilizing skilled and Trained Workforce in Public Works Contracts," to Title 8, Chapter 3 of the Modesto Municipal Code. (Funding Source: Not Applicable)

    - Motion approving final adoption of Ordinance 3744-C.S. adding Article 7, "Local Hiring Preference in Public Works Contracts," and Article 8, "Utilizing skilled and Trained Workforce in Public Works Contracts," to Title 8, Chapter 3 of the Modesto Municipal Code.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Madrigal/Ricci; 5/2; Kenoyer, Wright, Noes) Motion approving final adoption of **Ordinance 3744-C.S.** adding Article 7, "Local Hiring Preference in Public Works

Contracts," and Article 8, "Utilizing skilled and Trained Workforce in Public Works Contracts," to Title 8, Chapter 3 of the Modesto Municipal Code.

Removed from Consent

8. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Escutia-Braaton/Wright; 6/0; Zoslocki absent) Resolution 2022-112 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

9. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager to make the necessary steps to implement the provisions of this resolution.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-113 amending Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager to make the necessary steps to implement the provisions of this resolution.

Consent

10. Consider approving a CARES Act Emergency Solutions Grant to Stanislaus County Affordable Housing Corporation for the renovation of the shelter located at 512 Vine Street, Modesto, CA 95351 in an amount not to exceed $186,000 and $20,000 in Activity Delivery to prevent, mitigate, and respond to the spread of COVID-19. (Funding Source: Emergency Solutions Grant CV2)
    - Resolution approving an Emergency Solutions Grant CARES Act (ESG-CV2) to Stanislaus County Affordable Housing Corporation for the renovation of the shelter located at 512 Vine Street, Modesto, CA 95351 in an amount not to exceed $186,000 and $20,000 in Activity Delivery to prevent, mitigate, and respond to the spread of COVID-19, and authorizing the City Manager or his designee to execute any documents and/or Agreements.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-114 Affordable Housing Corporation for the renovation of the shelter located at 512 Vine Street, Modesto, CA 95351 in an amount not to exceed $186,000 and $20,000 in Activity Delivery to prevent, mitigate, and respond to the spread of COVID-19, and authorizing the City Manager or his designee to execute any documents and/or Agreements.

Consent

11. Consider approving the "upstreaming" of the remaining ERAP1 funds to the US Treasury to be reallocated to the State of California with a designation for Modesto residents in an additional amount of $342,290.29 for a total amount of $2,670,235.34 (Funding Source: US Treasury ERAP1 Funds)
    - Resolution approving the "upstreaming" of the remaining ERAP1 funds back to the US Treasury to be reallocated to the State of California with a designation for Modesto residents in the amount of $2,670,235.34 and authorizing the City Manager or his designee, to execute any documents related to the purpose of this resolution.
    - Resolution amending the Fiscal Year 2021-2022 multi-year fund budget, reducing the allocation of Consolidated Appropriations Act of 2021 funds from the U.S. Department of Treasury with appropriate revenue and expenditure allocations and authorizing the City Manager, or his designee, to return the Federal ERA #1 funding received on January 25, 2021, in an amount of $2,670,235.34 to the U.S. Treasury and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-115 approving the "upstreaming" of the remaining ERAP1 funds back to the US Treasury to be reallocated to the State of California with a designation for Modesto residents in the amount of $2,670,235.34 and authorizing the City Manager or his designee, to execute any documents related to the purpose of this resolution.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-116 amending the Fiscal Year 2021-2022 multi-year fund budget, reducing the allocation of Consolidated Appropriations Act of 2021 funds from the U.S. Department of Treasury with appropriate revenue and expenditure allocations and authorizing the City Manager, or his designee, to return the Federal ERA #1 funding received on January 25, 2021, in an amount of $2,670,235.34 to the U.S. Treasury and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

Removed from Consent

12. Consider approving the Subdivision Improvement Agreement (SIA) and Final Map for the Woodglen Village No. 2 Subdivision consisting of approximately 9.2 acres located between Bangs Avenue, Tully Road, Pelandale Avenue and Carver Road. (Funding Source: Developer Fees)
    - Resolution approving the Subdivision Improvement Agreement for Woodglen Village 2 Subdivision, and authorizing the City Manager or his designee, to execute the Subdivision Improvement Agreement with the owner, Modesto Roselle, LLC.

- Resolution approving the Final Map for Woodglen Village 2 Subdivision, and authorizing the City Clerk to certify the Final Map and record it with the Stanislaus County Recorder's Office.

CED; Nathan Bray, 209-571-5542, nbray@modestogov.com

ACTION: (Wright/Kenoyer; 6/0; Zoslocki absent) Resolution 2022-117 approving the Subdivision Improvement Agreement for Woodglen Village 2 Subdivision, and authorizing the City Manager or his designee, to execute the Subdivision Improvement Agreement with the owner, Modesto Roselle, LLC.

ACTION: (Wright/Kenoyer; 6/0; Zoslocki absent) Resolution 2022-118 approving the Final Map for Woodglen Village 2 Subdivision, and authorizing the City Clerk to certify the Final Map and record it with the Stanislaus County Recorder's Office.

Removed from Consent

13. Consider approving the Subdivision Improvement Agreement (SIA) and Final Map for the Woodglen Village No. 5 Subdivision consisting of roughly 8.3 acres located between Bangs Avenue, Tully Road, Pelandale Avenue and Carver Road. (Funding Source: Developer Fees)
    - Resolution approving the Subdivision Improvement Agreement for Woodglen Village 5 Subdivision, authorizing the City Manager, or designee, to execute the Subdivision Improvement Agreement with the owner, Modesto Roselle, LLC.
    - Resolution approving the Final Map for Woodglen Village 5 Subdivision, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

    CED; Nathan Bray, 209-571-5542, nbray@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2022-119 approving the Subdivision Improvement Agreement for Woodglen Village 5 Subdivision, authorizing the City Manager, or designee, to execute the Subdivision Improvement Agreement with the owner, Modesto Roselle, LLC.

ACTION: (Wright/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2022-120 approving the Final Map for Woodglen Village 5 Subdivision, and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's Office.

Consent

14. Consider adopting the 2022 State and Federal Legislative Priorities, and authorizing the City Manager or his designee, to carry out the necessary steps to help the City achieve the identified priorities. (Funding Source: Not Applicable)
    - Resolution adopting the 2022 State and Federal Legislative Priorities 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, 209-571-5101, edgarcia@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-121 adopting the 2022 State and Federal Legislative Priorities 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.

Removed from Consent

15. Consider approving a First Amendment with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts from an annual estimated amount of $600,880 to a new estimated annual amount of $1,500,880 and a total revised amount not to exceed from $3,059,022 to $7,504,400 over five years, and authorizing the Director of Finance or her designee, the ability to add parts based on the Department's needs, ensuring the total cost does not exceed the authorized amount. (Funding Source: Water Fund)
    - Resolution approving a First Amendment with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts from an annual estimated amount of $600,880 to a new estimated annual amount of $1,500,880 and a total revised amount not to exceed from $3,059,022 to $7,504,400 over five years, and authorizing the Director of Finance or her designee, to execute the amendment; and authorizing the Director of Finance or her designee, the ability to add parts based on the Department's needs, ensuring the total cost does not exceed the authorized amount.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Ricci/Wright; 6/0; Zoslocki absent) Resolution 2022-122 approving a First Amendment with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts from an annual estimated amount of $600,880 to a new estimated annual amount of $1,500,880 and a total revised amount not to exceed from $3,059,022 to $7,504,400 over five years, and authorizing the Director of Finance or her designee, to execute the amendment; and authorizing the Director of Finance or her designee, the ability to add parts based on the Department's needs, ensuring the total cost does not exceed the authorized amount.

Consent

16. Consider approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Kenworth Truck Company under authorized dealer with NorCal Kenworth-Bay Area, San Leandro, CA, for a Kenworth Cab and Chassis Truck for a total amount not to exceed $148,510; and approving the competitive bidding process from BuyBoard Cooperative Purchasing with Cooper Equipment, Company, San Antonio, TX, for a Slurry Tank for a total amount not to exceed $279,034. (Funding Source: Surface Transportation Fund)
    - Resolution approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Kenworth Truck Company under authorized dealer with NorCal Kenworth-Bay Area, San Leandro, CA, for a Kenworth Cab and Chassis Truck for a total amount not to exceed $148,510; and authorizing the Purchasing Manager or her designee, to issue the Purchase Order.

- Resolution approving the competitive bidding process from BuyBoard Cooperative Purchasing with Cooper Equipment, Company, San Antonio, TX, for a Slurry Tank for a total amount not to exceed $279,034; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-123 approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Kenworth Truck Company under authorized dealer with NorCal Kenworth-Bay Area, San Leandro, CA, for a Kenworth Cab and Chassis Truck for a total amount not to exceed $148,510; and authorizing the Purchasing Manager or her designee, to issue the Purchase Order.

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-124 approving the competitive bidding process from BuyBoard Cooperative Purchasing with Cooper Equipment, Company, San Antonio, TX, for a Slurry Tank for a total amount not to exceed $279,034; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

17. Consider reissuing all bids for Request for Bid (RFB) No. 1819-49RB for Seven Stake Side Dump Trucks and RFB 19-20-83 for One-Ton Utility Truck and authorizing staff to reissue the RFB's at a future date or identify a Cooperative Agreement when approved by the City Manager. (Funding Source: Fleet Replacement Fund)
    - Resolution reissuing all bids for Request for Bid (RFB) No. 1819-49RB for Seven Stake Side Dump Trucks and RFB 19-20-83 for One-Ton Utility Truck and authorizing staff to reissue the RFB's at a future date or identify a Cooperative Agreement when approved by the City Manager.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-125 reissuing all bids for Request for Bid (RFB) No. 1819-49RB for Seven Stake Side Dump Trucks and RFB 19-20-83 for One-Ton Utility Truck and authorizing staff to reissue the RFB's at a future date or identify a Cooperative Agreement when approved by the City Manager.

Removed from Consent

18. Consider approving the audited financial statements and various audit reports for Fiscal Year 2020-2021 audited by external auditors Hudson Henderson & Company, Inc. for the City's Annual Comprehensive 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 2020-2021 audited by external auditors Hudson Henderson & Company, Inc. for the City's Annual Comprehensive Financial Report, twelve Community Facilities Districts and various Joint Powers Agencies.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Zoslocki absent) Resolution 2022-126 approving the audited financial statements and various audit reports for Fiscal Year 2020-2021 audited by external auditors Hudson Henderson & Company, Inc. for the City's Annual Comprehensive Financial Report, twelve Community Facilities Districts and various Joint Powers Agencies.

Removed from Consent

19. Consider approving the Auditors' Reports and Schedule of Measure L Program Revenues and Expenditures for Fiscal Year Ended June 30, 2021. (Funding Source: Not Applicable)
    - Resolution approving the Fiscal Year 2020-2021 Auditor's Report on Compliance of the Measure L: Local Roads First Transportation Funding Measure.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Madrigal; 6/0; Zoslocki absent) Resolution 2022-127 approving the Fiscal Year 2020-2021 Auditor's Report on Compliance of the Measure L: Local Roads First Transportation Funding Measure.

Removed from Consent

20. Consider approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2021. (Funding Source: Not Applicable)
    - Resolution approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2021, prepared by external auditors Hudson Henderson & Company, Inc.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2022-128 approving the Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2021, prepared by external auditors Hudson Henderson & Company, Inc.

Recessed at 7:54 p.m.
Reconvened at 8:01 p.m.

Removed from Consent

21. Consider approving the Fiscal Year 2020-2021 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc. (Funding Source: Not Applicable)
    - Resolution approving the Fiscal Year 2020-2021 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2022-129 approving the Fiscal Year 2020-2021 Single Audit Report for the City of Modesto from external auditors Hudson Henderson & Company, Inc.

Consent

22. Consider approving the submission of the City's Local Transportation Funds Fiscal Year 2021-2022 Claim for Non-Motorized and Other Purposes (bike lanes and pedestrian pathways and local streets and roads interest) in the amount of $503,707 to the Stanislaus Council of Governments (StanCOG) and amending the Fiscal Year 2021-22 Capital Improvement Program Budget in an amount not to exceed $503,707. (Funding Source: Local Transportation Funds)
    - Resolution approving the submission of the City's Local Transportation Funds Fiscal Year 2021-2022 Claim for Non-Motorized and Other Purposes (bike lanes and pedestrian pathways and local streets and roads interest) in the amount of $503,707 to the Stanislaus Council of Governments (STANCOG).
    - Resolution amending the Fiscal Year 2021-2022 Capital Improvement Program Budget to fund project #100813, 101383, and 101384 (Virginia Corridor Phase VII, Oakdale Road Improvements, and Sylvan/Standiford PHB's) in an amount not to exceed $503,707 in transfers, revenue, and to budget expenditures to fund the projects, and authorizing the City Manager or his designee, to implement the provisions of this resolution.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-130 approving the submission of the City's Local Transportation Funds Fiscal Year 2021-2022 Claim for Non-Motorized and Other Purposes (bike lanes and pedestrian pathways and local streets and roads interest) in the amount of $503,707 to the Stanislaus Council of Governments (STANCOG).

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-131 amending the Fiscal Year 2021-2022 Capital Improvement Program Budget to fund project #100813, 101383, and 101384 (Virginia Corridor Phase VII, Oakdale Road Improvements, and Sylvan/Standiford PHB's) in an amount not to exceed $503,707 in transfers, revenue, and to budget expenditures to fund the projects, and authorizing the City Manager or his designee, to implement the provisions of this resolution.

Consent

23. Consider approving a Resolution authorizing participation in the PARS Post-Employment Benefits Trust Program to be administered by Public Agency Retirement Services (PARS) and U.S. Bank, appointing the City Manager or his designee as the City's Plan Administrator. (Funding Source: Various Funds)
    - Resolution approving the adoption of the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement Services (PARS), appointing the City Manager or his designee as the Plan Administrator and authorizing the City Manager or his designee to execute the documents to implement the Program.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-132 approving the adoption of the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement Services (PARS), appointing the City Manager or his designee as the Plan Administrator and authorizing the City Manager or his designee to execute the documents to implement the Program.

Consent

24. Consider approving the Award of Bid and Agreement for Backflow Prevention Testing Services to Dan Ely Backflow Services, Turlock, CA for a two year Agreement with three one-year extension options, for an estimated annual amount of $25,000 and a total amount not to exceed $125,000 over five years. (Funding Source: General Fund, Airport and Centre Plaza Funds)
    - Resolution approving the Award of Bid and Agreement for Backflow Prevention Testing Services to Dan Ely Backflow Services, Turlock, CA for a two year Agreement with three one-year extension options, for an estimated annual amount of $25,000 and a total amount not to exceed $125,000 over five years, and authorizing the City Manager or his designee, to execute the Agreement.

    PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-133 approving the Award of Bid and Agreement for Backflow Prevention Testing Services to Dan Ely Backflow Services, Turlock, CA for a two-year Agreement with three one-year extension options, for an estimated annual amount of $25,000 and a total amount not to exceed $125,000 over five years, and authorizing the City Manager or his designee, to execute the Agreement.

Consent

25. Consider approving the Award of Bid and Agreement for Discing and Flail Mowing Services to Elite Maintenance & Tree Service, Inc., Clovis, CA for a two year Agreement with three one-year extension options, for an annual estimated cost of $151,335 and a total amount not to exceed $756,675 over five years. (Funding Source: Various Funds)
    - Resolution approving the Award of Bid and Agreement for Discing and Flail Mowing Services to Elite Maintenance & Tree Service, Inc., Clovis, CA for a two year Agreement with three one-year extension options, for an annual estimated cost of $151,335 and a total amount not to exceed $756,675 over five years, and authorizing the City Manager or his designee, to execute the Agreement.

    PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-134 approving the Award of Bid and Agreement for Discing and Flail Mowing Services to Elite Maintenance & Tree Service, Inc., Clovis, CA for a two-year Agreement with three one-year extension options, for an annual

estimated cost of $151,335 and a total amount not to exceed $756,675 over five years, and authorizing the City Manager or his designee, to execute the Agreement.

Removed from Consent

26. Consider approving the First Amendment to the Memorandum of Understanding (MOU) between the La Loma Neighborhood Association and the City of Modesto for the Native Plant Garden on Encina Avenue, and extending the term of the MOU from March 28, 2022 to March 28, 2027. (Funding Source: General Fund)
    - Resolution approving the First Amendment to the Memorandum of Understanding (MOU) between the La Loma Neighborhood Association and the City of Modesto for the Native Plant Garden on Encina Avenue extending the term of the MOU from March 28, 2022 to March 28, 2027, and authorizing the City Manager or his designee, to execute the MOU.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Madrigal/Ricci; 6/0; Zoslocki absent) Resolution 2022-135 approving the First Amendment to the Memorandum of Understanding (MOU) between the La Loma Neighborhood Association and the City of Modesto for the Native Plant Garden on Encina Avenue extending the term of the MOU from March 28, 2022 to March 28, 2027, and authorizing the City Manager or his designee, to execute the MOU.

Consent

27. Consider rejecting all bids for the Upgrade Traffic Signals 2017 Project and authorize staff to re-advertise the project for bids at a future date. (Funding Source: Congestion Mitigation and Air Quality)
    - Resolution rejecting all bids for the Upgrade Traffic Signals 2017 Project and authorizing staff to re-advertise the project for bids at a future date.

    PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-136 rejecting all bids for the Upgrade Traffic Signals 2017 Project and authorizing staff to re-advertise the project for bids at a future date.

Consent

28. Consider approving a First Amendment to the Agreement with West Yost Associates, Inc., Sacramento, CA, for Design Services for Del Rio Replacement Well 271, in the amount of $42,700 for the identified scope of services, for a revised total cost not to exceed $898,390. (Funding Source: Water Fund)
    - Resolution approving a First Amendment to the Agreement with West Yost, Sacramento, CA, for Design Services for Del Rio Replacement Well 271, in the amount of $42,700, for the identified scope of services, for a revised total cost not to exceed $898,390, and authorizing the City Manager, or his designee, to execute the Amendment.

    UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-137 approving a First Amendment to the Agreement with West Yost, Sacramento, CA, for Design Services for Del Rio Replacement Well 271, in the amount of $42,700, for the identified scope of services, for a revised total cost not to exceed $898,390, and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

29. Consider approving the Award of Bid and Agreement with Western Oilfields Supply Company, dba Rain for Rent, Bakersfield, CA for the annual rental of three DV-400c pumps, and related equipment for a one-year Agreement with four one-year extension options, for an estimated annual amount of $60,545, and a total amount not to exceed $334,549 over five years. (Funding Source: Wastewater Fund)
    - Resolution approving the Award of Bid and Agreement with Western Oilfields Supply Company, dba Rain for Rent, Bakersfield, CA for the annual rental of three DV-400c pumps, and related equipment for a one-year Agreement with four one-year extension options, for an estimated annual amount of $60,545, and a total amount not to exceed $334,549 over five years, and authorizing the City Manager or his designee, to execute the Agreement.

    UTILITIES; Robert Englent, 209-577-6222, renglent@modestogov.com

ACTION: (Kenoyer/Wright; 7/0) Resolution 2022-138 approving the Award of Bid and Agreement with Western Oilfields Supply Company, dba Rain for Rent, Bakersfield, CA for the annual rental of three DV-400c pumps, and related equipment for a one-year Agreement with four one-year extension options, for an estimated annual amount of $60,545, and a total amount not to exceed $334,549 over five years, and authorizing the City Manager or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci spoke regarding local car dealerships parking inventory on the streets, and asked for an Ordinance that addresses the issue. He also spoke regarding blighted commercial buildings, and asked for an Ordinance to hold landlords accountable. He also spoke regarding the success of the RAD card, and expressed his hope for long term funding for the program.

Councilmember Madrigal also spoke regarding the RAD card program, and urged for another round of funding for the program. Councilmember Madrigal also asked about an update on video surveillance cameras in blight hotspots being brought to full Council.

ACTION: (Madrigal/Ricci; 2/4; Escutia-Braaton, Kenoyer, Wright, Zwahlen, Noes; Zoslocki absent) Motion to direct staff to place the RAD card program on a future agenda. **MOTION FAILED**

Mayor Zwahlen spoke regarding a process for Councilmembers to bring items forward at future agendas.

CITY MANAGER COMMENTS & REPORTS

City Manager Joseph Lopez thanked Deputy City Manager, Caluha Barnes, and Chief Information Officer, Charlie Haase, for their service to the City and their upcoming retirements.

HEARINGS

Published in the Modesto Bee on February 21, 2022

30. Hearing to consider approving a Capital Facilities Fees Exemption Agreement, in the amount of $55,809.60, with Stanislaus Equity Partners Community Development Corporation for a seven unit project located at 112 James Street. (Funding Source: Capital Facilities Fees Fund)
    - Resolution approving a Capital Facilities Fees Exemption Agreement, in the amount of $55,809.60, with Stanislaus Equity Partners CDC for the 7-unit project located at 112 James Street, and authorizing the City Manager or his designee, to execute the Agreement.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Wright/Madrigal; 6/0; Zoslocki absent) Resolution 2022-139 approving a Capital Facilities Fees Exemption Agreement, in the amount of $55,809.60, with Stanislaus Equity Partners CDC for the 7-unit project located at 112 James Street, and authorizing the City Manager or his designee, to execute the Agreement.

31. Public Hearing to adopt the Final Council District Map Recommended by the Citizens' Districting Commission. (Funding Source: Not Applicable)
    - Resolution approving the Final Council District Map recommended by the Citizens' Districting Commission.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Wright/Ricci; 7/0) Resolution 2022-140 approving the Final Council District Map recommended by the Citizens' Districting Commission.

NEW BUSINESS

32. Consider approving accepting funds from the California Water and Wastewater Arrearage Payment Program (CWWAPP) for drinking water arrearage in an amount not to exceed $2,716,416 and authorizing the submission of an application to the CWWAPP for the wastewater arrearage amount estimated at $4,215,784. (Funding Source: Water and Sewer Funds)
    - Resolution accepting the funds from the California Water and Wastewater Arrearage Payment Program (CWWAPP) for drinking water arrearage in an amount not to exceed $2,716,416; and authorizing the submission of an application to the CWWAPP for the wastewater arrearage amount estimated at $4,215,784.

    FINANCE DEPARTMENT; Jennifer Martin, 209-571-5892, jmartin@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2022-141 accepting the funds from the California Water and Wastewater Arrearage Payment Program (CWWAPP) for drinking water arrearage in an amount not to exceed $2,716,416; and authorizing the submission of an application to the CWWAPP for the wastewater arrearage amount estimated at $4,215,784.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 9:03 P.M.

CLOSED SESSION

Please take notice that a special Closed Session meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be convened on

TUESDAY, MARCH 8, 2022 at 4:00 PM

and after the regularly scheduled meeting in the Tenth Street Place, Chambers Conference Room, Basement Level, 1010 Tenth Street, Modesto, California.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

The business to be considered at said City Council meeting shall consist of a Closed Session concerning the following:

CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT
(Pursuant to Section 54957 Government Code)
Title: City Clerk

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented
Agency Negotiators: Christina Alger, Director of Human Resources
Jose M. Sanchez, City Attorney
Employee: City Clerk

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

Name of Case: Stephanie Lopez v. City of Modesto, et al.
Superior Court of California, County of Stanislaus
Stanislaus County Case No.: CV-21-00925

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case(s): Andre VanRyn v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ10990424

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:_____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference
Monday, March 14, 2022 at 5:00 PM

Roll Call: Present: Councilmember Ricci
Absent: Mayor Zwahlen and Councilmember Escutia-Braaton
Also Present: Councilmembers Kenoyer and Wright

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1 (Kenoyer/Wright; 3/0)

CONSENT

1. Consider approving an Agreement for the purchase of retired City Police canine, Cash, by Sergeant Kalani Souza, and forwarding to Council for approval. (Funding Source: General Fund)
POLICE DEPARTMENT; Brian Kleiber, 209-572-9533, kleiberb@modestopd.com

   ACTION: (Kenoyer/Wright; 3/0) Motion to consider approving an Agreement for the purchase of retired City Police canine, Cash, by Sergeant Kalani Souza, and forwarding to Council for approval.

UNFINISHED BUSINESS

2. Consider approving two additional Outreach Specialist allocations for the Community Health and Assistant Team (CHAT), and approving a First Amendment to County/City agency Memorandum of Understanding" between the County of Stanislaus and the Modesto Police Department (MPD), for the County to provide two mental health clinicians or behavioral health specialists to ride with crisis intervention trained police officers and respond to mental health calls for service in the City of Modesto; for a total amount not to exceed $800,000 to support both programs. (Funding Source: American Rescue Plan Act)
POLICE DEPARTMENT; Brandon Gillespie, 209-572-9501, GillespieB@modestopd.com

   ACTION: (Wright/Kenoyer; 3/0) Motion to consider approving two additional Outreach Specialist allocations for the Community Health and Assistant Team

(CHAT), and approving a First Amendment to County/City agency Memorandum of Understanding" between the County of Stanislaus and the Modesto Police Department (MPD), for the County to provide two mental health clinicians or behavioral health specialists to ride with crisis intervention trained police officers and respond to mental health calls for service in the City of Modesto; for a total amount not to exceed $800,000 to support both programs.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:31 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference

Wednesday, March 16, 2022 at 3:00 PM

Roll Call: Present: Councilmembers Escutia-Braaton, Wright, and Zoslocki
Absent: None
Also Present: Councilmember Ricci (arrived 3:02 PM)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEMS 1 (Escutia-Braaton/Zoslocki; 3/0)
Item 2 was removed from Consent

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 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: (Escutia-Braaton/Zoslocki; 3/0) Motion to consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

Removed from Consent

2. Consider approving a Pre-Qualified Local Consultant List for Civil Engineering Services for various Capital Improvement Program Projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Utilities Department Director. (Funding Source: Various Capital Improvement Program Projects)
UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

   ACTION: (Zoslocki/Escutia-Braaton; 2/0; Wright Recused) Motion to consider approving a Pre-Qualified Local Consultant List for Civil Engineering Services for various Capital Improvement Program Projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Utilities Department Director.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:04 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference
Modesto, California
Monday, April 04, 2022 at 5:30 PM

Roll Call: Present: Mayor Zwahlen, Councilmembers Ricci, and Wright
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEMS 1-2: (Wright/Ricci; 3/0)

CONSENT

Consent

1. Consider approving the Award of Proposal and Agreement for Community Facilities Districts (CFDs) Administration Services to Goodwin Consulting Group, of Sacramento, CA for a two year Agreement with three one-year extension options, for an annual estimated amount of $90,000 and a total amount not to exceed $450,000 over five years, and forwarding to Council for approval. (Funding Source: Various Community Facilities Districts)
   CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

   ACTION: (Wright/Ricci; 3/0) Motion to consider approving the Award of Proposal and Agreement for Community Facilities Districts (CFDs) Administration Services to Goodwin Consulting Group, of Sacramento, CA for a two year Agreement with three one-year extension options, for an annual estimated amount of $90,000 and a total amount not to exceed $450,000 over five years, and forwarding to Council for approval.

Consent

2. Consider approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Services for the Jennings Well Treatment Improvements Project in the amount of $219,300 for the identified scope of services, plus $21,930 in additional services, if needed, for a total amount not to exceed $241,230, and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Services for the Jennings Well Treatment Improvements Project in the amount of $219,300 for the identified scope of services, plus $21,930 in additional services, if needed, for a total amount not to exceed $241,230, and forwarding to Council for approval.

UNFINISHED BUSINESS

3. Consider various infrastructure improvement options and associated costs for the project development, construction, ownership and operation of the Airport Neighborhood Active Transportation Connectivity and Safety Project (ATP); and consider approving an Agreement for the long-term maintenance of improvements in the City limits between the City of Modesto and Stanislaus County and forwarding to Council for approval. (Funding Source: State funds, County Local Measure L funds)
CED; Nathan Bray, 209-571-5542, nbray@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider various infrastructure improvement options and associated costs for the project development, construction, ownership and operation of the Airport Neighborhood Active Transportation Connectivity and Safety Project (ATP); and consider approving an Agreement for the long-term maintenance of improvements in the City limits between the City of Modesto and Stanislaus County and forwarding to Council for approval.

NEW BUSINESS

4. Consider accepting staff's report regarding progress and status for the comprehensive General Plan update presentation regarding environmental justice. (Funding Source: General Fund Reserves, Regional Early Action Planning (REAP) Grant)
CED; Brad Wall, 209-577-5273, bwall@modestogov.com

ACTION: (Ricci/Wright; 3/0) Motion to consider accepting staff's report regarding progress and status for the comprehensive General Plan update presentation regarding environmental justice.

5. Consider amending the City's Community Facilities Districts Policies and Procedures, authorizing the City Council to establish inter-fund loans from the General Fund up to $450,000 for the formation of future City Community Facilities Districts and forwarding to Council for approval. (Funding Source: General Fund)
CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider amending the City's Community Facilities Districts Policies and Procedures, authorizing the City Council to establish inter-fund loans from the General Fund up to $450,000 for the

formation of future City Community Facilities Districts and forwarding to Council for approval.

6. Consider accepting a report on upcoming Capital Improvement Program Projects planned for bidding and construction and forwarding to Council for approval. (Funding Source: Various CIPs)
UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Ricci/Wright; 3/0) Motion to consider accepting a report on upcoming Capital Improvement Program Projects planned for bidding and construction and forwarding to Council for approval.

7. Consider accepting an informational report on the funding made available by the American Rescue Plan Act of 2021 (Act), and discuss ideas for community, and organizational support with the funds made available in Year 2 tranche of the Act. (Funding Source: American Rescue Plan Act)
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 7:09 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, April 05, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Madrigal (arrived at 5:38 p.m.), Ricci, Wright, Mayor Zwahlen
Absent: Councilmembers Kenoyer and Zoslocki

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Love Stanislaus County gave the invocation and an update regarding the upcoming Love Modesto event on April 30th.

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Recognition of service to Citizens' Districting Commission members (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented certificates to the members of the Citizens' Districting Commission.

2. Stanislaus County update. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

   ACTION: No County update was given.

3. Presentation of Proclamation proclaiming April 2022 as National Volunteer Month. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Laurie Smith expressed her gratitude and spoke regarding volunteerism as a service to their community. Mayor Zwahlen presented a proclamation declaring April 2022 as National Volunteer Month.

4. Presentation of Proclamation proclaiming April Celebrate Diversity Month. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring April as Celebrate Diversity Month. Christina Alger spoke regarding the City's Diversity, Equity, and Inclusion Program, and encouraged the public to apply for the new Commission recently formed. She thanked her staff for all their work on this program.

5. Presentation of Proclamation proclaiming April 2022 as Fair Housing Month. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring April 2022 as Fair Housing Month.

MISCELLANEOUS

6. Consider approving the appointment of Jose Vazquez as the Planning Commission representative to the Citizens Housing and Community Development Committee for 2022, with a term expiration of December 31, 2022. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointment of Jose Vazquez as the 2022 Planning Commission representative to the Citizens Housing and Community Development Committee (CH&CDC) with a term expiration of December 31, 2022.

CED; Steve Mitchell, 209-577-5267, smitchell@modestogov.com

ACTION: (Escutia-Braaton/Wright; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-142 approving the appointment of Jose Vazquez as the 2022 Planning Commission representative to the Citizens Housing and Community Development Committee (CH&CDC) with a term expiration of December 31, 2022.

7. Consider approving the appointment of Amin Vohra as the Planning Commission representative to the Board of Zoning Adjustment (BZA) for 2022, with a term expiration of December 31, 2022. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution approving the appointment of Amin Vohra as the 2022 Planning Commission representative to the Board of Zoning Adjustment (BZA) with a term expiration of December 31, 2022.

CED; Steve Mitchell, 209-577-5267, smitchell@modestogov.com

ACTION: (Wright/Madrigal; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-143 approving the appointment of Amin Vohra as the 2022 Planning Commission representative to the Board of Zoning Adjustment (BZA) with a term expiration of December 31, 2022.

PUBLIC COMMENT PERIOD

- Lori Wolf spoke regarding life in Wood Colony and gave some back history and update to new Councilmembers regarding Wood Colony's desire to not be annexed into the City of Modesto, nor included in the next Sphere of Influence update.

- Robin Hennings spoke regarding their grass roots effort to protect and preserve the Wood Colony area and expressed their desire NOT to be annexed to the City of Modesto. She also gave back history regarding Measure I Stamp Out Sprawl campaign of 2015 and the establishment of the Wood Colony Municipal Advisory Council. (MAC)

- Lisa Dovichi-Braden spoke regarding the development of an Urban Limit Line (ULL) without input from residents of Wood Colony. She asked the Council to leave Wood Colony alone and vowed to continue the fight to save the ag land of Wood Colony.

- Lani Turner spoke regarding their desire to save Wood Colony, and not be annexed to the City of Modesto. She reminded Council that Wood Colony Community Association is still actively involved in their efforts to preserve prime farmland soil, protect their heritage and rural way of life, and prevent urban sprawl. She asked that the Beckwith/Dakota CPD from the General Plan maps.

- Patricia Uribe spoke regarding a public safety issue of speeding and drunk driving on East Orangeburg Ave. Several accidents have happened in her neighborhood, and she asked for DUI enforcement in that area.

- Terry Hopkins also spoke regarding multiple accidents in the East Orangeburg Avenue neighborhood due to speeding and drunk drivers. He expressed his hope that something is done before something tragic happens.

- Scott Bird also spoke regarding the ongoing issues with drunk drivers from a specific bar in their neighborhood and asked the Council to take action.

- Ron Dafford spoke regarding his complaints about sidewalk repair not being up to ADA standards.

- Diane Kroeze spoke in support of Wood Colony and opposed annexing Wood Colony to the City.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 8-33: (Wright/Escutia-Braaton; 5/0; Kenoyer and Zoslocki absent)

CONSENT ITEMS

Consent

8. Consider approving the minutes from the March 8, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the March 8, 2022 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Motion approving the minutes from the March 8, 2022 Council Meeting.

Consent

9. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-144 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

10. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-145 amending Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

Consent

11. Consider accepting the 2021 General Plan Annual Progress Report and authorizing staff to submit it to the State of California. (Funding Source: General Fund)
    - Resolution accepting the 2021 General Plan Annual Progress Report and authorizing staff to submit it to the State of California.

    CED; Cindy van Empel, 209-577-5267, cvanempel@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-146 accepting the 2021 General Plan Annual Progress Report and authorizing staff to submit it to the State of California.

Consent

12. Consider approving a Fifth 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 $89,227 from $9,155,998 to a total amount not to exceed $9,245,225. (Funding Source: Regional Measure L)
    - Resolution approving a Fifth 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 $89,227 from $9,155,998 to a total not to exceed amount of $9,245,225, and authorizing the City Manager, or his designee, to execute the Fifth Amendment.

    CED; John Rawles, 209-577-5253, jrawles@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-147 approving a Fifth 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 $89,227 from $9,155,998 to a total not to exceed amount of $9,245,225, and authorizing the City Manager, or his designee, to execute the Fifth Amendment.

Consent

13. Consider approving 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 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, execute and submit all grant documents.

    CED; Michael Sacuskie, 209-571-5552, msacuskie@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-148 approving 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, execute and submit all grant documents.

Consent

14. Consider approving a Will Serve Letter and Outside Service Agreement for sewer service for the property located at 1421 N. Carpenter Road (APN: 081-028-020). (Funding Source: Sewer Fund, General Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Karasheeel, LP, a California limited partnership, to connect to the City of Modesto's existing sewer system for the property located at 1421 N. Carpenter Road in Modesto (APN: 081-028-020), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

CED; Nathan Bray, 209-571-5542, nbray@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-149 approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Karasheeel, LP, a California limited partnership, to connect to the City of Modesto's existing sewer system for the property located at 1421 N. Carpenter Road in Modesto (APN: 081-028-020), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

15. Consider accepting a Highway Safety Improvement Program (HSIP) Grant in the amount of $100,350 for the installation of Pedestrian Hybrid Beacons at Standiford/Longbridge and Sylvan/Bridgeford project and amending the Fiscal Year 2021/22 Capital Improvement Budget. (Funding Source: Highway Safety Improvement Program (HSIP) grant (90%) and Local Funds – Measure L(10%))
    - Resolution accepting a Highway Safety Improvement Program (HSIP) Grant in the amount of $100,350 for the installation of Pedestrian Hybrid Beacons at Standiford/Longbridge and Sylvan/ Bridgeford project, and authorizing the City Manager, or his designee, to execute all funding and Grant related documents.
    - Resolution amending the Fiscal Year 2021/22 Capital Improvement Program (CIP) budget, in the amount of $111,500, and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

    CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-150 accepting a Highway Safety Improvement Program (HSIP) Grant in the amount of $100,350 for the installation of Pedestrian Hybrid Beacons at Standiford/Longbridge and Sylvan/ Bridgeford project, and authorizing the City Manager, or his designee, to execute all funding and Grant related documents.

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-151 amending the Fiscal Year 2021/22 Capital Improvement Program (CIP) budget, in the amount of $111,500, and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

Consent

16. Consider accepting a Highway Safety Improvement Program (HSIP) Grant in the amount of $147,510 for the Oakdale Road from Lancey Drive to Celeste Drive Improvements project and amending the Fiscal Year 2021/22 Capital Improvement Program Budget. (Funding Source: Highway Safety Improvement Program (HSIP) grant (90%) and Local Funds – Measure L (10%))
    - Resolution accepting a Highway Safety Improvement Program (HSIP) Grant in the amount of $147,510 for the Oakdale Road from Lancey Drive to Celeste Drive Improvements project, and authorizing the City Manager, or his designee, to execute all funding and Grant related documents.

- Resolution amending the Fiscal Year 2021/22 Capital Improvement Program (CIP) budget, in the amount of $163,900, and authorizing the City Manager or his designee to take the necessary steps to implement the provision of this resolution.

CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-152 accepting a Highway Safety Improvement Program (HSIP) Grant in the amount of $147,510 for the Oakdale Road from Lancey Drive to Celeste Drive Improvements project, and authorizing the City Manager, or his designee, to execute all funding and Grant related documents.

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-153 amending the Fiscal Year 2021/22 Capital Improvement Program (CIP) budget, in the amount of $163,900, and authorizing the City Manager or his designee to take the necessary steps to implement the provision of this resolution.

Consent

17. Consider approving a First Amendment to the Agreement with Associated Engineering Group, Inc. for additional professional engineering design services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, increasing the Agreement amount by $59,795 from $147,845.50 to a new total amount of $207,641. (Funding Source: Local Capital Facilities Fees)

    - Resolution approving a First Amendment to the Agreement with Associated Engineering Group, Inc. for additional professional engineering design services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, increasing the Agreement amount by $59,795 from $147,846 to a new total amount of $207,641, and authorizing the City Manager, or his designee to execute the First Amendment to Agreement.

    CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-154 approving a First Amendment to the Agreement with Associated Engineering Group, Inc. for additional professional engineering design services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, increasing the Agreement amount by $59,795 from $147,846 to a new total amount of $207,641, and authorizing the City Manager, or his designee to execute the First Amendment to Agreement.

Consent

18. Consider accepting the Monthly Investment Report for January 2022. (Funding Source: Various Funds)

    - Motion accepting the Monthly Investment Report for January 2022.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Motion accepting the Monthly Investment Report for January 2022.

Consent

19. Consider approving a third one-year extension option for the Purchasing Agreement for Hot Patch work with United Pavement Maintenance, Hughson, CA., for an annual amount not to exceed $3,906,500. (Funding Source: Water Funds 4100 and 4180, Wastewater Fund 4210, and Stormwater Fund 4480)
    - Resolution approving a third one-year extension option for the Purchasing Agreement for Hot Patch work with United Pavement Maintenance, Hughson, CA., for an annual amount not to exceed $3,906,500, and authorizing the Director of Finance or her designee to execute the extension.

    FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-155 approving a third one-year extension option for the Purchasing Agreement for Hot Patch work with United Pavement Maintenance, Hughson, CA., for an annual amount not to exceed $3,906,500, and authorizing the Director of Finance or her designee to execute the extension.

Consent

20. Consider accepting an informational report for the February 2022 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the February 2022 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Motion accepting an informational report for the February 2022 Accounts Payable Payment Register and Void report.

Consent

21. Consider accepting an informational report on the November and December 2021 grant applications and awards. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the November and December 2021 grant applications and awards.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Motion accepting an informational report for the November and December 2021 grant applications and awards.

Consent

22. Consider amending the Position Allocation Plan in three departments: adding one Administrative Office Assistant III allocation in the Modesto Fire Department; and

reallocating two Senior Utility Service Workers to two Senior Plant Mechanics, three Plant Mechanic Trainees to three Plant Mechanic II's, eliminating two Utilities Service Worker III's, and amending the salary range of the Plant Maintenance Planner from 134 to 136 in the Utilities Department; and allocating two limited-term Administrative Analyst II's, and reallocating one Housing Rehabilitation Specialist to a Community Development Program Specialist in the Community and Economic Development Department. (Funding Source: Various Funds)

- Resolution amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget.
- Resolution amending the Classification Plan for the City of Modesto to amend the Plant Maintenance Planner salary range from 134 to 136.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-156 amending the Position Allocation for Fiscal Year 2021-22 as adopted in the Operating Budget.

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-157 amending the Classification Plan for the City of Modesto to amend the Plant Maintenance Planner salary range from 134 to 136.

Consent

23. Consider approving a Second Amendment to the Legal Services Agreement with Lafayette & Kumagai, LLP in the amount of $200,000, for a total amount not to exceed $245,000 for continued representation in personnel matters and extending the term of the Agreement to April 1, 2024. (Funding Source: General Liability Insurance Fund)

    - Resolution approving a Second Amendment to the Legal Services Agreement with Lafayette & Kumagai, LLP, in the amount of $200,000, for a total amount not to exceed $245,000, for continued representation in personnel matters, extending the term to April 1, 2024, and authorizing the City Manager or his designee to execute the Agreement.

    HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-158 approving a Second Amendment to the Legal Services Agreement with Lafayette & Kumagai, LLP, in the amount of $200,000, for a total amount not to exceed $245,000, for continued representation in personnel matters, extending the term to April 1, 2024, and authorizing the City Manager or his designee to execute the Agreement.

Consent

24. Consider approving an Agreement for the purchase of retired City Police canine, Cash, by Sergeant Kalani Souza. (Funding Source: General Fund Revenue)

    - Resolution approving an Agreement with Sergeant Kalani Souza for the purchase of retired City of Modesto Police canine, Cash, and authorizing the City Manager, or his designee, to execute the Agreement.

    POLICE DEPARTMENT; Brian Kleiber, 209-572-9533, kleiberb@modestopd.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-159 approving an Agreement with Sergeant Kalani Souza for the purchase of retired City of Modesto Police canine, Cash, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

25. Consider approving a First Amendment with Sun Valley Transport, Inc., for the hauling of non-hazardous brine services, to increase the amount by $208,910 from $458,915, for a new total amount not to exceed $667,825 over five years. (Funding Source: Water Fund)
    - Resolution approving a First Amendment with Sun Valley Transport, Inc., for the hauling of non-hazardous brine services, to increase the amount by $208,910 from $458,915, for a new total amount not to exceed $667,825 over five years, and authorizing the City Manager, or his designee, to execute the amendment.

    UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-160 approving a First Amendment with Sun Valley Transport, Inc., for the hauling of non-hazardous brine services, to increase the amount by $208,910 from $458,915, for a new total amount not to exceed $667,825 over five years, and authorizing the City Manager, or his designee, to execute the amendment.

Consent

26. Consider accepting the 2016 Pavement Rehabilitation Project, STPL-5059(205), La Loma Avenue, as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,029,196 to United Pavement Maintenance, Inc. of Hughson, California. (Funding Source: Federal RSTP and Local Control Measure L Fund)
    - Resolution accepting the 2016 Pavement Rehabilitation Project, STPL-5059(205), La Loma Avenue, as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,029,196 to United Pavement Maintenance, Inc. of Hughson, CA.

    UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-161 accepting the 2016 Pavement Rehabilitation Project, STPL-5059(205), La Loma Avenue, as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,029,196 to United Pavement Maintenance, Inc. of Hughson, CA.

Consent

27. Consider accepting the River Trunk Emergency Repair at 7th Street as complete, and authorizing all payments totaling $431,402 to Rolfe Construction, Inc., Atwater, CA and authorizing all payments totaling $182,245 to Rain for Rent, Stockton, CA; and

amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $558,717. (Funding Source: Wastewater Fund)

- Resolution accepting the River Trunk Emergency Repair at 7th Street as complete, and authorizing all payments totaling $431,402 to Rolfe Construction, of Atwater, California, and authorizing all payments totaling $184,245 to Rain for Rent, of Stockton, California.
- Resolution amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $558,717 to be transferred into the project from the Wastewater Fund in order to fully fund the construction, contingency, construction administration and design support during construction for the River Trunk Emergency Repair at 7th Street and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-162 accepting the River Trunk Emergency Repair at 7th Street as complete, and authorizing all payments totaling $431,402 to Rolfe Construction, of Atwater, California, and authorizing all payments totaling $184,245 to Rain for Rent, of Stockton, California.

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-163 amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $558,717 to be transferred into the project from the Wastewater Fund in order to fully fund the construction, contingency, construction administration and design support during construction for the River Trunk Emergency Repair at 7th Street and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

28. Consider approving a First Amendment to the Agreement with Consolidated CM Inc., of Oakland, CA, for construction management, testing and inspection services for the Fleet Maintenance Facility Heavy Bay Addition in the amount of $103,818, for an amended total amount not to exceed $524,127 and approving an amendment to the Agreement with Consolidated CM Inc. for Construction Management, Special Inspection, and Materials Testing Services for the Bus Maintenance Facility Parts Storage Room in the amount of $41,797, for an amended total amount not to exceed $184,512. (Funding Source: Fleet Fund 5400, Bus Fixed Route Fund 4510)

    - Resolution approving an amendment to the Agreement with Consolidated CM Inc., of Oakland, CA, for construction management, testing and inspection services for the Fleet Maintenance Facility Heavy Bay Addition in the amount of $103,818, for an amended total not to exceed amount of $524,127 and authorizing the City Manager, or his designee, to execute the amendment.
    - Resolution approving an amendment to the Agreement with Consolidated CM Inc., for Construction Management, Special Inspection, and Materials Testing Services for the Bus Maintenance Facility Parts Storage Room in the amount of $41,797, for an amended total not to exceed amount of $184,512 and authorizing the City Manager, or his designee, to execute the amendment.

    UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-164 approving an amendment to the Agreement with Consolidated CM Inc., of Oakland, CA, for construction management, testing and inspection services for the Fleet Maintenance Facility Heavy Bay Addition in the amount of $103,818, for an amended total not to exceed amount of $524,127 and authorizing the City Manager, or his designee, to execute the amendment.

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-165 approving an amendment to the Agreement with Consolidated CM Inc., for Construction Management, Special Inspection, and Materials Testing Services for the Bus Maintenance Facility Parts Storage Room in the amount of $41,797, for an amended total not to exceed amount of $184,512 and authorizing the City Manager, or his designee, to execute the amendment.

Consent

29. Consider approving an Agreement with LCP Tracker for Certified Payroll monitoring software in the amount of $18,106 for the initial year of implementation, and $13,577 annually for three years, for a total amount not to exceed $58,837. (Funding Source: Capital Improvement Support Fund)
    - Resolution approving an Agreement with LCP Tracker for Certified Payroll monitoring software in the amount of $18,106 for the initial year of implementation, and $13,577 annually for three years, for a total amount not to exceed $58,837, and authorizing the City Manager, or his designee to execute the Agreement.

    UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-166 approving an Agreement with LCP Tracker for Certified Payroll monitoring software in the amount of $18,106 for the initial year of implementation, and $13,577 annually for three years, for a total amount not to exceed $58,837, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

30. Consider approving an Agreement with O'Dell Engineering, Modesto, CA, for Engineering Design Services for the Sonoma Sewer Trunk Phases 3 and 4 Projects in the amount of $72,600 for the identified scope of services, plus $7,260 in additional services, if needed, for a total amount not to exceed $79,860. (Funding Source: Wastewater)
    - Resolution approving an Agreement with O'Dell Engineering, Modesto, CA, for Engineering Design Services for the Sonoma Sewer Trunk Phases 3 and 4 Projects in the amount of $72,600 for the identified scope of services, plus $7,260 in additional services, if needed, for a total amount not to exceed $79,860, and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-167 approving an Agreement with O'Dell Engineering, Modesto, CA, for Engineering Design Services for the Sonoma Sewer Trunk Phases 3 and 4 Projects in the amount of $72,600 for the identified scope of services, plus $7,260 in additional services, if needed, for a total amount not to exceed $79,860, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

31. Consider approving the plans and specifications for the Highway Village Strengthen & Replace Water Mains Project; accepting the bid and awarding a construction Contract to Rolfe Construction Inc., of Atwater, CA, in the amount of $4,074,366, plus $407,437 for contingency (if needed), for a total amount not to exceed $4,481,803; authorizing the increase in Director's Authority from 8% ($325,949) to 10% ($407,437) of the construction contract price of $4,074,366 to issue Change Orders; approving an Agreement with TRC Engineers, Inc. City, CA for Construction Management and Inspection Services in an amount not to exceed $637,000, plus $63,700 for additional services, if needed, for a total amount not to exceed $700,700; and amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $1,787,746. (Funding Source: Water Fund)
    - Resolution approving plans and specifications for the Highway Village Strengthen & Replace Water Mains project, accepting the bid, and approving a construction Contract with Rolfe Construction Inc., of Atwater, CA, in the amount of $4,074,366, plus $407,437 in contingency (if needed), for a total amount not to exceed $4,481,803 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 Highway Village Strengthen & Replace Water Mains Project from 8% ($325,949) to 10% ($407,437) of the construction contract amount of $4,074,366 with Rolfe Construction Inc., of Atwater, CA.
    - Resolution approving an Agreement with TRC Engineers Inc., of Lathrop, CA, for Construction Management and Inspection Services for the Highway Village Strengthen & Replace Water Mains project in an amount not to exceed $637,000 for the identified scope of services, plus $63,700 for additional services (if needed), for a total amount not to exceed $700,700; and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $1,787,746 to be transferred into the project from the Water Fund in order to fully fund the construction, contingency, construction administration and design support during construction for the Highway Village Strengthen & Replace Water Mains project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-168 approving plans and specifications for the Highway Village Strengthen & Replace Water Mains project, accepting the bid, and approving a construction Contract with Rolfe

Construction Inc., of Atwater, CA, in the amount of $4,074,366, plus $407,437 in contingency (if needed), for a total amount not to exceed $4,481,803 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-169 authorizing an increase in the Director's Authority to issue Change Orders for the Highway Village Strengthen & Replace Water Mains Project from 8% ($325,949) to 10% ($407,437) of the construction contract amount of $4,074,366 with Rolfe Construction Inc., of Atwater, CA.

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-170 approving an Agreement with TRC Engineers Inc., of Lathrop, CA, for Construction Management and Inspection Services for the Highway Village Strengthen & Replace Water Mains project in an amount not to exceed $637,000 for the identified scope of services, plus $63,700 for additional services (if needed), for a total amount not to exceed $700,700; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-171 amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $1,787,746 to be transferred into the project from the Water Fund in order to fully fund the construction, contingency, construction administration and design support during construction for the Highway Village Strengthen & Replace Water Mains project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

32. Consider authorizing the submittal of a grant application to the California Department of Water Resources' Urban and Multi-Benefit Drought Relief Grant Program for the Well 312 Treatment System & Flush Line Project. (Funding Source: Water Fund)
    - Resolution authorizing the submittal of a grant application to the California Department of Water Resources' Urban and Multi-Benefit Drought Relief Grant Program for the Well 312 Treatment System & Flush Line Project.

    UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-172 authorizing the submittal of a grant application to the California Department of Water Resources' Urban and Multi-Benefit Drought Relief Grant Program for the Well 312 Treatment System & Flush Line Project.

Consent

33. Consider approving an increase of purchase with Allsteel Inc., Muscatine, IA, for the procurement of modular systems furniture for the Sutter Plant Offices by $40,787 from $45,157, plus $4,078 in contingency (if needed) for a revised total amount not to exceed $90,022. (Funding Source: Wastewater Fund)
    - Resolution approving an increase of purchase with Allsteel Inc., Muscatine, IA, for the procurement of modular systems furniture for the Sutter Plant Offices by $40,787 from $45,157, plus $4,078 in contingency (if needed) for a revised

total amount not to exceed $90,022, and authorizing the Purchasing Manager, or her designee to execute the Purchase Order.

UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-173 approving an increase of purchase with Allsteel Inc., Muscatine, IA, for the procurement of modular systems furniture for the Sutter Plant Offices by $40,787 from $45,157, plus $4,078 in contingency (if needed) for a revised total amount not to exceed $90,022, and authorizing the Purchasing Manager, or her designee to execute the Purchase Order.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci spoke regarding MoBand and the Concerts in the Park at Graceada, and exploring the opportunity for music and events in other parks. He also spoke regarding the improvements at the dog park. Finally, he spoke regarding the continued need for Safe Parking especially during this housing crisis.

Councilmember Escutia-Braaton spoke regarding an event she, as well as Mayor Zwahlen and Councilmember Madrigal attended for the New Hire's and Promotional Ceremony for the Modesto Police Department, and how impressed she was. She also spoke regarding her visit with the Mayor to the Salvation Army and Berberian Emergency Shelter. She was impressed with the amount of work done with such meager resources including the cleanliness, quietness, and organization. She was also impressed with the mail room, and the services they offer to residents at the shelter. She also spoke regarding the need for Safe Parking as well. Lastly, she also spoke regarding blight in Modesto. She expressed to the community that it's an issue that is important to the Council, and that Council is listening to the community's concerns for a cleaner, safer, more attractive Modesto.

Councilmember Madrigal thanked City staff for responding to a request regarding sidewalk repair. He also spoke regarding traffic driving the wrong way down a street near Modesto High School, and street drainage near the school as well. He also spoke regarding video surveillance to prevent illegal dumping. He also spoke regarding the Police Department promotion ceremony and investing funding towards public safety. He also spoke regarding the need for Safe Parking. And finally he spoke regarding vacant and blighted businesses and his desire to mitigate the blight.

Mayor Zwahlen spoke regarding her upcoming State of the City address, and also the upcoming Mayor's meetings in the parks of each district. She expressed that this is an opportunity for community members to interact directly with the Mayor and City staff.

CITY MANAGER COMMENTS & REPORTS

City Manager Joseph Lopez gave a brief Safe Parking update.

UNFINISHED BUSINESS

34. Consider (i) accepting the plans and specifications for the River Trunk Realignment Shackelford Pump Station Project and awarding a construction Contract to Mountain Cascade Inc, of Livermore, CA, in the amount of $10,156,821 plus $1,015,682 in contingency (if needed), for a total amount not to exceed $11,172,503; (ii) approving an increase in the Director's Authority from 6% ($609,409) to 10% ($1,015,682) to issue change orders; (iii) approving an Agreement with West Yost Associates for Construction Management Services in the amount of $1,495,674, plus $149,567 in additional services (if needed), for a total amount not to exceed $1,645,241; (iv) approving an Agreement with Carollo Engineers for Engineering Support During Construction in the amount of $1,182,608, plus $118,261 in additional services (if needed), for a total amount not to exceed $1,300,869; and (v) amending the Fiscal Year 2021-22 Capital Improvement Project Program Budget in the amount of $14,593,613. (Funding Source: Wastewater Fund)
    - Resolution approving plans and specifications for the River Trunk Realignment Shackelford Pump Station Project, accepting the bid, and approving a construction Contract with Mountain Cascade Inc, of Livermore, CA, in the amount of $10,156,821 plus $1,015,682 in contingency (if needed), for a total amount not to exceed $11,172,503 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 River Trunk Realignment Pump Station Project from 6% ($609,409) to 10% ($1,015,682) of the construction Contract price of $10,156,821 with Mountain Cascade Inc., of Livermore, CA.
    - Resolution approving an Agreement with West Yost Associates, of Davis, CA, for Construction Management Services for the River Trunk Realignment Shackelford Pump Station Project in an amount not to exceed $1,495,674 for the identified scope of services, plus $149,567 for additional services (if needed), for a total amount not to exceed $1,645,241, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving an Agreement with Carollo Engineers Inc., of Walnut Creek, CA, for Engineering Support During Construction for the River Trunk Realignment Shackelford Project, in an amount not to exceed $1,182,608 for the identified scope of services, plus $118,261 for additional services (if needed), for a total amount not to exceed $1,300,869 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $14,593,613 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration and design support during construction for the River Trunk Realignment Shackelford Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-174 approving plans and specifications for the River Trunk Realignment Shackelford Pump Station Project, accepting the bid, and approving a construction Contract with Mountain Cascade Inc,

of Livermore, CA, in the amount of $10,156,821 plus $1,015,682 in contingency (if needed), for a total amount not to exceed $11,172,503 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-175 authorizing an increase in the Director's authority to issue change orders for the River Trunk Realignment Pump Station Project from 6% ($609,409) to 10% ($1,015,682) of the construction Contract price of $10,156,821 with Mountain Cascade Inc., of Livermore, CA.

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-176 approving an Agreement with West Yost Associates, of Davis, CA, for Construction Management Services for the River Trunk Realignment Shackelford Pump Station Project in an amount not to exceed $1,495,674 for the identified scope of services, plus $149,567 for additional services (if needed), for a total amount not to exceed $1,645,241, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-177 approving an Agreement with Carollo Engineers Inc., of Walnut Creek, CA, for Engineering Support During Construction for the River Trunk Realignment Shackelford Project, in an amount not to exceed $1,182,608 for the identified scope of services, plus $118,261 for additional services (if needed), for a total amount not to exceed $1,300,869 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-178 amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $14,593,613 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration and design support during construction for the River Trunk Realignment Shackelford Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

NEW BUSINESS

35. Consider approving a Professional Services Agreement to provide auditing services on an as needed basis with Sjoberg Evashenk Consulting, Inc., Sacramento, CA, for an annual estimated amount of $130,000 for two years, not to exceed $260,000. (Funding Source: General Fund)
    - Resolution approving Professional Services Agreement with Sjoberg Evashenk Consulting, Inc., Sacramento, Ca, to provide auditing services on an as needed basis for an annual estimated amount of $130,000 for a two-year contract in an amount not to exceed $260,000, and authorizing the City Manager, or his designee, to execute the Agreement.

    HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Zwahlen; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-179 approving Professional Services Agreement with Sjoberg Evashenk Consulting, Inc., Sacramento, Ca, to provide auditing services on an as needed basis for an annual estimated

amount of $130,000 for a two-year contract in an amount not to exceed $260,000, and authorizing the City Manager, or his designee, to execute the Agreement.

36. Consider appointing Diane Nayares-Perez as City Clerk, approving a City Clerk Employment Agreement with Diane Nayares-Perez for service as City Clerk and setting terms of employment, salary and benefits. (Funding Source: General Fund)
    - Resolution appointing Diane Nayares-Perez as City Clerk, approving a City Clerk Employment Agreement with Diane Nayares-Perez for service as City Clerk, setting terms of employment, salary and benefits, and authorizing the Mayor to execute the Agreement.

    HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; Kenoyer, Zoslocki Absent) Resolution 2022-180 appointing Diane Nayares-Perez as City Clerk, approving a City Clerk Employment Agreement with Diane Nayares-Perez for service as City Clerk, setting terms of employment, salary and benefits, and authorizing the Mayor to execute the Agreement.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:22 P.M.

CLOSED SESSION

Please take notice that a special Closed Session meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be convened on

TUESDAY, APRIL 5, 2022 at 4:00 PM

and after the regularly scheduled meeting in the Tenth Street Place, Chambers Conference Room, Basement Level, 1010 Tenth Street, Modesto, California.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

The business to be considered at said City Council meeting shall consist of a Closed Session concerning the following:

CLOSED SESSION

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, 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

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:_____

Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

(Held Via Teleconference)

Thursday, April 07, 2022 at 4:00 PM

Roll Call: Present: Councilmembers Escutia-Braaton, Ricci, Wright,
Also present: Councilmember Kenoyer

PUBLIC COMMENTS

None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEMS 1-2: (Wright/Escutia-Braaton; 3/0)

CONSENT

1. Consider appointing Amanda J. Heitlinger to the Modesto Downtown Improvement District Advisory Board for a four year term to expire January 1, 2026, and forwarding to Council for approval. (Funding Source: Not Applicable)
PRND; Laurie Smith, 209-577-5347, lsmith@modestogov.com

   ACTION: (Wright/Escutia-Braaton; 3/0) Motion to consider appointing Amanda J. Heitlinger to the Modesto Downtown Improvement District Advisory Board for a four-year term to expire January 1, 2026 and forwarding to Council for approval.

2. Consider approving Allan Ramsey for the vacant position of Small Aircraft Owner/General Aviation for the Airport Advisory Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
CED; Steve Fischio, 209-342-2222, sfischio@modestogov.com

   ACTION: (Wright/Escutia-Braaton; 3/0) Motion to consider approving Allan Ramsey for the vacant position of Small Aircraft Owner/General Aviation for the Airport Advisory Committee and forwarding to Council for approval.

NEW BUSINESS

3. Consider recommending appointments to fill one City of Modesto vacancy on the Stanislaus Animal Services Agency Advisory Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion to consider recommending Matthew Speckman to fill one City of Modesto vacancy on the Stanislaus Animal Services Agency Advisory Committee and forwarding to Council for approval.

4. Consider interviewing and recommending to the City Council the appointment of one prospective candidate to fill the vacancy on the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)
CED; Steve Mitchell, 209-577-5267, smitchell@modestogov.com

ACTION: No vote required. Committee continued this item for interviews of Matthew Lippert and David Green to a later date, to be determined.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 4:34 P.M.

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

SPECIAL AUDIT COMMITTEE /COUNCIL WORKSHOP

Held Via Teleconference

Monday, April 11, 2022 at 9:00 AM

Roll Call: Present: Mayor Zwahlen, Councilmember Wright
Absent: Councilmember Kenoyer
Also Present: Alternate Councilmember Ricci (arrived 9:01a.m.)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider accepting the Transportation Development Act Triennial Performance Audit conducted by the Stanislaus Council of Governments (StanCOG) for transit operations and capital expenses, and forwarding to Council for approval. (Funding Source: Transit Funds)
FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

   ACTION: (Wright/Ricci; 3/0) Motion made to consider accepting the Transportation Development Act Triennial Performance Audit conducted by the Stanislaus Council of Governments (StanCOG) for transit operations and capital expenses, and forwarding to Council for approval

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:10 a.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, April 12, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
Absent: Councilmember Zoslocki

Pledge of Allegiance to the Flag

Invocation: Shalom Bochner, Congregation Beth Shalom

City Clerk's Announcements: Several e-mails were received and forwarded to Council.

Declaration of Conflicts of Interest: Councilmember Wright recused himself from item 11 in an abundance of caution.

Reports from Closed Session: No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming April 22, 2022 as Earth Day. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented a proclamation declaring April 22, 2022, as Earth Day. Rosene Salmo, Integrated Waste Program Manager presented Marline Champlin from O'Brien's Market with a check for $2,000 for the Awesome Spot Playground.

2. Poem of the Month by Poet Laureate, Salvatore Salerno (Funding Source: Not Applicable)
   CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

   ACTION: Poet Laureate, Salvatore Salerno recited the poem of the month titled "King Kennedy Memorial Center."

PUBLIC COMMENT PERIOD

- Terry Hopkins spoke regarding unsafe roadway on Orangeburg Ave. and asked the Council for action to address the issues.

- Ramon Rodriguez spoke regarding Trevor Seever Day on April 24th. He also spoke regarding the need for police accountability, and the case of Alonzo Nunez.

- Steve Allen spoke regarding a past event last summer and disruptions by the Proud Boys during a past Council meeting, and he chastised the Mayor for not enforcing the rules of order during that meeting. He thanked the Mayor for her support of the Trans community. He asked for more police accountability and expressed his support for Trevor Seever Day.

- Darlene Ruiz spoke regarding the death of Trevor Seever and asked for the community to commit a random act of kindness on April 24th in honor and memory of Trevor Seever Day.

- Emerson Drake spoke regarding his desire for Standing Committee meetings being recorded.

- Julius Young spoke regarding an issue with a dog license and citations he's received.

- Ray Ruiz spoke regarding the death of Trevor Seever and asked that people commit an act of kindness on April 24th in remembrance of Trevor Seever.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 3, 5-9: (Kenoyer/Wright; 6/0; Zoslocki absent)
Item 11 was removed for a separate vote.
Items 4 and 10 were removed by a member of the public for discussion.

CONSENT ITEMS

Consent

3. Consider approving the minutes from the April 5, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the April 5, 2022 Council Meeting.

    CITY CLERK; Dana Sanchez, 209-577-5396, dasanchez@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Zoslocki absent) Motion approving the minutes from the April 5, 2022, Council Meeting.

Removed from Consent

4. Consider approving an increase to the Purchase Order with Kate Trompetter Consulting for continued facilitation services for the Forward Together initiative by $17,303, from $49,460 for a revised amount not to exceed $66,763. (Funding Source: General Fund)
    - Resolution approving an increase to the Purchase Order with Kate Trompetter Consulting for continued facilitation services for the Forward Together initiative, by $17,303, from $49,460 for a revised amount not to exceed

$66,763, and authorizing the Purchase Manger, or her designee, to increase the Purchase Order.

CITY MANAGER; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Wright/Madrigal; 6/0; Zoslocki absent) Resolution 2022-181 approving an increase to the Purchase Order with Kate Trompetter Consulting for continued facilitation services for the Forward Together initiative, by $17,303, from $49,460 for a revised amount not to exceed $66,763, and authorizing the Purchase Manger, or her designee, to increase the Purchase Order.

Consent

5. Consider accepting Fiscal Year 2022-2023 Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6; Declaring 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 28, 2022 to Consider the Fiscal Year 2022-2023 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1. (Funding Source: Landscape Maintenance District No. 1)
    - Resolution accepting Fiscal Year 2022-2023 Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6; Declaring 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 28, 2022 to Consider the Fiscal Year 2022-2023 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

   CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Zoslocki absent) Resolution 2022-182 for Dry Creek Meadows Subdivisions Nos. 1-6; Declaring 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 28, 2022, to Consider the Fiscal Year 2022-2023 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 1.

Consent

6. Consider accepting the Fiscal Year 2022-23 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 Subdivisions Units 1 and 2; 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 Subdivisions Units 1 and 2; and setting a Public Hearing on June 28, 2022 to Consider the Fiscal Year 2022-23 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 2. (Funding Source: Landscape Maintenance District No. 2)
    - Resolution accepting the Fiscal Year 2022-23 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 Subdivisions Units 1 and 2; 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 Subdivisions Units 1 and 2; and setting a Public Hearing on June 28, 2022 to Consider the Fiscal Year 2022-23 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 2.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Zoslocki absent) Resolution 2022-183 accepting the Fiscal Year 2022-23 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 Subdivisions Units 1 and 2; 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 Subdivisions Units 1 and 2; and setting a Public Hearing on June 28, 2022 to Consider the Fiscal Year 2022-23 Levy and Collection of Assessments Within Landscape Maintenance Assessment District No. 2.

Consent

7. Consider accepting the Fiscal Year 2022-23 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 June 28, 2022 to Consider the Fiscal Year 2022-23 Levy and Collection of Assessments Within the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
    - Resolution accepting the Fiscal Year 2022-23 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 June 28, 2022 to Consider the Fiscal Year 2022-23 Levy and Collection of Assessments Within the Shackelford Landscape and Lighting District.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Zoslocki absent) Resolution 2022-184 accepting the Fiscal Year 2022-23 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 June 28, 2022, to Consider the Fiscal Year 2022-23 Levy and Collection of Assessments Within the Shackelford Landscape and Lighting District.

Consent

8. Consider approving a Grant Agreement with California Department of Forestry and Fire Protection Urban and Community Forestry California Climate Investments Grant Program in the amount of $557,420 for a four-year period for the completion of Urban

Forest Management Plan. (Funding Source: California Department of Forestry and Fire Protection Grant and 25% matching funds from FY 21/22 Green Waste Fund)

- Resolution approving a Grant Agreement with California Department of Forestry and Fire Protection (CALFIRE) Urban and Community Forestry California Climate Investments Grant Program in the amount of $557,420 for a four-year period for completion of the Urban Forest Management Plan, and authorizing the City Manager, or his designee, to execute the Grant Agreement, and all grant related documents.

PUBLIC WORKS; Michael Hoesch, 209-342-4566, mhoesch@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Zoslocki absent) Resolution 2022-185 approving a Grant Agreement with California Department of Forestry and Fire Protection (CALFIRE) Urban and Community Forestry California Climate Investments Grant Program in the amount of $557,420 for a four-year period for completion of the Urban Forest Management Plan, and authorizing the City Manager, or his designee, to execute the Grant Agreement, and all grant related documents.

Consent

9. Consider accepting the plans and specifications for the Rebid Plant Structural Improvements Project and awarding a construction Contract to Caliber Contracting Services Inc, of Fresno, CA, in the amount of $2,516,700 plus $302,004 in contingency (if needed), for a total amount not to exceed $2,818,704; approving an increase in the Director's Authority from 8% to 12% to issue change orders; approving an Agreement with Carollo Engineers for Engineering Support During Construction in the amount of $100,000, plus $10,000 in additional services (if needed), for a total amount not to exceed $110,000; and amending the Fiscal Year 2021-22 Capital Improvement Project Budget in the amount of $2,026,195. (Funding Source: Wastewater Fund)

    - Resolution approving plans and specifications for the Rebid Plant Structural Improvements Project, accepting the bid, and approving a construction Contract with Caliber Contracting Services Inc, of Fresno, CA, in the amount of $2,516,700 plus $302,004 for contingency (if needed) for a total amount not to exceed $2,818,704 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 Rebid Plant Structural Improvements Project from 8% ($201,336) to 12% ($302,004) of the construction Contract price of $2,516,700 with Caliber Contracting Services Inc., of Fresno, CA.
    - Resolution approving an Agreement with Carollo Engineers, of Walnut Creek, CA, for Engineering Support During Construction for the Rebid Plant Structural Improvements Project, in an amount not to exceed $100,000 for the identified scope of services, plus $10,000 for additional services (if needed), for a total amount not to exceed $110,000 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $2,026,195 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 Plant Structural Improvements Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Wright; 6/0; Zoslocki absent) Resolution 2022-186 approving plans and specifications for the Rebid Plant Structural Improvements Project, accepting the bid, and approving a construction Contract with Caliber Contracting Services Inc, of Fresno, CA, in the amount of $2,516,700 plus $302,004 for contingency (if needed) for a total amount not to exceed $2,818,704 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Wright; 6/0; Zoslocki absent) Resolution 2022-187 authorizing an increase in the Director's authority to issue change orders for Rebid Plant Structural Improvements Project from 8% ($201,336) to 12% ($302,004) of the construction Contract price of $2,516,700 with Caliber Contracting Services Inc., of Fresno, CA.

ACTION: (Kenoyer/Wright; 6/0; Zoslocki absent) Resolution 2022-188 approving an Agreement with Carollo Engineers, of Walnut Creek, CA, for Engineering Support During Construction for the Rebid Plant Structural Improvements Project, in an amount not to exceed $100,000 for the identified scope of services, plus $10,000 for additional services (if needed), for a total amount not to exceed $110,000 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Wright; 6/0; Zoslocki absent) Resolution 2022-189 amending the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $2,026,195 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 Plant Structural Improvements Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Removed from Consent

10. Consider approving a Second Amendment to the Agreement with NV5 of Manteca, CA, for Construction Management, Testing and Inspection Services for the Del Rio Tank No. 14, Well 68 and Pump Station Project in an amount not to exceed $35,328, for an amended total amount not to exceed $1,235,020. (Funding Source: Water Fund)
    - Resolution approving a Second 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 $35,328, for an amended total not to exceed $1,235,020, and authorizing the City Manager, or his designee, to execute the amendment.

    UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0; Zoslocki absent) Resolution 2022-190 approving a Second 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 $35,328, for an amended total not to exceed $1,235,020, and authorizing the City Manager, or his designee, to execute the amendment.

Removed from Consent

11. Consider approving a Pre-Qualified Local Consultant List for Civil Engineering Services for various Capital Improvement Program projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Utilities Department Director. (Funding Source: Various Capital Improvement Program Projects)
    - Resolution approving a Pre-Qualified Local Consultant List for Civil Engineering Services, for various Capital Improvement Program projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Utilities Department Director.

    UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: (Escutia-Braaton/Ricci; 5/0; Wright recused; Zoslocki absent) Resolution 2022-191 approving a Pre-Qualified Local Consultant List for Civil Engineering Services, for various Capital Improvement Program projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Utilities Department Director.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding her health issues and the reason why she was absent last week. She thanked everyone for their prayers and all the help they've given her.

Councilmember Ricci applauded Modesto City Schools and StanRTA for their direction towards electric busses. He also spoke regarding public bathrooms at City Parks, and would like to see a Downtown Parks Team created similar to Downtown Streets Team. Finally, he spoke regarding the process of how the City does public presentations.

Councilmember Madrigal spoke regarding the loss of Mary Sally and the work she did with the Foster Care system. He also spoke in support of a Downtown Parks Team. He also spoke in support of Safe Parking and requested a presentation regarding video cameras and blight abatement.

Mayor Zwahlen spoke regarding the State of the City address at the Centre Plaza on Thursday.

CITY MANAGER COMMENTS & REPORTS

City Manager Joe Lopez welcomed new Deputy City Manager Allison Van Guilder.

UNFINISHED BUSINESS

12. Consider accepting the City of Modesto's Project Homekey 2.0 Grant Award of $3,973,353 for the project located at 1208 9th Street. (Funding Source: Homekey 2.0 Funds)
    - Resolution accepting the City of Modesto's Project Homekey 2.0 Grant Award of $3,973,353 for the project located at 1208 9th Street, authorizing the City Manager, or his designee, to execute the related Agreements.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Ricci/Madrigal; 6/0; Zoslocki absent) Resolution 2022-192 accepting the City of Modesto's Project Homekey 2.0 Grant Award of $3,973,353 for the project located at 1208 9th Street, authorizing the City Manager, or his designee, to execute the related Agreements.

HEARINGS

Published in the Modesto Bee on April 1, 2022.

13. Hearing to consider a proposed amendment to the City of Modesto Urban Area General Plan to amend 67 acres from Business Park (BP) uses to Mixed Use (MU), together with a proposed amendment to the Kiernan Business Park Specific Plan to amend 67 acres from Business Park to the new land use designation of Mixed Uses 3 (MU3), property located north of Pelandale Avenue and east of Dale Road, and an amendment of the Specific Plan to change Bangs Avenue from a four-lane major collector street to a two-lane minor collector street. (Funding Source: Developer Funded)
    - Resolution approving an amendment to the Modesto Urban Area General Plan to change the land use designation of 67 acres from Business Park (BP) uses to Mixed Use (MU).
    - Resolution approving Amendment No. 12 of the Kiernan Business Park Specific Plan, to change the land use designation of 67 acres from Business Park (BP) to the new land use designation of Mixed Use 3 (MU3), property located North of Pelandale Avenue and East of Dale Road, together with an amendment to the Circulation Plan of the Specific Plan to change the designation of Bangs Avenue from four-lane major collector street to two-lane collector street.
    - Resolution adopting a Negative Declaration for a General Plan amendment to change the land use designation of 67 acres from Business Park (BP) to Mixed Use (MU), property located north of Pelandale Avenue and east of Dale Road, together with Amendment No. 12 to the Kiernan Business Park Specific Plan, to change the land use designation of 67 acres from Business Park (BP) to the new land use designation of Mixed Uses 3 (MU3) in the land use diagram of the Specific Plan, and to change Bangs Avenue from a four-lane major collector street to a two-lane collector street in the Circulation Plan of the Specific Plan.

    CED; Katharine Martin, 209-577-5867, kamartin@modestogov.com

ACTION: (Wright/Madrigal; 6/0; Zoslocki absent) Resolution 2022-193 approving an amendment to the Modesto Urban Area General Plan to change the land use designation of 67 acres from Business Park (BP) uses to Mixed Use (MU).

ACTION: (Escutia-Braaton/Kenoyer; 6/0; Zoslocki absent) Resolution 2022-194 approving Amendment No. 12 of the Kiernan Business Park Specific Plan, to change the land use designation of 67 acres from Business Park (BP) to the new land use designation of Mixed Use 3 (MU3), property located North of Pelandale Avenue and East of Dale Road, together with an amendment to the Circulation Plan of the Specific Plan to change the designation of Bangs Avenue from four-lane major collector street to two-lane collector street.

ACTION: (Escutia-Braaton/Madrigal; 6/0; Zoslocki absent) Resolution 2022-195 adopting a Negative Declaration for a General Plan amendment to change the land use designation of 67 acres from Business Park (BP) to Mixed Use (MU), property located north of Pelandale Avenue and east of Dale Road, together with Amendment No. 12 to the Kiernan Business Park Specific Plan, to change the land use designation of 67 acres from Business Park (BP) to the new land use designation of Mixed Uses 3 (MU3) in the land use diagram of the Specific Plan, and to change Bangs Avenue from a four-lane major collector street to a two-lane collector street in the Circulation Plan of the Specific Plan.

Recessed at 7:25 p.m.
Reconvened at 7:32 p.m.

No publication in the Modesto Bee was required.

14. Hearing to consider proposed sewer rate increase for Fiscal Year 2022-23 through Fiscal Year 2026-27. (Funding Source: Wastewater Fund)
    - Resolution adopting sewer service rates, effective July 1, 2022, for Fiscal Years 2022-23 through 2026-27 in accordance with Proposition 218.

    UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

ACTION: (Kenoyer/Zwahlen; 4/2; Madrigal and Ricci Noes; Zoslocki absent) Resolution 2022-196 adopting sewer service rates, effective July 1, 2022, for Fiscal Years 2022-23 through 2026-27 in accordance with Proposition 218.

NEW BUSINESS

15. Consider amending the position allocation for Fiscal Year 2021-22 to hire two additional Outreach Specialists for the Community Health and Assistance Team (CHAT), and approving a First Amendment to County/City agency Memorandum of Understanding between the County of Stanislaus and the Modesto Police Department (MPD), for the County to provide two mental health clinicians or behavioral health specialists to ride with crisis intervention trained police officers and respond to mental health calls for service in the City of Modesto; for a total amount not to exceed $800,000 to support both programs. (Funding Source: American Rescue Plan Act)
    - Resolution amending the position allocation for Fiscal Year 2021-22 to hire two additional Outreach Specialists for the Community Health and Assistance Team (CHAT).
    - Resolution approving a First Amendment to County/City agency Memorandum of Understanding between the County of Stanislaus and the Modesto Police Department (MPD), for the County to provide two mental health clinicians

and/or behavioral health specialists to ride with crisis intervention trained police officers and respond to mental health calls for service in the City of Modesto, and authorizing the City Manager, or his designee, to execute the Agreement.

POLICE DEPARTMENT; Brandon Gillespie, 209-572-9501, GillespieB@modestopd.com

ACTION: (Wright/Madrigal; 6/0; Zoslocki absent) Resolution 2022-197 amending the position allocation for Fiscal Year 2021-22 to hire two additional Outreach Specialists for the Community Health and Assistance Team (CHAT).

ACTION: (Wright/Madrigal; 6/0; Zoslocki absent) Resolution 2022-198 approving a First Amendment to County/City agency Memorandum of Understanding between the County of Stanislaus and the Modesto Police Department (MPD), for the County to provide two mental health clinicians and/or behavioral health specialists to ride with crisis intervention trained police officers and respond to mental health calls for service in the City of Modesto, and authorizing the City Manager, or his designee, to execute the Agreement.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 8:35 p.m.

CLOSED SESSION

Please take notice that a special Closed Session meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be convened on

TUESDAY, APRIL 12, 2022, at 4:30 PM

and after the regularly scheduled meeting in the Tenth Street Place, Chambers Conference Room, Basement Level, 1010 Tenth Street, Modesto, California.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

The business to be considered at said City Council meeting shall consist of a Closed Session concerning the following:

CLOSED SESSION

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

Name of Case: City of Modesto v. California State Water Resources Control Board
Superior Court of California, County of Sacramento
Sacramento County Case No: 34-2019-80003051

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: _____
Dana Sanchez, Interim City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Wednesday, April 13, 2022 at 3:00 PM

Roll Call: Present: Councilmembers Escutia-Braaton, Wright, and Kenoyer who assumed position as alternate for Councilmember Zoslocki
Absent: Councilmember Zoslocki
Also Present: Councilmember Ricci

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1 (Escutia-Braaton/Kenoyer; 3/0)

CONSENT

1. Consider approving the Award of Proposal and Agreement for Citywide Regulatory Safety Training and Consultation to NATEC International, Inc., Anaheim, California, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $115,000 and a total amount not to exceed $575,000 over five years; and forwarding to Council for approval. (Funding Source: Various Funds)
HUMAN RESOURCES; Derick Holt, 209-577-5481, dholt@modestogov.com

   ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider approving the Award of Proposal and Agreement for Citywide Regulatory Safety Training and Consultation to NATEC International, Inc., Anaheim, California, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $115,000 and a total amount not to exceed $575,000 over five years; and forwarding to Council for approval.

UNFINISHED BUSINESS

2. Consider accepting "SB 1383 Collection Program and Compliance Options" report, accepting the recommended waste collection method therein, and forwarding to Council for approval. (Funding Source: Solid Waste Fund, Compost Fund)
PUBLIC WORKS; Myriah Hill, 209-577-5458, mhill@modestogov.com

   ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to recommend staff to put together a meeting with the two haulers, the consultant, and staff, and to bring the item back to the May Finance Committee Meeting.

NEW BUSINESS

Item 4 was moved before Item 3 due to the presence of the Consultants.

3. Consider approving an Equipment Use and Broadcasting Agreement with Central Valley Media Center MyTV26 for the purchase and lease of a TelVue HyperCaster AIO B2000-4+ Digital Broadcast Server from TelVue Corporation, for an amount of $33,236 plus $3,324 in contingency (if needed) for a total amount not to exceed $36,560, amending the Fiscal Year 2021-22 Annual Operating Budget to increase the expenditure budget in the Public Educational and Governmental Fund cost center in the amount of $36,560 to fund the purchase of the server and authorizing the City Manager to negotiate and execute the final terms of the Agreement with Central Valley Media MyTV26. (Funding Source: Public, Education, and Government (PEG) Funds)
BUDGET; Stephan Christensen, 209-577-5390, schristensen@modestogov.com

   ACTION: (Kenoyer/Wright; 3/0) Motion to consider approving an Equipment Use and Broadcasting Agreement with Central Valley Media Center MyTV26 for the purchase and lease of a TelVue HyperCaster AIO B2000-4+ Digital Broadcast Server from TelVue Corporation, for an amount of $33,236 plus $3,324 in contingency (if needed) for a total amount not to exceed $36,560, amending the Fiscal Year 2021-22 Annual Operating Budget to increase the expenditure budget in the Public Educational and Governmental Fund cost center in the amount of $36,560 to fund the purchase of the server and authorizing the City Manager to negotiate and execute the final terms of the Agreement with Central Valley Media MyTV26.

4. Consider accepting the updates to the City's Debt Management Policy and forwarding to Council for approval. (Funding Source: Not Applicable)
FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

   ACTION: (Escutia-Braaton/Kenoyer; 3/0) Approve Motion to consider accepting the updates to the City's Debt Management Policy and forwarding to Council for approval.

5. Consider accepting an informational report on the funding made available by the American Rescue Plan Act of 2021 (Act), and discuss ideas for community, and organizational support with the funds made available in Year 2 tranche of the Act. (Funding Source: American Rescue Act)
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 5:21 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Chambers, Basement Level
1010 10th Street
Modesto, California
Tuesday, April 19, 2022 at 5:00 PM

Roll Call: Present: Councilmembers Escutia-Braaton and Wright
Absent: Councilmember Zoslocki
Also Present: Councilmembers Madrigal (left at 6:09 p.m.), Ricci, Kenoyer, Mayor Zwahlen (left at 6:05 p.m.)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2022-23 Operating and Multi-Year Budget for the City of Modesto

Presentations:

City Manager Joseph Lopez gave a stark presentation of the current fiscal situation regarding current and future budgeting issues. He expressed his concerns regarding remaining solvent and being able to maintain City services.

City of Modesto Budget Overview

- **Budget Overview Presentation:**

Budget Manager Steve Christensen gave Presentation: General Fund Historical Variance; Fiscal Year 2022-2023 General Fund Daft Proposed Operating Budget; Fiscal Year 2022-2023 Potential Budget Balancing Strategies; Proposed Reductions; Fiscal Year 2022-2023 General Fund Proforma; American Rescue Plan; Non-General Funds; Finance Committee Budget Workshop Schedule.

Department Presentations

- **Quality of Life**
  - **Police Department**

Police Chief Brandon Gillespie gave General Fund presentation: Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

- **Fire Department**

Fire Chief Alan Ernst gave Presentation: Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

- **Parks, Recreation & Neighborhoods Department**

Parks, Recreation & Neighborhoods Director Laurie Smith gave Presentation: Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

- **Charter Offices**

- **City Manager's Office**

City Manager Joe Lopez gave Presentation: Department Overview; Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

- **City Attorney's Office**

City Attorney Jose Sanchez gave Presentation: Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

Presentations will continue at the April 20, 2022, Finance Committee meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:00 p.m.

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Chambers, Basement Level
1010 10th Street
Modesto, California
Wednesday, April 20, 2022, at 8:30 AM

Roll Call: Present: Councilmembers Escutia-Braaton and Wright
Absent: Councilmember Zoslocki
Also Present: Mayor Zwahlen, Councilmembers Ricci and Madrigal

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2022-23 Operating and Multi-Year Budget for the City of Modesto

Presentations continued*:*

- **Charter Offices**

  - **City Clerk's Office**

Interim City Clerk Dana Sanchez gave Presentation - Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

- **Departments**

  - **Community & Economic Development Department**

Community & Economic Development Department Jaylen French gave Presentation: Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

  - **Public Works Department**

Public Works Director, Bill Sandhu gave Non-General Fund presentation: Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

- **Information Technology Department**

I.T. Manager and Interim Chief Informational Officer for Information Technology Department Kevin Harless gave Presentation: Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

Recessed at 9:47 a.m.
Reconvened at 9:53 a.m.

- **Finance Department**

Director of Finance, DeAnna Christensen gave Presentation: Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

- **Human Resources Department**

Human Resources Director, Christina Alger gave Presentation: Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

- **Risk Management & Benefits Division**
    - **Employee Benefits Fund**
    - **Workers Compensation Fund**
    - **Liability Fund**

Human Resources Director, Christina Alger gave Presentation: Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

- **Utilities Department**

Utilities Director, Will Wong gave presentation: Department Overview, Department Priorities for Fiscal Year 2022-2023, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Adjustments/Reductions, Departmental Opportunities, Departmental Challenges.

Special Presentations

- **Hardware/Software Maintenance Presentation**

Director of Finance, DeAnna Christensen gave overview of types of equipment, provided a list of maintenance agreements, and discussed funding sources.

Recessed at 11:42 a.m.
Reconvened at 1:00 p.m.

Mayor Zwahlen read a statement regarding the resignation of Councilmember Zoslocki effective today at noon and thanked him for his service to the City.

- **Revenue Manual/Fee Increases Presentation**

Director of Finance, DeAnna Christensen gave overview of revenue manual and potential fee increases. Director of CEDD, Jaylen French gave proposed Fee changes for CEDD. Director of PRN, Laurie Smith gave proposed Fee changes presentation for PRND. Director of Utilities, Will Wong gave proposed Fee changes for Utilities Department.

- **Grant Status Update Presentation**

Director of Finance, DeAnna Christensen gave presentation on update of grant applications and awards by department. Jaylen French gave update for grant applications and awards and proposed grant applications for CEDD. Chief Ernst gave update for grant applications and awards and proposed grant applications for Fire Department. Chief Gillespie gave update for grant applications and awards and proposed grant applications for Police Department. Laurie Smith gave update for grant applications and awards and proposed grant applications for PRND. Bill Sandhu gave update for grant applications and awards and proposed grant applications for Public Works. Will Wong gave update for grant applications and awards and proposed grant applications for Utilities.

- **Deferred Maintenance Presentation**

Bill Sandhu gave presentation of deferred maintenance for Public Works Department. Laurie Smith gave presentation of deferred maintenance for PRN Department.

Recessed at 2:39 p.m.
Reconvened at 2:46 p.m.

- **Pension Presentation**

Christina Alger gave pension presentation of CalPers Unfunded Accrued Liability.

- **American Rescue Plan Act (ARPA) Presentation**

Edgar Garcia gave ARPA funding presentation.

Presentations will continue at the April 21, 2022, Finance Committee meeting.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 3:36 p.m.

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Chambers, Basement Level
1010 10th Street
Modesto, California
Thursday, April 21, 2022, at 8:30 AM

Roll Call: Present: Councilmembers Escutia-Braaton, Wright and Mayor Zwahlen
Also present: Councilmember Ricci and Madrigal

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

1. Consider accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2022-23 Operating and Multi-Year Budget for the City of Modesto

Presentations:

• Follow-up and Committee Recommendations

- Jaylen French gave follow up report of Building Permit Fee's increase due to cost recovery.
- Steve Christensen gave follow up report of Property Tax fees and what the City receives.
- Steve Christensen gave follow up report of Sales Tax and where it goes.
- Steve Christensen gave follow up report of Building Services ISF.
- Laurie Smith gave follow up report regarding Parks Water Conservation/Turf Replacement Efforts.
- Bill Sandhu gave follow up report on additional information regarding Bulky Item Pickup and marketing materials.
- Chief Gillespie gave follow up report about the camera program. He also spoke about camera registration program for residence cameras.

- Steve Christensen gave follow up report on the question about duplexes.

Recessed at 8:59 a.m.
Reconvened at 9:02 a.m.

• **Outreach on Various City Topics and Potential Tax Measure** (Funding Source: All City Funds)

Tim McLarney from True North Research spoke regarding revenue feasibility study they conducted for a local sales tax measure. He discussed the purpose of the study, the methodology of the study, quality of life, changes to improve the City, satisfaction with City Services, initial ballot test, projects & services, positive arguments, interim ballot test, negative arguments, final ballot test, final ballot test at 1/2 cent, key conclusions, observations & recommendations.

Jared Boigan from True North Research also spoke regarding the next steps for a successful campaign regarding a sales tax measure.

ACTION: (Wright/Escutia-Braaton; 3/0) Motion to have the City Manager prepare a Measure for a one percent (one cent) tax increase and forward to Council.

ACTION: (Zwahlen/Wright; 3/0) Motion approving payment of various software/hardware maintenance agreements for Fiscal Year 2022-23 with multiple vendors for all City Departments, for an annual cost not to exceed $6,693,453 and forwarding to Council for approval.

ACTION: (Wright/Escutia-Braaton; 3/0) Motion to continue this item and move accepting the report on the funding made available by the American Rescue Plan Act of 2021 (ARPA) and approving the staff recommendations for the spending plan for the Year 2 allocation of funds to the next Finance Committee meeting.

ACTION: (Zwahlen/Wright; 3/0) Motion accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2022-23 Operating and Multi-Year Budget for the City of Modesto.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 10:01 a.m.

Attest: _____
Dana Sanchez, Interim City Clerk

MINUTES

City of Modesto

SPECIAL CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, April 26, 2022 at 3:00 PM

Roll Call – Present: Councilmembers Kenoyer, Madrigal (arrived 3:12pm), Ricci, Wright, Mayor Zwahlen
Absent: Councilmember Escutia-Braaton

Pledge of Allegiance to the Flag

City Clerk's Announcements: Several e-mails were received and forwarded to Council.

Declaration of Conflicts of Interest: None.

PUBLIC COMMENT PERIOD

- Jesse Vasquez commented on violation on short term permits. Requested a meeting between the community members and the City regarding creating a standard of the Agreement and redefining the permit. Council advised a contact to set up a meeting.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

1. Discuss options related to filling the City Council vacancy for District 4 and provide staff with direction to either:

    1. Appoint an eligible individual to finish the remaining term for former Council Member Bill Zoslocki's District 4 Council seat, which will end in November 2022; or

2. Allow the voters to fill the District 4 vacancy in the November 2022 General Municipal Election by electing an individual to a new four-year term starting in 2022 and ending in 2026.

(Funding Source: General Fund or Not Applicable)

Staff Recommendation:

- It is recommended that Council consider its options on how to fill the vacant Council seat and provide staff with direction.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 3/2; Madrigal and Ricci Noes; Escutia-Braaton absent) Motion to allow the voters to fill the District 4 vacancy in the November 2022 General Municipal Election by electing an individual to a new four-year term starting in 2022 and ending in 2026.

The City Attorney indicated that an item would be coming back to the Council to formalize the Council's decision.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 3:52 p.m.

Attest:_____
Andrea Cook, Deputy City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

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

Monday May 02, 2022 at 5:30 PM

Roll Call - Present: Councilmembers Ricci, Wright, and Mayor Zwahlen
Absent: None

Council has not delegated directive or final approval authority to the Committees. Committee actions are recommendations to the full City Council, not final decisions on an issue. This meeting is also noticed as a City Council workshop.

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

CONSENT

Consent

1. Consider approving the proposed airspace and roadway easements within APN: 102-016-003, Tuolumne River Regional Park Gateway parcel, necessary to construct the 7th Street Bridge Replacement Project. (Funding Source: Not Applicable)
   CED; John Rawles, 209-577-5253, jrawles@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving the proposed airspace and roadway easements within APN: 102-016-003, Tuolumne River Regional Park Gateway parcel, necessary to construct the 7th Street Bridge Replacement Project.

Consent

2. Consider approving the award of bid for the purchase and delivery of Sodium Hypochlorite – Liquid Chlorine to Univar Solutions USA Inc., Kent, WA, for a one-year with four one-year extension options, for an estimated annual amount of $100,000 and a total amount not to exceed $661,010 over five years, and forwarding to Council for approval. (Funding Source: Water Fund)
   UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving the award of bid for the purchase and delivery of Sodium Hypochlorite – Liquid Chlorine to Univar Solutions USA Inc., Kent, WA, for a one-year with four one-year extension options, for an estimated annual

amount of $100,000 and a total amount not to exceed $661,010 over five years, and forwarding to Council for approval.

(Removed from Consent)

Consent

3. Consider approving the sole source Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for Support Services to Well #274 and Well #295 within the Grayson Community Water System, for a five year Agreement, for an estimated annual amount of $150,000 and a total amount not to exceed $879,990 over five years, and forwarding to Council for approval. (Funding Source: Water Fund)
   UTILITIES; Jeff Daniels, 209-342-4568, jdaniels@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving the sole source Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for Support Services to Well #274 and Well #295 within the Grayson Community Water System, for a five year Agreement, for an estimated annual amount of $150,000 and a total amount not to exceed $879,990 over five years, and forwarding to Council for approval.

Consent

4. Consider approving an Agreement with National Plant Services, Inc., Hayward, CA, for Pipe Inspection and Assessment services for the River Trunk Inspection Project in the amount of $163,000, plus $16,300 for additional services, if needed, for a total not to exceed amount of $179,300; and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   UTILITIES; Robert Englent, 209-577-6222, renglent@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving an Agreement with National Plant Services, Inc., Hayward, CA, for Pipe Inspection and Assessment services for the River Trunk Inspection Project in the amount of $163,000, plus $16,300 for additional services, if needed, for a total not to exceed amount of $179,300; and forwarding to Council for approval.

NEW BUSINESS

5. Receive notification of the Capital Facilities Fees and Development User Fees annual inflationary adjustment for Fiscal Year 2022-23, and forwarding to Council. (Funding Source: Capital Facilities Fees and Development User Fees)
   CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Ricci/Wright; 3/0) Motion to receive notification of the Capital Facilities Fees and Development User Fees annual inflationary adjustment for Fiscal Year 2022-23, and forwarding to Council.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 5:51 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, May 03, 2022 at 5:30 PM

Roll Call: Councilmembers, Kenoyer, Madrigal (arrived at 5:45 pm), Ricci, Wright, Mayor Zwahlen
Absent: Councilmember Escutia-Braaton

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk's Announcements: No email correspondence was received.

Declaration of Conflicts of Interest: None

Reports from Closed Session: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Stanislaus County Update (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 209-577-5553, joelopez@modestogov.com

ACTION: Mani Grewal, Stanislaus County Board of Supervisor provided a County update. He reported that this morning the Board of Supervisors terminated the community benefit fee for commercial cannabis businesses which is more in line with what Modesto does and allows for in kind donations in lieu of a fee. He further provided the County's budget schedule. Also, this morning the County Board of Supervisors proclaimed May as Older Americans Month and Mental Health Month. Additionally, the Board of Supervisors are going on a roadshow this Thursday and will visit County islands and pockets that are in need of infrastructure improvements. An additional tour will be held on May 16th from 12:00 pm to 5:00 pm.

2. Presentation of Proclamation recognizing May 5, 2022 in Celebration of Cinco de Mayo. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen read the proclamation into the record.

3. Presentation of Proclamation proclaiming May 2022 as Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Heritage Month. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring May 2022 as Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Heritage Month.

4. Presentation of Proclamation proclaiming May 2022 as Mental Health Awareness Month. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring May 2022 as Mental Health Awareness Month.

5. Presentation of Proclamation proclaiming May 2022 Older Americans Month. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring May 2022 Older Americans Month.

6. Presentation of Proclamation proclaiming May 2-6, 2022 as Public Service Recognition Week. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen presented a proclamation declaring May 2-6, 2022 as Public Service Recognition Week.

MISCELLANEOUS

7. Consider accepting the resignation of Will Crew from the City's Landmark Preservation Commission. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Will Crew from the City of Modesto Landmark Preservation Commission.

CED; Steve Mitchell, 209-577-5267, smithcell@modestogov.com

ACTION: (Madrigal/Kenoyer; 5/0; Escutia-Braaton Absent) Resolution 2022-199 accepting the resignation of Will Crew from the City of Modesto Landmark Preservation Commission.

PUBLIC COMMENT PERIOD

- Julius Young spoke regarding a recent licensing issue he brought up during the previous Council meeting. He commented that the fee issue was resolved. He thanked the Council and staff for the prompt response and resolving the issue.

- Jack Fahe, commented on the "Star Wars Day" event that will be held on May 4th Downtown Modesto. He encouraged everybody interested in the event to attend.

- Emerson Drake spoke regarding the timer for public speakers and that the allowed time to speak should be equitable to all. He further commented about the release of documents from the Supreme Court.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 8-21: (Kenoyer/Wright; 5/0; Escutia-Braaton absent)

CONSENT ITEMS

Consent
8. Consider approving the minutes from the April 12, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the April 12, 2022 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Motion approving the minutes from the April 12, 2022 Council Meeting.

Consent
9. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Resolution 2022-200 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent
10. Consider approving a Second Amendment to the Second Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Heitlinger in the amount of $250,000, for a total not to exceed amount of $750,000, and a Third Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan P.C. in the amount of $75,000, for a total not to exceed amount of $217,300 for continued representation. (Funding Source: General Liability Insurance Fund and Water Funds)
    - Resolution approving a Second Amendment to the Second Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Heitlinger in the amount of $250,000, for a total not to exceed amount of $750,000 to continue

representing the City of Modesto in tort cases, and authorizing the City Manager or his designee, to execute the Agreement.

- Resolution approving a Third Amendment to the Legal Services Agreement for Bartkiewicz, Kronick & Shanahan P.C. in the amount of $75,000, for a total not to exceed of $217,300, for continued representation and authorizing the City Manager or his designee, to execute the Agreement.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Resolution 2022-201 approving a Second Amendment to the Second Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Heitlinger in the amount of $250,000, for a total not to exceed amount of $750,000 to continue representing the City of Modesto in tort cases, and authorizing the City Manager or his designee, to execute the Agreement.

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Resolution 2022-202 approving a Third Amendment to the Legal Services Agreement for Bartkiewicz, Kronick & Shanahan P.C. in the amount of $75,000, for a total not to exceed of $217,300, for continued representation and authorizing the City Manager or his designee, to execute the Agreement.

Consent

11. Consider approving a Second Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus, amending sections related to the Commission Members and the Dispatch Advisory Board and Technical Advisory Committee, and appointing the Modesto Fire Chief to serve as the City's additional member, and the Modesto Police Chief as their alternate, on the Consolidated Emergency Dispatch Agency Commission. (Funding Source: Not applicable)

    - Resolution approving a Second Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services amending sections related to the Commission Members and the Dispatch Advisory Board and Technical Advisory Committee, authorizing the City Manager, or his designee to execute the amendment and appointing the Modesto Fire Chief as the City's Additional Member, and Modesto Police Chief as their alternate, to the Commission.

    CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Resolution 2022-203 approving a Second Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services amending sections related to the Commission Members and the Dispatch Advisory Board and Technical Advisory Committee, authorizing the City Manager, or his designee to execute the amendment and appointing the Modesto Fire Chief as the City's Additional Member, and Modesto Police Chief as their alternate, to the Commission.

Consent

12. Consider accepting the Monthly Investment Report for February 2022. (Funding Source: Various Funds)

- Motion accepting the Monthly Investment Report for February 2022.

FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Motion accepting the Monthly Investment Report for February 2022.

Consent

13. Consider accepting an informational report for the March 2022 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the March 2022 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Motion accepting an informational report for the March 2022 Accounts Payable Payment Register and Void report.

Consent

14. Consider accepting the Transportation Development Act Triennial Performance Audit conducted by the Stanislaus Council of Governments for transit operations and capital expenses. (Funding Source: Transit Funds)
    - Resolution accepting the Transportation Development Act Triennial Performance Audit conducted by the Stanislaus Council of Governments for transit operations and capital expenses.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Resolution 2022-204 accepting the Transportation Development Act Triennial Performance Audit conducted by the Stanislaus Council of Governments for transit operations and capital expenses.

Consent

15. Consider approving a renewal Agreement with ZOLL Data Systems, Inc. for hosted server services for both ePCR and FireRMS records management and reporting software, in an annual estimated amount of $77,124, with a one-time ePCR implementation fee of $7,500, for a total three-year Agreement not to exceed $238,872. (Funding Source: General Fund)
    - Resolution approving a renewal Agreement with ZOLL Data Systems, Inc. for hosted server services for both ePCR and FireRMS records management and reporting software, in an annual estimated amount of $77,124, with a one-time ePCR implementation fee of $7,500, for a total three-year Agreement not to exceed $238,872 and authorizing the City Manager, or his designee, to execute the Agreement.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Resolution 2022-205 approving a renewal Agreement with ZOLL Data Systems, Inc. for hosted server services for both ePCR and FireRMS records management and reporting software, in an annual estimated amount of $77,124, with a one-time ePCR implementation fee of $7,500, for a total three-year Agreement not to exceed $238,872 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

16. Consider approving the donation of Canine Fuse from Thor's Hope Foundation, for use as a facility dog for the City of Modesto Fire Department, for an estimated initial cost of $287, and an estimated annual cost of $3,337. (Funding Source: General Fund)
    - Resolution approving the donation of Canine Fuse from Thor's Hope Foundation, for use as a facility dog for the City of Modesto Fire Department, for an estimated initial cost of $287, and an estimated annual cost of $3,337.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Resolution 2022-206 approving the donation of Canine Fuse from Thor's Hope Foundation, for use as a facility dog for the City of Modesto Fire Department, for an estimated initial cost of $287, and an estimated annual cost of $3,337.

Consent

17. Consider approving the submission of an application for the Fiscal Year 2022-2023 Cal Fire Rural Fire Capacity (RFC) Program Grant, in an amount that will not exceed $40,000, which includes a 50% local match, for the procurement of wildland firefighting equipment. (Funding Source: General Fund)
    - Resolution approving the submission of an application for the Fiscal Year 2022-2023 Cal Fire Rural Fire Capacity (RFC) Program Grant, in an amount that will not exceed $40,000, which includes a 50% local match, for the procurement of wildland firefighting equipment.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Resolution 2022-207 approving the submission of an application for the Fiscal Year 2022-2023 Cal Fire Rural Fire Capacity (RFC) Program Grant, in an amount that will not exceed $40,000, which includes a 50% local match, for the procurement of wildland firefighting equipment.

Consent

18. Consider approving the award of proposal and Agreement for citywide regulatory safety training and consultation to NATEC International, Inc., Anaheim, California, for a two-year Agreement with three one-year extension options, for an annual cost not to exceed $115,000 and a total amount not to exceed $575,000 over five years. (Funding Source: Various Funds)
    - Resolution approving the award of proposal and Agreement for Citywide Safety Consultation and Training Services to NATEC International, Inc.,

Anaheim, California, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $115,000, and a total amount not to exceed $575,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

HUMAN RESOURCES; Nick Panos, 209-577-5466, npanos@modestogov.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Resolution 2022-208 approving the award of proposal and Agreement for Citywide Safety Consultation and Training Services to NATEC International, Inc., Anaheim, California, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $115,000, and a total amount not to exceed $575,000 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider approving lease Agreements between the City of Modesto and Del Rio CC Foundation (First Tee – Central Valley) and City of Modesto and the Boys and Girls Clubs of Stanislaus County for lease of property located on Roselawn Avenue (APNs 037-036-007 and 037-051-001) for operation of youth programming. (Funding Source: CBDG)
    - Resolution approving lease Agreements between the City of Modesto and Del Rio CC Foundation (First Tee – Central Valley) and the City of Modesto and the Boys and Girls Clubs of Stanislaus County for lease of property located on Roselawn Avenue (APNs 037-036-007 and 037-051-001) for operation of youth programming, and authorizing the City Manager, or his designee to execute the lease Agreements.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Resolution 2022-209 approving lease Agreements between the City of Modesto and Del Rio CC Foundation (First Tee – Central Valley) and the City of Modesto and the Boys and Girls Clubs of Stanislaus County for lease of property located on Roselawn Avenue (APNs 037-036-007 and 037-051-001) for operation of youth programming, and authorizing the City Manager, or his designee to execute the lease Agreements.

Consent

20. Consider approving the list of projects to be funded with Road Repair and Accountability Act tax proceeds in Fiscal Year 2022-2023. (Funding Source: Senate Bill 1 funds)
    - Resolution approving the list of projects to be funded with Road Repair and Accountability Act proceeds in Fiscal Year 2022-2023

PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Resolution 2022-210 approving the list of projects to be funded with Road Repair and Accountability Act proceeds in Fiscal Year 2022-2023

Consent

21. Consider approving an Agreement for the purchase of Reuse Water from the Turlock Irrigation District. (Funding Source: Wastewater Fund)
    - Resolution approving an Agreement for the purchase of Reuse Water from the Turlock Irrigation District and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Ben Koehler, 209-342-4502, bkoehler@modestogov.com

ACTION: (Kenoyer/Wright; 5/0; Escutia-Braaton Absent) Resolution 2022-211 approving an Agreement for the purchase of Reuse Water from the Turlock Irrigation District and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci reported on the Star Wars event that will be held on May 4th and he encouraged the public to attend. He further commented on the budget conversations held last week. He commented that City Manager, Joe Lopez's speech on the state of the city budget is really important and he encourages everyone to watch and listen to it. It's transparent and it's time that they really look at the reality of the budget. The people in the city need to know why there is no funding for the parks that are in disarray, along with the bathrooms in parks and why trees did not get pruned for a decade. He hopes this discussion is shared with the public and they start thinking about solutions.

Councilmember Kenoyer thanked Councilmember Ricci for his comments. She agrees with his statement about the City Manager's comments regarding the state of the city budget.

Councilmember Madrigal invited the public to attend the annual Cinco De Mayo Parade that will be held this Saturday, May 7th 11:00 am to 1:00 pm in South Modesto on Crows Landing Road and is sponsored by South Modesto Businesses United (SMBU). This is the first time that the parade is back on after COVID. Councilmember Madrigal also served as a volunteer board member with the SMBU. This is a free community event. Please call 209-883-8760 for more information or visit the SMBU Instagram or Facebook pages.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

22. Consider approving the rehire of Michael Bumanlag on a part-time basis for a limited duration of up to three months for the purposes of providing critical software support to ensure the public can be provided service without interruption and overseeing the

training and transfer of knowledge to his replacement for a cost not to exceed $25,000. (Funding Source: Information Technology Fund)

- Resolution approving the rehire of Michael Bumanlag on a part-time basis for a limited duration of up to three months for the purposes of providing critical software support to ensure the public can be provided service without interruption and overseeing the training and transfer of knowledge to his replacement for a cost not to exceed $25,000.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Kenoyer; 5/0; Escutia-Braaton Absent) Resolution 2022-212 approving the rehire of Michael Bumanlag on a part-time basis for a limited duration of up to three months for the purposes of providing critical software support to ensure the public can be provided service without interruption and overseeing the training and transfer of knowledge to his replacement for a cost not to exceed $25,000.

23. Consider an ordinance approving the Modesto Police Department Military Equipment Use Policy 710 in accordance with Assembly Bill (AB) 481. (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance approving the Modesto Police Department Military Equipment Use Policy 710 in accordance with Assembly Bill (AB) 481.

POLICE DEPARTMENT; Jason Grogan, 209-572-9500, groganj@modestopd.com

ACTION: (Wright/Zwahlen; 5/0; Escutia-Braaton Absent) Motion introducing and waiving the first reading of an Ordinance approving the Modesto Police Department Military Equipment Use Policy 710 in accordance with Assembly Bill (AB) 481.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 6:40 pm.

Attest:_____
Diane Nayares-Perez, CMC, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, May 09, 2022, at 5:00 PM

Roll Call: Present: Chris Ricci, Chair, Sue Zwahlen, Vice-Chair and Rosa Escutia-Braaton, Member
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-3 (Escutia-Braaton/Zwahlen; 3/0)

CONSENT

1. Consider approving the Award of Bid for the furnishing of Personal Protection Equipment (PPE) Cleaning, Inspection and Repair Services to Scotts PPE Recon Inc., Lodi, CA for the Modesto Fire Department, for a two-year Agreement, with three one-year extension options, for an estimated annual amount of $50,000 and total amount not to exceed $250,000 over five years and forwarding to Council for approval. (Funding Source: General Fund)
FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) approving the Award of Bid for the furnishing of Personal Protection Equipment (PPE) Cleaning, Inspection and Repair Services to Scotts PPE Recon Inc., Lodi, CA for the Modesto Fire Department, for a two-year Agreement, with three one-year extension options, for an estimated annual amount of $50,000 and total amount not to exceed $250,000 over five years and forwarding to Council for approval.

2. Consider approving the addition of the Sacramento Police Academy to the agencies authorized to furnish Police Officer Standards and Training Academy services, and increase the estimated annual cost by $25,000 to a new total of $125,000 and the total amount not to exceed to $625,000 over five years, rescinding Resolution No. 2021-066, and forwarding to Council for approval. (Funding Source: General Fund)
POLICE DEPARTMENT; Chris Adams, 209-572-9500, adamsc@modestopd.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) approving the addition of the Sacramento Police Academy to the agencies authorized to furnish Police Officer Standards and

Training Academy services, and increase the estimated annual cost by $25,000 to a new total of $125,000 and the total amount not to exceed to $625,000 over five years, rescinding Resolution No. 2021-066, and forwarding to Council for approval.

3. Consider approving the Sole Source Purchase Order with StarChase for 25 Global Positioning System tracking units for law enforcement use for an estimated total cost not to exceed $161,698. (Funding Source: Traffic Safety Fund)
POLICE DEPARTMENT; Steven Stanfield, 209-572-9500, stanfields@modestopd.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) approving the Sole Source Purchase Order with StarChase for 25 Global Positioning System tracking units for law enforcement use for an estimated total cost not to exceed $161,698.

NEW BUSINESS

4. Consider rescinding Resolution Nos. 89-443 and 86-1369, and adopting new membership composition and application requirements for the City of Modesto Youth Commission; adopting new Youth Commission bylaws, and forwarding to Council for approval (Funding Source: General Fund – Recreation Operations)
PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) rescinding Resolution Nos. 89-443 and 86-1369, and adopting new membership composition and application requirements for the City of Modesto Youth Commission; adopting new Youth Commission bylaws, and forwarding to Council for approval.

5. Consider approving the City's sponsorship of the 23rd Annual 2022 North Modesto Kiwanis Graffiti Parade and Car Show, including the waiver of City permit fees, Police Department overtime and vehicle costs, and Public Works labor and equipment costs at an estimated cost of $82,430, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund and General Fund)
PUBLIC WORKS; Steve Fischio, 209-342, sfischio@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) approving the City's sponsorship of the 23rd Annual 2022 North Modesto Kiwanis Graffiti Parade and Car Show, including the waiver of City permit fees, Police Department overtime and vehicle costs, and Public Works labor and equipment costs at an estimated cost of $82,430, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:24 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, May 10, 2022 at 5:30 PM

Roll Call - Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: John Torres, City Ministry Network

City Clerk's Announcements – Email correspondence was received for forwarded to the Council.

Declaration of Conflicts of Interest – None

Reports from Closed Session – City Attorney Sanchez reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation Proclaiming May 15th as International Day of Families (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen read proclamation proclaiming May 15th as International Day of Families.

2. Proclamation Proclaiming May 15-21, 2022 as National Public Works Week (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen read proclamation proclaiming May 15-21, 2022 as National Public Works Week. Bill Sandhu, Public Works Director accepted the Proclamation.

MISCELLANEOUS

3. Consider appointing Amanda J. Heitlinger to the Modesto Downtown Improvement District Board of Directors for a four year term to expire January 1, 2026. (Funding Source: Not Applicable)
   Staff Recommendation:

- Resolution appointing Amanda J. Heitlinger to the Modesto Downtown Improvement District Board of Directors for a four year term to expire January 1, 2026.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-213 appointing Amanda J. Heitlinger to the Modesto Downtown Improvement District Board of Directors for a four year term to expire January 1, 2026.

4. Consider approving Allan Ramsay for the vacant position of Small Aircraft Owner/General Aviation for the Modesto City-County Airport Advisory Committee for a two-year term. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the appointment of Allan Ramsay for the vacant position of Small Aircraft Owner/General Aviation to the Modesto City-County Airport Advisory Committee for a two-year term.

PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-214 approving the appointment of Allan Ramsay for the vacant position of Small Aircraft Owner/General Aviation to the Modesto City-County Airport Advisory Committee for a two-year term.

PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding an appeal to the second story review decision made by the BZA. She commented on the discussions she had with city staff regarding the matter and stated that it was ordered to be removed.

- Jessie Vasquez stated he recently appeared before the Council and asked that Council have a discussion about short term rentals. He is a short term investor and it has affected his business. He wants to make sure they can all come up with an agreement to have short term rentals regulated.

- Louisa Bryant spoke about a mold issue in her home that she had reported to the City. She stated that a mold inspection was done and she believes the report is inaccurate. She paid for an independent inspector that provided an accurate report that thorough and informative. She provided copies of the independent report and a chorological report of all of interactions with the City about the issue. The mold has affected her health a d she needs someone at the City to accept the results of her independent mold test; so, she can get the medical care she needs

- Vanessa Parks spoke in support of a discussion about the short term rental ordinance and possible updates to it. She'd also like to get this item on the agenda.

- Liz Rivera also spoke in support of short term rentals. She has family in Modesto and when she visited Modesto she liked to staying at short term rentals. She bought a home

in Modesto and would like to use the home in Modesto as a short term rental and is willing to pay TOT taxes.

- Emerson Drake thanked the Council for letting the speaker with the mold issue speak longer. He spoke about the Brown Act and the City Manager. He further commented on the $4.5 million ARPA request by the City of Modesto. He was told that it was for overtime for Police and Fire. He asked for backup and justification of the overtime. He also commented on a recent records request and the City Manager.

- Sebastian Jones stated that he wanted to say that the comment made earlier was a political hit about someone running for office.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5-12: (Kenoyer/Wright; 6/0)

CONSENT ITEMS

Consent

5. Consider approving the minutes from the May 3, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the May 3, 2022 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion approving the minutes from the May 3, 2022 Council Meeting.

Consent

6. Consider final adoption of Ordinance 3745-C.S. approving the Modesto Police Department Military Equipment Use Policy 710. (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3745-C.S. approving the Modesto Police Department Military Equipment Use Policy 710.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion approving final adoption of Ordinance 3745-C.S. approving the Modesto Police Department Military Equipment Use Policy 710.

Consent

7. Consider approving a Will Serve Letter and Outside Service Agreement for sewer service for the property located at 908 Seybold Avenue (APN: 030-014-027). (Funding Source: Sewer Fund, General Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Omar O Octavio Fragoso and Jocelyn Avila, husband and wife as joint tenants, to connect to the City of Modesto's existing sewer system for the property located at 908 Seybold Avenue. (APN: 030-014-

027), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

CED; Jaylen French, 209-341-2938, jfrench@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-215 approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Omar O Octavio Fragoso and Jocelyn Avila, husband and wife as joint tenants, to connect to the City of Modesto's existing sewer system for the property located at 908 Seybold Avenue. (APN: 030-014-027), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

8. Consider approving the plans and specifications for the Pelandale Neighborhood Pavement Maintenance and Virginia Corridor Trail Maintenance Project, accepting the bid, and awarding a contract to American Pavement Systems, Inc. of Modesto, California, in the amount of $1,888,619; and amending the Fiscal Year 2021-2022 Capital Improvement Program (CIP) budget in the amount of $200,000 for Project #101247 and $400,000 for Project #101249. (Funding Source: Local Measure L Funds)
    - Resolution approving the plans and specifications for the Pelandale Neighborhood Pavement Maintenance and Virginia Corridor Trail Maintenance Project, accepting the bid, and awarding a contract to American Pavement Systems, Inc. of Modesto, California, in the amount of $1,888,619 and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution amending the Fiscal Year 2021-2022 Capital Improvement Program (CIP) budget, Project #101247 in the amount of $200,000 and a reduction in the amount of $400,000 for Project #101249, and amending the transfer from the Measure L – Local Road Tax Fund to fund the project and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-216 approving the plans and specifications for the Pelandale Neighborhood Pavement Maintenance and Virginia Corridor Trail Maintenance Project, accepting the bid, and awarding a contract to American Pavement Systems, Inc. of Modesto, California, in the amount of $1,888,619 and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-217 amending the Fiscal Year 2021-2022 Capital Improvement Program (CIP) budget, Project #101247 in the amount of $200,000 and a reduction in the amount of $400,000 for Project #101249, and amending the transfer from the Measure L – Local Road Tax Fund to fund the project and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

Consent

9. Consider approving the proposed airspace and roadway easements within Tuolumne River Regional Park Gateway parcel (APN: 102-016-003) necessary to construct the 7th Street Bridge Replacement Project. (Funding Source: Not Applicable)
    - Resolution approving the proposed airspace and roadway easements within Tuolumne River Regional Park Gateway parcel (APN: 102-016-003) necessary to construct the 7th Street Bridge Replacement Project.

    CED; John Rawles, 209-577-5253, jrawles@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-218 approving the proposed airspace and roadway easements within Tuolumne River Regional Park Gateway parcel (APN: 102-016-003) necessary to construct the 7th Street Bridge Replacement Project.

Consent

10. Consider approving a Cooperative Agreement between the City of Modesto and Stanislaus County for the Airport Neighborhood Active Transportation Connectivity and Safety Project, and approving enhanced infrastructure and associated costs for project development within City jurisdiction. (Funding Source: State funds, County Local Measure L funds)
    - Resolution approving a Cooperative Agreement between the City of Modesto and Stanislaus County for the Airport Neighborhood Active Transportation Connectivity and Safety Project, and authorizing the City Manager, or his designee, to execute the Agreement, and approving enhanced infrastructure and associated costs for project development within City jurisdiction.

    CED; Jaylen French, 209-341-2938, jfrench@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-219 approving a Cooperative Agreement between the City of Modesto and Stanislaus County for the Airport Neighborhood Active Transportation Connectivity and Safety Project, and authorizing the City Manager, or his designee, to execute the Agreement, and approving enhanced infrastructure and associated costs for project development within City jurisdiction.

Consent

11. Consider approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Services for the Jennings Well Treatment Improvements Project in the amount of $219,300 for the identified scope of services, plus $21,930 in additional services, if needed, for a total amount not to exceed $241,230, and amending the FY 2021/22 Capital Improvement Program Budget in the amount of $245,000. (Funding Source: Wastewater Fund)
    - Resolution approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Services for the Jennings Well Treatment Improvements Project in the amount of $219,300 for the identified scope of services, plus $21,930 in additional services, if needed, for a total amount not to exceed $241,230 and authorizing the City Manager, or his designee, to execute the Agreement.

- Resolution amending the Fiscal Year 2021/22 Capital Improvement Program Budget in the amount of $245,000 to be transferred into the Project from Wastewater Fund Reserves in order to fully fund the Jennings Well Treatment Improvements Project

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-220 approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Services for the Jennings Well Treatment Improvements Project in the amount of $219,300 for the identified scope of services, plus $21,930 in additional services, if needed, for a total amount not to exceed $241,230 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-221 amending the Fiscal Year 2021/22 Capital Improvement Program Budget in the amount of $245,000 to be transferred into the Project from Wastewater Fund Reserves in order to fully fund the Jennings Well Treatment Improvements Project

Consent

12. Consider approving an Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for Construction Support Services for Grayson Well 69 (Replacing Well 274) in the amount of $160,348 for the identified scope of services, plus $16,035 in additional services, if needed, for a total amount not to exceed $176,383. (Funding Source: Water Fund)

    - Resolution approving an Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for Construction Support Services for Grayson Well 69 (Replacing Well 274) in the amount of $160,348 for the identified scope of services, plus $16,035 in additional services, if needed, for a total not to exceed amount of $176,383 and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-222 approving an Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for Construction Support Services for Grayson Well 69 (Replacing Well 274) in the amount of $160,348 for the identified scope of services, plus $16,035 in additional services, if needed, for a total not to exceed amount of $176,383 and authorizing the City Manager, or his designee, to execute the Agreement.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez commented on the short term rental comments made earlier this evening. He stated that staff is reviewing the current ordinance and are looking at possible changes to the ordinance. The review continues and he expect to see something in the near future.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer commented on her health and thanked the public for their concern. Discussed the Cinco de Mayo parade with the Mayor and Councilmember Madrigal and delighted at the attendance.

Vice Mayor Wright commented on the Orville Wright School's Walk, Skip, Jump, Scooter to School Day event and the attendance. Discussed a School Committee meeting that was held and concerns over the Airport District that he hopes can be looked at.

Councilmember Ricci commented on the Short Term Rental program and interest of possible policy changes. Discussed the City's crime percentages lowering thanks to improvements made by the City and MPD as well as his concern about the homeless. Discussed the safe parking coming to fruition and hopes to not only bring safe camping to the floor but continue to make Modesto safe.

Councilmember Escutia-Braaton commented for collaboration with the County for building up Modesto as well as possible State representatives. Commented on meeting with the Mayor and Councilmember Ricci along with Senator Eggman and staff to discuss issues in Modesto. Applauded Senator Eggman on her efforts and her ability to secure $5 million dollars in the State budget for City of Modesto.

Councilmember Madrigal concurred with Councilmember Ricci's comments on the homeless and safe parking and hopes to bring to Council for discussion. Attended the events of May the 4th be With You, National Day of Prayer with the Mayor, and an open house for a new downtown business. Discussed the Cinco de Mayo parade and excited attendance. Thanked all the volunteers, colleagues, and sponsorships towards the event. Discussed his attendance at the Victory Outreach Church BBQ at Caesar Chavez Park and the rewarding experience. Lastly, today is Mother's Day in Mexico and wished all the moms out there a Happy Mother's Day.

Mayor Zwahlen reported in addition to the events and legislative meetings reported, she spoke at the Business Women's Symposium with a large crowd of amazing women entrepreneurs. Discussed attendance at the Modesto Symphony as they are in the process of choosing a new Director/Conductor. Encouraged the public to attend as it was a great experience.

UNFINISHED BUSINESS

13. Resolution declaring the City Council's decision to fill the recent City Council vacancy by election during the November 2022 General Municipal Election when the voters of District 4 elect a candidate to a new four-year term starting in 2022 and ending in 2026, pursuant to City of Modesto Charter Section 702. (Funding Source: General Fund)
    - Resolution declaring the Council's decision to fill the recent City Council vacancy by election during the November 2022 General Municipal Election when the voters of District 4 elect a candidate to a new four-year term starting in 2022 and ending in 2026, pursuant to City of Modesto Charter Section 702 .

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Wright/Kenoyer; 4/2; Madrigal and Ricci Noes) Resolution 2022-223 declaring the Council's decision to fill the recent City Council vacancy by election during the November 2022 General Municipal Election when the voters of District 4 elect a candidate to a new four-year term starting in 2022 and ending in 2026, pursuant to City of Modesto Charter Section 702 .

Recessed at 6:54 pm.
Reconvened at 6:59 p.m.

14. Consider accepting the City of Modesto's Project Homekey 2.0 Grant Award of $1,724,157 for the project located at 112 James Street, approving a loan in an amount up to $200,000 in Permanent Local Housing Allocation (PLHA) Funds for Stanislaus Equity Partners to assist with the acquisition, $50,000 for staff activity, and authorizing the City Manager or his designee to execute the agreements, and amending the Fiscal Year 2021-2022 multi-year fund budget to establish a project for the Homekey 2.0 Program to be funded with HCD Homekey 2.0 Grant funds and PLHA Grant funds. (Funding Source: Homekey 2.0 Funds and Permanent Local Housing Allocation Funds)
    - Resolution accepting the City of Modesto's Project Homekey 2.0 Grant Award of $1,724,157 for the project located at 112 James Street, authorizing the City Manager, or his designee, to execute the related agreements.
    - Resolution rescinding Resolution 2022-077 and approves a loan to Stanislaus Equity Partners in an amount up to $200,000 in Permanent Local Housing Allocation (PLHA) Funds to assist with the rehabilitation of 112 James Street, $50,000 for staff activity delivery costs, and authorizing the City Manager or his designee to execute the agreements
    - Resolution rescinding Resolution 2022-078 and 2022-079 and amending the fiscal year 2021-2022 multi-year fund budget to establish a new project for the Homekey 2.0 program to be funded with Homekey 2.0 Grant funds and PLHA Grant funds and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Madrigal/Escutia-Braaton; 6/0) Resolution 2022-224 accepting the City of Modesto's Project Homekey 2.0 Grant Award of $1,724,157 for the project located at 112 James Street, authorizing the City Manager, or his designee, to execute the related agreements.

ACTION: (Madrigal/Escutia-Braaton; 6/0) Resolution 2022-225 rescinding Resolution 2022-077 and approves a loan to Stanislaus Equity Partners in an amount up to $200,000 in Permanent Local Housing Allocation (PLHA) Funds to assist with the rehabilitation of 112 James Street, $50,000 for staff activity delivery costs, and authorizing the City Manager or his designee to execute the agreements

ACTION: (Madrigal/Escutia-Braaton; 6/0) Resolution 2022-226 rescinding Resolution 2022-078 and 2022-079 and amending the fiscal year 2021-2022 multi-year

fund budget to establish a new project for the Homekey 2.0 program to be funded with Homekey 2.0 Grant funds and PLHA Grant funds and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution

NEW BUSINESS

15. Consider approving the creation of a pilot program to allow the use of a shared mobility service of stand-up electric scooters in the City of Modesto and issuing a shared mobility (SM) permit to Bird Rides, Inc, with such terms and conditions defined by the operating agreement, and as determined necessary by the City Manager. (Funding Source: Not Applicable)
    - Resolution approving the creation of a pilot program to allow the use of a shared mobility service of stand-up electric scooters in the City of Modesto and issuing a shared mobility (SM) permit to Bird Rides, Inc, with such terms and conditions defined by the operating agreement, and as determined necessary by the City Manager, and authorizing the City Manager or designee to execute the Agreement.

    CED; Jaylen French, 209-341-2938, jfrench@modestogov.com

    ACTION: (Madrigal/Ricci; 2/4; Escutia-Braaton, Kenoyer, Wright and Zwahlen Noes) Resolution approving the creation of a pilot program to allow the use of a shared mobility service of stand-up electric scooters in the City of Modesto and issuing a shared mobility (SM) permit to Bird Rides, Inc, with such terms and conditions defined by the operating agreement, and as determined necessary by the City Manager, and authorizing the City Manager or designee to execute the Agreement; and amending the resolution revising the term of the pilot program to three (3) months. **MOTION FAILED**

    ACTION: (Madrigal/Ricci; 2/4; Escutia-Braaton, Kenoyer, Wright and Zwahlen Noes) Resolution approving the creation of a pilot program to allow the use of a shared mobility service of stand-up electric scooters in the City of Modesto and issuing a shared mobility (SM) permit to Bird Rides, Inc, with such terms and conditions defined by the operating agreement, and as determined necessary by the City Manager, and authorizing the City Manager or designee to execute the Agreement; and amending the resolution revising the term of the pilot program to one (1) month. **MOTION FAILED**

    ACTION: (Kenoyer/Wright; 4/2; Madrigal and Ricci Noes) Motion to not move forward with the pilot program at this time.

16. Consider accepting funds from the California Water and Wastewater Arrearage Payment Program (CWWAPP) for wastewater arrearage in an amount not to exceed $1,332,915, and approving participation in the California Department of Community Services and Development Low Income Household Water Assistance Program (LIHWAP); and amending the Fiscal Year 2021-22 Operating Program Budget in the amount of $1,332,915 in the Sewer Fund (4210) to recognize grant revenue from the State Water Resource Board – California Water and Wastewater Arrearage Payment

Program offsetting delinquent account balances for Sewer Utility Accounts. (Funding Source: Sewer Funds)

- Resolution accepting funds from the California Water and Wastewater Arrearage Payment Program (CWWAPP) for wastewater arrearage in an amount not to exceed $1,332,915 and approving participation in the California Department of Community Services and Development Low Income Household Water Assistance Program (LIHWAP).
- Resolution amending the Fiscal Year 2021-22 Operating Program Budget in the amount of $1,332,915 in the Sewer Fund (4210) to recognize grant revenue from the State Water Resource Board – California Water and Wastewater Arrearage Payment Program offsetting delinquent account balances for Sewer Utility Accounts.

FINANCE DEPARTMENT; Jennifer Martin, 209-571-5892, jmartin@modestogov.com

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-227 accepting funds from the California Water and Wastewater Arrearage Payment Program (CWWAPP) for wastewater arrearage in an amount not to exceed $1,332,915 and approving participation in the California Department of Community Services and Development Low Income Household Water Assistance Program (LIHWAP).

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-228 amending the Fiscal Year 2021-22 Operating Program Budget in the amount of $1,332,915 in the Sewer Fund (4210) to recognize grant revenue from the State Water Resource Board – California Water and Wastewater Arrearage Payment Program offsetting delinquent account balances for Sewer Utility Accounts.

17. Consider and review the Draft Budget as submitted by the City Manager with the Mayor's Final Budget Modifications and combining the documents into the Proposed Budget for Fiscal Year 2022-23, and noticing a public hearing to be held on June 7, 2022 for Council's consideration and adoption of the Fiscal Year 2022-23 Proposed Budget and related actions. (Funding Source: All City Funds)

    - Resolution combining the City Manager's Draft Budget and the Mayor's Final Budget Modifications into the Proposed Budget for Fiscal Year 2022-23, and noticing a public hearing to be held on June 7, 2022 for Council's consideration and adoption of the Fiscal Year 2022-23 Proposed Budget and related actions.

FINANCE; Stephan Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-229 combining the City Manager's Draft Budget and the Mayor's Final Budget Modifications into the Proposed Budget for Fiscal Year 2022-23, and noticing a public hearing to be held on June 7, 2022 for Council's consideration and adoption of the Fiscal Year 2022-23 Proposed Budget and related actions.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:32 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:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, May 23, 2022 at 3:00 PM

Roll Call: Present: Vice-Chair Escutia-Braaton, Member Kenoyer, and Chair Wright
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-7 (Escutia-Braaton/Wright; 3/0)

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 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: (Escutia-Braaton/Wright; 3/0) Motion to consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider accepting an informational report on the January and February 2022 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: (Escutia-Braaton/Wright; 3/0) Motion to consider accepting an informational report on the January and February 2022 grant applications and awards and forwarding to Council for approval.

3. Consider accepting a report on upcoming vehicle replacements and new additions planned for bidding. (Funding Source: Various Funds)
FINANCE DEPARTMENT; Cynthia Kline, 209-571-5175, ckline@modestogov.com

   ACTION: (Escutia-Braaton/Wright; 3/0) Motion to consider accepting a report on upcoming vehicle replacements and new additions planned for bidding.

4. Consider approving a First Amendment with Ferguson Waterworks for the Purchase of Circle Clamps, Gaskets, Pipe Couplings, Tapping Sleeves and Sewer Materials for a revised estimated annual amount of $340,000 to $575,000 and a total revised amount not to exceed from $1,700,000 to $2,405,000 over five (5) years, and authorizing the Director of Finance, or her designee, the ability to add parts based on the department's needs, ensuring the total cost does not exceed the authorized amount, and forwarding to Council for approval. (Funding Source: Water Fund)
FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

   ACTION: (Escutia-Braaton/Wright; 3/0) Motion to consider approving a First Amendment with Ferguson Waterworks for the Purchase of Circle Clamps, Gaskets, Pipe Couplings, Tapping Sleeves and Sewer Materials for a revised estimated annual amount of $340,000 to $575,000 and a total revised amount not to exceed from $1,700,000 to $2,405,000 over five (5) years, and authorizing the Director of Finance, or her designee, the ability to add parts based on the department's needs, ensuring the total cost does not exceed the authorized amount, and forwarding to Council for approval.

5. Consider approving the First Amendment increasing the Agreement amount with the Public Group aka Public Surplus for the furnishing of online auction services by $12,000 annually from $18,000 to a revised annual estimated amount of $30,000 and for a revised total amount not to exceed $114,000 over five years and forwarding to Council for approval. (Funding Source: Various Funds)
FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

   ACTION: (Escutia-Braaton/Wright; 3/0) Motion to consider approving the First Amendment increasing the Agreement amount with the Public Group aka Public Surplus for the furnishing of online auction services by $12,000 annually from $18,000 to a revised annual estimated amount of $30,000 and for a revised total amount not to exceed $114,000 over five years and forwarding to Council for approval.

6. Consider rejecting all bids received for Request for Bid No. 2122-23 for Building Intrusion Alarm Services, and authorizing staff to re-evaluate and re-issue at a future date and forwarding to Council for approval. (Funding Source: Various Funds)
PUBLIC WORKS; Patrick Crowley, 209-402-6812, pcrowley@modestogov.com

   ACTION: (Escutia-Braaton/Wright; 3/0) Motion to consider rejecting all bids received for Request for Bid No. 2122-23 for Building Intrusion Alarm Services, and authorizing staff to re-evaluate and re-issue at a future date and forwarding to Council for approval.

7. Consider approving a Second Amendment to the Site Lease Agreement with New Cingular Wireless PCS, LLC for Cell Tower Site at the Utilities Water Tank Site for an additional five year term, with up to four additional five year terms and forward to Council for approval. (Funding Source: Water Fund)

UTILITIES; Jesse Franco, 209-571-5175, jfranco@Modestogov.com

ACTION: (Escutia-Braaton/Wright; 3/0) Motion to consider approving a Second Amendment to the Site Lease Agreement with New Cingular Wireless PCS, LLC for Cell Tower Site at the Utilities Water Tank Site for an additional five-year term, with up to four additional five year terms and forward to Council for approval.

UNFINISHED BUSINESS

8. Consider accepting "SB 1383 Collection Program and Compliance Options" report, accepting the recommended waste collection method therein, and forwarding to Council for approval. (Funding Source: Solid Waste Fund, Compost Fund)
PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: (Escutia-Braaton/Wright; 2/0; Kenoyer Absent) Motion to consider accepting "SB 1383 Collection Program and Compliance Options" report, accepting the recommended waste collection method therein, and forwarding to Council for approval.

NEW BUSINESS

9. Consider approving the Award of Proposal and Agreement for Workers' Compensation Claims Management Services to Athens Administrators, Inc., Concord, California, for a two-year Agreement with three, one-year extension options, for an estimated annual amount of $480,430 and a total amount not to exceed $2,511,820 over five years; and forwarding to Council for approval. (Funding Source: Workers' Compensation Fund)
HUMAN RESOURCES; Joe Rodriguez, 209-577-5446, jrodriguez@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider approving the Award of Proposal and Agreement for Workers' Compensation Claims Management Services to Athens Administrators, Inc., Concord, California, for a two-year Agreement with three, one-year extension options, for an estimated annual amount of $480,430 and a total amount not to exceed $2,511,820 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, May 24, 2022 at 5:30 PM

Roll Call - Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Mark Krieger, Modesto Covenant Church

City Clerk's Announcements City Clerk reported, 1) No email correspondence was received and 2) Item 1 Appointments to the Standing Committees and City Council Liaison Committees has been amended to include Councilmember Rosa Escutia-Braaton and Mayor Sue Zwahlen as Alternates to the StanCOG Executive Committee.

Declaration of Conflicts of Interest - Councilmember Ricci recused himself from item 6.

Reports from Closed Session - City Attorney Sanchez reported that no reportable action was taken.

MISCELLANEOUS

1. Consider approving the Mayor's appointments to the City of Modesto Standing Committees, and City Council Liaison Committees. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Motion approving the appointments to the Standing Committees and City Council Liaison Committees.

   CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

   ACTION: (Wright/Escutia-Braaton; 6/0) Motion approving the appointments to the Standing Committees and City Council Liaison Committees.

2. Consider accepting the resignation of Lynn Dickerson from the City's Blight Abatement Advisory Committee. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution accepting the resignation of Lynn Dickerson from the City of Modesto Blight Abatement Advisory Committee.

   CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-230 accepting the resignation of Lynn Dickerson from the City of Modesto Blight Abatement Advisory Committee.

3. Consider approving the appointment of Matthew Speckman to the Stanislaus Animal Services Agency Advisory Committee. (Funding Source: Not Applicable)
Staff Recommendation:
    - Resolution approving the appointment of Matthew Speckman to the Stanislaus Animal Services Agency Advisory Committee for a 2-year term beginning June 1, 2022.

CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-231 approving the appointment of Matthew Speckman to the Stanislaus Animal Services Agency Advisory Committee for a 2-year term beginning June 1, 2022.

PUBLIC COMMENT PERIOD

- Jeremiah Williams asked for a moment of silence in honor of the recent passing of Sean Harrison.

- Bret Burnside, from the Modesto Kiwanis thanked Council for their support with the Graffiti Parade.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4, 5, 7-14: (Kenoyer/Wright; 6/0)

CONSENT ITEMS

Consent

4. Consider approving the minutes from the May 10, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the May 10, 2022 Council Meeting.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Motion approving the minutes from the May 10, 2022 Council Meeting.

Consent

5. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-232 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Removed from Consent

6. Consider approving the First Amendment with TBWBH Props & Measures, San Francisco, CA for City of Modesto Professional Polling/Public Opinion Research Services, increasing the scope of services to include Task 2 to increase the Agreement by $114,634 including a 5% contingency, from $49,263 for a new estimated total amount not to exceed $163,897. (Funding Source: General Fund)
    - Resolution approving the First Amendment with TBWBH Props & Measures, San Francisco, CA for City of Modesto Professional Polling/Public Opinion Research Services, increasing the scope of services to include Task 2 to increase the Agreement by $114,634 including a 5% contingency, from $49,263 for a new estimated total not to exceed an amount of $163,897 and authorizing the City Manager, or his designee, to execute the Amendment.

    FIANANCE; Steve Christensen, 209-577-5390, schristensen@modestogov.com

    ACTION: (Kenoyer/Wright; 5/0; Ricci Recuse) Resolution 2022-233 approving the First Amendment with TBWBH Props & Measures, San Francisco, CA for City of Modesto Professional Polling/Public Opinion Research Services, increasing the scope of services to include Task 2 to increase the Agreement by $114,634 including a 5% contingency, from $49,263 for a new estimated total not to exceed an amount of $163,897 and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

7. Consider approving an Equipment Use and Broadcasting Agreement with Central Valley Media Center MyTV26 for the purchase and lease of a TelVue HyperCaster AIO B2000-4+ Digital Broadcast Server from TelVue Corporation, for an amount of $33,236 plus $3,324 in contingency for a total amount not to exceed $36,560, amending the Fiscal Year 2021-22 Annual Operating Budget to increase the expenditure budget in the Public Educational and Governmental Fund cost center in the amount of $36,560 to fund the purchase of the server and authorizing the City Manager to negotiate and execute the final terms of the Agreement with Central Valley Media MyTV26. (Funding Source: Public, Education, and Government (PEG) Funds)
    - Resolution approving an Equipment Use and Broadcasting Agreement with Central Valley Media Center MyTV26 for the purchase and lease of a TelVue HyperCaster AIO B2000-4+ Digital Broadcast Server from TelVue Corporation, for an amount of $33,236 plus $3,324 in contingency for a total amount not to exceed $36,560, and authorizing the City Manager to negotiate and execute the final terms of the Agreement with Central Valley Media MyTV26.
    - Resolution amending the Fiscal Year 2021-22 Annual Operating Budget to increase the expenditure budget in the Public Educational and Governmental

Fund cost center in the amount of $36,560 to fund the purchase of the server and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

FINANCE; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-234 approving an Equipment Use and Broadcasting Agreement with Central Valley Media Center MyTV26 for the purchase and lease of a TelVue HyperCaster AIO B2000-4+ Digital Broadcast Server from TelVue Corporation, for an amount of $33,236 plus $3,324 in contingency for a total amount not to exceed $36,560, and authorizing the City Manager to negotiate and execute the final terms of the Agreement with Central Valley Media MyTV26.

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-235 amending the Fiscal Year 2021-22 Annual Operating Budget to increase the expenditure budget in the Public Educational and Governmental Fund cost center in the amount of $36,560 to fund the purchase of the server and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

Consent

8. Consider amending the City's Community Facilities Districts (CFDs) Policies and Procedures; authorizing the City Council to establish inter-fund loans from the General Fund up to $450,000 for the formation of future City CFDs; and authorizing the City Manager to carry out the necessary budget adjustments to implement the inter-fund loans for CFD formations up to the total amount of $450,000 to implement the action authorized by the City Council (Funding Source: General Fund)

    - Resolution amending the City's Community Facilities Districts (CFDs) Policies and Procedures, authorizing the City Council to establish inter-fund loans from the General Fund up to $450,000 for the formation of future City CFDs; and authorizing the City Manager to carry out the necessary budget adjustments to implement the inter-fund loans for CFD formations up to the total amount of $450,000 to implement the action authorized by the City Council.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-236 amending the City's Community Facilities Districts (CFDs) Policies and Procedures, authorizing the City Council to establish inter-fund loans from the General Fund up to $450,000 for the formation of future City CFDs; and authorizing the City Manager to carry out the necessary budget adjustments to implement the inter-fund loans for CFD formations up to the total amount of $450,000 to implement the action authorized by the City Council.

Consent

9. Consider approving the Award of Proposal and Agreement for Community Facilities Districts (CFDs) Administration Services to Goodwin Consulting Group, for a two-year Agreement with three one-year extension options, for an annual estimated amount

of $90,000 and a total amount not to exceed $450,000 over five years. (Funding Source: Various Community Facilities Districts)

- Resolution approving the Award of Proposal and Agreement for Community Facilities Districts (CFDs) Administration Services to Goodwin Consulting Group, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $90,000 and a total amount not to exceed $450,000 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-237 approving the Award of Proposal and Agreement for Community Facilities Districts (CFDs) Administration Services to Goodwin Consulting Group, for a two-year Agreement with three one-year extension options, for an annual estimated amount of $90,000 and a total amount not to exceed $450,000 over five years, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider approving a two-year Agreement with Stanislaus County Behavioral Health and Recovery Services for the provision of a series of 40-hour Crisis Intervention and De-Escalation Training classes for an amount not to exceed $116,800. (Funding Source: Grants - Police)

    - Resolution approving a two-year Agreement with Stanislaus County Behavioral Health and Recovery Services for the provision of a series of 40-hour Crisis Intervention and De-Escalation Training classes for an amount not to exceed $116,800, and authorizing the City Manager, or his designee, to execute the Agreement.

    POLICE DEPARTMENT; Chris Adams, 209-572-9500, adamsc@modestopd.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-238 approving a two-year Agreement with Stanislaus County Behavioral Health and Recovery Services for the provision of a series of 40-hour Crisis Intervention and De-Escalation Training classes for an amount not to exceed $116,800, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider approving the addition of the Sacramento Police Academy to the agencies authorized to furnish Police Officer Standards and Training Academy services and increase the estimated annual cost by $25,000 to a new total of $125,000 and the total amount not to exceed to $625,000 over five years, and rescinding Resolution No. 2021-066. (Funding Source: General Fund)

    - Resolution approving the addition of the Sacramento Police Academy to the agencies authorized to furnish Police Officer Standards and Training Academy services and increase the estimated annual cost by $25,000 to a new total of $125,000, and the total amount not to exceed to $625,000 over five years, and rescinding Resolution No. 2021-066.

    POLICE DEPARTMENT; Chris Adams, 209-572-9500, adamsc@modestopd.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-239 approving the addition of the Sacramento Police Academy to the agencies authorized to furnish Police Officer Standards and Training Academy services and increase the estimated annual cost by $25,000 to a new total of $125,000, and the total amount not to exceed to $625,000 over five years, and rescinding Resolution No. 2021-066.

Consent

12. Consider approving the City's sponsorship of the 23rd Annual 2022 North Modesto Kiwanis Graffiti Parade and Car Show, including the waiver of City permit fees, Police Department overtime and vehicle costs, and Streets Division labor and equipment costs at an estimated cost of $82,430. (Funding Source: Surface Transportation Fund and General Fund)
    - Resolution approving the City of Modesto sponsorship of the 23rd Annual 2022 North Modesto Kiwanis Graffiti Parade and Car show, including a waiver of City permit fees, Police Department overtime and vehicle costs, and Streets Division labor and equipment costs at an estimated total cost of $82,430, and authorizing the City Manager, or his designee, to execute any documents necessary related to the sponsorship.

    PUBLIC WORKS; Steve Fischio, 209-342-2222, sfischio@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-240 approving the City of Modesto sponsorship of the 23rd Annual 2022 North Modesto Kiwanis Graffiti Parade and Car show, including a waiver of City permit fees, Police Department overtime and vehicle costs, and Streets Division labor and equipment costs at an estimated total cost of $82,430, and authorizing the City Manager, or his designee, to execute any documents necessary related to the sponsorship.

Consent

13. Consider accepting the Del Rio Well 70 (Replacing Well 271) Surface Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,444,787 to Conco-West, Inc., of Manteca, California. (Funding Source: Water Fund-CIP)
    - Resolution accepting the Del Rio Well 70 (Replacing Well 271) Surface Improvements as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,444,787 to Conco-West, Inc. of Manteca, CA.

    UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-241 accepting the Del Rio Well 70 (Replacing Well 271) Surface Improvements as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $2,444,787 to Conco-West, Inc. of Manteca, CA.

Consent

14. Consider accepting the Rebid Codoni Lift Station Force Main Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $242,334 to Rolfe Construction Company, Inc., of Atwater, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the Rebid Codoni Lift Station Force Main Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $242,334 to Rolfe Construction Company, Inc., of Atwater, CA.

    UTILITIES; Jesse Franco, 209-571-5175, jfranco@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-242 accepting the Rebid Codoni Lift Station Force Main Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $242,334 to Rolfe Construction Company, Inc., of Atwater, CA.

COUNCIL COMMENTS & REPORTS

Vice Mayor Wright reported on the great time had this Sunday afternoon at the City's annual Porchfest. It was a great event with good music at many neighborhoods. He thanked those that help with the event. He also attended the Special Olympics with the Mayor and wanted to recognize Sean Hicks, representing Stanislaus County who made state finals.

Councilmember Ricci also commented on the annual Porchfest event. It was a great event that showcases Modesto and it's the kind of event the City should be promoting. He also spoke about the homeless situation and that they have to try new strategies to address homelessness.

Councilmember Escutia-Braaton reported that last week she attended the Mayor in the Park event that was held in her District. The Mayor is hosting Mayor in the Park events throughout the City. The Parks and Recreation Department was highlighted at the recent event. Helmets, t-shirts and popcorn were distributed and community members were able to ask questions about the many parks in Modesto. She also reported, that as a member of StanCOG she attended a California Transportation Commission Meeting (CTC). She reported on the role and importance of the CTC.

Mayor Zwahlen commented on the Mayor in the Park event. She thanked Safe Kids Stanislaus for providing and distributing free helmets. The goal of Safe Kids Stanislaus is dedicated to the prevention of unintentional childhood accidents. She also attended the Special Olympics at Gregory High and the Miracle League at Big Valley Grace that is designed for children with special needs. It was inspiring to watch the children participate and the joy they expressed.

Councilmember Madrigal reported on attending the League of California Cities – Central Valley Board Meeting where a vote was taken to consider endorsing or not the California Plastic Pollution Reduction and Recycling Act ballot measure. He also reported on attending the Forward Together Community Meeting at King Kennedy Memorial Center in West Modesto. There was good community input and stated he would like to see more of those meetings in English and Spanish as well as other languages.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez introduced and welcomed the City's New Chief Information Officer - Scott Conn. He also acknowledged Kevin Harless who did a great job as the interim.

HEARINGS

Published in the Modesto Bee on May 9, 2022

15. Hearing to consider approving a Capital Facilities Fees Exemption Agreement, in the amount of $62,100, with Stanislaus County Affordable Housing Corporation (STANCO) for a six-unit project located at 835 California Avenue. (Funding Source: Capital Facilities Fees Fund)
    - Resolution approving a Capital Facilities Fees Exemption Agreement, in the amount of $62,100, with Stanislaus County Affordable Housing Corporation for the six-unit project located at 835 California Avenue, and authorizing the City Manager, or his designee, to execute the Agreement.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Escutia-Braaton/Wright; 6/0) Resolution 2022-243 approving a Capital Facilities Fees Exemption Agreement, in the amount of $62,100, with Stanislaus County Affordable Housing Corporation for the six-unit project located at 835 California Avenue, and authorizing the City Manager, or his designee, to execute the Agreement.

Published in Modesto Bee on May 9, 2022.

16. Hearing to consider approving the City of Modesto HOME-American Rescue Plan (ARP) as the Program Year 2021-2022 Annual Action Plan Amendment #1, accepting the HOME-ARP grant in the amount of $3,409,774, and amending the Fiscal Year 2021-2022 Multi-Year Fund Budget to program the HOME-ARP grant funds awarded to the City of Modesto. (Funding Source: HOME-ARP Grant Funds)
    - Resolution approving the City of Modesto HOME-American Rescue Plan as the Program Year 2021-2022 Annual Action Plan Amendment #1 and accepting the HOME-ARP grant in the amount of $3,409,774, and authorizing the City Manager, or his designee, to negotiate and execute any forms related to the acceptance of this grant.
    - Resolution amending the Fiscal Year 2021-2022 Multi-Year Fund Budget, amending the allocation of American Rescue Plan Act of 2021 HOME grant funds in the amount of $3,409,774 with the appropriate revenue and expenditure allocations and authorizing the City Manager, or his designee to accept the Federal Grant Funds and to take the necessary steps to implement the provisions of this resolution.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Wright/Ricci; 6/0) Resolution 2022-244 approving the City of Modesto HOME-American Rescue Plan as the Program Year 2021-2022 Annual Action Plan Amendment #1 and accepting the HOME-ARP grant in the amount of $3,409,774, and authorizing the City Manager, or his designee, to negotiate and execute any forms related to the acceptance of this grant.

ACTION: (Wright/Ricci; 6/0) Resolution 2022-245 amending the Fiscal Year 2021-2022 Multi-Year Fund Budget, amending the allocation of American Rescue Plan Act of 2021 HOME grant funds in the amount of $3,409,774 with the appropriate revenue and expenditure allocations and authorizing the City Manager, or his designee to accept the Federal Grant Funds and to take the necessary steps to implement the provisions of this resolution.

Published in the Modesto Bee on April 24, 2022.

17. Hearing to approve the City of Modesto Program Year 2022-2023 Annual Action Plan and amending the City of Modesto's Fiscal Year 2022-2023 annual operating, multi-year and capital improvement project budgets to reflect the allocation of funds outlined in the program year 2022-2023 Annual Action Plan. (Funding Source: Community Development Block Grant, HOME Investment Partnerships and Emergency Solutions Grant Funds)
    - Resolution approving the City of Modesto Program Year 2022-2023 Annual Action Plan for use of Community Development Block Grant Programs, Emergency Solutions Grant, and HOME Investment Partnerships Program funding received from the U.S. Department of Housing and Urban Development and authorizing the City Manager, or his designee, to negotiate and execute any related program Agreements, contracts or other documentation required for implementation of the Program Year 2022-2023 Annual Action Plan, and authorizing the City Manager to submit applicable documentation and provide technical alterations, as required by HUD, incorporate comments received prior to the close of the public comment period, and to make the necessary steps to implement the provision of this resolution.
    - Resolution approving the allocation of funds outlined in the program year 2022-2023 Annual Action Plan budget to reflect 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.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Ricci/Wright; 6/0) Resolution 2022-246 approving the City of Modesto Program Year 2022-2023 Annual Action Plan for use of Community Development Block Grant Programs, Emergency Solutions Grant, and HOME Investment Partnerships Program funding received from the U.S. Department of Housing and Urban Development and authorizing the City Manager, or his designee, to negotiate and execute any related program Agreements, contracts or other documentation required for implementation of the Program Year 2022-2023 Annual Action Plan, and authorizing the City Manager to submit applicable documentation and provide

technical alterations, as required by HUD, incorporate comments received prior to the close of the public comment period, and to make the necessary steps to implement the provision of this resolution.

ACTION: (Ricci/Wright; 6/0 Resolution 2022-247 approving the allocation of funds outlined in the program year 2022-2023 Annual Action Plan budget to reflect 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.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6.23 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 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:_____

Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference
Modesto, California

Monday, June 06, 2022 at 5:30 PM

Roll Call: Present: Member Wright, Chair Zwahlen
Absent: Vice-Chair Ricci
Also Present: Member Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEMS 1-5: (Wright/Kenoyer;3/0)

CONSENT

Consent

1. Consider approving a Second Amendment to extend the project from November 01, 2019 to December 31, 2022, for the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project, and forwarding to Council for approval. (Funding Source: Not Applicable)
   CED; John Rawles, 209-577-5253, jrawles@modestogov.com

   ACTION: (Wright/Kenoyer; 3/0) Motion to consider approving a Second Amendment to extend the project from November 01, 2019 to December 31, 2022, for the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project, and forwarding to Council for approval.

Consent

2. Consider approving the Award of Bid and Agreement for the Furnishing of Digester Cleaning Services to Wastewater Solids, Yachats, OR, for an estimated annual amount of $47,690, and a total amount not to exceed $322,663 over five years and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   UTILITIES; Ben Koehler, 209-342-4502, bkoehler@modestogov.com

ACTION: (Wright/Kenoyer; 3/0) Motion to consider approving the Award of Bid and Agreement for the Furnishing of Digester Cleaning Services to Wastewater Solids, Yachats, OR, for an estimated annual amount of $47,690, and a total amount not to exceed $322,663 over five years and forwarding to Council for approval.

Consent

3. Consider approving the Award of Bid and Agreement for Pump Efficiency Testing Services to Pumping Efficiency Testing Services, LLC, Sebastopol, CA, for a two-year Agreement with three one-year extension options, for an estimated annual amount of $40,000, and a total amount not to exceed $200,000 over five years, and forwarding to Council for approval. (Funding Source: Water Fund)
   UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

   ACTION: (Wright/Kenoyer; 3/0) Motion to consider approving the Award of Bid and Agreement for Pump Efficiency Testing Services to Pumping Efficiency Testing Services, LLC, Sebastopol, CA, for a two-year Agreement with three one-year extension options, for an estimated annual amount of $40,000, and a total amount not to exceed $200,000 over five years, and forwarding to Council for approval.

Consent

4. Consider approving a Sole Source Purchase Agreement with APG-Neuros, Blainville, Quebec, Canada, for the Procurement of Flow Meters and Parts for an estimated annual amount of $150,000 and a total amount not to exceed $750,000 over five years, and authorizing the Director of Finance, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total, and forwarding to Council for approval. (Funding Source: Wastewater Fund)
   UTILITIES; Monte Hamilton, 209-342-4505, mhamilton@modestogov.com

   ACTION: (Wright/Kenoyer; 3/0) Motion to consider approving a Sole Source Purchase Agreement with APG-Neuros, Blainville, Quebec, Canada, for the Procurement of Flow Meters and Parts for an estimated annual amount of $150,000 and a total amount not to exceed $750,000 over five years, and authorizing the Director of Finance, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total, and forwarding to Council for approval.

Consent

5. Consider approving a First Amendment to the Citywide Agreement with C.H.W. Enterprises, Inc., DBA Industrial Electrical Machinery, Visalia, CA, for the Furnishing of Electric Motor Rewind/Rebuild Services, increasing the annual amount by $243,196 from $124,304 for a new estimated annual amount of $367,500 and a new total amount not to exceed $1,705,568 over five years, and forwarding to Council for approval. (Funding Source: Various Funds)
   UTILITIES; Monte Hamilton, 209-342-4505, mhamilton@modestogov.com

ACTION: (Wright/Kenoyer; 3/0) Motion to consider approving a First Amendment to the Citywide Agreement with C.H.W. Enterprises, Inc., DBA Industrial Electrical Machinery, Visalia, CA, for the Furnishing of Electric Motor Rewind/Rebuild Services, increasing the annual amount by $243,196 from $124,304 for a new estimated annual amount of $367,500 and a new total amount not to exceed $1,705,568 over five years, and forwarding to Council for approval.

NEW BUSINESS

6. Consider approving and certifying an update to the City of Modesto Sewer System Management Plan, and forwarding to Council for approval. (Funding Source: Wastewater Fund)
UTILITIES; Robert Englent, 209-577-6222, renglent@modestogov.com

ACTION: (Wright/Kenoyer; 3/0) Motion to consider approving and certifying an update to the City of Modesto Sewer System Management Plan, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:44 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, June 07, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal (arrived 5:36 PM), Ricci, Wright, Zoslocki, Mayor Zwahlen

Pledge of Allegiance to the Flag

City Clerk's Announcements: City Clerk reported 1) No email correspondence was received and 2) Public Comment is limited to three minutes and blue speaker cards are located in the Lobby of our Council Chambers.

Declaration of Conflicts of Interest: None

Reports from Closed Session: Mayor Zwahlen reported City Council has concluded the performance evaluation of the City Attorney. Council unanimously noted City Attorney Sanchez is delivering outstanding City Attorney services. Mayor Zwahlen thanked City Attorney Sanchez for the services.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring June 2022 as Men's Health Month. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen read the Proclamation into the record declaring June 2022 as Men's Health Month.

2. Presentation of Proclamation declaring June 2022 as Pride Month. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented Proclamation declaring June 2022 as Pride Month.

PUBLIC COMMENT PERIOD

- Louisa Bryant spoke regarding her Mold Inspection Report. She requested assistance with the issue, and provided Council with 12 page copy of a mold report. She stated she was denied the opportunity to be relocated and her health

has suffered due to mold exposure. Mayor Zwahlen referred the matter to Scotty Douglass, Deputy City Manager, to follow-up.

- Emerson Drake stated that he attended a recent MID Meeting where John Mensinger spoke about the Modesto Water Treatment plants. He spoke about concerns regarding the distribution system, sewer and garbage rates and where the fees will be distributed to, and communication with the public on the water issues.

- Howard Carman spoke about Covid and the lack of testing protocol with the Street Team services. He spoke about concerns over funding for Covid testing and the need and want for the Street Team to go back to work. Mayor Zwahlen referred the matter to Scotty Douglass and Allison Van Guilder to answer his questions. Vice Mayor Wright reiterated that it would be worked on the following morning.

- Ramon Rodriguez spoke about the homeless camps and asked for affordable housing in a formal municipal park. He would like to see affordable housing units that combines with the parks.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 3-9, 11-15, 17: (Wright/Kenoyer; 6/0)

CONSENT ITEMS

Consent
3. Consider approving the minutes from the May 24, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the May 24, 2022 Council Meeting.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Wright/Kenoyer; 6/0) Motion approving the minutes from the May 24, 2022 Council Meeting.

Consent
4. Consider calling for the holding of a Municipal Election to be held on November 8, 2022, requesting the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Municipal Election to be held on November 8, 2022, 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 adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an Election to be held on Tuesday, November 8, 2022. (Funding Source: Election Fund)
    - Resolution of the City of Modesto calling for the holding of a Municipal Election to be held on November 8, 2022, requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Municipal

Election to be held on November 8, 2022, 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 adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be held on Tuesday, November 8, 2022.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-248 of the City of Modesto calling for the holding of a Municipal Election to be held on November 8, 2022, requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Municipal Election to be held on November 8, 2022, 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: (Wright/Kenoyer; 6/0) Resolution 2022-249 adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be held on Tuesday, November 8, 2022.

Consent

5. Consider receiving the 2022 Local Agency Biennial Notice and directing staff to conduct a review of the City's Conflict of Interest Code and the filing of a Biennial Notice with the City Clerk regarding such review, as required by the Political Reform Act. (Funding Source: Not Applicable)

    - Motion directing staff to make a formal review of the City's Conflict of Interest Code, pursuant to the Political Reform Act, and if necessary at the appropriate time thereafter, prepare a resolution to be adopted by the City Council to approve any required amendments.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Motion directing staff to make a formal review of the City's Conflict of Interest Code, pursuant to the Political Reform Act, and if necessary at the appropriate time thereafter, prepare a resolution to be adopted by the City Council to approve any required amendments.

Consent

6. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)

    - Resolution amending the Fiscal Year 2021-22 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: (Wright/Kenoyer; 6/0) Resolution 2022-250 amending the Fiscal Year 2021-22 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

7. Consider acknowledging Receipt of Notification of the Annual Inflationary Adjustment for Capital Facilities Fees and Development User Fees Fiscal Year 2022-23. (Funding Source: Capital Facilities Fees and Development User Fees)
    - Resolution acknowledging Receipt of Notification of the Annual Inflationary Adjustment for Capital Facilities Fees and Development User Fees Fiscal Year 2022-23.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-251 acknowledging Receipt of Notification of the Annual Inflationary Adjustment for Capital Facilities Fees and Development User Fees Fiscal Year 2022-23.

Consent

8. Consider approving the updates to the City's Debt Management Policy. (Funding Source: Not Applicable)
    - Resolution approving the updates to the City's Debt Management Policy.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-252 approving the updates to the City's Debt Management Policy.

Consent

9. Consider accepting the Monthly Investment Report for March 2022. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for March 2022.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Motion accepting the Monthly Investment Report for March 2022.

Removed from Consent

10. Consider accepting an informational report for the April 2022 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the April 2022 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0) Motion accepting an informational report for the April 2022 Accounts Payable Payment Register and Void report.

Consent

11. Consider accepting an informational report on the January and February 2022 grant applications and awards. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the January and February 2022 grant applications and awards.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Motion accepting an informational report for the January and February 2022 grant applications and awards.

Consent

12. Consider approving the Fiscal Year 2022-2023 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 2022-2023 annual budget.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-253 establishing the appropriation limit for the Fiscal Year 2022-2023 annual budget.

Consent

13. Consider approving the First Amendment increasing the Agreement amount with the Public Group aka Public Surplus for the Furnishing of Online Auction Services by $12,000 annually from $18,000 to a revised annual estimated amount of $30,000 and for a revised total amount not to exceed of $114,000 over five years. (Funding Source: Various Funds)
    - Resolution approving the First Amendment increasing the Agreement amount with the Public Group aka Public Surplus for the Furnishing of Online Auction Services by $12,000 annually from $18,000 to a revised amount estimated amount of $30,000 and for a revised total amount not to exceed $114,000 over five years and authorizing the City Manager or his designee to execute the amendment.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-254 approving the First Amendment increasing the Agreement amount with the Public Group aka Public Surplus for the Furnishing of Online Auction Services by $12,000 annually from $18,000 to a revised amount estimated amount of $30,000 and for a revised total amount not to exceed $114,000 over five years and authorizing the City Manager or his designee to execute the amendment.

Consent

14. Consider approving payment of various Equipment Maintenance Agreements for Fiscal Year 2022-2023 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $706,022; and authorizing the City Manager, or his designee to execute Equipment Maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2022-2023 Equipment Maintenance Agreements (more than $50,000). (Funding Source: Various Funds)
    - Resolution approving payment of various Equipment Maintenance Agreements for Fiscal Year 2022-2023 with multiple equipment manufacturers for all City Departments, for an annual estimated cost not to exceed $706,022; and authorizing the City Manager, or his designee, to execute Equipment Maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2022-2023 Equipment Maintenance Agreements (more than $50,000).

    FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-255 approving payment of various Equipment Maintenance Agreements for Fiscal Year 2022-2023 with multiple equipment manufacturers for all City Departments, for an annual estimated cost not to exceed $706,022; and authorizing the City Manager, or his designee, to execute Equipment Maintenance Agreements associated with the items in Exhibit B – Fiscal Year 2022-2023 Equipment Maintenance Agreements (more than $50,000).

Consent

15. Consider approving the payment of Hardware and Software Maintenance Support Agreements for Fiscal Year 2022-2023 for an estimated annual cost not to exceed $6,282,787; 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 2022-2023 (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 2022-2023 for an estimated annual cost not to exceed $6,282,787; and to authorize the City Manager, or his designee to execute routine Renewal Agreements associated with Exhibit B.

    IT; Kevin Harless, 209-571-5593, kharless@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-256 approving the payment of Hardware and Software Maintenance Support Agreements for Fiscal Year 2022-2023 for an estimated annual cost not to exceed $6,282,787; and to authorize the City Manager, or his designee to execute routine Renewal Agreements associated with Exhibit B.

Removed from Consent

16. Consider approving the Sole Source Purchase Order with StarChase for 25 Global Positioning System tracking units for law enforcement use for a total cost not to exceed $161,698. (Funding Source: Traffic Safety Fund)
    - Resolution approving the Sole Source Purchase Order with StarChase for 25 Global Positioning System tracking units for law enforcement use for a total cost not to exceed $161,698; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

POLICE DEPARTMENT; Steven Stanfield, 209-572-9500, stanfields@modestopd.com

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-257 approving the Sole Source Purchase Order with StarChase for 25 Global Positioning System tracking units for law enforcement use for a total cost not to exceed $161,698; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

17. Consider approving an Agreement with National Plant Services, Inc., Hayward, CA, for Pipe Inspection and Assessment Services for the River Trunk Inspection and Assessment Project in the amount of $163,000, plus $16,300 for additional services, if needed, for a total amount not to exceed $179,300 and amending the FY 2021/22 Multi-Year Program Budget in the amount of $189,300. (Funding Source: Wastewater Fund)
    - Resolution approving an Agreement with National Plant Services, Inc., Hayward, CA, for Pipe Inspection and Assessment Services for the River Trunk Inspection and Assessment Project in the amount of $163,000 for the identified scope of services, plus $16,300 in additional services, if needed, for a total amount not to exceed $179,300 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2021/22 Multi-Year Program Budget in the amount of $189,300 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the River Trunk Inspection and Assessment Project.

UTILITIES; Robert Englent, 209-577-6222, renglent@modestogov.com

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-258 approving an Agreement with National Plant Services, Inc., Hayward, CA, for Pipe Inspection and Assessment Services for the River Trunk Inspection and Assessment Project in the amount of $163,000 for the identified scope of services, plus $16,300 in additional services, if needed, for a total amount not to exceed $179,300 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-259 amending the Fiscal Year 2021/22 Multi-Year Program Budget in the amount of $189,300 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the River Trunk Inspection and Assessment Project.

COUNCIL COMMENTS & REPORTS

Council Member Escutia-Braaton spoke about various Community Events that she attended that reminded her of the beauty of what is Modesto; highlighting the Assyrian Youth Celebration who give back to the community, a community event in support of Ukraine with other Council members, Latino Leadership initiative, Grand Opening of Dave and Busters. She encouraged the public to participate, and spoke of regrets not being at the First Friday that has returned but looking forward to the next one.

Council Member Ricci spoke regarding his attendance at the Ukraine community event along with other Council Members. He reminded the public of the local elections and casting your vote. Spoke about concern regarding the homeless issues and hopeful they can start the approval soon for safe parking. He also stated the Ranger Program will launch sometime this summer, and ishopeful they can continue expanding homeless assistant program to include a parks program to help clean up parks and restrooms. He also spoke about successes like the Kansas house, Clarion Workforce Housing Project, and services and shelter at Bavarian and Gospel Mission. He also stated the City is working on an Ordinance regarding abandoned commercial buildings. He also stated they are working on an Ordinance to help neighbors who have been impacted by auto inventory parked in front of houses.

Councilmember Kenoyer stated she regretted missing all of the openings as it was something she really enjoyed. She stated she was able to attend the Ukraine event and felt it was wonderful, and is looking forward to attending more events.

Mayor Zwahlen commented on her honor to be invited to the Modesto Police Department's 10k Event with money raised to transition children's bedrooms. She stated it was a surprise to the children and the smile of the children's faces were delightful. Mayor Zwahlen stated her appreciation for all the efforts of staff to strengthen relationships with our community.

Vice Mayor Wright attended the Airport Neighborhood Collaborative Summer Community Potluck. He spoke about its' need of support and it was nice to see Parks and other County staff in attendance. He stated he was happy to see sidewalks and reports about multiple housing projects in the pipeline. He also spoke about the 7 A.M. Good Day Sacramento show that spoke with Chris Murphy at the Graffiti Museum who did a great job speaking about Modesto, and noted the interview can be found on the Good Day Sacramento's website. He is looking forward to the event on Friday.

Councilmember Escutia-Braaton stated that Councilmember Kenoyer will be honored as Grand Marshall at the Graffiti event and congratulated her. Mayor Zwahlen reiterated the congratulations.

Councilmember Kenoyer stated she was honored and humbled by accolades she has been receiving. Being Grand Marshall is an honor and having her own plaque is an honor.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on May 27, 2022

18. Hearing to consider and approve the Final Proposed Fiscal Year 2022-23 Operating and Multi-Year Budget and Capital Improvement Program for the City and related Resolutions. (Funding Source: All City Funds)
    - Resolution approving the adoption of the Fiscal Year 2022-23 Annual and Multi-Year Operating Budgets and the 2022-23 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.
    - Resolution approving the Budget Principles, Policy on Workers Compensation Fund for FY 2022-23, and the Operating Budget Policy as outlined in the Fiscal Year 2022-23 Final Proposed Budget.
    - Resolution amending the Position Allocation for Fiscal Year 2022-23 as adopted in the Operating Budget.
    - Resolution amending the Classification Plan for the City of Modesto to create the classification of Police Administrator.
    - Resolution approving a Leave Bank Purchase option for Modesto City Employees, Modesto Confidential and Management Association, and Modesto Police and Fire Nonsworn Association and authorizing the City Manager or his designee to execute the transactions.
    - Resolution adopting the Council Unfunded Pension Liability Policy.

    BUDGET; Stephan Christensen, 209-577-5390, schristensen@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-260 approving the adoption of the Fiscal Year 2022-23 Annual and Multi-Year Operating Budgets and the 2022-23 Capital Improvement Program for the City of Modesto and the related Inter-Fund Transfers.

    ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-261 approving the Budget Principles, Policy on Workers Compensation Fund for FY 2022-23, and the Operating Budget Policy as outlined in the Fiscal Year 2022-23 Final Proposed Budget.

    ACTION: (Wright/Escutia-Braaton; 6/0) Resolution2022-262 amending the Position Allocation for Fiscal Year 2022-23 as adopted in the Operating Budget.

    ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-263 amending the Classification Plan for the City of Modesto to create the classification of Police Administrator.

    ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-264 approving a Leave Bank Purchase option for Modesto City Employees, Modesto Confidential and Management Association, and Modesto Police and Fire Nonsworn Association and authorizing the City Manager or his designee to execute the transactions.

ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-265 adopting the Council Unfunded Pension Liability Policy.

NEW BUSINESS

19. Consider approving a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Fire Fighters Association (MCFFA) for a term of July 1, 2022 to June 30, 2024; granting salary changes and benefit offerings to non-sworn unrepresented management and confidential employees including charter officers, executives and unrepresented sworn fire employees; and rescinding Resolution Nos. 2020-310 and 2021-346. (Funding Source: General Fund)
    - Resolution approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Fire Fighters Association (MCFFA) for a term of July 1, 2022 to June 30, 2024, authorizing the City Manager to prepare and execute the successor MOU and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.
    - Resolution granting salary changes to Unrepresented Sworn Fire Management employees, effective July 22, 2022 and Non-Sworn Unrepresented Management and Confidential employees including Charter Officers and Executives, effective November 26, 2019; rescinding Resolution No. 2020-310, and authorizing the City Manager or his designee to take the necessary administrative action to implement the changes.
    - Resolution updating benefit offerings for Unrepresented Sworn Fire Management and Non-Sworn Management and Confidential employees, including Charter Officers and Executives; rescinding Resolution No. 2021-346 and authorizing the City Manager or his designee to take the necessary administrative action to implement the changes.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Ricci/Escutia-Braaton; 6/0) Resolution 2022-266 approving a proposed Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Fire Fighters Association (MCFFA) for a term of July 1, 2022 to June 30, 2024, authorizing the City Manager to prepare and execute the successor MOU and authorizing the City Manager or his designee to take the necessary administrative action to implement the Agreement.

ACTION: (Ricci/Escutia-Braaton; 6/0) Resolution 2022-267 granting salary changes to Unrepresented Sworn Fire Management employees, effective July 22, 2022 and Non-Sworn Unrepresented Management and Confidential employees including Charter Officers and Executives, effective November 26, 2019; rescinding Resolution No. 2020-310, and authorizing the City Manager or his designee to take the necessary administrative action to implement the changes.

ACTION: (Ricci/Escutia-Braaton; 6/0) Resolution 2022-268 updating benefit offerings for Unrepresented Sworn Fire Management and Non-Sworn Management and Confidential employees, including Charter Officers and Executives; rescinding Resolution No. 2021-346 and authorizing the City Manager or his designee to take the necessary administrative action to implement the changes.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Section 54957 of the Government Code)
Title: City Attorney

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(d)(1) of the Government Code)
Name of Case: Cherry v. City of Modesto
Case No. 1:18-CV-01268

Attest:_____

Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, June 13, 2022 at 5:00 PM

Roll Call: Present: Member Escutia-Braaton, Chair Ricci, and Vice-Chair Zwahlen
Absent: None
Also Present: Members Kenoyer and Wright

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1, 3 (Zwahlen/ Escutia-Braaton; 3/0)
Item 2 was removed from Agenda

CONSENT

1. Consider approving a Memorandum of Understanding (MOU) for service between the City of Ceres, the City of Modesto, the Stanislaus Consolidated Fire Protection District (SCFPD), and the City of Turlock for Fire Department Training Services and forwarding to the Council for approval. (Funding Source: General Fund)
FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Zwahlen/ Escutia-Braaton; 3/0) Motion made to consider approving a Memorandum of Understanding (MOU) for service between the City of Ceres, the City of Modesto, the Stanislaus Consolidated Fire Protection District (SCFPD), and the City of Turlock for Fire Department Training Services and forwarding to the Council for approval

Removed from Agenda

2. Consider approving an Amendment to the Purchase Agreement with Johnson Controls, San Leandro, CA, for an updated Security Access System Migration, by $30,000 for additional parts and services that may be required through the life of the Agreement for a new amount not to exceed $245,884, and forwarding to Council for approval. (Funding Source: Supplemental Law Enforcement Services Fund - SLESF)
POLICE DEPARTMENT; Chris Adams, 209-572-9500, adamsc@modestopd.com

3. Consider accepting a non-exclusive, non-consensual franchise towing services contract for 12 applicants, and forwarding to Council for approval (Funding Source: General Fund)
POLICE DEPARTMENT; Aaron Tait, 209-572-9500, taita@modestopd.com

ACTION: (Zwahlen/ Escutia-Braaton; 3/0) Motion made to consider accepting a non-exclusive, non-consensual franchise towing services contract for 12 applicants, and forwarding to Council for approval

NEW BUSINESS

4. Consider approving the slogan "Modesto Mo' Beautiful," selected by the Blight Abatement Advisory Committee for education and outreach programs, in accordance with the Blight Abatement Strategy, and forwarding to Council for approval. (Funding Source: Not Applicable)
CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion made to consider approving the slogan "Modesto Mo' Beautiful," selected by the Blight Abatement Advisory Committee for education and outreach programs, in accordance with the Blight Abatement Strategy, and forwarding to Council for approval.

5. Consider recommending for Council approval a pilot Safe Parking Program at the parking lot at 9th and B Streets (APN: 106-047-003) for a maximum of 25 vehicles, and authorizing the City Manager, or his designee, to negotiate the terms and execute a Memorandum of Understanding with the County of Stanislaus, Salvation Army, and Stanislaus Foods Products (SFP) for the use of the site. (Funding Source: America Rescue Plan Funding)
CED; Edgar Garcia, 209-571-5101, edgarcia@modestogov.com

ACTION: (Zwahlen/ Escutia-Braaton; 3/0) Motion made to consider recommending for Council approval a pilot Safe Parking Program at the parking lot at 9th and B Streets (APN: 106-047-003) for a maximum of 25 vehicles, and authorizing the City Manager, or his designee, to negotiate the terms and execute a Memorandum of Understanding with the County of Stanislaus, Salvation Army, and Stanislaus Foods Products (SFP) for the use of the site.

6. Consider approving the Parks, Recreation and Neighborhoods revised spending plan in accordance with the 2021 Modesto Forward strategy for the use of American Rescue Plan Act (ARPA) funds in the amounts of $500,000 for The Awesome Spot Playground, $750,000 for the Tuolumne River – Economic Development Strategy, and $1,270,028 for Park Deferred Maintenance; amending the Fiscal Year 21/22 Capital Improvement Program and Non-Capital project budgets to fund the projects outlined in the attached ARPA Phase 1 Spending Plan for Park Improvements and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funding)
PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Ricci/Escutia-Braaton; 2/1; Zwahlen Noes) Motion made to consider approving the Parks, Recreation and Neighborhoods revised spending plan in accordance with the 2021 Modesto Forward strategy for the use of American Rescue Plan Act (ARPA) funds in the amounts of $500,000 for The Awesome Spot Playground, $750,000 for the Tuolumne River – Economic Development Strategy, and $1,270,028 for Park Deferred Maintenance; amending the Fiscal Year 21/22 Capital Improvement Program and Non-Capital project budgets to fund the projects outlined in the attached ARPA Phase 1 Spending Plan for Park Improvements and forwarding to Council for approval with condition that vegetation management component will not result in homeless individuals being impacted or removed.

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 June 14, 2022 at 5:30 PM

Roll Call: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Anthony Bargas, The Center Church

City Clerk's Announcements: City Clerk reported 1) Email correspondence was received for Item 11 and forwarded to the Council, and 2) Public Comment is limited to three minutes and blue speaker cards are located in the Lobby of our Council Chambers.

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming June 19, 2022, as Juneteenth in the City of Modesto. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented Proclamation proclaiming June 19, 2022, as Juneteenth in the City of Modesto.

2. Proclamation recognizing Society for Disabilities 75th Anniversary. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented Proclamation recognizing Society for Disabilities 75th Anniversary

PUBLIC COMMENT PERIOD

- Ronald Dafford spoke about sidewalks and ADA issues.

- Maggie Mejia spoke in support of lifting the ban on cruising. Modesto is the home American Graffiti and the ban should be lifted.

- Debbie Martinez stated that she represents the community and is with We Are La Raza, she spoke in support of lifting the ban on cruising.

- Bob Holloway asked that Council lift the ban on cruising.

- Sebastian Jones spoke in support of lifting the ban on cruising. He also commented on the Dr. Martin Luther King Jr. Park Renaming Ceremony that will be held on Saturday, June 18th.

- Betty Santos from West Coast Kustoms stated that she would like to see cruising come back.

- Samantha Nolan stated that she would love to see cruising come back to the community.

- Ruben Reina from a car club stated he would like to see the cruising ordinance get lifted.

- John Mataka, President of Grayson Neighborhood Council stated that he supports lifting the cruising ban. People that have classic cars and lowriders are working people that go to lots of events and fundraisers. It's a family and there's been a stigma about cruising and lots of things have changed since it was banned. This activity support wellbeing and socialization especially after COVID.

- Abel Martinez from Rebirth Classic Cars stated that it's time to lift the ban after 30 years.

- Benicia Cruz stated that cruising in his eyes is a form of art. Cruising is a culture that they want to show you. He asked the Council to please bring back cruising.

- Johnny Galino, President of Resurrection Car Club stated that he has met many people and many of the classic car group sponsor many fundraisers for the community. It would be nice to have it lifted. They are not bad people. They all work.

- John Paige, Public Relations Director or Impalas Car Club stated that the Impalas Car Club holds many fundraisers for the community. He spoke in support of lifting the ban on cruising. He further stated that the City could be creative and ask for cruising permits with a fee.

- Nasan Sanchez stated that cruising brings down the walls and division. They are all coming together for the thing that they love. He asked the Council repeal this mandate and asked the Council to have a meeting to discuss the lift on the ban.

- Alejandro Bravo from the Modesto Lowrider Community stated that local club members want to have the ban repealed. They never have any problems and police themselves. He asked that Council have a meeting with them.

- Gilbert Moya, Bay Bombs Car Club in Modesto stated that his club does lots of things for the kids and community and would like to see the ban lifted.

- Enicia Trevino, stated she is the founder of Chicanos Car Club. She asked the City Council lift the ban on cruising. It's not a crime. It's a lifestyle and an art. Who they are and what they do is misunderstood. They are mentors to the younger generation. They are not gang bangers. They have many community events and fundraiser to those in need.

- Billie Duarte, Slow Rid M Car Club asked that the Ordinance banning cruising be banned. They love being out there and there is really nothing to do in Modesto. It's a culture and an art.

- Anthony Amana, Atigous Car Club stated that is here to ask that the cruising ordinance be lifted.

- Allen Emlana, Atigous Car Club stated he has been cruising since the last 70s. He spoke in support of lifting the ban.

- Lisa stated she is here to speak about a safety issue with her son and the community. Her son is in special education. Her son is a huge danger to himself and others. He has threatened shooting others at school and continues to be a threat. She is here to ask the Council to assist her with her concerns with the Modesto City School District and the issue she is having with getting the School District's designation on his IEP for placement of her son into a residential treatment facility.

- Michelle Tomlinson initially came in support of her friend and son. She is here to do that, but also as she sits here and listens to all those in support of lifting ban on cruising she is standing up for everyone that spoke.

- Wilber Salgado, a local attorney stated that he is an attorney by day and cruiser at night. He owns a Law Office in Modesto and is President of Pistol Car Club. He spoke in support of lifting the ban. He asked if Modesto want to be known where Scott Peterson came from. There were people that came from out of state for the Graffiti Parade.

Recessed: 6:32 p.m.
Reconvened: 6:37 p.m.

- Joellen Dailey, stated she is here to support Lisa about her son being a threat to the community. She encouraged Council to sit down and meet with Lisa and the School Board. She's a mental health provider. Cruising is something they can do to help with mental health. The people here are not the problem. She spoke in support of lifting the ban. She stated that they have an actual threat (Lisa's child) and a perceived threat of cruising. She encourages they find a way to compromise.

- Dr. Theresa Rojas, Professor of English and Ethnic studies spoke in support of lifting the ban on cruising. There is a high level of civic engagement and the car clubs have extensive organization skills and network for community needs.

- Andrea Kidel, stated cruisers are stereo typed for something that they love to do. They put their passion in what they do. She asked to lift the ban on cruising.

- Melanie Berru spoke about her fondest memories of cruising on McHenry. Low riding is a culture and part of Chicano culture. She stated that Council has an opportunity to make history.

- Flavio commented that he is from a Sacramento Low Rider Commission. He stated that low riding is not a crime. The ban was just removed in Sacramento that was in place for 35 years. When the ban was created they netted all Latinos. Modesto can be the second historical city to remove the ban on cruising.

- Ramon Rodriguez stated that he's been attending Graffiti since 2019. He commented that banning cruising was a racist action. It's not just about cars, it's about community and helping each other out. These are honest people with occupations. Low riding has been part of California since the 1950s.

- Bianca Lopez, commented that as an environmental activist, she is in support of lifting the ban on cruising. She stated that it can lifted in a peaceful and environmentally safe way.

- Chris Murphy, commented this is an exciting time and he is glad this came here. He feels richer when the low rider and cruising community get together. He was at car show this past weekend. The community worked together with the cars, love and family. Entire families are involved and that a perfect blend. He feels they need to embrace the low rider community. Of all places cruising should not be illegal is in Modesto, this is a big opportunity for Modesto. He encourages Council take a look at it and he is willing to be part of the study group.

- Roberta Kincaide stated she would like to address the homelessness in the community. She recently received a citation on her RV. She's homeless and cannot move into a place with a dog. She wants to know where she can park safely. The City needs to address the housing issue for those that cannot afford housing.

- Kimberly Alston spoke about affordable housing. There is no affordable housing in Modesto. Some people have purchased trailer, but it's frustrating because they have to move every two days. They have nowhere to go. She would like somewhere to go that is safe for those that have proper registration and licensing.

- Jeremiah Williams thanked everyone that came attended and assisted with the Graffiti Parade and Car Show. He's been part of the Kiwanis for many years. He thanked the

many police officers and volunteers that assisted. He is thankful that everyone came out, even after the heat. 100% of money received goes back to the community.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-10: (Wright/Kenoyer; 6/0)

CONSENT ITEMS

Consent

3. Consider approving the minutes from the June 7, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the June 7, 2022 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Motion approving the minutes from the June 7, 2022 Council Meeting.

Consent

4. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-269 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

5. Consider approving a Second Amendment to extend the completion date to December 31, 2022, for the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project (Funding Source: Not Applicable)
    - Resolution approving a no-cost Second Amendment to extend the completion date to December 31, 2022, for the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project, and authorizing the City Manager, or his designee to execute the Amendment to Agreement.

    CED; John Rawles, 209-577-5253, jrawles@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-270 approving a no-cost Second Amendment to extend the completion date to December 31, 2022, for the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West

Freeway/Expressway Phase 1 Project, and authorizing the City Manager, or his designee to execute the Amendment to Agreement.

Consent

6. Consider approving a First Amendment with Ferguson Waterworks for the Purchase of Circle Clamps, Gaskets, Pipe Couplings, Tapping Sleeves and Sewer Materials for a revised estimated annual amount from $340,000 to $575,000 and a total revised amount not to exceed from $1,700,000 to $2,405,000 over five years. (Funding Source: Water and Wastewater Fund)
    - Resolution approving a First Amendment with Ferguson Waterworks for the Purchase of Circle Clamps, Gaskets, Pipe Couplings, Tapping Sleeves and Sewer Materials for a revised estimated annual amount from $340,000 to $575,000 and a total revised amount not to exceed from $1,700,000 to $2,405,000 over five years, and authorizing the Director Finance or her designee to execute the Amendment; and authorizing the Director of Finance, or her designee, the ability to add parts based on the department's needs, ensuring the total cost does not exceed the authorized amount.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-271 approving a First Amendment with Ferguson Waterworks for the Purchase of Circle Clamps, Gaskets, Pipe Couplings, Tapping Sleeves and Sewer Materials for a revised estimated annual amount from $340,000 to $575,000 and a total revised amount not to exceed from $1,700,000 to $2,405,000 over five years, and authorizing the Director Finance or her designee to execute the Amendment; and authorizing the Director of Finance, or her designee, the ability to add parts based on the department's needs, ensuring the total cost does not exceed the authorized amount.

Consent

7. Consider approving the Award of Bid and Agreement for the Furnishing of Personal Protection Equipment (PPE) Cleaning, Inspection and Repair Services to Scotts PPE Recon Inc., Lodi, CA for the Modesto Fire Department, for a two-year Agreement, with three one-year extension options, for an estimated annual amount of $50,000 and total amount not to exceed $250,000 over five years. (Funding Source: General Fund)
    - Resolution approving the Award of Bid and Agreement for the Furnishing of Personal Protection Equipment (PPE) Cleaning, Inspection and Repair Services to Scotts PPE Recon Inc., Lodi, CA for the Modesto Fire Department, for a two-year Agreement, with three one-year extension options, for an estimated annual amount of $50,000 and total amount not to exceed $250,000 over five years, and authorizing the City Manager, or his designee to execute the Agreement.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-272 approving the Award of Bid and Agreement for the Furnishing of Personal Protection Equipment (PPE) Cleaning, Inspection and Repair Services to Scotts PPE Recon Inc., Lodi, CA for the Modesto

Fire Department, for a two-year Agreement, with three one-year extension options, for an estimated annual amount of $50,000 and total amount not to exceed $250,000 over five years, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

8. Consider approving the Award of Proposal and Agreement for Workers' Compensation Claims Management Services to Athens Administrators, Inc., Concord, California, for a two-year Agreement with three, one-year extension options, for an estimated annual amount of $480,430 and a total amount not to exceed $2,511,820 over five years. (Funding Source: Workers' Compensation Fund)
    - Resolution approving the Award of Proposal and Agreement for Workers' Compensation Claims Management Services to Athens Administrators, Inc., Concord, California, for a two-year Agreement with three, one-year extension options, for an estimated annual amount of $480,430 and a total amount not to exceed $2,511,820 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

    HUMAN RESOURCES; Joe Rodriguez, 209-577-5446, jrodriguez@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-273 approving the Award of Proposal and Agreement for Workers' Compensation Claims Management Services to Athens Administrators, Inc., Concord, California, for a two-year Agreement with three, one-year extension options, for an estimated annual amount of $480,430 and a total amount not to exceed $2,511,820 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider rejecting all bids received for Request for Bid No. 2122-23 for Building Intrusion Alarm Services, and authorizing staff, to re-evaluate and re-issue at a future date. (Funding Source: Various Funds)
    - Resolution considering rejecting all bids received for Request for Bid (RFB) No. 2122-23 for Building Intrusion Alarm Services and authorizing staff to re-evaluate and re-issue at a future date.

    PUBLIC WORKS; Patrick Crowley, 209-342-2274, pcrowley@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-274 considering rejecting all bids received for Request for Bid (RFB) No. 2122-23 for Building Intrusion Alarm Services and authorizing staff to re-evaluate and re-issue at a future date.

Consent

10. Consider approving a Third Amendment to the Agreement with e-Builder, Inc., Plantation, FL, for a one-year extension for Construction Management Software in an amount not to exceed $79,013 for System Maintenance, Support and Licensing. (Funding Source: Capital Improvement Support Fund)
    - Resolution approving a Third Amendment to the Agreement with e-Builder, Inc., Plantation, FL, for a one-year extension for Construction Management

Software in an amount not to exceed $79,013 for System Maintenance, Support and Licensing, and authorizing the City Manager, or his designee, to execute the Amendment.

UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-275 approving a Third Amendment to the Agreement with e-Builder, Inc., Plantation, FL, for a one-year extension for Construction Management Software in an amount not to exceed $79,013 for System Maintenance, Support and Licensing, and authorizing the City Manager, or his designee, to execute the Amendment.

COUNCIL COMMENTS & REPORTS

Vice Mayor Wright commented that back in 1974 he remembers cruising. That's where he met his wife. Cruising is something he grew up with. Council heard the community that spoke tonight and this is something they will probably take into consideration down the road. Graffiti night went very well; it was great seeing all the cars. It was a great event for Modesto. He thanked the Kiwanis, Staff and the Police Department for their assistance.

Council Member Ricci stated that he echoes that sentiments of Vice Mayor Wright. He feels like graffiti is an untapped pool of oil and they have to decide if they want to tap that culture and make it part of the community. It's frustrating that when there were issues previous administrations did not try to fix it and just banned it. He's hopeful that they can work with local car clubs and neighborhoods. His goal is to make the community open to everyone. He also reported that he is proud of the hard work of staff on safe parking. Safe parking was passed at the Safety and Communities Committee last night and he thanked staff for all of their hard work. This is going to help the community and he has a lot of pride on the work that they did.

Council Member Kenoyer stated that she really enjoyed the parade and being in it. Fortunately, it was not as hot as planned. She had a good time and it was fun seeing the number of people in attendance. She is thankful to everyone that came out to enjoy the parade.

Mayor Zwahlen commented that Councilmember Kenoyer was the grand marshal of the parade and was also inducted into the legacy walk of fame.

Council Member Escutia-Braaton stated that this was a lovely showing of community that came and spoke with family tonight. She supports a community conversation as to what this might look like moving forward. It's an opportunity to highlight activity and recreation in Modesto and enhance and include a cultural understanding and appreciation. It does make sense that the town that founded graffiti have an activity that enhances that entertainment. She also encouraged the public to be very cognizant about water safety and drownings. She read the statistics of drowning fatalities for children. She stressed the importance of water safety. The City website has many resources in that area, such as swim lessons and the Red Cross has information in Spanish in English about water safety.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on May 26, 2022.

11. Hearing to consider approving the Annual Rate Adjustment to the Maximum Rate Schedule for Implementation of Senate Bill (SB) 1383 provisions and Solid Waste Collection Service Contractual Agreements provided by solid waste haulers for an increase of $8.40 per month for residential services, an increase of $9.95 per cubic yard for commercial services, and an increase of $8.05 per pull for industrial services to become effective July 1, 2022, and an increase of $5.40 per month for residential services, an increase of $25 per cart (recycling/organics) for commercial services to become effective January 1, 2023, and rescinding Resolution No. 2021-217, and increasing the fuel rates by $0.33 for residential and $0.47 for commercial to become effective on July 1, 2022, and rescinding Resolution No. 2021-217. (Funding Source: Solid Waste Funds, Compost Funds)
    - Resolution approving the Annual Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the garbage haulers and by R3 Consultants, for an increase of $8.40 per month for residential services, an increase of $9.95 per cubic yard for commercial services, and an increase of $8.05 per pull for industrial services to become effective July 1, 2022, and an increase of increase of $5.40 per month for residential services, an increase of $25 per organics and/or recycling cart (collected once a week) for commercial services to become effective January 1, 2023 and rescinding Resolution No. 2021-217 for the July 1, 2022 and the January 1, 2023 rate adjustment.
    - Resolution approving a quarterly fuel rate adjustment to the maximum rate schedule for City Solid Waste Collection Services provided by the haulers, for an increase of $0.33 per month for residential services, and an increase of $0.47 per cubic yard for commercial services, to become effective July 1, 2022, and rescinding Resolution No. 2021-217 for the July 1, 2021 Annual Rate Adjustment.

    PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

    ACTION: (Escutia-Braaton/Ricci; 5/0; (Kenoyer Absent)) Resolution 2022-276 approving the Annual Rate Adjustment to the Maximum Rate Schedule for City Solid Waste Collection Services provided by the garbage haulers and by R3 Consultants, for an increase of $8.40 per month for residential services, an increase of $9.95 per cubic yard for commercial services, and an increase of $8.05 per pull for industrial services to become effective July 1, 2022, and an increase of increase of $5.40 per month for residential services, an increase of $25 per organics and/or recycling cart (collected once a week) for commercial services to become effective January 1, 2023 and rescinding Resolution No. 2021-217 for the July 1, 2022 and the January 1, 2023 rate adjustment.

ACTION: (Escutia-Braaton/Ricci; 5/0; (Kenoyer Absent)) Resolution 2022-277 approving a quarterly fuel rate adjustment to the maximum rate schedule for City Solid Waste Collection Services provided by the haulers, for an increase of $0.33 per month for residential services, and an increase of $0.47 per cubic yard for commercial services, to become effective July 1, 2022, and rescinding Resolution No. 2021-217 for the July 1, 2021 Annual Rate Adjustment.

NEW BUSINESS

12. Consider approving a resolution authorizing the City of Modesto to utilize the services of David Savidge on an interim basis to fulfill the duties of Wastewater Division Manager for a limited duration of up to six months or until the recruitment is completed, whichever is first. (Funding Source: Wastewater Fund- 4210)
    - Resolution authorizing the City of Modesto to utilize the services of David Savidge on an interim basis to fulfill the duties of Wastewater Division Manager for a limited duration of up to six months or until the recruitment is completed, whichever is first; and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of the action.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Ricci/Wright;5/0; (Kenoyer Absent)) Resolution 2022-278 authorizing the City of Modesto to utilize the services of David Savidge on an interim basis to fulfill the duties of Wastewater Division Manager for a limited duration of up to six months or until the recruitment is completed, whichever is first; and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of the action.

13. Consider adopting a Finding of Conformance for the JM Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project, approving a Grant Agreement in the amount of $10,000,000 with the California State Water Resources Control Board; approving a Consultant Agreement with Woodard & Curran, Inc., Sacramento, CA, for Engineering Design Services in the amount of $1,914,421 for the identified scope of services plus $191,443 in additional services, if needed, for a total amount not to exceed $2,105,864, and amending the Fiscal Year 2022/23 Capital Improvement Program Budget in the amount of $9,101,535. (Funding Source: Water & Wastewater Funds)
    - Resolution finding that the JM Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project is within the scope of the project covered by the Final Environmental Impact Report for the City of Modesto Wastewater Master Plan (SCH # 2013082006).
    - Resolution approving a Grant Agreement for $10,000,000 with State Water Resources Control Board to receive the Proposition 1 Round 2 Stormwater Grant for the JM Pike Park Stormwater to Sanitary Sewer Cross Connection Removal; authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an Agreement to receive the grant funds, when

awarded; and authorizing the Director of Finance to be the signatory of grant invoice forms during requests for reimbursements.

- Resolution approving an Agreement with Woodard and Curran Inc., Sacramento, CA, for Engineering Design Services for the JM Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project in the amount $1,914,421 for the identified scope of services, plus $191,443 in additional services, if needed, for a total amount not to exceed $2,105,864, and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2022/23 Capital Improvement Program budget in the amount of $9,101,535 to be transferred into the projects 101313 and 100851 from Wastewater and Water Fund Reserves in order to fully fund the JM Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Wright/Escutia-Braaton; 5/0; (Kenoyer Absent)) Resolution 2022-279 finding that the JM Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project is within the scope of the project covered by the Final Environmental Impact Report for the City of Modesto Wastewater Master Plan (SCH # 2013082006).

ACTION: (Wright/Escutia-Braaton; 5/0; (Kenoyer Absent)) Resolution 2022-280 approving a Grant Agreement for $10,000,000 with State Water Resources Control Board to receive the Proposition 1 Round 2 Stormwater Grant for the JM Pike Park Stormwater to Sanitary Sewer Cross Connection Removal; authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an Agreement to receive the grant funds, when awarded; and authorizing the Director of Finance to be the signatory of grant invoice forms during requests for reimbursements.

ACTION: (Wright/Escutia-Braaton; 5/0; (Kenoyer Absent)) Resolution 2022-281 approving an Agreement with Woodard and Curran Inc., Sacramento, CA, for Engineering Design Services for the JM Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project in the amount $1,914,421 for the identified scope of services, plus $191,443 in additional services, if needed, for a total amount not to exceed $2,105,864, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 5/0; (Kenoyer Absent)) Resolution 2022-282 amending the Fiscal Year 2022/23 Capital Improvement Program budget in the amount of $9,101,535 to be transferred into the projects 101313 and 100851 from Wastewater and Water Fund Reserves in order to fully fund the JM Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:40 pm.

Attest:_____

Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
CANNABIS PROGRAM AND PERMIT REVIEW COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, June 20, 2022 at 4:00 PM

Roll Call: Present: Chair Escutia-Braaton, Member Madrigal, and Vice-Chair Zwahlen
Absent: None
Also Present: Member Wright

ACKNOWLEDGEMENTS AND PRESENTATIONS

1 Presentation of Cannabis Program Overview (Funding Source: Not Applicable)
CED; Jorge Barrera, 209-571-5179, jbarrera@modestogov.com

ACTION: Jorge Barrera presented the Cannabis Program Overview.

2 Presentation of Cannabis Equity Program Overview (Funding Source: Not Applicable)
CED; Jorge Barrera, 209-571-5179, jbarrera@modestogov.com

ACTION: Jorge Barrera presented the Cannabis Equity Program Overview.

PUBLIC COMMENTS

None.

HEARINGS

Published in the Modesto Bee on June 10, 2022

3 Hearing to consider approving a commercial cannabis microbusiness Type 12 business permit for Valley Fire House LLC, located at 509 Winmoore Way, with appropriate conditions. (Funding Source: Cannabis Business Permit Fees)

- Resolution approving a commercial cannabis Type 12 microbusiness permit for Valley Fire House. LLC, located at 509 Winmoore Way.

CED; Steve Mitchell, 209-577-5287, smitchell@modestogov.com

ACTION: (Zwahlen/ Escutia-Braaton; 3/0) Resolution 01-2022 approving a commercial cannabis Type 12 microbusiness permit for Valley Fire House. LLC, located at 509 Winmoore Way.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:16 p.m.

Attest: _____

Joseph Lopez, City Manager

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, June 27, 2022 at 3:00 PM

Roll Call: Present: Vice-Chair Escutia-Braaton, Member Kenoyer, and Chair Wright
Absent: None
Also Present: Member Ricci (arrived 3:18 PM)

PUBLIC COMMENTS

- Emerson Drake requested pulling items 1, 4, and 6 from Consent.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 2-3, 5, 7 (Kenoyer/Escutia-Braaton; 3/0)

CONSENT

Removed from Consent

1. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 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: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets and forwarding to Council for approval.

2. Consider accepting an informational report on the March and April 2022 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: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider accepting an informational report on the March and April 2022 grant applications and awards and forwarding to Council for approval.

3. Consider approving an Award of Bid for the Purchase of 30" Gate Valves to Water Technology Resources, Bloomington, MN, for a total amount not to exceed $64,564, and forwarding to Council for approval. (Funding Source: Wastewater Fund)
FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider approving an Award of Bid for the Purchase of 30" Gate Valves to Water Technology Resources, Bloomington, MN, for a total amount not to exceed $64,564, and forwarding to Council for approval.

Removed from Consent

4. Consider approving the Award of Proposal and Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for two years with three one-year extension options at a combined estimated annual amount of $150,000 and a total combined amount not to exceed $750,000 over the five years and forwarding to Council for approval. (Funding Source: General Fund, Redevelopment Successor Agency, Water, Wastewater, and Golf Fund)
FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider approving the Award of Proposal and Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for two years with three one-year extension options at a combined estimated annual amount of $150,000 and a total combined amount not to exceed $750,000 over the five years and forwarding to Council for approval.

5. Consider approving an Amendment to the Purchase Agreement with Johnson Controls, San Leandro, CA, for an updated Security Access System Migration, by $40,000 for additional parts and services that may be required through the life of the Agreement for a new amount not to exceed $255,884, and forwarding to Council for approval. (Funding Source: Supplemental Law Enforcement Services Fund - SLESF)
POLICE; Chris Adams, 209-572-9500, adamsc@modestopd.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider approving an Amendment to the Purchase Agreement with Johnson Controls, San Leandro, CA, for an updated Security Access System Migration, by $40,000 for additional parts and services that may be required through the life of the Agreement for a new amount not to exceed $255,884, and forwarding to Council for approval.

Removed from Consent

6. Consider approving a First Amendment with Grover Landscape Services Inc., Modesto, CA for the Furnishing of Landscape Maintenance, Weed Abatement, Trash Removal and Rodent Control Services, and increasing the annual amount by $15,000 from $155,000, to a new estimated annual amount of $170,000 for Year 3 and including a 10% CPI increase for Years 4 and 5 for a new total amount not to exceed $872,700 over five years, and forwarding to Council for approval. (Funding Source: Sewer and Storm Drain Funds and Various Community Facility Districts (CFD)Funds)

UTILITIES; Robert Englent, 209-577-6222, renglent@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider approving a First Amendment with Grover Landscape Services Inc., Modesto, CA for the Furnishing of Landscape Maintenance, Weed Abatement, Trash Removal and Rodent Control Services, and increasing the annual amount by $15,000 from $155,000, to a new estimated annual amount of $170,000 for Year 3 and including a 10% CPI increase for Years 4 and 5 for a new total amount not to exceed $872,700 over five years, and forwarding to Council for approval.

7. Consider authorizing the submittal of a Grant Application to the State Water Resources Control Board (SWRCB) for the Proposition 1 Groundwater Grant Program, Round 3 (Prop 1 Grant) and forwarding to Council for approval. (Funding Source: Water Fund)
UTILITIES; Miguel Alvarez, 209-577-5348, malvarez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider authorizing the submittal of a Grant Application to the State Water Resources Control Board (SWRCB) for the Proposition 1 Groundwater Grant Program, Round 3 (Prop 1 Grant) and forwarding to Council for approval.

UNFINISHED BUSINESS

8. Consider approving the City's Pandemic Recovery Strategy, Modesto Forward, for the use of the second allocation of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocations, and forwarding to Council for approval. (Funding Source: American Rescue Plan Act)
CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider approving the City's Pandemic Recovery Strategy, Modesto Forward, for the use of the second allocation of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocations, and forwarding to Council for approval.

9. Consider approving the extension of the Compost Facility Flexible Sales Pricing Pilot Program approved on April 2, 2019 and extend for one additional year effective August 1, 2022 through July 31, 2023 with the option to extend for two additional years at the discretion of the City Manager, or his designee, and forwarding to Council for approval. (Funding Source: Compost Fund)
PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider approving the extension of the Compost Facility Flexible Sales Pricing Pilot Program approved on April 2, 2019 and extend for one additional year effective August 1, 2022 through July

31, 2023 with the option to extend for two additional years at the discretion of the City Manager, or his designee, and forwarding to Council for approval.

NEW BUSINESS

10. Consider amending the Position Allocation Plan in four departments: the Police Department, Finance, Human Resources, and Utilities; and forwarding to Council for approval. (Funding Source: Various Funds)
HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Escutia-Braaton/Wright; 3/0) Motion to consider amending the Position Allocation Plan in four departments: the Police Department, Finance, Human Resources, and Utilities; and forwarding to Council for approval.

11. Consider approving the First Amendment to the Agreement for Consulting Services to Dixon Resources Unlimited, (DIXON) San Diego, CA for City of Modesto Downtown Parking Infrastructure Implementation Plan, increasing the scope of services to include Task 2 and Task 3, to increase the Agreement amount by $183,051 including a 10% contingency, from $26,970 for a new estimated total amount not to exceed $210,021; and forwarding to Council for approval. (Funding Source: Parking Fund and allocation from American Rescue Plan Act)
PUBLIC WORKS; Patrick Crowley, 209-402-6812, pcrowley@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider approving the First Amendment to the Agreement for Consulting Services to Dixon Resources Unlimited, (DIXON) San Diego, CA for City of Modesto Downtown Parking Infrastructure Implementation Plan, increasing the scope of services to include Task 2 and Task 3, to increase the Agreement amount by $183,051 including a 10% contingency, from $26,970 for a new estimated total amount not to exceed $210,021; and forwarding to Council for approval.

12. Consider authorizing staff to apply for all CalRecycle Household Hazardous Waste Grants, rescinding Resolution No. 2015-271, and authorizing the City Manager, or his designee, to sign grant applications and related forms, accept grant awards, and amend the budget as available, and forwarding to Council for approval. (Funding Source: Grant Revenue if received will be deposited into 4891 Solid Waste Fund)
PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider authorizing staff to apply for all CalRecycle Household Hazardous Waste Grants, rescinding Resolution No. 2015-271, and authorizing the City Manager, or his designee, to sign grant applications and related forms, accept grant awards, and amend the budget as available, and forwarding to Council for approval.

13. Consider approving the Initial Study/Mitigated Negative Declaration (IS/MND) for the Riverdale Park Tract Community Services District Water System Consolidation Project

in accordance with the California Environmental Quality Act (CEQA), and making certain findings concerning the environmental impacts and mitigation measures, approving a Mitigation Monitoring and Reporting Program, in connection with the Riverdale Park Tract Community Services District Water System Consolidation Project contemplated by the IS/MND, directing staff to file a Notice of Determination for the IS/MND, and forwarding to Council for approval. (Funding Source: Water Fund) *UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com*

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider approving the Initial Study/Mitigated Negative Declaration (IS/MND) for the Riverdale Park Tract Community Services District Water System Consolidation Project in accordance with the California Environmental Quality Act (CEQA), and making certain findings concerning the environmental impacts and mitigation measures, approving a Mitigation Monitoring and Reporting Program, in connection with the Riverdale Park Tract Community Services District Water System Consolidation Project contemplated by the IS/MND, directing staff to file a Notice of Determination for the IS/MND, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:25 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, June 28, 2022 at 5:30 PM

Roll Call - Councilmembers Escutia-Braaton, Kenoyer, Madrigal (arrived at 5:03 pm), Ricci, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Wade Patton, City Ministry Network

City Clerk's Announcements - City Clerk reported email correspondence was received for Items 12 and 16 and forwarded to the Council.

Declaration of Conflicts of Interest – Vice Mayor Wright recused himself from Item 8 out of the abundance of caution.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation proclaiming July as Parks and Recreation Month (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen read proclamation declaring July as Parks and Recreation Month.

2. Youth Commission Update and recognition of Youth Commission Formation Advisory Committee Members. (Funding Source: Not Applicable)
   PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

   ACTION: Ashley Weaver, Recreation and Neighborhoods Services Manager presented a Youth Commission Update, and Mayor Zwahlen and the Council presented Certificates of Recognition to the Youth Formation Advisory Committee Members.

PUBLIC COMMENT PERIOD

- Laurianne Behrens commented regarding an incident of a dog attack at the Coffee-Clarentina park. She asked why there is no fenced off area for small dogs.

- Sebastian Jones, on behalf of the Martin Luther King, Jr. Committee presented a Mayor Zwahlen with an award of appreciation for the support of the renaming of the park. He appreciates those that came out and help make history.

- Ramon Rodriguez spoke behalf of a women's right to abortion. He commented on Supreme Court's decision and asked Modesto to show support for women's rights.

- Ronald Dafford spoke about his recent attempts to speak to the Council about sidewalks and ADA issues. He further referenced photos, that in his opinion, are improperly repaired sidewalks.

- Richard Sanders, stated that he served 25 years in the armed forces and serves on the Stanislaus County Veteran's Foundation. He spoke about the positive benefits of cannabis for veterans that have PTSD. He commented on the need of a place where veterans can socialize and consume cannabis reasonably as currently they have other place to gather to use medicinal cannabis.

- A citizen spoke in support of cannabis lounge for veterans. Many veterans deal with isolation and PTSD issues. He asked Council to consider having a place for veterans to go and medicate.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-7 and 9-12: (Kenoyer/Wright; 6/0)

CONSENT ITEMS

Consent

3. Consider approving the minutes from the June 14, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the June 14, 2022 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion approving the minutes from the June 14, 2022 Council Meeting.

Consent

4. Consider approving a Sixth Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore in the amount of $5,500 for a total Agreement amount not to exceed $493,000, to account for final payment for legal services. (Funding Source: General Liability Insurance Fund)
    - Resolution approving a Sixth Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore in the amount of $5,500 for a total Agreement amount not to exceed $493,000 and authorizing the City Manager or his designee, to execute the Agreement.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-283 approving a Sixth Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore in the amount of $5,500 for a total Agreement amount not to exceed $493,000 and authorizing the City Manager or his designee, to execute the Agreement.

Consent

5. Consider approving submission of a Request for Local Advanced Construction Authorization in the amount of up to $1,200,000 for the Construction Phase of the SR99/Pelandale Interchange - Phase 2 Project. (Funding Source: Local Streets Capital Facilities Fees (CFF))
    - Resolution approving submission of a Request for Local Advanced Construction Authorization in the amount of up to $1,200,000 for the Construction Phase of the SR99/Pelandale Interchange - Phase 2 Project, and authorizing the City Manager or his designee, to execute the required documents.

    CED; Sandeep Sandhu, 209-577-5294, ssandhu@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-284 approving submission of a Request for Local Advanced Construction Authorization in the amount of up to $1,200,000 for the Construction Phase of the SR99/Pelandale Interchange - Phase 2 Project, and authorizing the City Manager or his designee, to execute the required documents.

Consent

6. Consider approving the competitive bidding process for various Fleet Replacement Vehicles which includes one (1) Crack Sealer, one (1) Chassis with Equipment, and two (2) Dump Trucks in the amount not to exceed $570,939. (Funding Source: Fleet Replacement Fund)
    - Resolution approving the competitive bidding process from Houston-Galveston Area Council of Governments (HGAC) Buy with ThorWorks Industries/SealMaster, Bakersfield, CA for a Crack Seal for a total amount not to exceed $78,166; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
    - Resolution approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Interstate Truck Center dba Valley Peterbilt, Turlock, CA for a Peterbilt Class 4-8 Chassis with related equipment for a total amount not to exceed $199,846; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
    - Resolution approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with PB Loader, Fresno, CA for two (2) Dump Trucks for a total amount not to exceed $292,927; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-285 approving the competitive bidding process from Houston-Galveston Area Council of Governments (HGAC) Buy with ThorWorks Industries/SealMaster, Bakersfield, CA for a Crack Seal for a total amount not to exceed $78,166; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-286 approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Interstate Truck Center dba Valley Peterbilt, Turlock, CA for a Peterbilt Class 4-8 Chassis with related equipment for a total amount not to exceed $199,846; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-287 approving the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with PB Loader, Fresno, CA for two (2) Dump Trucks for a total amount not to exceed $292,927; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

7. Consider approving a Memorandum of Understanding for service between the City of Ceres, the City of Modesto, the Stanislaus Consolidated Fire Protection District (SCFPD), and the City of Turlock for Fire Department Training Services. (Funding Source: General Fund)
    - Resolution approving a Memorandum of Understanding for service between the City of Ceres, the City of Modesto, Stanislaus Consolidated Fire Protection District, and the City of Turlock for Fire Department Training Services and authorizing the City Manager, or his designee, to execute the Agreement.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-288 approving a Memorandum of Understanding for service between the City of Ceres, the City of Modesto, Stanislaus Consolidated Fire Protection District, and the City of Turlock for Fire Department Training Services and authorizing the City Manager, or his designee, to execute the Agreement.

Removed from Consent

8. Consider accepting the City Manager's recommendation to award Non-Exclusive, Non-Consensual Franchise Towing Services contracts to 12 applicants and scheduling a Public Hearing to consider the award of contracts. (Funding Source: General Fund, 1610 – MPD Traffic Offender Fund)
    - Resolution accepting the City Manager's recommendation to award Non-Exclusive, Non-Consensual Franchise Towing Services Contract to twelve applicants; declaring City Council's intention to consider the applications at the August 9, 2022, City Council meeting; and directing the City Clerk to publish

notice of the Hearing in accordance with Modesto Municipal Code Section 11-2.05 et seq.

POLICE DEPARTMENT; Aaron Tait, 209-572-9500, taita@modestopd.com

ACTION: (Kenoyer/Escutia-Braaton; 4/1; Wright recused)) Resolution 2022-289 accepting the City Manager's recommendation to award Non-Exclusive, Non-Consensual Franchise Towing Services Contract to twelve applicants; declaring City Council's intention to consider the applications at the August 9, 2022, City Council meeting; and directing the City Clerk to publish notice of the Hearing in accordance with Modesto Municipal Code Section 11-2.05 et seq.

(*City Attorney Sanchez clarified that approval of this item accepts the City Manager's recommendation to consider the award of the Non-Exclusive, Non-Consensual Franchise Towing Services Contract and also sets the Public hearing for August 9, 2022 to accept the towing contract to twelve applicants, in the meantime, staff can take a look at the rates and return with answers to questions raised about the maximum rates during the Public Hearing*.)

Consent

9. Consider reestablishing and restructuring the City of Modesto Youth Commission, adopting Modesto Youth Commission Bylaws and rescinding Resolution Nos. 74-352, 86-1369 and 89-449. (Funding Source: General Fund – Recreation Operations)
    - Resolution reestablishing and restructuring the City of Modesto Youth Commission; adopting Modesto Youth Commission Bylaws, and rescinding Resolution Nos. 74-352, 86-1369 and 89-449.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-290 reestablishing and restructuring the City of Modesto Youth Commission; adopting Modesto Youth Commission Bylaws, and rescinding Resolution Nos. 74-352, 86-1369 and 89-449.

Consent

10. Consider approving the Award of Bid for the Purchase and Delivery of Sodium Hypochlorite – Liquid Chlorine to Univar Solutions USA Inc., Kent, WA, for a one-year Agreement with four one-year extension options, for an estimated annual amount of $100,000 and a total amount not to exceed $661,010 over five years. (Funding Source: Water Fund)
    - Resolution approving the Award of Bid for the Purchase and Delivery of Sodium Hypochlorite – Liquid Chlorine to Univar Solutions USA Inc., Kent, WA, for a one-year Agreement with four one-year extension options, for an estimated annual amount of $100,000 and a total amount not to exceed $661,010 over five years and authorizing the City Manager or his designee to execute the Agreement.

UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-291 approving the Award of Bid for the Purchase and Delivery of Sodium Hypochlorite – Liquid Chlorine to Univar Solutions USA Inc., Kent, WA, for a one-year Agreement with four one-year extension

options, for an estimated annual amount of $100,000 and a total amount not to exceed $661,010 over five years and authorizing the City Manager or his designee to execute the Agreement.

Consent

11. Consider approving the Sole Source Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for Support Services to Well #274 and Well #295 within the Grayson Community Water System, for an estimated annual amount of $150,000 and a total amount not to exceed $879,990 over five years. (Funding Source: Water Fund)
    - Resolution approving the Sole Source Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for Support Services to Well #274 and Well #295 within the Grayson Community Water System, for an estimated annual amount of $150,000 and a total amount not to exceed $879,990 over five years, and authorizing the City Manager or his designee to execute the Agreement.

    UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-292 approving the Sole Source Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for Support Services to Well #274 and Well #295 within the Grayson Community Water System, for an estimated annual amount of $150,000 and a total amount not to exceed $879,990 over five years, and authorizing the City Manager or his designee to execute the Agreement.

Consent

12. Consider rejecting all bids for the La Loma – Phase 2C Strengthen & Replace Water Mains Project and authorizing staff to re-advertise the project for bids at a future date. (Funding Source: Water Fund)
    - Resolution rejecting all bids for the La Loma Phase 2C Strengthen & Replace Project and authorizing staff to re-advertise the project for bids at a future date.

    UTILITIES; Robert Davalos, 209-571-5175, rdavalos@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-293 rejecting all bids for the La Loma Phase 2C Strengthen & Replace Project and authorizing staff to re-advertise the project for bids at a future date.

COUNCIL COMMENTS & REPORTS

Councilmember Escutia-Braaton reported that she attended the Fire Graduation and Promotion Ceremony for more than three dozen individuals who are the Modesto's best of the best. She wanted to highlight that only 1 out of 400 applicants enters the academy and it's a highly coveted opportunity and they go through a very rigid academy. The event was a significant celebrated cumulation of the Fire Regionalization that includes Modesto, Turlock and Stanislaus Consolidated and it's the first time this body was able to recognize new recruits out of the fire academy and those being promoted.

Councilmember Ricci thanked Bill Sandhu, Director of Public Works and crew for organizing the bulky item pickup event at John Thurman Field. It was a very popular event and lots of people were able to dispose of a lot of waste. Bill and his staff deserve a huge kudos for getting that done. Also, safe parking was approved several weeks ago by the Safety and Communities Committee. He is excited that it will be coming to council soon as it will help many people. He also reported on the issue with vehicle dealerships parking inventory in neighborhoods. He has been talking to staff about getting an ordinance together that will address that. Also, in terms of blighted vacant commercial buildings like the Save Mart on Pelandale and Orchard Supply, he drove by there and could not believe the graffiti that can be seen from the freeway. He commented that they need to upgrade the ordinance so this kind of behavior cannot happen anymore.

Councilmember Madrigal echoed Councilmember Ricci's sentiments regarding doing something about abandoned commercial buildings such as OSH. He also sees the blight and sees unwanted nuisances in the parking lot. He looks forward to seeing staff draft an ordinance for council to discuss. He sees the need to invest in small low level infrastructure in some key commercial areas like 8th Street. There are a lot of mobile food trucks and they were the pioneers and provide access to low cost meals for consumers and provide jobs for people, but the condition of the sidewalk and paved area is horrible. He would like to see if they could use one-time funding for that. He also asked if they could have a second round of funding of APRA funds for the Modesto RAD Program. Finally, he stated that he would like to have some help from the Mayor or staff to have a clearer answer when they are asking questions. He understands the importance of civility, but he does not feel he was treated with civility when he tried getting answers related to the towing item heard this evening. He needed clarity and respectfully requests to be demonstrated that level of civility. It's also important that they are able to provide answers and solutions to constituents who come to the Council with questions.

Mayor Zwahlen commented that part of the situation that occurred this evening was that when a Councilmember is attending via Zoom the interaction taking place in the room is not seen. As at the moment the question arose, the Assistant Police Chief and gentlemen had walked out of the room to have a discussion and were followed up with answers from the City Attorney and City Manager. She further reported that it was an honor to be at Martin Luther King Park for the unveiling of the monument on California and Martin Luther King Drive. She attended three park activities that morning, in particular the Asian Cultural Event at Davis Park and Juneteenth at Graceada Park. Keeping parks in order as a place where people can enjoy and have cultural events and activities is really important to the City. She also appreciates the award she received tonight.

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Published in the Modesto Bee on June 17, 2022

13. Hearing to consider approving the Fiscal Year 2022-23 diagram and annual assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Landscape Maintenance Assessment District No. 1)
    - Resolution approving the Fiscal Year 2022-23 diagram and annual assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

    CED; Jessica Hill, 209-577-5211, jhill@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-294 approving the Fiscal Year 2022-23 diagram and annual 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 17, 2022

14. Hearing to consider approving the Fiscal Year 2022-23 diagram and annual 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. (Funding Source: Landscape Maintenance Assessment District No. 2)
    - Resolution approving the Fiscal Year 2022-23 diagram and annual 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.

    CED; Jessica Hill, 209-577-5211, jhill@modestogov.com

    ACTION: (Wright/Ricci; 6/0) Resolution 2022-295 approving the Fiscal Year 2022-23 diagram and annual 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 June 17, 2022.

15. Hearing to consider approving the Fiscal Year 2022-23 diagram and annual assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District (Funding Source: Shackelford Landscape and Lighting District)
    - Resolution approving the Fiscal Year 2022-23 diagram and annual assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-296 approving the Fiscal Year 2022-23 diagram and annual assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

NEW BUSINESS

16. Consider: (1) Approving a resolution of the Modesto City Council calling an election to be held on November 8, 2022, for voter consideration of a ballot measure seeking voter approval to impose a one-cent transactions and use (sales) tax for general city services; requesting the Board of Supervisors of the County of Stanislaus to consolidate the municipal election with the general election to be held on November 8, 2022; requesting certain services of the Registrar of Voters of Stanislaus County with respect to the consolidated General Municipal Election; and establishing policies and procedures in connection with such an election; and (2) Introduce by title only and waive the first reading of an ordinance adding Article 12 to Chapter 2 of Title 8 of the Modesto Municipal Code imposing a transaction and use tax. (Funding Source: General Fund)
    - Resolution of the Modesto City Council calling an election to be held on November 8, 2022, for voter consideration of a ballot measure seeking voter approval to impose a one-cent transactions and use (sales) tax for general City Services; requesting the Board of Supervisors of the County of Stanislaus to consolidate the municipal election with the general election to be held on November 8, 2022; requesting certain services of the Registrar of Voters of Stanislaus County with respect to the consolidated General Municipal Election; and establishing policies and procedures in connection with such an election.
    - Introduce by title only and waive the first reading of an ordinance adding Article 12 to Chapter 2 of Title 8 of the Modesto Municipal Code imposing a transaction and use tax. (Subject to voter approval)

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

    ACTION: (Wright/Ricci; 6/0) Resolution 2022-297 of the Modesto City Council calling an election to be held on November 8, 2022, for voter consideration of a ballot measure seeking voter approval to impose a one-cent transactions and use (sales) tax for general City Services; requesting the Board of Supervisors of the County of Stanislaus to consolidate the municipal election with the general election to be held on November 8, 2022; requesting certain services of the Registrar of Voters of Stanislaus County with respect to the consolidated General Municipal Election; and establishing policies and procedures in connection with such an election.

    ACTION: (Wright/Escutia-Braaton; 6/0) Introduce by title only and waive the first reading of an ordinance adding Article 12 to Chapter 2 of Title 8 of the Modesto Municipal Code imposing a transaction and use tax. (Subject to voter approval)

17. Consider adopting a Resolution Placing a Measure on the November 8, 2022 General Municipal Election Ballot for Voter Consideration of Amendments to the City Charter; Requesting the Board of Supervisors of the County of Stanislaus to Consolidate the Municipal Election with the General Election to be Held on November 8, 2022, Requesting Certain Services of the Registrar of Voters of Stanislaus County with

Respect to the Consolidated General Municipal Election; and Establishing Policies and Procedures in Connection with such an Election. (Funding Source: General Fund)

- Resolution Placing a Measure on the November 8, 2022 General Municipal Election Ballot for Voter Consideration of Amendments to the City Charter; Requesting the Board of Supervisors of the County of Stanislaus to Consolidate the Municipal Election with the General Election to be Held on November 8, 2022, Requesting Certain Services of the Registrar of Voters of Stanislaus County with Respect to the Consolidated General Municipal Election; and Establishing Policies and Procedures in Connection with such an Election.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Escutia-Braaton/Wright; 6/0) Resolution 2022-298 Placing a Measure on the November 8, 2022 General Municipal Election Ballot for Voter Consideration of Amendments to the City Charter; Requesting the Board of Supervisors of the County of Stanislaus to Consolidate the Municipal Election with the General Election to be Held on November 8, 2022, Requesting Certain Services of the Registrar of Voters of Stanislaus County with Respect to the Consolidated General Municipal Election; and Establishing Policies and Procedures in Connection with such an Election.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:03 pm.

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Thursday, June 30, 2022 at 4:00 PM

Roll Call: Present: Chair Escutia-Braaton, Member Ricci, Vice-Chair Wright,
Absent: None
Also Present: Member Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-2 (Wright/Ricci; 3/0)

CONSENT

1. Consider reappointing Mary Ramirez to the Housing Rehabilitation Loan Committee, with a term expiration of December 31, 2025, and forwarding to Council for approval. (Funding Source: Not Applicable)
CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

   ACTION: (Wright/Ricci; 3/0) Motion to consider reappointing Mary Ramirez to the Housing Rehabilitation Loan Committee, with a term expiration of December 31, 2025, and forwarding to Council for approval.

2. Consider approving the appointment of Omar Silva to the Housing Rehabilitation Loan Committee (HRLC) as the Citizen's Housing and Community Development Committee (CH&CDC) representative with a term expiration of January 1, 2024 and forwarding to Council for approval. (Funding Source: Not Applicable)
CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

   ACTION: (Wright/Ricci; 3/0) Motion to consider approving the appointment of Omar Silva to the Housing Rehabilitation Loan Committee (HRLC) as the Citizen's Housing and Community Development Committee (CH&CDC) representative with a term expiration of January 1, 2024 and forwarding to Council for approval.

NEW BUSINESS

3. Consider recommending appointments to fill nine City of Modesto vacancies on the Equity Commission for a four-year term and forwarding to Council for approval. (Funding Source: Not Applicable)
HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider recommending appointments to fill six City of Modesto vacancies on the Equity Commission for a four-year term and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:47 p.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, July 12, 2022 at 5:30 PM

Roll Call - Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Rev. Scott Elliott, Big Valley Grace

City Clerk's Announcements: City Clerk reported email correspondence for Public Comment Period was received and forwarded to the Council. Also, The Nomination period for the November 8, 2022 General Municipal Election opens on Monday July 18th for Districts 2, 4 and 5. Individuals interested in running for City Council are encouraged to contact the City Clerk's Office

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported that there was no reportable action on the closed session items.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming July 26, 2022, as Americans with Disabilities Act Awareness Day. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented the proclamation declaring July 26, 2022, as Americans with Disabilities Act Awareness Day.

2. Presentation of Proclamation proclaiming August 2, 2022, as National Night Out. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented the proclamation declaring July proclaiming August 2, 2022, as National Night Out.

PUBLIC COMMENT PERIOD

- Louisa Bryant spoke regarding a meeting she had with City of Modesto staff regarding the mold inspection report. She stated that during the meeting she asked that the building inspector remove the mold inspection report submitted to the City by the owners of the property she is renting. She further commented on a public record request she recently submitted and the documents she received. She asked the Council to instruct the inspectors and the owners to complete the repairs.

- Darlene Ruiz commented on the incident that occurred with Dylan Harvey on July 4th. She asked where was CHAT and stated that mental crisis should not be a death sentence. She commented on his shooting and asked that the City implement an emergency response team and asked that the video be released to the public.

- Perfecto Munoz from the West Modesto Community Collaborative spoke about the housing shortage in West Modesto. Housing is difficult to find and rent continues to increase. He stated that the City needs to address this issue. He commented that there's got to be a point where the City and County start discussing this issue. Advocacy and plans are needed to better serve the community. The West Modesto Community Collaborative is willing to assist.

- Ramon Rodriguez commented on the Dylan Harvey incident. He stated that he is concerned that this continues to happen. He referenced studies that having a police officer present during mental health crisis increases the chances of confrontation. He stated that CHAT needs to be implemented.

- Ron DeLoach from the West Modesto People of Action Council spoke regarding the housing issue in West Modesto. He further stated that he also represents the NAACP Housing Committee. He stated that their subject matter is the 54 acre golf course on Tuolumne Blvd. West Modesto has 15,000 families that need housing. People are living in garages sharing bedrooms with other families and people are starting to pitch tents outside of residential homes. They are experiencing a housing crisis due to increasing rents and housing shortage. He would like to see more things happen and a decision on what should be done with the golf course. Fifty-Four acres can help people get housing in West Modesto.

- Steve commented that he agrees with the two gentleman that spoke regarding the dire need for affordable housing in Modesto. He is noticing a theme during the council meetings that at times is dominated by council congratulating each other and then comments like this evening. He also stated that MPD has failed the community again. He insists that the charges should be dropped against Dylan Harvey. He stated the community deserves the release of the video of the incident.

- Bianca Lopez spoke regarding the Dylan Harvey incident. She stated she is here to demand justice for Dylan Harvey. She asked where was the CHAT team and the mental health clinician. She demanded the Chief of Police hold a press conference and release of the footage of the incident. She further stated that an emergency response team should be implemented to give the people some hope.

- Emerson Drake commented regarding the Central Valley Patriots and the racist literature they recently distributed around the city. He also commented regarding the recent Pride Month Proclamation that was presented at a council meeting. He further commented that it's part of Modesto's brick wall and also commented on former Councilperson Zoslocki and his residency.

- Loretta Carhart stated it's her belief that, mental issues are mainly attributed to medicine and someone should study it. She also spoke regarding a roof job she had done on her garage in 2016. She was not happy with the work done and the entire cost was placed on her tax bill. This year, she did not pay it and will not pay it.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-8, 10-27: (Kenoyer/ Wright; 6/0)

CONSENT ITEMS

Consent

3. Consider approving the minutes from the June 28, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the June 28, 2022 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion approving the minutes from the June 28, 2022 Council Meeting.

Consent

4. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-299 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

5. Consider final adoption of Ordinance 3746-C.S. approving adding Article 12 to Chapter 2 of Title 8 of the Modesto Municipal Code Imposing a Transactions and Use Tax. (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3746-C.S. approving adding Article 12 to Chapter 2 of Title 8 of the Modesto Municipal Code Imposing a Transactions and Use Tax. (Subject to Voter Approval)

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Motion approving final adoption of Ordinance 3746-C.S. approving adding Article 12 to Chapter 2 of Title 8 of the Modesto Municipal Code Imposing a Transactions and Use Tax. (Subject to Voter Approval)

Consent

6. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-300 amending Year 2021-22 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

Consent

7. Consider accepting the Monthly Investment Report for April 2022. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for April 2022.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion accepting the Monthly Investment Report for April 2022.

Consent

8. Consider approving an award of bid for the purchase of 30" gate valves to Water Technology Resources, Bloomington, MN, for a total amount not to exceed $64,564. (Funding Source: Wastewater Fund)
    - Resolution approving the award of bid for the purchase of 30" gate valves to Water Technology Resources, Bloomington, MN, for a total amount not to exceed $64,564, and authorizing the Director of Finance or her designee to execute the purchase order.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-301 approving the award of bid for the purchase of 30" gate valves to Water Technology Resources, Bloomington, MN, for a total amount not to exceed $64,564, and authorizing the Director of Finance or her designee to execute the purchase order.

Removed from Consent

Consent

9. Consider accepting an informational report for the May 2022 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the May 2022 Accounts Payable Payment Register and Void report.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0) Motion accepting an informational report for the May 2022 Accounts Payable Payment Register and Void report.

Consent

10. Consider accepting an informational report on the March and April 2022 Grant Applications and Awards. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the March and April 2022 Grant Applications and Awards.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Motion accepting an informational report for the March and April 2022 Grant Applications and Awards.

Consent

11. Consider authorizing the City Manager to negotiate and execute an Agreement with Salida Fire Protection District for temporary Fire Chief services during negotiations of a full Fire Protection Services Agreement. (Funding Source: General Fund)
    - Resolution authorizing the City Manager to negotiate and execute an Agreement with Salida Fire Protection District for temporary Fire Chief services during negotiations of a full Fire Protection Services Agreement.

FIRE; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-302 authorizing the City Manager to negotiate and execute an Agreement with Salida Fire Protection District for temporary Fire Chief services during negotiations of a full Fire Protection Services Agreement.

Consent

12. Consider amending the Position Allocation Plan in four departments: Police, Human Resources, Finance, and Utilities. (Funding Source: Various Funds)
    - Resolution amending the position allocation for fiscal year 2022-23 as adopted in the operating budget.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-303 amending the position allocation for fiscal year 2022-23 as adopted in the operating budget.

Consent

13. Consider amending the Agreement with Johnson Controls, San Leandro, CA, for an updated security access system migration, increasing the not to exceed amount by $40,000 for additional parts and services that may be required through the life of the Agreement for a new total amount not to exceed $255,884. (Funding Source: Supplemental Law Enforcement Services Fund - SLESF)
    - Resolution amending the Agreement with Johnson Controls, San Leandro, CA, for an updated security access system migration, increasing the not to exceed amount by $40,000 for additional parts and services that may be required through the life of the Agreement for a new total amount not to exceed $255,884; and authorizing the Director of Finance, or designee, to execute the amendment.

    POLICE DEPARTMENT; Chris Adams, 209-572-9500, adamsc@modestopd.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-304 amending the Agreement with Johnson Controls, San Leandro, CA, for an updated security access system migration, increasing the not to exceed amount by $40,000 for additional parts and services that may be required through the life of the Agreement for a new total amount not to exceed $255,884; and authorizing the Director of Finance, or designee, to execute the amendment.

Consent

14. Consider accepting the Board of State and Community Corrections California Violence Intervention and Prevention (CalVIP) Grant in the amount of $2,215,217 in grant funds with a 100% match requirement of $2,215,217, of which $514,592 is from the City of Modesto and $1,700,625 is from external subcontracts, for a total amount of $4,430,434. (Funding Source: Police – Grants, General Fund)
    - Resolution accepting the Board of State and Community Corrections California Violence Intervention and Prevention (CalVIP) Grant in the amount of $2,215,217 in grant funds with a 100% match requirement of $2,215,217, of which $514,592 is from the City of Modesto and $1,700,625 is from external subcontracts, for a total amount of $4,430,434; and authorizing the City Manager, or his designee, to execute the necessary documents including Memorandum of Understand Agreements with each partner agency on this grant.
    - Resolution amending the Fiscal Year 2022-23 Operating and Multi-Year Project Budget to appropriate revenue and expenses in the amount of $2,215,217 related to the Board of State and Community Corrections California Violence Intervention and Prevention (CalVIP) Grant and $514,592 for the City of Modesto in-kind match; and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

    POLICE DEPARTMENT; Jessica Smart, 209-572-9518, smartj@modestopd.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-305 accepting the Board of State and Community Corrections California Violence Intervention and Prevention (CalVIP) Grant in the amount of $2,215,217 in grant funds with a 100% match requirement of $2,215,217, of which $514,592 is from the City of Modesto and $1,700,625 is from

external subcontracts, for a total amount of $4,430,434; and authorizing the City Manager, or his designee, to execute the necessary documents including Memorandum of Understand Agreements with each partner agency on this grant.

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-306 amending the Fiscal Year 2022-23 Operating and Multi-Year Project Budget to appropriate revenue and expenses in the amount of $2,215,217 related to the Board of State and Community Corrections California Violence Intervention and Prevention (CalVIP) Grant and $514,592 for the City of Modesto in-kind match; and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

15. Consider approving the Parks, Recreation and Neighborhoods revised spending plan in accordance with the 2021 Modesto Forward strategy for the use of American Rescue Plan Act (ARPA) funds in the amounts of $500,000 for The Awesome Spot Playground, $750,000 for the Tuolumne River – Economic Development Strategy, and $1,270,028 for Park Deferred Maintenance; amending the Fiscal Year 22/23 Capital Improvement Program and Non-Capital project budgets to fund the projects outlined in the attached ARPA Phase 1 Spending Plan for Park Improvements. (Funding Source: American Rescue Plan Act Funding)
    - Resolution approving the Parks, Recreation and Neighborhoods revised spending plan in accordance with the 2021 Modesto Forward Strategy for the use of American Rescue Plan Act (ARPA) funds in the amounts of $500,000 for The Awesome Spot Playground, $750,000 for the Tuolumne River – Economic Development Strategy, and $1,270,028 for Park Deferred Maintenance.
    - Resolution amending the Fiscal Year 2022/2023 Capital Improvement Program and Non-Capital project budgets in the amount of $2,520,028 to fund the projects outlined in the attached ARPA Phase 1 Spending Plan for Park Improvements and authorizing the City Manager, or his designee to take the necessary steps to implement the provisions of this resolution.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-307 approving the Parks, Recreation and Neighborhoods revised spending plan in accordance with the 2021 Modesto Forward Strategy for the use of American Rescue Plan Act (ARPA) funds in the amounts of $500,000 for The Awesome Spot Playground, $750,000 for the Tuolumne River – Economic Development Strategy, and $1,270,028 for Park Deferred Maintenance.

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-308 amending the Fiscal Year 2022/2023 Capital Improvement Program and Non-Capital project budgets in the amount of $2,520,028 to fund the projects outlined in the attached ARPA Phase 1 Spending Plan for Park Improvements and authorizing the City Manager, or his designee to take the necessary steps to implement the provisions of this resolution.

Consent

16. Consider approving an Agreement with Gallo Center for the Arts for a two-year term, retroactive to July 1, 2022 through June 30, 2024 for discounted employee parking in Lot 25 with annual parking permits to be paid on a quarterly basis. (Funding Source: Parking Services Enterprise Fund)
    - Resolution approving an Agreement with Gallo Center for the Arts for a two-year term retroactive to July 1, 2022 through June 30, 2024 for discounted employee parking in Lot 25 with annual parking permits to be paid on a quarterly basis, and authorizing the City Manager, or his designee, to execute the Agreement.

    PUBLIC WORKS; Patrick Crowley, 209-402-6812, pcrowley@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-309 approving an Agreement with Gallo Center for the Arts for a two-year term retroactive to July 1, 2022 through June 30, 2024 for discounted employee parking in Lot 25 with annual parking permits to be paid on a quarterly basis, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving the First Amendment to the Agreement for Consulting Services to Dixon Resources Unlimited, (DIXON) San Diego, CA for City of Modesto Downtown Parking Infrastructure Implementation Plan, increasing the scope of services to include Task 2 and Task 3, to increase the Agreement amount by $183,051 including a 10% contingency, from $26,970 for a new estimated total not to exceed amount of $210,021. (Funding Source: Parking Fund and allocation from American Rescue Plan Act)
    - Resolution approving the First Amendment to the Agreement with Dixon Resources Unlimited (DIXON) as a Consultant for Downtown Parking Infrastructure Implementation Plan; Task 2 and Task 3, increase the Agreement amount by $183,051 including a 10% contingency, from $26,970 for a new estimated total not to exceed amount of $210,021, and authorizing the City Manager, or his designee, to execute the First Amendment to the Agreement.

    PUBLIC WORKS; Patrick Crowley, 209-402-6812, pcrowley@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-310 approving the First Amendment to the Agreement with Dixon Resources Unlimited (DIXON) as a Consultant for Downtown Parking Infrastructure Implementation Plan; Task 2 and Task 3, increase the Agreement amount by $183,051 including a 10% contingency, from $26,970 for a new estimated total not to exceed amount of $210,021, and authorizing the City Manager, or his designee, to execute the First Amendment to the Agreement.

Consent

18. Consider approving the extension of the Compost Facility Flexible Sales Pricing Pilot Program approved on April 2, 2019, and extend for one additional year effective August 1, 2022 through July 31, 2023 with the option to extend for two additional

years at the discretion of the City Manager, or his designee. (Funding Source: Compost Fund)

- Resolution approving the extension of the Compost Facility Flexible Sales Pricing Pilot Program approved on April 2, 2019, and extend for one additional year effective August 1, 2022 through July 31, 2023 with the option to extend for two additional years at the discretion of the City Manager, or his designee.

PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-311 approving the extension of the Compost Facility Flexible Sales Pricing Pilot Program approved on April 2, 2019, and extend for one additional year effective August 1, 2022 through July 31, 2023 with the option to extend for two additional years at the discretion of the City Manager, or his designee.

Consent

19. Consider authorizing staff to apply for all CalRecycle Household Hazardous Waste Grants, rescinding Resolution No. 2015-271, and authorizing the City Manager, or his designee, to sign grant applications and related forms, accept grant awards, and amend the budget as available. (Funding Source: Grant Revenue if received will be deposited into 4891 Solid Waste Fund)

    - Resolution authorizing staff to apply for all CalRecycle Household Hazardous Waste Grants, rescinding Resolution No. 2015-271, and authorizing the City Manager, or his designee, to sign grant applications and related forms, accept grant awards, and amend the budget as available.

    PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-312 authorizing staff to apply for all CalRecycle Household Hazardous Waste Grants, rescinding Resolution No. 2015-271, and authorizing the City Manager, or his designee, to sign grant applications and related forms, accept grant awards, and amend the budget as available.

Consent

20. Consider approving the award of bid for the furnishing of Digester Cleaning Services to Wastewater Solids, Yachats, OR, for an estimated annual amount of $47,690, and a total amount not to exceed $322,663 over five years. (Funding Source: Wastewater Fund)

    - Resolution approving the award of bid for the furnishing of Digester Cleaning Services to Wastewater Solids, Yachats, OR, for an estimated annual amount of $47,690, and a total amount not to exceed $322,663 over five years, and authorizing the City Manager or his designee to execute the Agreement.

    UTILITIES; Ben Koehler, 209-342-4502, bkoehler@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-313 approving the award of bid for the furnishing of Digester Cleaning Services to Wastewater Solids, Yachats, OR, for an estimated annual amount of $47,690, and a total amount not to exceed $322,663

over five years, and authorizing the City Manager or his designee to execute the Agreement.

Consent

21. Consider approving the award of bid and Agreement for pump efficiency testing services to Pumping Efficiency Testing Services, LLC, Sebastopol, CA, for a two-year Agreement with three one-year extension options, for an estimated annual amount of $40,000, and a total amount not to exceed $200,000 over five years. (Funding Source: Water Fund)
    - Resolution approving the award of bid and Agreement for pump efficiency testing services to Pump Efficiency Testing Services, LLC, Sebastopol, CA for a two-year Agreement with three one-year extension options, for an estimated annual amount of $40,000, and a total amount not to exceed $200,000 over five years and authorizing the City Manager or his designee to execute the Agreement.

    UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-314 approving the award of bid and Agreement for pump efficiency testing services to Pump Efficiency Testing Services, LLC, Sebastopol, CA for a two-year Agreement with three one-year extension options, for an estimated annual amount of $40,000, and a total amount not to exceed $200,000 over five years and authorizing the City Manager or his designee to execute the Agreement.

Consent

22. Consider authorizing the submittal of a Grant Application to the State Water Resources Control Board (SWRCB) for the Proposition 1 Groundwater Grant Program, Round 3 (Prop 1 Grant) for the Modesto Municipal Groundwater Supply Contamination Prevention and Cleanup Project. (Funding Source: Water Fund)
    - Resolution authorizing the submittal of a grant application and authorizing the City Manager, or his Designee as the City Representatives to execute all grant related documents and enter into a funding Agreement with the State Water Resources Control Board to receive the grant funds, if awarded, under the Proposition 1 Groundwater Grant Program, for the Round 3 Implementation Grant for the Modesto Municipal Groundwater Supply Contamination Prevention and Cleanup Project.

    UTILITIES; Miguel Alvarez, 209-577-5348, malvarez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-315 authorizing the submittal of a grant application and authorizing the City Manager, or his Designee as the City Representatives to execute all grant related documents and enter into a funding Agreement with the State Water Resources Control Board to receive the grant funds, if awarded, under the Proposition 1 Groundwater Grant Program, for the Round 3 Implementation Grant for the Modesto Municipal Groundwater Supply Contamination Prevention and Cleanup Project.

Consent

23. Consider approving a First Amendment to the Agreement with C.H.W. Enterprises, Inc., DBA Industrial Electrical Machinery, Visalia, CA, for the Furnishing of Electric Motor Rewind/Rebuild Services, increasing the annual amount by $243,196 from $124,304 for a new estimated annual amount of $367,500 and a new total amount not to exceed $1,705,568 over five years. (Funding Source: Various Funds)

- Resolution approving a First Amendment to the Agreement with C.H.W. Enterprises, Inc., DBA Industrial Electrical Machinery, Visalia, CA, for the Furnishing of Electric Motor Rewind/Rebuild Services, increasing the annual amount by $243,196 from $124,304 for a new estimated annual amount of $367,500 and a new total amount not to exceed $1,705,568 over five years and authorizing the Director of Finance or her designee, to execute the Agreement.

UTILITIES; Monte Hamilton, 209-342-4505, mhamilton@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-316 approving a First Amendment to the Agreement with C.H.W. Enterprises, Inc., DBA Industrial Electrical Machinery, Visalia, CA, for the Furnishing of Electric Motor Rewind/Rebuild Services, increasing the annual amount by $243,196 from $124,304 for a new estimated annual amount of $367,500 and a new total amount not to exceed $1,705,568 over five years and authorizing the Director of Finance or her designee, to execute the Agreement.

Consent

24. Consider approving a Sole Source Purchase Agreement with APG-Neuros, Blainville, Quebec, Canada, for the Procurement of Flow Meters and Parts for an estimated annual amount of $150,000 and a total amount not to exceed $750,000 over five years. (Funding Source: Wastewater Fund)

- Resolution approving a Sole Source Purchase Agreement with APG-Neuros, Blainville, Quebec, Canada, for the Procurement of Flow Meters and Parts for an estimated annual amount of $150,000 and a total amount not to exceed $750,000 over five years, and authorizing the Director of Finance, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Director of Finance or her designee, to execute the Agreement.

UTILITIES; Monte Hamilton, 209-342-4505, mhamilton@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-317 approving a Sole Source Purchase Agreement with APG-Neuros, Blainville, Quebec, Canada, for the Procurement of Flow Meters and Parts for an estimated annual amount of $150,000 and a total amount not to exceed $750,000 over five years, and authorizing the Director of Finance, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Director of Finance or her designee, to execute the Agreement.

Consent

25. Consider accepting improvements for the Amtrak Station Roof and Restroom Renovation Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $448,978 to Commercial Waterproofing Systems; dba ERC Roofing & Waterproofing, Inc., Santa Ana, CA. (Funding Source: Local Transportation Funds-Regional Facilities and State of Good Repair)
    - Resolution accepting the Amtrak Station Roof and Restroom Renovation Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $448,978 to Commercial Waterproofing Systems; dba ERC Roofing & Waterproofing, Inc., Santa Ana, CA.

    UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-318 accepting the Amtrak Station Roof and Restroom Renovation Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $448,978 to Commercial Waterproofing Systems; dba ERC Roofing & Waterproofing, Inc., Santa Ana, CA.

Consent

26. Consider accepting the Street Improvements Southbound McHenry Avenue to Westbound Briggsmore Avenue CML-5059 (186) project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,222,355 to George Reed, Inc., of Modesto, CA. (Funding Source: Congestion Mitigation and Air Quality (CMAQ), Regional Surface Transportation Program Funds (RSTP), Streets Community Facilities Fees (CFF), and Measure L MOE Funds)
    - Resolution accepting the Street Improvements Southbound McHenry Avenue to Westbound Briggsmore Avenue CML-5059 (186) project project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,222,355 to George Reed, Inc., CA.

    UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-319 accepting the Street Improvements Southbound McHenry Avenue to Westbound Briggsmore Avenue CML-5059 (186) project project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,222,355 to George Reed, Inc., CA.

Consent

27. Consider approving and certifying an update to the City of Modesto Sewer System Management Plan. (Funding Source: Wastewater Fund)
    - Resolution approving and certifying an update to the City of Modesto Sewer System Management Plan.

    UTILITIES; Robert Englent, 209-577-6222, renglent@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-320 approving and certifying an update to the City of Modesto Sewer System Management Plan.

COUNCIL COMMENTS & REPORTS

Council Member Ricci commented that over the last couple of weeks there have been hate groups boldly pushing their agendas. There have been antisemitic flyers distributed and other fascist groups pushing their hate information. Modesto has a hate problem and it must be addressed. He believes those groups are the minority. It's time for this City to speak up and take action to make it clear that Modesto is not a place for hate, and that they are committed to a community of diversity. Silence in the face of bigotry is no better than being supportive. He thinks that a way to address it is to create a historical monument dedicated to local Jewish cultural history and contributions to the City. A LGBT sidewalk in downtown to demonstrate the City's commitment to diversity and freedom. Also, they should make Juneteenth an official Holiday.

Council Member Escutia-Braaton publicly denounced any and all individuals and groups who discriminate against those that are different. There's no room in Modesto for any kind of antisemitic behavior or discrimination. She would like to belive that in Modesto they recognize that they are more alike than different.

Council Member Madrigal echoed the comments from Council Member Ricci. He believes they have an opportunity to really make a statement that Modesto is a welcoming city and that they do not tolerate hate. One way to show that is by funding some of the ideas that Council Member Ricci put forward and possibly using some of the ARPA funding. He hopes the Council will bring back something they can discuss.

Mayor Zwahlen commented that one way she tries to demonstrate inclusion is to spend time with people that may believe differently than she does or are different in whatever way it is. She was honored to visit Howard Prep, especially in light of this month they are celebrating American's with Disability Awareness. She acknowledged all of the activities Howard Prep does and watching how the Howard Prep participants learn how to cook and how to interact with each other and train others for jobs. It was delightful spending time with them.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez reported that tonight he is proud to announce a new language access feature the City has made available to the public. Modesto is the first City to incorporate "Wordly" multilingual communication in California. Wordly provides real time translation in captions translated into 20 different languages. A QR Code is included on the posted agendas. Residents will be able to view meetings in the language of their choosing. He is very proud of staff for their work in bringing about this innovation and milestone in the City's strategic plan.

HEARINGS

Published in the Modesto Bee on June 22, 2022.

28. Hearing to consider a proposed an amendment to Planned Development P-D (247) to allow for commercial development that would include food truck commissary, parking, and manufacturing/repair services on property located at 2301 Crows Landing Road. (Funding Source: Developer Funded)
    - Resolution approving an amendment to Planned Development P-D (247) to allow for commercial development that would include food truck commissary, parking, and manufacturing/repair services on property located at 2301 Crows Landing Road.
    - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No 2014042081): an amendment to Planned Development P-D (247) to allow commercial development that would include food truck commissary parking, and manufacturing/repair services on property located at 2301 Crows Landing Road.

    CED; Paul Liu, 209-577-5282, pliu@modestogov.com

    ACTION: (Madrigal/Escutia-Braaton; 6/0) **Resolution 2022-321** approving an amendment to Planned Development P-D (247) to allow for commercial development that would include food truck commissary, parking, and manufacturing/repair services on property located at 2301 Crows Landing Road.

    ACTION: (Wright/Madrigal; 6/0) **Resolution 2022-322** 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): an amendment to Planned Development P-D (247) to allow commercial development that would include food truck commissary parking, and manufacturing/repair services on property located at 2301 Crows Landing Road.

NEW BUSINESS

29. Consider approving a Master Property Tax Revenue Agreement with Stanislaus County. (Funding Source: General Fund)
    - Resolution approving a Master Property Tax Revenue Agreement with Stanislaus County.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com

    ACTION: (Escutia-Braaton/Wright; 6/0) Resolution 2022-323 approving a Master Property Tax Revenue Agreement with Stanislaus County.

30. Consider approving a Blight Abatement Pilot Program and the "Modesto Mo' Beautiful" Slogan for education and outreach on blight abatement programs in accordance with the 2020-2025 Blight Abatement Strategy, and allocating $750,000 in

America Rescue Plan Act funding toward blight abatement efforts, and amending the position allocation plan for the Fiscal Year 2021-2022 as adopted in the operating budget. (Funding Source: America Rescue Plan Funding)

- Resolution approving a Blight Abatement Pilot Program and the "Modesto Mo' Beautiful" Slogan for education and outreach on blight abatement programs in accordance with the 2020-2025 Blight Abatement Strategy, and allocating $750,000 in America Rescue Plan Act funding toward blight abatement efforts.
- Resolution approving an American Rescue Plan Act (ARPA) Homeowner Rehabilitation Program Policy defining the structure of the program, and allocating $250,000 from the $750,000 allocation in American Rescue Plan funds for the Blight Abatement Pilot Program.
- Resolution amending the position allocation for the Fiscal Year 2021-2022 as adopted in the operating budget.

CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Wright/Ricci; 6/0) Resolution 2022-324 approving a Blight Abatement Pilot Program and the "Modesto Mo' Beautiful" Slogan for education and outreach on blight abatement programs in accordance with the 2020-2025 Blight Abatement Strategy, and allocating $750,000 in America Rescue Plan Act funding toward blight abatement efforts.

ACTION: (Wright/Ricci; 6/0) Resolution 2022-325 approving an American Rescue Plan Act (ARPA) Homeowner Rehabilitation Program Policy defining the structure of the program, and allocating $250,000 from the $750,000 allocation in American Rescue Plan funds for the Blight Abatement Pilot Program.

ACTION: (Wright/Ricci; 6/0) Resolution 2022-326 amending the position allocation for the Fiscal Year 2021-2022 as adopted in the operating budget.

31. Consider approving the City's Pandemic Recovery Strategy, Modesto Forward, for the use of the second allocation of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocations. (Funding Source: American Rescue Plan Act)

    - Resolution approving the City's Pandemic Recovery Strategy, Modesto Forward, for the use of the second allocation of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocations.

    CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

    ACTION: (Wright/Ricci; 6/0) Resolution 2022-327 approving the City's Pandemic Recovery Strategy, Modesto Forward, for the use of the second allocation of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocations.

32. Consider accepting an update on the 2021 Stanislaus Regional Strategic Plan to Address Homelessness and approving the direction of the implementation plan. (Funding Source: Not applicable)
    - Resolution accepting an update on the 2021 Stanislaus Regional Strategic Plan to address Homelessness and approving the direction of the implementation plan.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Ricci/Escutia-Braaton; 6/0) Resolution 2022-328 accepting an update on the 2021 Stanislaus Regional Strategic Plan to address Homelessness and approving the direction of the implementation plan.

33. Consider approving a pilot Safe Parking Program at the parking lot located at 9th and B Streets (APN: 106-047-003) for a maximum of 25 vehicles, and authorizing the City Manager, or his designee, to negotiate and execute necessary Agreements with the County of Stanislaus, Salvation Army, and Stanislaus Food Products (SFP) for the use of the site as a Safe Parking Program. (Funding Source: American Rescue Plan Act Funding)
    - Resolution approving a pilot Safe Parking Program at the parking lot at 9th and B Streets (APN: 106-047-003) for a maximum of 25 vehicles, and authorizing the City Manager to negotiate execute necessary Agreements with the County of Stanislaus, Salvation Army, and Stanislaus Foods for the use of the site for this pilot Safe Parking Program.

    CED; Jessica Hill, 209-571-5101, jhill@modestogov.com

    ACTION: (Ricci/Escutia-Braaton; 6/0) Resolution 2022-329 approving a pilot Safe Parking Program at the parking lot at 9th and B Streets (APN: 106-047-003) for a maximum of 25 vehicles, and authorizing the City Manager to negotiate execute necessary Agreements with the County of Stanislaus, Salvation Army, and Stanislaus Foods for the use of the site for this pilot Safe Parking Program.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:29 PM.
Closed Session Items heard prior to meeting.

CLOSED SESSION

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

Property: 7001 Jennings Rd., Modesto CA 95358 – APN 022-001-002

Property Owners: City of Modesto

Negotiating Parties:

For City: Bill Sandhu, Public Works Director
Jose M. Sanchez, City Attorney

For Owner: Scott Gardner, Chief Commercial Officer

Under Negotiation: Price and Terms of a Site Lease Option Agreement

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Section 54957 of the Government Code)
Title: City Clerk

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case(s): Jeremy Davis v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ12156935, ADJ14179967

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

Name of Case: Cherry v. City of Modesto
Case No. 1:18-CV-01268

Chipponeri v. City of Modesto
Case No. 2028661

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

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, August 08, 2022 at 5:00 PM

Roll Call: Present: Member Escutia-Braaton, Chair Ricci, and Vice-Chair Zwahlen
Absent: None
Also Present: Member Wright

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1 (Escutia-Braaton/Zwahlen; 3/0)

CONSENT

1. Consider approving an Agreement with CSG Consultants, Inc. for Fire Prevention Plan Check Services, for a two-year Agreement, with three one-year extension options, for an annual estimated amount of $75,000 and total amount not to exceed $375,000 and forwarding to Council for approval. (Funding Source: General Fund)
FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion to approve an Agreement with CSG Consultants, Inc. for Fire Prevention Plan Check Services, for a two-year Agreement, with three one-year extension options, for an annual estimated amount of $75,000 and total amount not to exceed $375,000 and forwarding to Council for approval.

NEW BUSINESS

2. Consider an Ordinance amending section 12-4.202(b)(2) of Article 2 to Chapter 4 of Title 12 of the Modesto Municipal Code relating to the use of parks and recreation areas and facilities to authorize the Director of Parks, Recreation and Neighborhoods to set hours of operations for all parks, trails, green space, and recreation facilities and forwarding to Council for approval. (Funding Source: General Fund)
PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion to consider an Ordinance amending section 12-4.202(b)(2) of Article 2 to Chapter 4 of Title 12 of the Modesto Municipal Code relating to the use of parks and recreation areas and facilities to authorize the Director of Parks, Recreation and Neighborhoods to set hours of operations for all parks, trails, green space, and recreation facilities 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, City Manager

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday August 09, 2022,
at 5:30 PM

Roll Call - Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Mike Brinton, The Church of Jesus Christ of Latter Day Saints

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported that there was no reportable action on closed session items.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Stanislaus County Update (Funding Source: Not Applicable)
CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

   ACTION: Mani Grewal, Stanislaus County Board of Supervisor provided a County update.

2. Presentation of Proclamation recognizing Assyrian Martyrs Remembrance Day (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION Mayor Zwahlen read proclamation recognizing Assyrian Martyrs Remembrance Day and presented it to Carmen Morad, working with the CSU Stanislaus, SARGUIS Modern Assyrian Heritage project.

3. Presentation of Certificates of Recognition to members of the Forward Together Workgroup. (Funding Source: Not Applicable)
CITY MANAGER; Allison Van Guilder, 209-577-5223, avanguilder@modestogov.com

ACTION: Mayor Zwahlen presented Certificates of Recognition to members of the Forward Together Workgroup.

MISCELLANEOUS

4. Consider approving the appointment of Omar Silva to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2024. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the appointment of Omar Silva to the Housing Rehabilitation Loan Committee (HRLC) as the Citizen's Housing and Community Development Committee (CH&CDC) representative with a term expiration of January 1, 2024.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Wright/Madrigal; 6/0) Resolution 2022-330 approving the appointment of Omar Silva to the Housing Rehabilitation Loan Committee (HRLC) as the Citizen's Housing and Community Development Committee (CH&CDC) representative with a term expiration of January 1, 2024.

5. Consider reappointing Mary Ramirez to the Housing Rehabilitation Loan Committee, with a term expiration of December 31, 2025. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution reappointing Mary Ramirez to the City of Modesto Housing Rehabilitation Loan Committee, with a term expiration of December 31, 2025.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Wright/Ricci; 6/0) Resolution 2022-331 reappointing Mary Ramirez to the City of Modesto Housing Rehabilitation Loan Committee, with a term expiration of December 31, 2025.

6. Consider recommending appointments to fill six vacancies on the Equity Commission for a four-year term. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the appointments of Stacey Sottero, Lisa Battista, Maya Ramirez, Gabriella Fierro, A'Kia Walker, and Mayra Martinez to the Equity Commission with a term expiration of August 1, 2026.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Ricci/Escutia-Braaton; 6/0) Resolution 2022-332 approving the appointments of Stacey Sottero, Lisa Battista, Maya Ramirez, Gabriella Fierro, A'Kia Walker, and Mayra Martinez to the Equity Commission with a term expiration of August 1, 2026.

PUBLIC COMMENT PERIOD

- Louisa Bryant, commented on a 24 hour notice of an on-site inspection conducted by the city building inspector. She further referenced a photo that she distributed to the Council. She also commented on the notice of violation that was sent to the owners in March of this year.

- Wilson Trong, commented on the California Mortgage Relief Program that is part of the California Housing Finance Authority. The program provides mortgage assistance to qualified homeowners who have fallen behind on their housing payments or property tax payments due to pandemic-related financial hardships. Information can be found at camortgagerelief.org.

- Steve Allen, commented that he was hopeful about certain aspects of what he sees through the work of the Forward Together Group, but now not so sure. He further commented about the Modesto Police Department and the shooting of Dylan Harvey and death of Paul Chavez, Jr.

- David Froba, NAACP stated that he is asking the City Council to get moving on the municipal golf course site and do something about the housing that is needed.

- Ramon Rodriguez, spoke regarding the recent violence. He agrees with the previous speaker that the culture of violence is still going on. He commented about the Modesto Police Department, the incidents with Dylan Harvey and Paul Chavez, Jr. He asked the City of Modesto and the Forward Together Group to step it up.

- Leroy Gambrell, spoke in support of using the golf course for affordable housing. He stated that taxpayers own 54 acres of land and there are approximately 14,500 unhoused persons in Modesto. He further referenced deed restrictions that were in place several years ago.

- Brittony Estrella Chavez, commented on the death of her husband Paul Davis Chavez, Jr. She is outraged with what occurred. She spoke about the Modesto Police Department and the District Attorney. She is demanding justice for her husband. She further commented on Forward Together. She would like the City to stop talking about reform and do something before someone else is shot.

- Sharon Froba, Housing Chair of the local NAACP spoke in support of using the 54 acres of the golf course for affordable housing. She also commented on deed restrictions that existed in 1940s-60s and provided a deed restriction from the Bernard Tract built in 1947.

- Theresa Clutter, mother in law of Paul Chavez, Jr., commented regarding his death. She spoke about his shooting and the Modesto Police Department. She asked how many non-threatening civilians need to be shot and asked why isn't anyone taking action.

- Ron DeLoache, from West Modesto Community Collaborative and the West Modesto People of Action spoke in support of using the 54 acres at the golf course for housing. People are in desperate need of housing. They want to be able to speak out and have some positive reaction from the Council.

- Alicia, stated she is speaking on behalf of Joshua Clutter. Paul Chavez, Jr. was her brother. She spoke about the time he has lost and stated that time, was chosen over her brother's health. She further commented on his shooting and the Modesto Police Department.

- Austin Grant spoke in support of using the municipal golf course for housing. People who grew up in West Modesto cannot even afford to live there. It would be a disservice to the community to not use that location for housing.

- Patrick Worley commented about the death of Paul Chavez, Jr. Paul Chavez was a good father, husband and brother. There was not an urgency to save his life. He spoke about the Modesto Police Department and stated that Paul Chavez no longer has his voice, but the community will stand up and be his voice.

- Bianca Lopez, stated she demands justice for Paul Chavez and Dylan Harvey. As the Council recognizes the Forward Together Group, she urges Council to be well prepared with questions and that they vote to pass the recommendations. She encourages Modesto Police Department to publish the names of officers that are trained in CHAT and have mental health training.

- Darlene Ruiz, Trevor Seever's mother urged the City Council to pass the Forward Together recommendations and implement them. She asked that they make a real change in Modesto and make real change happen.

- Emerson Drake, spoke about transparency. He further spoke about the election public notice that was in the Modesto Bee and public records requests he has submitted.

- Ana, Paul Chavez, Jr's cousin spoke about his death and the Modesto Police Department. Paul Chavez was taken from his wife and family. She implored Council not to let this go.

- Rob Gibson, asked Council to revisit the City's ordinance about only having two dogs. Many homes have more than two dogs. The City would benefit from extra revenue for licensing fees. He would like the City to please review this and put it back to four animals per home.

- Eldo Harris wanted to thank the Modesto Police Department for meeting with him to discuss the tow rates.

- Thomas Helm stated that he is a member of the Forward Together Group, but will be speaking as a citizen of Modesto. He knows nothing that he says is going to make anybody feel better about the loss of a loved one. He joined the committee to make a difference. He wants to look back at his time on the committee and know that he did the right thing. He does not want to look back and nothing came of this and another incident like this happens.

Recessed: 7:24 pm
Reconvened: 7:30 pm

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 7-11, 13-16: (Kenoyer/Wright; 6/0)

CONSENT ITEMS

Consent
7. Consider approving the minutes from the July 12, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the July 12, 2022 Council Meeting.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Motion approving the minutes from the July 12, 2022 Council Meeting.

Consent
8. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-333 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent
9. Consider approving a First Amendment to the Agreement with Brenda Davis Law Group to provide cannabis equity consulting services for the development of a Cannabis Equity Program, increasing the Agreement amount by $49,050 from $40,000 to a new total of $89,050. (Funding Source: GO-Biz Cannabis Equity Grant Funds and General Fund)
    - Resolution approving a First Amendment to the Agreement with Brenda Davis Law Group to provide cannabis equity consulting services for the development of a Cannabis Equity Program, increasing the Agreement amount by $49,050 from $40,000 to a total of $89,050 and authorizing the City Manager, or his designee, to execute the amendment.

CED; Jorge Barrera, 209-571-5179, jbarrera@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-334 approving a First Amendment to the Agreement with Brenda Davis Law Group to provide cannabis equity consulting services for the development of a Cannabis Equity Program, increasing the Agreement amount by $49,050 from $40,000 to a total of $89,050 and authorizing the City Manager, or his designee, to execute the amendment.

Consent

10. Consider accepting the Monthly Investment Report for May 2022. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for May 2022.

FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Motion accepting the Monthly Investment Report for May 2022.

Consent

11. Consider approving the Award of Proposal and Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for two years with three one-year extension options at a combined estimated annual amount of $150,000 and a total combined amount not to exceed $750,000 over the five years. (Funding Source: General Fund, Redevelopment Successor Agency, Water, Wastewater, and Golf Fund)
    - Resolution approving the Award of Proposal and Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for two years with three one-year extension options at a combined estimated annual amount of $150,000 and a total combined amount not to exceed $750,000 over the 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/Wright; 6/0) Resolution 2022-335 approving the Award of Proposal and Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for two years with three one-year extension options at a combined estimated annual amount of $150,000 and a total combined amount not to exceed $750,000 over the five years and authorizing the City Manager or his designee to execute the Agreement.

Removed from Consent
Consent

12. Consider accepting an informational report for the June 2022 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the June 2022 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Wright/Ricci; 6/0) Motion accepting an informational report for the June 2022 Accounts Payable Payment Register and Void report.

Consent

13. Consider approving a second cell tower lease amendment to the site lease Agreement with New Cingular Wireless PCS, LLC, extending the maximum term of the Agreement through August 31, 2047. (Funding Source: Cell Tower Facility Rental Revenue)
    - Resolution approving a second cell tower lease amendment to the site lease Agreement with New Cingular Wireless PCS, LLC, extending the maximum term of the Agreement through August 31, 2047 and authorizing the City Manager, or his designee to execute the Agreement

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-336 approving a second cell tower lease amendment to the site lease Agreement with New Cingular Wireless PCS, LLC, extending the maximum term of the Agreement through August 31, 2047 and authorizing the City Manager, or his designee to execute the Agreement.

Consent

14. Consider approving the Initial Study/Mitigated Negative Declaration (IS/MND) for the Riverdale Park Tract Community Services District Water System Consolidation Project in accordance with the California Environmental Quality Act (CEQA), and making certain findings concerning the environmental impacts and mitigation measures, approving a Mitigation Monitoring and Reporting Program, in connection with the Riverdale Park Tract Community Services District Water System Consolidation Project contemplated by the IS/MND, directing staff to file a Notice of Determination for the IS/MND. (Funding Source: Water Fund)
    - Resolution approving the Initial Study/Mitigated Negative Declaration for the Riverdale Park Tract Community Services District Water System Consolidation Project in accordance with the California Environmental Quality Act and making certain findings concerning the environmental impacts and mitigation measures, approving a Mitigation Monitoring and Reporting Program and directing staff to file a Notice of Determination.

    UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-337 approving the Initial Study/Mitigated Negative Declaration for the Riverdale Park Tract Community Services District Water System Consolidation Project in accordance with the California Environmental Quality Act and making certain findings concerning the environmental impacts and mitigation measures, approving a Mitigation Monitoring and Reporting Program and directing staff to file a Notice of Determination.

Consent

15. Consider accepting the Scenic Drive Pavement Rehabilitation Phase I project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,248,560 to George Reed, Inc., of Modesto, CA. (Funding Source: Local Control Measure L Funds)
    - Resolution accepting the Scenic Drive Pavement Rehabilitation Phase I project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,248,560 to George Reed, Inc., CA.

    UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-338 accepting the Scenic Drive Pavement Rehabilitation Phase I project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $1,248,560 to George Reed, Inc., CA.

Consent

16. Consider approving the First Amendment with Grover Landscape Services, Inc., Modesto, CA for the Furnishing of Landscape Maintenance, Weed Abatement, Trash Removal and Rodent Control Services, and increasing the annual amount by $15,000 from $155,000, to a new estimated annual amount of $170,000 for Year 3 and including a 10% CPI increase for Years 4 and 5 for a new total amount not to exceed $872,700 over five years. (Funding Source: Sewer and Storm Drain Funds and Various Community Facility Districts (CFD) Funds)
    - Resolution approving the First Amendment with Grover Landscape Services, Inc., Modesto, CA for the Furnishing of Landscape Maintenance, Weed Abatement, Trash Removal and Rodent Control Services, and increasing the annual amount by $15,000 from $155,000, to a new estimated annual amount of $170,000 for Year 3 and including a 10% CPI increase for Years 4 and 5 for a new total amount not to exceed $872,700 over five years and authorizing the City Manager or his designee, to execute the amendment.

    UTILITIES; Robert Englent, 209-577-6222, renglent@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-339 approving the First Amendment with Grover Landscape Services, Inc., Modesto, CA for the Furnishing of Landscape Maintenance, Weed Abatement, Trash Removal and Rodent Control Services, and increasing the annual amount by $15,000 from $155,000, to a new estimated annual amount of $170,000 for Year 3 and including a 10% CPI increase for

Years 4 and 5 for a new total amount not to exceed $872,700 over five years and authorizing the City Manager or his designee, to execute the amendment.

COUNCIL COMMENTS & REPORTS

Council Member Kenoyer stated that she wanted the public to know that the Council receives the agendas on Friday. They go over them over the weekend and if they have any questions they ask on Monday during their agenda review. They do this in order to save time when they are in council meetings and understand what the consent item is about.

Council Member Ricci expressed his deepest sympathy to the family of Paul Chavez. Mr. Chavez had a family and children and this Council is committed to making a change. He feels the families loss.

Vice Mayor Wright reported that he toured the Salvation Army, Berberian Homeless Shelter. The shelter is a nicer facility than what they have had it the past. There are optometry services and county services. He wants the citizens to know that they are doing a lot in this community to help the homeless and those that really need a hand up. He thanked Jessica Hill and the County for making a difference.

Council Member Madrigal echoed the comments of Council Member Ricci and his thoughts and prayers are with the Chavez family. He also thanked all the speakers that brought up the issue about the housing crisis and the municipal golf course. He would like to see if staff can come back and give an update at the next council meeting.

ACTION: **(Madrigal/Ricci; 2/4)** Motion directing staff to bring an update regarding the municipal golf course at the next council meeting. **(Motion failed.)**

City Manager Lopez, stated that staff will work on a strategy to make sure the Council and the community are informed of the next steps.

Council Member Escutia-Braaton, stated that today they heard deep personal, painful stories, and experiences of individuals in Modesto. She is deeply moved and takes it to heart what was said and knows first-hand and has heard from the community that Modesto is a wonderful place. She also reported on attending the Assyrian event and the resiliency she saw in that community, she also sees in Modesto. She also reported on attending National Night Out and the positive comments and good will from the community about law enforcement and the community. She is very hopeful and knows very much that Modesto is a wonderful place to live in. As a Council they hear them and will continue to do their best to make the best decisions for Modesto.

Mayor Zwahlen expressed sympathy to those in the community that lost loved ones. National Night Out is something that is profoundly important in our community and it was heartwarming to see those interactions with the community. She stated that the Council and the five law enforcement officers present in this room heard the comments made this evening. They can do and will do better and will all work together. This Council and the

Modesto Police Department have committed to do their best to improve the community. She looks forward to the efforts in the future. It's going to take some time to make sure they do this correctly, and she asks the community to stay engaged, because community input makes a difference.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez provided clarification to a public comment made by someone earlier. Items 11, 13, 14 and 16 were heard at a Council committee.

UNFINISHED BUSINESS

17. Consider approving a Memorandum of Understanding with the Downtown Streets Team (DST) program in collaboration with the County of Stanislaus Community Services Agency, and approving an annual contribution in an amount not to exceed $700,000, for a total amount of $2,100,000 throughout the three year term. (Funding Source: Litter Abatement Fund, Community Development Block Grants, American Rescue Plan Act Funds)
    - Resolution approving a Memorandum of Understanding with the Downtown Streets Team (DST) program in collaboration with the County of Stanislaus Community Services Agency, and approving an annual contribution in an amount not to exceed $700,000, for a total amount of $2,100,000 throughout the three year term, to assist the City of Modesto in addressing homelessness, and authorizing the City Manager or his designee execute the Agreement.
    - Resolution amending the fiscal year 2022-2023 multi-year fund budget to establish applicable revenue, expense and transfer budgets for the Downtown Streets Team Memorandum of Understanding to be funded with American Rescue Plan Act (ARPA) funds and Community Development Block Grant (CDBG) funds and Litter Abatement funds and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Wright/Ricci; 6/0) Resolution 2022-340 approving a Memorandum of Understanding with the Downtown Streets Team (DST) program in collaboration with the County of Stanislaus Community Services Agency, and approving an annual contribution in an amount not to exceed $700,000, for a total amount of $2,100,000 throughout the three year term, to assist the City of Modesto in addressing homelessness, and authorizing the City Manager or his designee execute the Agreement.

    ACTION: (Wright/Ricci; 6/0) Resolution 2022-341 amending the fiscal year 2022-2023 multi-year fund budget to establish applicable revenue, expense and transfer budgets for the Downtown Streets Team Memorandum of Understanding to be funded with American Rescue Plan Act (ARPA) funds and Community Development Block

Grant (CDBG) funds and Litter Abatement funds and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

HEARINGS

Published in the Modesto Bee on July 20, 2022

18. Hearing to consider a City-initiated rezone from Low Density Residential (R-1) Zone and Commercial-Industrial (C-M) Zone to Planned Development Zone P-D(615) for property located at 1601 and 1625 McHenry Ave, and a rezone from Commercial-Industrial (C-M) Zone to General Commercial (C-2) Zone for property located at 1707 McHenry Avenue. (Funding Source: General Fund)
    - Motion introducing and waiving the first reading of an Ordinance amending Section 17-3-9 of the zoning map to rezone from Low-Density Residential Zone, R-1, and Commercial Industrial Zone, C-M, to Planned Development Zone, P-D(615), for property located at 1601 and 1625 McHenry Avenue (City initiated).
    - Motion introducing and waiving the first reading of an Ordinance amending the Zoning Map to rezone property located at 1707 McHenry Ave from Commercial-Industrial Zone to General Commercial Zone.
    - Resolution finding that the rezones from C-M and R-1 to P-D(615) for property located at 1601 McHenry Avenue, 1625 McHenry Avenue, and the property to the rear of 1625 McHenry Avenue, and from C-M to C-2 for the property located at 1707 McHenry Avenue, are within the scope of the Modesto Urban Area General Plan Master Environmental Impact Report (SCH NO. 2014042081).

    CED; Katharine Martin, 209-577-5267, kamartin@modestogov.com

    ACTION: (Escutia-Braaton/Ricci; 6/0) Motion introducing and waiving the first reading of an Ordinance amending Section 17-3-9 of the zoning map to rezone from Low-Density Residential Zone, R-1, and Commercial Industrial Zone, C-M, to Planned Development Zone, P-D(615), for property located at 1601 and 1625 McHenry Avenue (City initiated).

    ACTION: (Wright/Escutia-Braaton; 6/0) Motion introducing and waiving the first reading of an Ordinance amending the Zoning Map to rezone property located at 1707 McHenry Ave from Commercial-Industrial Zone to General Commercial Zone.

    ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-342 finding that the rezones from C-M and R-1 to P-D(615) for property located at 1601 McHenry Avenue, 1625 McHenry Avenue, and the property to the rear of 1625 McHenry Avenue, and from C-M to C-2 for the property located at 1707 McHenry Avenue, are within the scope of the Modesto Urban Area General Plan Master Environmental Impact Report (SCH NO. 2014042081).

Published in the Modesto Bee on July 3, 2022

19. Hearing to consider awarding Non-Exclusive, Non-Consensual Franchise Towing Services Agreements to 12 applicants pursuant to the Modesto Municipal Code. (Funding Source: General Fund, 1610 – MPD Traffic Offender Fund)
    - Resolution awarding Non-Exclusive, Non-Consensual Franchise Towing Service Agreements to twelve towing companies pursuant to Modesto Municipal Code Section 11-2, and authorizing the City Manager, or his designee, to execute the Agreements.

    POLICE DEPARTMENT; Aaron Tait, 209-572-9500, taita@modestopd.com

    ACTION: (Escutia-Braaton/Wright; 6/0) Resolution 2022-343 awarding Non-Exclusive, Non-Consensual Franchise Towing Service Agreements to twelve towing companies pursuant to Modesto Municipal Code Section 11-2, and authorizing the City Manager, or his designee, to execute the Agreements.

Published in the Modesto Bee on July 13, 2022

20. Hearing to consider the application and issuance of a permit to operate as a non-emergency medical transport company to MacIntosh Transport LLC in the City of Modesto. (Funding Source: General Fund)
    - Resolution accepting the application of MacIntosh Transport LLC issuing this entity a permit to operate as a non-emergency medical transport company in the City of Modesto.

    POLICE DEPARTMENT; Brandon Gillespie, 209-572-9500, gillespieb@modestopd.com

    ACTION: (Wright/Zwahlen; 6/0) Resolution 2022-344 accepting the application of MacIntosh Transport LLC issuing this entity a permit to operate as a non-emergency medical transport company in the City of Modesto.

NEW BUSINESS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:54 p.m.

All Closed Session items heard prior to the meeting.

CLOSED SESSION

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

Property & Property Owners:

APN	Address	Owner Name
007-024-003, 007-024-004 & 007-037-010	3643 Maze Bl., Modesto	Nita M. Wagner, as Trustee of the Nita M. Wagner Living Trust; Jane M. Roos & Ralph E. Roos; John Schallberger & Marie Schallberger, Trustees, of the Revocable Trust Dated November 3, 1992; Hans J. Wagner & Carla Wagner; Donald Wagner; Julia A. Wagner, as Trustee of the Julia A. Wagner 1992 Trust, as their interests appear of record; Hans J. Wagner, III, Trustee of the Hans J. Wagner III 2015 Trust

Negotiating Parties:

City Negotiators: James Staudinger, CPSI
Property Owners

Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Two Cases (Pursuant to Section 54956.9(a) of the Government Code)

Name of case(s): Manuel Ramirez v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ1697422, ADJ11027135, ADJ11299237

Greg Ewert v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ7834384, ADJ12420861, ADJ12658697, ADJ12451095

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

Name of Case: Martinez v. City of Modesto
Case No. 19-006820

Chipponeri v. City of Modesto
Case No. 2028661

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Modesto, California
Wednesday, August 10, 2022 at 5:30 PM

Roll Call: Present: Vice-Chair Ricci, Member Wright, and Chair Zwahlen
Absent: None
Also Present: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-6: (Wright/Ricci;3/0)

CONSENT

Consent
1. Consider approving a Second Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $621,745 plus $62,175 for additional services, if needed, from $11,764,074 for a total amount not to exceed $12,447,994, and forwarding to Council for approval. (Funding Source: Regional Measure L, Streets Capital Facility Fees)
CED; John Rawles, 209-577-5253, jrawles@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving a Second Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $621,745 plus $62,175 for additional services, if needed, from $11,764,074 for a total amount not to exceed $12,447,994, and forwarding to Council for approval.

Consent
2. Consider approving a Sixth 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 $154,858 from $9,245,225 to a total not to exceed amount of $9,400,083, and forwarding to Council for approval. (Funding Source: Regional Measure L)
CED; John Rawles, 209-577-5253, jrawles@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving a Sixth 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 $154,858 from $9,245,225 to a total not to exceed amount of $9,400,083, and forwarding to Council for approval.

Consent

3. Consider approving a 10-year Lease Agreement with Commemorative Air Force, for Hangar 1S at the Modesto City–County Airport and forwarding to Council for approval. (Funding Source: Airport Operating Fund)
PUBLIC WORKS; Gabe da Silva, 209-577-5319, gdasilva@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving a 10-year Lease Agreement with Commemorative Air Force, for Hangar 1S at the Modesto City–County Airport and forwarding to Council for approval.

Consent

4. Consider approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the West Trunk Rehabilitation Project in the amount of $984,404 for the identified scope of services, plus $98,440 in additional services, if needed for a total amount not to exceed $1,082,844, and forwarding to Council for approval. (Funding Source: Wastewater Fund)
UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the West Trunk Rehabilitation Project in the amount of $984,404 for the identified scope of services, plus $98,440 in additional services, if needed for a total amount not to exceed $1,082,844, and forwarding to Council for approval.

Consent

5. Consider approving an Agreement with Provost & Pritchard Consulting Group, Modesto, CA, for Engineering Services for the Empire Well 312 Treatment System Project in the amount of $147,000 for the identified scope of services, plus $14,700 in additional services, if needed for a total amount not to exceed $161,700 and forwarding to Council for approval. (Funding Source: Water Fund)
UTILITIES; Edgar Vargas, 209-577-5424, evargas@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving an Agreement with Provost & Pritchard Consulting Group, Modesto, CA, for Engineering Services for the Empire Well 312 Treatment System Project in the amount of $147,000 for the identified scope of services, plus $14,700 in additional services, if needed for a total amount not to exceed $161,700 and forwarding to Council for approval.

Consent

6. Consider approving the Award of Bids for Pump Station Rejuvenation Services to Don Pedro Pump, Hughson, CA, for a two-year Agreement with three one-year extension options, for an estimated annual amount of $350,000, and $1,974,350 over five years and forwarding to Council for approval. (Funding Source: Water Fund and Wastewater Fund)
UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving the Award of Bids for Pump Station Rejuvenation Services to Don Pedro Pump, Hughson, CA, for a two-year Agreement with three one-year extension options, for an estimated annual amount of $350,000, and $1,974,350 over five years and forwarding to Council for approval.

NEW BUSINESS

7. Consider approving the Amended and Restated Memorandum of Agreement for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with Stanislaus County; amending the Fiscal Year 2022-2023 Capital Improvement Program budget, and forwarding to Council for approval. (Funding Source: Streets Capital Facility Fees and Water Fund)
CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving the Amended and Restated Memorandum of Agreement for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with Stanislaus County; amending the Fiscal Year 2022-2023 Capital Improvement Program budget, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:42 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
Thursday August 11, 2022 at 5:30 PM

Roll Call - Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

PUBLIC COMMENT PERIOD

None.

WORKSHOP

1. Presentation by Members of Forward Together of their recommendations regarding Policies and Practices, Alternate Response Models and Accountability. (Funding Source: Not Applicable)
   CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

ACTION: No Formal Action Taken.

After the presentation, Mayor Zwahlen stated that following tonight's workshop, City staff will bring this item before Council to take action on receiving the Forward Together workgroup's report.

Council will provide future direction regarding the prioritization, research and development of the various recommendations.

She thanked the Forward Together Workgroup for your commendable efforts on this very important work and also appreciates Council's support of this endeavor and the community's participation in the process and at tonight's workshop.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:34 p.m.

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, August 22, 2022 at 3:00 PM

Roll Call: Present: Vice-Chair Escutia-Braaton, Member Kenoyer, and Chair Wright
Absent: None
Also Present: Member Ricci (arrived 3:05 PM)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-8 (Kenoyer/Escutia-Braaton; 3/0)

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 and Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; amending the position allocation for Fiscal Year 2022-23 as adopted in the operating budget; and forwarding to Council for approval. (Funding Source: Various Funds)
BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

   ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider approving the recommended budget adjustments to Fiscal Year 2021-22 and Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; amending the position allocation for Fiscal Year 2022-23 as adopted in the operating budget; and forwarding to Council for approval.

2. Consider accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2021-22 and forwarding to Council for approval. (Funding Source: Fleet Management, General Fund, Green Waste, Sewer Operations, Storm Drain, Surface Transportation, Water)
FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

   ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2021-22 and forwarding to Council for approval.

3. Consider accepting a report on Fiscal Year 2021-2022 Unclaimed Funds of $18,813 that can be transferred to the General Fund and forwarding to Council for approval. (Funding Source: General Fund)

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider accepting a report on Fiscal Year 2021-2022 Unclaimed Funds of $18,813 that can be transferred to the General Fund and forwarding to Council for approval.

4. Consider approving Agreements with Kramer Workplace Investigations, Danville, CA; Ellis Investigations Law Corporation, Sacramento, CA, Oppenheimer Investigations Group LLP, Berkeley, CA, Armistead Research and Investigations, Orangevale, CA; and Municipal Resource Group, LLC, Wilton, CA to conduct citywide Administrative Investigations on an as needed basis, in an amount not to exceed $100,000 each for two years 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: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider approving Agreements with Kramer Workplace Investigations, Danville, CA; Ellis Investigations Law Corporation, Sacramento, CA, Oppenheimer Investigations Group LLP, Berkeley, CA, Armistead Research and Investigations, Orangevale, CA; and Municipal Resource Group, LLC, Wilton, CA to conduct citywide Administrative Investigations on an as needed basis, in an amount not to exceed $100,000 each for two years and forwarding to Council for approval.

5. Consider approving the Consultant Agreement to Davey Resource Group for CALFIRE Urban and Community Forestry California Climate Investments, "City of Modesto Urban Forest Services (21-UF-MGMT-004)" for an amount not to exceed $604,585 and forwarding to Council for approval. (Funding Source: California Department of Forestry and Fire Protection Grant and 25% matching funds from FY 21/22 Green Waste Fund)
PUBLIC WORKS; Michael Hoesch, 209-342-4566, mhoesch@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider approving the Consultant Agreement to Davey Resource Group for CALFIRE Urban and Community Forestry California Climate Investments, "City of Modesto Urban Forest Services (21-UF-MGMT-004)" for an amount not to exceed $604,585 and forwarding to Council for approval.

6. Consider authorizing staff to apply for the California Strategic Growth Council's Regional Climate Collaboratives Program Grant, and forwarding to Council for approval. (Funding Source: Not Applicable)
PUBLIC WORKS; Myriah Hill, 209-577-5458, mhill@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider authorizing staff to apply for the California Strategic Growth Council's Regional Climate Collaboratives Program Grant, and forwarding to Council for approval.

7. Consider approving a Third Amendment to the Agreement with Willdan, Inc., for Traffic Engineering Services increasing the amount by $15,000 from $255,000 to a new total amount of $270,000 and forwarding to Council for approval. (Funding Source: Various Funds)
PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider approving a Third Amendment to the Agreement with Willdan, Inc., for Traffic Engineering Services increasing the amount by $15,000 from $255,000 to a new total amount of $270,000 and forwarding to Council for approval.

8. Consider authorizing staff to apply for the Safe Streets and Roads for All Grant and Strengthening Mobility and Revolutionizing Transportation Grant; and authorizing staff to apply for any future related Grants and forwarding to Council for approval. (Funding Source: SS4A and SMART)
PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider authorizing staff to apply for the Safe Streets and Roads for All Grant and Strengthening Mobility and Revolutionizing Transportation Grant; and authorizing staff to apply for any future related Grants and forwarding to Council for approval.

WRITTEN COMMUNICATIONS

None.

UNFINISHED BUSINESS

9. Consider accepting Water Conservation Rebate Program Modifications for FY 22/23 to increase the funds budgeted for rebates by $285,000 from $430,000 to $715,000, and forwarding to Council for approval. (Funding Source: Water Fund)
UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider accepting Water Conservation Rebate Program Modifications for FY 22/23 to increase the funds budgeted for rebates by $285,000 from $430,000 to $715,000 and forwarding to Council for approval.

NEW BUSINESS

10. Consider accepting the Fiscal Year 2021-22 Write-Off and Adjustments Reports through Fiscal Year-End June 30, 2022 in the total amount of $1,465,305 and forwarding to Council for approval. (Funding Source: Abatement and Public Nuisance Fund, Airport Operating Fund, Compost Fund, Fleet Management Fund, General Fund, Green Waste Fund, Solid Waste Fund, Surface Transportation Fund, Water Fund)

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion to consider accepting the Fiscal Year 2021-22 Write-Off and Adjustments Reports through Fiscal Year-End June 30, 2022 in the total amount of $1,465,305 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:40 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, August 23, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

Invocation: Anthony Bargas, The Center Church

City Clerk's Announcements: Public Comment was received for Item 17 and forwarded to the Council.

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported, 1) Closed Session has been continued to after the Regular Council meeting. In addition, the Closed Session agenda lists Khatri Brothers v. City of Modesto, that matter will not be discussed by the City Council. 2) No Reportable Action taken.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring August 26, 2022 as Women's Equality Day (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented a Proclamation declaring August 26, 2022 as Women's Equality Day.

2. Presentation of Proclamation proclaiming September 17, 2022 as National Clean Up Day (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented a Proclamation proclaiming September 17, 2022 as National Clean Up Day.

3. Presentation of Proclamation proclaiming September 2022 as National Suicide Prevention and Action Month (Funding Source: Not Applicable)

CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen presented a Proclamation proclaiming September 2022 as National Suicide Prevention and Action Month.

4. Presentation to Mayor Zwahlen from Modesto Composite MTB Race Team - The Dust Devils for their appreciation in her attendance at the inaugural youth mountain bike race she attended in April. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: The Modesto Dust Devils presented the Mayor with a Team Photo.

MISCELLANEOUS

5. Consider accepting the resignation of Sarah Kashefi from the City's Blight Abatement Advisory Committee. (Funding Source: Not Applicable)
Staff Recommendation:
- Resolution accepting the resignation of Sarah Kashefi from the City of Modesto Blight Abatement Advisory Committee.

CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-345 accepting the resignation of Sarah Kashefi from the City of Modesto Blight Abatement Advisory Committee.

PUBLIC COMMENT PERIOD

- Ronald Dafford spoke about his attempts to speak to the Council and staff about sidewalks, ADA issues and civil rights violations.

- Steve asked why the public does not get 5 minutes to speak. He also spoke about the death of Paul Chavez. The community needs to know if the Council plans to implement the recommendations of the Forward Together Committee.

- Michael Chavez spoke about the death of his brother Paul Chavez. He further commented on the Modesto Police Department and stated the incident could have been resolved another way and the District Attorney needs to pick up the case.

- Teresa Clutter spoke about the death of her son-in-law, Paul Chavez. She commented on his young sons left behind and his shooting by the Modesto Police Department. She asked that the District Attorney pick up the case and hold Officers Muncy and Valencia accountable.

- Durriya Syed, Analyst for the Community Relations Outreach Division of the Department of Insurance, spoke about a low cost program to apply for auto liability insurance at a reduced rate. The public can apply for the program online.

- Patrick Worley asked when does their lives matter as a community and when will they be heard and not afraid when they see the police. He commented on the death of Paul Davis Chavez and accountability. In one moment, their family's life was changed forever. As a community, they will stand up as Paul's voice for change. He urged the Council to help them.

- Brittoni Estrella Chavez, asked why Officer Muncy is still a police officer. She faces anxiety, PTSD because she no longer has her husband. Her children lost a father. She asked, how many lives is it going to take. She asked for police reform and stated that the District Attorney needs to pick up the case.

- Gavin Bruce stated he would like to reiterate some of the points made by the family of Paul Chavez. He spoke about the death of Paul Chavez and the Modesto Police Department. He commented on the bodycam footage of the incident, and asked for accountability and justice.

- Alissia Hager spoke about the bodycam video of the incident. She also spoke about the 23 seconds before the incident. She stated she was arrested upon arriving at the scene. She spoke about police brutality and time. She further commented about another incident that occurred on July 4th.

- Ana commented on the death of Paul Chavez and the bodycam video. She asked why was Paul perceived as a threat. She implored the Council to support the grieving family and have the District Attorney pick up this case.

- Johnathan Williams stated he wanted to say three names, Paul III, Abraham and Josiah, the three boys of Paul Chavez. He asked why do they give jobs to those that are not capable of doing their job. He spoke about Officer Muncy and the incident with Paul Chavez. Mr. Williams lost a cousin that day.

- Ramon Rodriguez commented on the death of Paul Chavez, Jr., and the Modesto Police Department. He mentioned George Floyd, Trevor Seever and Alonso Nunez and there is still no justice for Alonso, Trevor and now Paul Chavez. He asked about accountability.

- Sebastian Jones stated he supports the family of Paul Chavez. He also spoke about not filing nomination documents in time for District 2, as he was in Texas with Covid. He further commented about walking with the UFW (United Farm Workers) during their march earlier this month. He also commented about not being able to use Cesar Chavez Neighborhood Park.

- Jonathan spoke about public safety and accountability and the death of Paul Chavez. He also commented on Officer Muncy being back to work and all the work of the Forward Together group. If the right thing isn't done now, it's going to feel like actions that don't have any meaning. They need public safety and public safety requires accountability.

- Latricia spoke about the 54 acres at the municipal golf course and housing. There is a need for housing. There is no affordable housing in that area and she asked the Council to look at that site for development.

- Bianca Lopez, asked if Officer Muncy is back on the force. She is in solidarity with the people of West Modesto that are asking about housing. She asked the City to respond with an update. She also supports the family of Paul Chavez. The community will continue to demand justice. She asked Council to act now on the recommendations of the Forward Together Committee.

- Olivia, friend of the Chavez family, spoke about the death of Paul Chavez. Police Officers are supposed to show up to protect and serve. Since Covid, there has been an increase of mental health issues. She commented on the video of the incident.

- ***Recessed: 7:10 pm***
- ***Reconvened: 7:16 pm***

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 6-11, 14-16: (Kenoyer/Wright; 6/0)

CONSENT ITEMS

Consent

6. Consider approving the minutes from the August 9, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the August 9, 2022 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion approving the minutes from the August 9, 2022 Council Meeting.

Consent

7. Consider approving final adoption of Ordinance 3747-C.S. amending Section 17-3-9 of the zoning map to rezone from Low-Density Residential Zone, R-1, and Commercial Industrial Zone, C-M, to Planned Development Zone, P-D(615), for property located at 1601 and 1625 McHenry Avenue (City initiated). (Funding Source: General Fund)
    - Motion approving final adoption of Ordinance 3747-C.S. amending Section 17-3-9 of the zoning map to rezone from Low-Density Residential Zone, R-1, and Commercial Industrial Zone, C-M, to Planned Development Zone, P-D(615), for property located at 1601 and 1625 McHenry Avenue (City initiated).

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion approving final adoption of Ordinance 3747-C.S. amending Section 17-3-9 of the zoning map to rezone from Low-Density Residential Zone, R-1, and Commercial Industrial Zone, C-M, to Planned

Development Zone, P-D(615), for property located at 1601 and 1625 McHenry Avenue (City initiated).

Consent

8. Consider approving final adoption of Ordinance 3748-C.S. amending the Zoning Map to rezone property located at 1707 McHenry Ave. from Commercial-Industrial Zone to General Commercial Zone. (Funding Source: General Fund)
    - Motion approving final adoption of Ordinance 3748-C.S. amending the Zoning Map to rezone property located at 1707 McHenry Ave. from Commercial-Industrial Zone to General Commercial Zone.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion approving final adoption of Ordinance 3748-C.S. amending the Zoning Map to rezone property located at 1707 McHenry Ave. from Commercial-Industrial Zone to General Commercial Zone.

Consent

9. Consider appointing a voting delegate to the 2022 League of California Cities Annual Conference to be held in Long Beach, CA on September 7-9, 2022. (Funding Source: Not Applicable)
    - Motion approving Councilmember Madrigal as a voting delegate and Mayor Zwahlen as the alternate for the 2022 League of California Cities Annual Conference to be held in Long Beach, CA on September 7-9, 2022.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion approving Councilmember Madrigal as a voting delegate and Mayor Zwahlen as the alternate for the 2022 League of California Cities Annual Conference to be held in Long Beach, CA on September 7-9, 2022.

Consent

10. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-346 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

11. Consider approving a Fourth Amendment to the Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of $50,000, for a total agreement amount not to exceed $645,000 for continued representation. (Funding Source: General Liability Insurance Fund)
    - Resolution approving a Fourth Amendment to the Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of $50,000, for

a total agreement amount not to exceed $645,000, for continued representation and authorizing the City Manager or his designee, to execute the Amendment.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-347 approving a Fourth Amendment to the Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of $50,000, for a total agreement amount not to exceed $645,000, for continued representation and authorizing the City Manager or his designee, to execute the Amendment.

Removed from Consent
Consent

12. Consider approving a Second Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $621,745 plus $62,175 in additional services, if needed, from $11,764,074 for a total amount not to exceed $12,447,994. (Funding Source: Streets Capital Facility Fees)
    - Resolution approving a Second Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $621,745 plus $62,175 in additional services, if needed, from $11,764,074 for a total amount not to exceed $12,447,994, and authorizing the City Manager, or his designee to execute the Second Amendment to Agreement.

    CED; John Rawles, 209-577-5253, jrawles@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-348 approving a Second Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $621,745 plus $62,175 in additional services, if needed, from $11,764,074 for a total amount not to exceed $12,447,994, and authorizing the City Manager, or his designee to execute the Second Amendment to Agreement.

Removed from Consent
Consent

13. Consider approving a Sixth 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 $154,858 from $9,245,225 to a total amount not to exceed $9,400,083. (Funding Source: Regional Measure L)
    - Resolution approving a Sixth 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 $154,858 from $9,245,225 to a total amount not to exceed $9,400,083, and authorizing the City Manager, or his designee, to execute the Sixth Amendment.

    CED; John Rawles, 209-577-5253, jrawles@modestogov.com

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-349 approving a Sixth 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 $154,858 from $9,245,225 to a total amount not to exceed $9,400,083, and authorizing the City Manager, or his designee, to execute the Sixth Amendment.

Consent

14. Consider approving a Will Serve Letter and Outside Service Agreement for Sewer Service for the property located at 1420 Elsie Street (APN: 037-030-059). (Funding Source: Sewer Fund, General Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement to connect to the City of Modesto's existing sewer system for the property located at 1420 Elsie Street (APN: 037-030-059), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

    CED; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-350 approving a Will Serve Letter and Outside Service Agreement to connect to the City of Modesto's existing sewer system for the property located at 1420 Elsie Street (APN: 037-030-059), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

15. Consider approving the Amended and Restated Memorandum of Agreement with Stanislaus County for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project and amending the Fiscal Year 2022-2023 Capital Improvement Program budget. (Funding Source: Streets Capital Facility Fees and Water Fund)
    - Resolution approving the Amended and Restated Memorandum of Agreement for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with Stanislaus County increasing the City's share by $359,278, for a new total amount of $703,778, and authorizing the City Manager, or his designee to execute the Agreement.
    - Resolution amending the Fiscal Year 2022-2023 Capital Improvement Program (CIP) Budget, Project #100586 in the amount of $261,293 to fund the Amended and Restated Memorandum of Agreement and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

    CED; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-351 approving the Amended and Restated Memorandum of Agreement for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with Stanislaus County increasing the

City's share by $359,278, for a new total amount of $703,778, and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: Kenoyer/Wright; 6/0) Resolution 2022-352 amending the Fiscal Year 2022-2023 Capital Improvement Program (CIP) Budget, Project #100586 in the amount of $261,293 to fund the Amended and Restated Memorandum of Agreement and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

Consent

16. Consider approving the competitive bidding process for various Fleet Additions and Replacement Vehicles which includes four Forklifts, six One-ton Trucks, and seven One-ton Stake Side Trucks in the amount not to exceed $1,295,331 and approving updated pricing for two bid events for Fleet Replacement Vehicles by $55,806. (Funding Source: Fleet Replacement Fund and Modesto Police Grant)
    - Resolution approving the competitive bidding process from State Department of General Services (DGS) with Cromer Material Handling, Pasadena, CA for four Forklifts for a total amount not to exceed $155,539; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
    - Resolution approving the Award of Bid for six One-Ton Trucks to Towne Ford Sales, Redwood City, CA for a total amount not to exceed $536,924; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
    - Resolution approving the Award of Bid for seven One-Ton Stake Side Dump Trucks to Towne Ford Sales, Redwood City, CA for a total amount not to exceed $602,868; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.
    - Resolution approving an increase to the amount for the purchase of two Packer Trucks to Western Truck Center, Stockton, CA by $13,282, increasing the Purchase Order from $501,078 to a new total amount not to exceed $514,360, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.
    - Resolution approving an increase to the amount for the purchase of one Chlorine Truck to Interstate Truck Center, Stockton, CA by $42,524, increasing the Purchase Order from $192,601 to a new total amount not to exceed $235,125, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-353 approving the competitive bidding process from State Department of General Services (DGS) with Cromer Material Handling, Pasadena, CA for four Forklifts for a total amount not to exceed $155,539; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-354 approving the Award of Bid for six One-Ton Trucks to Towne Ford Sales, Redwood City, CA for a total amount not to exceed $536,924; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-355 approving the Award of Bid for seven One-Ton Stake Side Dump Trucks to Towne Ford Sales, Redwood City, CA for a total amount not to exceed $602,868; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-356 approving an increase to the amount for the purchase of two Packer Trucks to Western Truck Center, Stockton, CA by $13,282, increasing the Purchase Order from $501,078 to a new total amount not to exceed $514,360, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-357 approving an increase to the amount for the purchase of one Chlorine Truck to Interstate Truck Center, Stockton, CA by $42,524, increasing the Purchase Order from $192,601 to a new total amount not to exceed $235,125, and authorizing the Purchasing Manager, or her designee, to update the Purchase Order.

COUNCIL COMMENTS & REPORTS

Council Member Escutia-Braaton reported on attending the Mobility California Transportation Summit.

Council Member Ricci expressed his deepest sympathies to the family of Paul Chavez. He also reported on touring the Monterey Waste facility. The sorting facility creates thousands of tons of recyclable raw material with a long term goal of zero waste. Modesto needs to aspire to meet the goal of zero waste.

Council Member Madrigal stated that he did follow-up with a memo to the City Manager requesting an update at a council meeting to discuss the municipal golf course. He also commented on discussing with staff exploring an ordinance or policy addressing the theft of catalytic converters and enhancing the penalty to serve as a deterrent.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

17. Consider accepting the Forward Together working group recommendations report and directing staff to carry out the appropriate next steps. (Funding Source: Not Applicable)

- Resolution accepting the Forward Together working group recommendations report and directing staff to carry out the appropriate next steps.

CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

ACTION: (Ricci/Wright; 6/0) Resolution 2022-358 accepting the Forward Together working group recommendations report and directing staff to carry out the appropriate next steps.

NEW BUSINESS

18. Consider approving the plans and specifications for the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation Project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, CA, in the amount of $7,251,603; authorizing the Director of Utilities to approve Change Orders up to the cumulative amount of $725,160; approving an Agreement with TRC Engineers, Inc. of Lathrop, CA for Construction Management and Inspection Services in an amount not to exceed $474,378, plus $47,438 for additional services, if needed, for a total amount not to exceed $521,816; and amending the Fiscal Year 2022-2023 Capital Improvement Program (CIP) budget in the amount of $1,408,995. (Funding Source: Local Measure L Funds)

- Resolution approving the plans and specifications for the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation Project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, CA, in the amount of $7,251,603, 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 $725,160 (10% of the original contract price) for the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation Project.
- Resolution approving an Agreement with TRC Engineers, Inc. of Lathrop, CA for Construction Management and Inspection Services for the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation Project in an amount not to exceed $474,378, plus $47,438 for additional services, if needed, for a total amount not to exceed $521,816, and authorizing the City Manager, or his designee to execute the Agreement.
- Resolution amending the Fiscal Year 2022-2023 Capital Improvement Program (CIP) budget, Project #101246, #101248, and #101250 in the amount of $1,408,995, and increasing the transfer from the Measure L – Local Road Tax Fund to fund the project and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-359 approving the plans and specifications for the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation Project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, CA, in the amount of $7,251,603, and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-360 authorizing the Director of Utilities to approve Change Orders up to the cumulative amount of $725,160 (10% of the original contract price) for the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation Project.

ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-361 approving an Agreement with TRC Engineers, Inc. of Lathrop, CA for Construction Management and Inspection Services for the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation Project in an amount not to exceed $474,378, plus $47,438 for additional services, if needed, for a total amount not to exceed $521,816, and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-362 amending the Fiscal Year 2022-2023 Capital Improvement Program (CIP) budget, Project #101246, #101248, and #101250 in the amount of $1,408,995, and increasing the transfer from the Measure L – Local Road Tax Fund to fund the project 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

None.

ADJOURNMENT

This meeting adjourned at 9:08 pm.

Closed Session matters heard before and after the meeting.

CLOSED SESSION

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

Property: 617 Airport Way, Modesto, CA 95354, APN: 036-023-002

Property Owners: City of Modesto

Negotiating Parties:
For City: Bill Sandhu, Public Works Director
Jose M. Sanchez, City Attorney

For Leasee: Alex Somerville, Senior Vice President

Under Negotiation: Price and Terms of a Site Lease Option Agreement

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(a) of the Government Code)

Name of case(s): Brian Ferguson v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ14429015

Craig Davis v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ10611986 & ADJ11380747

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:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday September 12, 2022 at 5:00 PM

Roll Call: Present: Member Escutia-Braaton, Chair Ricci, and Vice-Chair Zwahlen
Absent: None
Also Present: None

PUBLIC COMMENTS

None.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Stanislaus Regional Transit Authority regarding proposed route changes. (Funding Source: Not Applicable)
CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: No Formal Action Taken. Adam Barth, CEO of Stanislaus Regional Transit Authority presented proposed route changes.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 2-5 (Escutia-Braaton/Zwahlen; 3/0)

CONSENT

2. Consider approving an Agreement with O'Dell Engineering Inc. to prepare the Tuolumne River Regional Park (TRRP) Master Plan Update for an amount of $268,641, plus $32,237 for additional services, if needed, for an Agreement total not to exceed $300,878 and forwarding to Council for approval. (Funding Source: American Rescue Plan Act (ARPA) / TRRP - Special Revenue Fund and JPA-TRRP Special Revenue Fund-CIP)
PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion to consider approving an Agreement with O'Dell Engineering Inc. to prepare the Tuolumne River Regional Park (TRRP) Master Plan Update for an amount of $268,641, plus $32,237 for additional services, if needed, for an Agreement total not to exceed $300,878 and forwarding to Council for approval.

3. Consider approving the competitive bidding process from National Purchasing Partners (NPPGov), League of Oregon Cities, with Park Associates, Inc. DBA Park Planet for

the Purchase and Delivery of a Sensory Wall for The Awesome Spot Playground at Beyer Community Park, for a cost not to exceed $172,400 and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funding)
PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion to consider approving the competitive bidding process from National Purchasing Partners (NPPGov), League of Oregon Cities, with Park Associates, Inc. DBA Park Planet for the Purchase and Delivery of a Sensory Wall for The Awesome Spot Playground at Beyer Community Park, for a cost not to exceed $172,400 and forwarding to Council for approval.

4. Consider authorizing payments not to exceed $160,000 to Belfor Property Restoration, Modesto, CA and other vendors for emergency work related to the American Legion Hall fire remediation and forwarding to Council for approval. (Funding Source: JPA TRRP Special Revenue Fund – CIP and Future Insurance Proceeds)
PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion to consider authorizing payments not to exceed $160,000 to Belfor Property Restoration, Modesto, CA and other vendors for emergency work related to the American Legion Hall fire remediation and forwarding to Council for approval.

5. Consider approving a one-time purchase with Watson Furniture Group, by utilizing the competitive bid process from the Houston-Galveston Area Council (H-GAC), for the Purchase and Installation of Real Time Crime Center (RTCC) Workstation Furniture, Equipment, Materials and Labor for an estimated cost not to exceed $62,627, and forwarding to Council for approval. (Funding Source: Police - Grants)
POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion to consider approving a one-time purchase with Watson Furniture Group, by utilizing the competitive bid process from the Houston-Galveston Area Council (H-GAC), for the Purchase and Installation of Real Time Crime Center (RTCC) Workstation Furniture, Equipment, Materials and Labor for an estimated cost not to exceed $62,627, and forwarding to Council for approval.

NEW BUSINESS

6. Consider an Ordinance amending Title 6 of the Modesto Municipal Code, "Business, Professions and Trades," by adding Chapter 9, "Automobile Businesses," related to use of Public Streets and Highways by Automobile Businesses and forwarding to Council for approval. (Funding Source: Not Applicable)
CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Zwahlen/ Escutia-Braaton; 3/0) Motion to consider an Ordinance amending Title 6 of the Modesto Municipal Code, "Business, Professions and Trades,"

by adding Chapter 9, "Automobile Businesses," related to use of Public Streets and Highways by Automobile Businesses and forwarding to Council for approval.

7. Consider approving the Third Amendment to the Agreement with Grover Landscape Services, Inc., Modesto, CA, for Landscape Services to extend the term period for up to an additional six months and increasing the amount of the Agreement by an amount not to exceed $1,331,868 for the extension period, and forwarding to Council for approval. (Funding Source: General Fund – Parks Operations, Community Facilities District Funds, Joint Powers Authority Tuolumne River Regional Park Fund, Various City and Enterprise Funds)
PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion to consider approving the Third Amendment to the Agreement with Grover Landscape Services, Inc., Modesto, CA, for Landscape Services to extend the term period for up to an additional six months and increasing the amount of the Agreement by an amount not to exceed $1,331,868 for the extension period, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:50 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, September 13, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

Invocation: Wade Patton, City Ministry Network

City Clerk's Announcements: Public Comment was received for Item 19 and forwarded to the Council.

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported that the Council unanimously voted to authorize the City Manager or his designee to negotiate and execute a lease and related documents with Tesla. The lease will be for use of approximately 500 parking stalls located at the airport. The base rent will be $80 per parking stall per month and the term of the lease will be for 24 months. Thereafter, it will turn into a month to month lease.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Stanislaus County Update (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

   ACTION: Mani Grewal, Stanislaus County Board of Supervisor provided a County update.

2. Presentation of Proclamation recognizing National Hispanic Heritage Month (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen read proclamation recognizing National Hispanic Heritage Month.

3. Presentation of Proclamation declaring September 20, 2022 as National Voter Registration Day. (Funding Source: Not Applicable)

CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen read proclamation declaring September 20, 2022 as National Voter Registration Day.

4. Proclamation declaring September as National Senior Center Month. (Funding Source: Not Applicable)
CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: Mayor Zwahlen read proclamation declaring September as National Senior Center Month.

5. Presentation to Modesto Junior College of the Morris Portrait in honor of MJC's 100th anniversary. (Funding Source: Not Applicable)
PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: The City Council presented Morris Portrait to MJC in honor of their 100th anniversary.

PUBLIC COMMENT PERIOD

- Nasson Sanchez spoke in support of repealing the ban on cruising, and commented on the cruise held last week in Modesto.

- Jerry Thompson spoke in support of lifting the ban on cruising. He commented on cruising in Modesto during the years of 1979-1993. He asked the City to mend the decisions that happened in the past. There were no issues when he cruised on other months outside of June.

- Tina Tateo member of Modesto Cruisers Council, spoke in support of lifting the ban on cruising. The first cruise allowed by the City last Friday went very well.

- Patrick Worley commented on the shooting of Paul Chavez and Officer Sam Muncy. He further commented on de-escalation and urged the Council to listen to the words of the people commenting.

- Betty Santos member of the Modesto Cruisers Council shared some history of streets in California that are amongst the most cruised strips in California and McHenry is one of them. She spoke in support of lifting the ban on cruising.

- Ramon Rodriguez spoke in support of lifting the ban on cruising. Modesto is the hometown of George Lucas and should be the capital of cruising. He also commented about the shooting of Paul Chavez and de-escalation. He further commented on the straight pride event and stated that the community members need to feel safe.

- Charmaine Breedlove spoke in support of cruising in Modesto. It's a win-win for Modesto and the businesses downtown. They want to prove they can do this safely with no problems and put Modesto back on the map as the home of graffiti.

- Steve spoke about Officer Sam Muncy and the death of Paul Chavez. He further commented on Forward Together. He also spoke about the Modesto police officers that were at the scene of the incident.

- Richard Anderson asked if the Council could invite East Side Mosquito District to a City Council meeting to talk about their mosquito control program. He further commented on an incident that occurred to him and his wife when the East Side Mosquito District treated his neighborhood for mosquitos.

- Ana spoke regarding the death of Paul Chavez, Jr. She spoke about the Modesto Police Department Policy Manual - in particular the Use of Force Policy, Alternative Tactics, De-escalation and Deadly Force Applications.

- David Froba, Workforce Housing Coalition spoke about manufactured homes and the housing plan. He asked Council to consider manufactured homes at the municipal golf course.

- Sharon Froba, NAACP Housing Chair spoke about the 15,485 households that need more affordable housing. She spoke in support of using the City's formal municipal golf course site for housing.

- Alissia Hager spoke about advocacy and response. She further commented on the shooting of Paul Chavez, Jr., and asked when is the Council going to take action.

- Brittoni Estrella Chavez, commented on the death of her husband Paul Davis Chavez, Jr. She spoke about recently moving to Modesto in April before the incident occurred. She further commented on Officers Muncy and Valencia, and asked for Council action and that the District Attorney pick up the case.

- Brandon Saker commented on the death of Paul Chavez, Jr. He asked the Council to put themselves in the position of the Chavez family. He stated that the Modesto Police Department needs to be held accountable, investigate and act swiftly. He asked Council to help get this case picked up by the District Attorney.

- Johnathan Williams mentioned the names of Paul Chavez's three sons, Paul III, Abraham and Josiah and stated that they will never see their dad again. He commented on the shooting of Paul Chavez and Officer Muncy. He stated that the District Attorney needs to pick up the case.

- Bianca Lopez spoke in support of cruising, and the requests for an update on using the municipal golf course for housing. She stated that she is also here to support the family of Paul Chavez and justice. She spoke about the agenda and what it says about

responding to questions. She asked what has been done about Officer Muncy and stated that Council should represent the people.

- Teresa Clutter spoke about the shooting of her son-in-law, Paul Chavez. She commented on evaluations and what protocol is taken during an officer involved shooting. She further commented on Officer Muncy returning to work. She asked that the Council please have the District Attorney pick up the case.

- Darlene Ruiz, Trevor Seever's mother stated she stands in solidarity with the family of Paul Chavez. She asked, when will the community stand together and do something. There needs to be accountability and de-escalation practices are needed. When are they going to realize what's happening in the community?

- Sebastian, commented on the increase of people experiencing mental health problems. He also spoke about the shooting of Paul Chavez, and Officer Muncy being back on the job.

- Howard Carmen spoke about issues he recently encountered while riding the Stanislaus Regional Transit to UCSF.

- ***Recessed: 7:27 pm***
- ***Reconvened: 7:33 pm***

- Derek Castle spoke in support of Consent Item 19.

- Brad Craw spoke in support of Consent Item 19.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 6-27: (Kenoyer/Ricci; 6/0)

CONSENT ITEMS

Consent

6. Consider approving the minutes from the August 23, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the August 23, 2022 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Kenoyer/Ricci; 6/0) Motion approving the minutes from the August 23, 2022 Council Meeting.

Consent

7. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

    ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-363 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

8. Consider approving the responses to the Findings and Recommendations of the 2021-2022 Stanislaus County Civil Grand Jury Report- Case #22-05GJ and Case # 22-07GJ (Funding Source: Not Applicable)
    - Resolution approving responses to the Findings and Recommendations of the 2021-2022 Stanislaus County Civil Grand Jury Reports- Case #22-05GJ and Case# 22-07GJ.

    CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

    ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-364 approving responses to the Findings and Recommendations of the 2021-2022 Stanislaus County Civil Grand Jury Reports- Case #22-05GJ and Case# 22-07GJ.

Consent

9. Consider approving the recommended budget adjustments to Fiscal Year 2021-22 and Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; Amending the position allocation for Fiscal Year 2022-23 as adopted in the operating budget. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2021-22 and Fiscal Year 2022-23 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 2022-23 as adopted in the operating budget.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com
    ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-365 amending Fiscal Year 2021-22 and Fiscal Year 2022-23 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: (Kenoyer/Ricci; 6/0) Resolution 2022-366 amending the position allocation for Fiscal Year 2022-23 as adopted in the operating budget.

Consent

10. Consider accepting the Fiscal Year 2021-22 Write-off and Adjustments reports through fiscal year-end June 30, 2022 in the total amount of $1,465,305. (Funding Source: Abatement and Public Nuisance Fund, Airport Operating Fund, Compost Fund, Fleet

Management Fund, General Fund, Green Waste Fund, Solid Waste Fund, Surface Transportation Fund, Water Fund)

- Resolution approving the 2021-2022 Write-Off and Adjustments reports through Fiscal Year end June 30, 2022 in the total amount of $1,465,305 and directing a report of disposition to be filed with the City Clerk.

FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-367 approving the 2021-2022 Write-Off and Adjustments reports through Fiscal Year end June 30, 2022 in the total amount of $1,465,305 and directing a report of disposition to be filed with the City Clerk.

Consent

11. Consider approving a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2021-22. (Funding Source: Fleet Management, General, Green Waste, Sewer Operations, Storm Drain, Surface Transportation, Water)

    - Motion approving a report detailing all personal property sold, donated, or disposed of during FY 2021-22.

    FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

    ACTION: (Kenoyer/Ricci; 6/0) Motion approving a report detailing all personal property sold, donated, or disposed of during FY 2021-22.

Consent

12. Consider claiming Fiscal Year 2021-2022 unclaimed funds of $18,813 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 2021-2022 unclaimed funds of $18,813 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.

    FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

    ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-368 claiming Fiscal Year 2021-2022 unclaimed funds of $18,813 held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.

Consent

13. Consider accepting an informational report for the July 2022 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)

    - Motion accepting an informational report for the July 2022 Accounts Payable Payment Register and Void Report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Ricci; 6/0) Motion accepting an informational report for the July 2022 Accounts Payable Payment Register and Void Report.

Consent

14. Consider approving an Agreement with Salida Fire Protection District for the allocation of District Revenue resulting from the annexation of property(ies) within the Woodglen residential neighborhood and future annexations to the City of Modesto. (Funding Source: General Fund)
    - Resolution approving an Agreement between the City of Modesto and the Salida Fire Protection District for the allocation of District Revenue resulting from the annexation of property(ies) within the Woodglen residential neighborhood and future annexations to the City, and authorizing the City Manager, or his designee, to execute the Agreement.

    FIRE ; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-369 approving an Agreement between the City of Modesto and the Salida Fire Protection District for the allocation of District Revenue resulting from the annexation of property(ies) within the Woodglen residential neighborhood and future annexations to the City, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider approving an Agreement to provide Fire Protection Services between the City of Modesto and the Salida Fire Protection District for a five-year term, with a two-year extension option; approving the side letter to the Modesto City Fire Fighters Association Memorandum of Understanding as it relates to the Agreement to provide Fire Protection Services between the City of Modesto and the Salida Fire Protection District; amending the Position Allocation for Fiscal Year 2022-23 as adopted in the operating budget; approving an application to the Stanislaus Local Agency Formation Commission to confirm the City of Modesto's fire services contract with the Salida Fire Protection District; and amending the Fiscal Year 2022-23 Operating Budget by $1,727,016 in revenues and $1,677,016 in expenses. (Funding Source: General Fund)
    - Resolution approving an Agreement to provide Fire Protection Services between the City of Modesto and the Salida Fire Protection District for a five-year term, with a two-year extension option and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution approving the side letter to the Modesto City Fire Fighters Association Memorandum of Understanding as it relates to the Agreement to provide Fire Protection Services between the City of Modesto and the Salida Fire Protection District and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Position Allocation for Fiscal Year 2022-23 as adopted in the operating budget.
    - Resolution approving an application to the Stanislaus Local Agency Formation Commission to confirm the City of Modesto's Fire Services Contract with the

Salida Fire Protection District and authorizing the City Manager, or his designee, to execute the application.

- Resolution amending the Fiscal Year 2022-23 Annual Operating Budget to increase the revenue budget by $1,727,016 and expense budget by $1,677,016 in the new General Fund cost center 18217 (MFD – Fire Services for Salida), and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-370 approving an Agreement to provide Fire Protection Services between the City of Modesto and the Salida Fire Protection District for a five-year term, with a two-year extension option and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-371 approving the side letter to the Modesto City Fire Fighters Association Memorandum of Understanding as it relates to the Agreement to provide Fire Protection Services between the City of Modesto and the Salida Fire Protection District and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-372 amending the Position Allocation for Fiscal Year 2022-23 as adopted in the operating budget.

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-373 approving an application to the Stanislaus Local Agency Formation Commission to confirm the City of Modesto's Fire Services Contract with the Salida Fire Protection District and authorizing the City Manager, or his designee, to execute the application.

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-374 amending the Fiscal Year 2022-23 Annual Operating Budget to increase the revenue budget by $1,727,016 and expense budget by $1,677,016 in the new General Fund cost center 18217 (MFD – Fire Services for Salida), and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

Consent

16. Consider approving an Agreement with CSG Consultants, Inc. for Fire Prevention Plan Check Services, for a two-year Agreement, with three one-year extension options, for an annual estimated amount of $75,000 and total amount not to exceed $375,000. (Funding Source: General Fund)

    - Resolution approving an Agreement with CSG Consultants, Inc. for Fire Prevention Plan Check Services, for a two-year Agreement, with three one-year extension options, for an annual estimated amount of $75,000 and total amount not to exceed $375,000, and authorizing the City Manager, or his designee to execute the Agreement.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-375 approving an Agreement with CSG Consultants, Inc. for Fire Prevention Plan Check Services, for a two-year Agreement, with three one-year extension options, for an annual estimated amount of $75,000 and total amount not to exceed $375,000, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

17. Consider approving Agreements with Kramer Workplace Investigations, Danville, CA; Ellis Investigations Law Corporation, Sacramento, CA, Oppenheimer Investigations Group LLP, Berkeley, CA, Armistead Research and Investigations, Orangevale, CA; and Municipal Resource Group, LLC, Wilton, CA to conduct 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. (Funding Source: Various depending on subject of the investigation)
    - Resolution approving Agreements with Kramer Workplace Investigations, Danville, CA; Ellis Investigations Law Corporation, Sacramento, CA, Oppenheimer Investigations Group LLP, Berkeley, CA, Armistead Research and Investigations, Orangevale, CA; and Municipal Resource Group, LLC, Wilton, CA to conduct 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.

    HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

    ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-376 approving Agreements with Kramer Workplace Investigations, Danville, CA; Ellis Investigations Law Corporation, Sacramento, CA, Oppenheimer Investigations Group LLP, Berkeley, CA, Armistead Research and Investigations, Orangevale, CA; and Municipal Resource Group, LLC, Wilton, CA to conduct 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.

Consent

18. Consider approving an Amendment to the Purchase Agreement with Mansfield, Lierly & Associates, Citrus Heights, CA, for additional Polygraph Examinations, by $26,800 annually for a revised estimated annual amount of $72,025 and a revised total amount not to exceed $189,275. (Funding Source: General Fund)
    - Resolution approving an Amendment to the Purchase Agreement with Mansfield, Lierly & Associates, Citrus Heights, CA, for additional Polygraph Examinations, by $26,800 annually for a revised estimated annual amount of $72,025 and a revised total amount not to exceed $189,275.

    POLICE DEPARTMENT; Chris Adams, 209-572-9500, adamsc@modestopd.com

    ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-377 approving an Amendment to the Purchase Agreement with Mansfield, Lierly & Associates, Citrus Heights, CA, for additional Polygraph Examinations, by $26,800 annually for a revised estimated annual amount of $72,025 and a revised total amount not to exceed $189,275.

Consent

19. Consider an Ordinance amending section 12-4.202(b)(2) of Article 2 to Chapter 4 of Title 12 of the Modesto Municipal Code relating to the use of parks and recreation areas and facilities to authorize the Director of Parks, Recreation and Neighborhoods to set hours of operations for all parks, trails, green space, and recreation facilities. (Funding Source: General Fund)
    - Motion introducing and waiving the first reading of an Ordinance amending section 12-4.202(b)(2) of Article 2 to Chapter 4 of Title 12 of the Modesto Municipal Code relating to the use of parks and recreation areas and facilities to authorize the Director of Parks, Recreation and Neighborhoods to set hours of operations for all parks, trails, green space, and recreation facilities.

    PRN; Laurie Smith, 209-577-5428, lsmith@modestogov.com

    ACTION: (Kenoyer/Ricci; 6/0) Motion introducing and waiving the first reading of Ordinance 3749-C.S. amending section 12-4.202(b)(2) of Article 2 to Chapter 4 of Title 12 of the Modesto Municipal Code relating to the use of parks and recreation areas and facilities to authorize the Director of Parks, Recreation and Neighborhoods to set hours of operations for all parks, trails, green space, and recreation facilities.

Consent

20. Consider approving a 10-year Lease Agreement with Commemorative Air Force, for Hangar 1S at the Modesto City–County Airport. (Funding Source: Airport Operating Fund)
    - Resolution approving a ten-year lease with Commemorative Air Force (CAF) as a non-profit service provider at the Modesto City-County Airport (MOD), and authorizing the City Manager, or his designee, to execute the Lease Agreement.

    PUBLIC WORKS; Gabe da Silva, 209-577-5319, gdasilva@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-378 approving a ten-year lease with Commemorative Air Force (CAF) as a non-profit service provider at the Modesto City-County Airport (MOD), and authorizing the City Manager, or his designee, to execute the Lease Agreement.

Consent

21. Consider approving the Consultant Agreement to Davey Resource Group for CALFIRE Urban and Community Forestry California Climate Investments, “City of Modesto Urban Forest Services (21-UF-MGMT-004)” for an amount not to exceed $604,585. (Funding Source: California Department of Forestry and Fire Protection Grant and 25% matching funds from FY 21/22 Green Waste Fund)
    - Resolution approving the Consultant Agreement to Davey Resource Group for CALFIRE Urban and Community Forestry California Climate Investments, “City of Modesto Urban Forest Services (21-UF-MGMT-004)” for an amount not to exceed $604,585, and authorizing the City Manager, or his designee, to execute the Agreement.

PUBLIC WORKS; Michael Hoesch, 209-342-4566, mhoesch@modestogov.com

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-379 approving the Consultant Agreement to Davey Resource Group for CALFIRE Urban and Community Forestry California Climate Investments, "City of Modesto Urban Forest Services (21-UF-MGMT-004)" for an amount not to exceed $604,585, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

22. Consider authorizing staff to apply for the California Strategic Growth Council's Regional Climate Collaboratives Program Grant. (Funding Source: Not Applicable)
    - Resolution authorizing staff to apply for the California Strategic Growth Council's Regional Climate Collaboratives Program Grant.

    PUBLIC WORKS; Myriah Hill, 209-577-5458, mhill@modestogov.com

    ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-380 authorizing staff to apply for the California Strategic Growth Council's Regional Climate Collaboratives Program Grant.

Consent

23. Consider authorizing staff to apply for the Safe Streets and Roads for All Grant, Strengthening Mobility and Revolutionizing Transportation Grant; and authorizing staff to apply for any future related Grants (Funding Source: SS4A and SMART Grants)
    - Resolution authorizing staff to apply for the Safe Streets and Roads for All Grant, Strengthening Mobility and Revolutionizing Transportation Grant, and apply for any future related grants.

    PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

    ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-381 authorizing staff to apply for the Safe Streets and Roads for All Grant, Strengthening Mobility and Revolutionizing Transportation Grant, and apply for any future related grants.

Consent

24. Consider accepting the plans and specifications for the Sonoma Trunk Extension, Lift Station and Sylvan Water Main Upgrade Project and awarding a construction contract with Mozingo Construction Inc, of Oakdale, CA, in the amount of $7,981,830 plus $957,821 for contingency (if needed), for a total amount not to exceed $8,939,651; authorizing an increase in the Director's Authority from 8% to 12% to issue Change Orders; and amending the Fiscal Year 2022-2023 Capital Improvement Project Program Budget. (Funding Source: Wastewater and Water Fund)
    - Resolution approving plans and specifications for the Sonoma Trunk Extension, Lift Station and Sylvan Water Main Upgrade Project, accepting the bid, and approving a construction contract with Mozingo Construction Inc, of Oakdale, CA, in the amount of $7,981,830 plus $957,821 for contingency (if needed) for

a total amount not to exceed $8,939,651 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 Sonoma Trunk Extension, Lift Station and Sylvan Water Main Upgrade Project from 8% ($638,547) to 12% ($957,821) of the construction contract price of $7,981,830 with Mozingo Construction Inc, of Oakdale, CA.
- Resolution amending the Fiscal Year 2022-2023 Capital Improvement Program Budget in the amount of $5,526,488 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration and design support during construction for the Sonoma Trunk Extension and Lift station Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.
- Resolution amending the Fiscal Year 2022-2023 Capital Improvement Program Budget in the amount of $828,472 to be transferred into the project (101367) from Water Reserves to fully fund the construction, contingency, construction administration and design support during construction for the Sylvan Water Main Upgrades Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-382 approving plans and specifications for the Sonoma Trunk Extension, Lift Station and Sylvan Water Main Upgrade Project, accepting the bid, and approving a construction contract with Mozingo Construction Inc, of Oakdale, CA, in the amount of $7,981,830 plus $957,821 for contingency (if needed) for a total amount not to exceed $8,939,651 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-383 authorizing an increase in the Director's authority to issue Change Orders for the Sonoma Trunk Extension, Lift Station and Sylvan Water Main Upgrade Project from 8% ($638,547) to 12% ($957,821) of the construction contract price of $7,981,830 with Mozingo Construction Inc, of Oakdale, CA.

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-384 amending the Fiscal Year 2022-2023 Capital Improvement Program Budget in the amount of $5,526,488 to be transferred into the project from Wastewater Reserves to fully fund the construction, contingency, construction administration and design support during construction for the Sonoma Trunk Extension and Lift station Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-385 amending the Fiscal Year 2022-2023 Capital Improvement Program Budget in the amount of $828,472 to be transferred into the project (101367) from Water Reserves to fully fund the construction, contingency, construction administration and design support during construction for the Sylvan Water Main Upgrades Project and authorizing the City Manager, or his designee, to implement the provisions of this resolution.

Consent

25. Consider approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the West Trunk Rehabilitation Project in the amount of $984,404 for the identified scope of services, plus $98,440 in additional services, if needed, for a total amount not to exceed $1,082,844. (Funding Source: Wastewater Fund)

- Resolution approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the West Trunk Rehabilitation Project in the amount of $984,404 for the identified scope of services, plus $98,440 in additional services, if needed, for a total amount not to exceed $1,082,844 and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-386 approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the West Trunk Rehabilitation Project in the amount of $984,404 for the identified scope of services, plus $98,440 in additional services, if needed, for a total amount not to exceed $1,082,844 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

26. Consider approving an Agreement with Provost & Pritchard Consulting Group, Modesto, CA, for Engineering Services for the Empire Well 312 Treatment System Project in the amount of $147,000 for the identified scope of services, plus $14,700 in additional services, if needed for a total amount not to exceed $161,700. (Funding Source: Water Fund)

- Resolution approving an Agreement with Provost & Pritchard Consulting Group, Modesto, CA, for Engineering Services for the Empire Well 312 Treatment System Project in the amount of $147,000 for the identified scope of services, plus $14,700 in additional services, if needed, for a total amount not to exceed $161,700 and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Edgar Vargas, 209-577-5424, evargas@modestogov.com

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-387 approving an Agreement with Provost & Pritchard Consulting Group, Modesto, CA, for Engineering Services for the Empire Well 312 Treatment System Project in the amount of $147,000 for the identified scope of services, plus $14,700 in additional services, if needed, for a total amount not to exceed $161,700 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

27. Consider approving the Award of Bid for Pump Station Rejuvenation Services to Don Pedro Pump, Hughson, CA, for a two-year Agreement with three one-year extension

options, for an estimated annual amount of $350,000, and $1,974,350 over five years. (Funding Source: Water Fund, Wastewater Fund, Storm Drain Fund)

- Resolution approving the Award of Bid for Pump Station Rejuvenation Services to Don Pedro Pump, Hughson, CA, for a two-year Agreement with three one-year extension options, for an estimated annual amount of $350,000, and $1,974,350 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

ACTION: (Kenoyer/Ricci; 6/0) Resolution 2022-388 approving the Award of Bid for Pump Station Rejuvenation Services to Don Pedro Pump, Hughson, CA, for a two-year Agreement with three one-year extension options, for an estimated annual amount of $350,000, and $1,974,350 over five years and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Vice Mayor Wright commented on the cruise held this past Friday and he heard it was a nice and peaceful event. He encouraged those cruisers to continue to work with the Chief of Police on other events coming up. He thanked the cruisers for being here tonight.

Council Member Ricci thanked all the folks that came out tonight and the dozens of people that live around Graceada and Enslen Park that emailed the Council to ask for change in the parks. He referenced some issues occurring in parks and encouraged people's voices to inspire government to provide the safe spaces where people can go and start the healing process to rejoin society. Modesto is doing a lot to help people suffering from drug addiction, mental health and homelessness and some programs are even winning awards. He can't argue with what they are seeing in the streets, but they have to do more.

Council Member Escutia-Braaton reported that she, along with Supervisor Mani Grewal, and the Superintendent of Public Instruction spoke to a large group of high school seniors and juniors at the Stanislaus County Office of Education Leadership Academy. She further reported that she regrets that due to being out of State attending to a family loss, she was not able to participate in the September 11th memorial service conducted by the City of Modesto. She expressed her gratitude to everyone that came out and spoke today. There was approximately two hours of public comment and she wants everyone to know that the comments were heard and listened to. They factor in the information shared with them and it's factored into their thoughts and decision making. It's not in vain that the public takes the time away from their families and personal time to come and express their opinion to the Council. She is grateful that they do that.

Council Member Madrigal reported that as the voting delegate for the City of Modesto, he attended the League of California Cities Annual Conference and Annual Business meeting. This is his last time serving on the Board of the League of Cities. He shared some of the various tasks, programs and advocacy that the League supports and has implemented. He also reported on attending the First Annual Modesto Bacon Festival held this past Saturday. This is something that he had been talking with the event coordinator to bring to Modesto. In addition, he attended

the September 11th ceremony at the Modesto Fire Station. He also invited the public to attend the Mexican Independence Day event this Thursday at 5 pm at El Rematito. The dignitaries portion of the event will begin at 7:45 pm. The event is sponsored by the South Modesto Business United, a non-profit group and the event is free to the community.

Mayor Zwahlen stated that public comment is the citizens time and the time for the Council to listen. She appreciates every person who took the time to be here and appreciates hearing from the community. She further commented that she was born in the Graceada neighborhood and still lives there and has for the past 68 years. In addition, she attended the cruising event on Friday and drove around downtown that night. Mayor Zwahlen also reported on attending a Taiwanese food demonstration and, an Indian Onam celebration at Enochs High School. The Mayor was invited to give well wishes to Christine Yarbrough who turned 100. The Mayor further reported she, along with Council Member Madrigal, attended the League of California Cities Annual Conference. At the conference, she was honored to receive the 2022 Helen Putnam Award for Excellence in Internal Administration for the implementation of a data collection tool that helps inform the city's efforts to support unhoused residents. The Mayor also attended the American Legion Boy's and Girl's State Dinner, and attended the September 11th flag raising at the Modesto Fire Station. She invited the public to attend the Mayor's meeting in the park this Thursday, at 6 pm in Enslen Park.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez reported that the next public municipal golf course meeting will be held October 19th and it will be held virtually and invited the public to attend.

City Manager Lopez recognized Steve Mitchell, Planning Manager who is retiring after 43 years of service. City Manager Lopez acknowledged Steve's many accomplishments, and thanked him for his many years of service. The Mayor and Council presented a plaque to Steve Mitchell.

UNFINISHED BUSINESS

28. Consider approving Water Conservation Rebate Program Modifications for Fiscal Year (FY) 22/23 to increase the funds budgeted for rebates by $285,000 from $430,000 to $715,000 and consider amending the Fiscal Year 22/23 operating budget in the amount of $285,000 to be transferred from Water reserves. (Funding Source: Water Fund)
    - Resolution approving Water Conservation Rebate Program Modifications for Fiscal Year 22/23 to increase the funds budgeted for rebates by $285,000 from $430,000 to $715,000.
    - Resolution amending the Fiscal Year 22/23 Water Operating Budget in the amount of $285,000 to be transferred from Water reserves and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

    UTILITIES; Jeff Daniels, 209-342-4585, jdaniels@modestogov.com

    ACTION: (Wright/Madrigal; 6/0) Resolution 2022-389 approving Water Conservation Rebate Program Modifications for Fiscal Year 22/23 to increase the funds budgeted for rebates by $285,000 from $430,000 to $715,000.

ACTION: (Wright/Madrigal; 6/0) Resolution 2022-390 amending the Fiscal Year 22/23 Water Operating Budget in the amount of $285,000 to be transferred from Water reserves and authorizing the City Manager, or his designee, to implement the provisions of the Resolution.

HEARINGS

Published in the Modesto Bee on August 24, 2022.

29. Hearing to consider a proposed amendment to the land use diagram of the Kiernan Business Park Specific Plan to amend 12.8 acres from Business Park to Mixed Uses (MU), property located at 2731 and 2931 Bangs Avenue, east of Dale Road. (Funding Source: Developer Funded)
    - Resolution approving Specific Plan Amendment No. 13 to the Kiernan Business Park Specific Plan to change the land use designation of 12.8 acres from Business Park (BP) to Mixed Uses (MU), property located at 2731 and 2931 Bangs Avenue.

    CED; Katharine Martin, 209-577-5267, kamartin@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-391 approving Specific Plan Amendment No. 13 to the Kiernan Business Park Specific Plan to change the land use designation of 12.8 acres from Business Park (BP) to Mixed Uses (MU), property located at 2731 and 2931 Bangs Avenue.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:16 pm

Closed Session matters heard before the meeting.

CLOSED SESSION

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

Property: 617 Airport Way, Modesto, CA 95354, APN: 036-023-002

Property Owners: City of Modesto

Negotiating Parties:
For City: Bill Sandhu, Public Works Director
Jose M. Sanchez, City Attorney

For Leasee: Alex Somerville, Senior Vice President

Under Negotiation: Price and Terms of a Site Lease Option Agreement

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Modesto, California
Wednesday, September 14, 2022 at 5:30 PM

Roll Call: Present: Vice-Chair Ricci, Member Wright, and Chair Zwahlen
Absent: None
Also Present: Member Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-3: (Wright/Ricci; 3/0)

CONSENT

Consent
1. Consider authorizing the submittal of a grant application to seek grant funding for the Highway Safety Improvement Program (HSIP) grant, and forwarding to Council for approval. (Funding Source: California Department of Transportation Grant Funds)
CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider authorizing the submittal of a grant application to seek grant funding for the Highway Safety Improvement Program (HSIP) grant, and forwarding to Council for approval.

Consent
2. Consider approving an On-Call Rental Services Agreement with N & S Tractor, Turlock, California, for a one-year with one-year extension option, for an annual estimated amount of $75,000 and a total amount not to exceed $150,000 over two years and forwarding to Council for approval. (Funding Source: Various Funds)
FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving an On-Call Rental Services Agreement with N & S Tractor, Turlock, California, for a one-year with one-year extension option, for an annual estimated amount of $75,000 and a total amount not to exceed $150,000 over two years and forwarding to Council for approval.

Consent

3. Consider approving Agreements for On-Call Water Resource Grant Research and Writing Services with Provost & Pritchard Consulting Group, Modesto, CA, Woodard & Curran, Sacramento, CA, and West Yost Associates, Davis, CA, for one year, not to exceed $150,000 each, with two one-year extension options for a total maximum annual expenditure of $450,000 or $1,350,000 over a three-year period for all services. (Funding Source: Various Capital Improvement Program Projects)
UTILITIES; Miguel Alvarez, 209-577-5348, malvarez@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider approving Agreements for On-Call Water Resource Grant Research and Writing Services with Provost & Pritchard Consulting Group, Modesto, CA, Woodard & Curran, Sacramento, CA, and West Yost Associates, Davis, CA, for one year, not to exceed $150,000 each, with two one-year extension options for a total maximum annual expenditure of $450,000 or $1,350,000 over a three-year period for all services.

NEW BUSINESS

4. Consider an Operating Agreement, in coordination with Stanislaus County, for a digital freeway billboard at 1027 Emerald Avenue, in County jurisdiction and forwarding to Council for approval. (Funding Source: Application Fee)
CED; Paul Liu, 209-577-5282, pliu@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider an Operating Agreement, in coordination with Stanislaus County, for a digital freeway billboard at 1027 Emerald Avenue, in County jurisdiction and forwarding to Council for approval.

5. Consider recommending to the City Council the adoption of a Housing Plan that provides strategies and recommendations for increasing the supply of housing in Modesto. (Funding Source: SB2 Planning Grant)
CED; Steve Mitchell, 209-577-5287, smitchell@modestogov.com

ACTION: (Ricci/Wright; 3/0) Motion to consider recommending to the City Council the adoption of a Housing Plan that provides strategies and recommendations for increasing the supply of housing in Modesto.

6. Consider accepting the Enhanced Infrastructure Financing District (EIFD) Feasibility Study Report prepared by Kosmont Companies; consider authorizing the City Manager or his designee to negotiate and execute a First Amendment to the Professional Services Agreement with Kosmont Companies for formation of one or more Modesto Enhanced Infrastructure Financing District or Districts and consider authorizing staff to draft a Resolution of Intention to Form a Modesto EIFD and forwarding to Council for approval (Funding Source: ARPA funds)
CED; Jorge Barrera, 209-571-5179, jbarrera@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion to consider accepting the Enhanced Infrastructure Financing District (EIFD) Feasibility Study Report prepared by Kosmont

Companies; consider authorizing the City Manager or his designee to negotiate and execute a First Amendment to the Professional Services Agreement with Kosmont Companies for formation of one or more Modesto Enhanced Infrastructure Financing District or Districts and consider authorizing staff to draft a Resolution of Intention to Form a Modesto EIFD and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:42 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Thursday, September 15, 2022 at 3:01 PM

Roll Call: Present: Member Ricci, Vice-Chair Wright, Chair Escutia-Braaton
Absent: None
Also Present: None

PUBLIC COMMENTS

None.

NEW BUSINESS

Committee started with Item 2 and left Item 1 to last for discussion and review.

1. Consider recommending appointments to fill five City of Modesto vacancies on the Equity Commission for four-year terms and forwarding to Council for approval. (Funding Source: Not Applicable)
HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

   ACTION: (Ricci/Escutia-Braaton; 3/0) Motion to consider recommending appointments of Kwei-Cee Chu, Fallon Ferris, Larry Bolton, and Lindsey Bird to fill four City of Modesto vacancies on the Equity Commission for four-year terms and forwarding to Council for approval.

2. Consider the appointments of each of the vacancies for the Blight Abatement Advisory Committee and forwarding to Council for approval. (Funding Source: Not Applicable)
CITY MANAGER; Scotty Douglass, 209-571-9149, sdouglass@modestogov.com

   ACTION: (Wright/Ricci; 3/0) Motion to consider the appointments of Bryan Marks and Darin Jesberg to fill two vacancies for the Blight Abatement Advisory Committee and forwarding to Council for approval.

   ACTION: (Wright/Ricci; 3/0) Corrected motion to removing Darin Jesberg and consider appointments of Bryan Marks and Frank Ploof to fill two vacancies for the Blight Abatement Advisory Committee and forwarding to Council for approval.

3. Consider appointing nine new members to the Modesto Youth Commission for the 2022-2023 school year from October 12, 2022 to June 30, 2023 and forwarding to Council for approval. (Funding Source: Not Applicable)

PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

ACTION: (Ricci/Wright; 3/0) Motion to consider appointing Carissa Nielson, Hamza Modan, Ameena Pierstorff, Aheli Patel, Jossfin Garza, Noah Wong, Kayvon Banankhah, Lolamaya Evans, and Abigail Manzano as the nine new members to the Modesto Youth Commission for the 2022-2023 school year from October 12, 2022 to June 30, 2023 and forwarding to Council for approval.

ACTION: (Ricci/Wright; 3/0) *Motion to formally agendize the discussion of the use of alternates or appointments of alternates for the next meeting.*

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:34 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Thursday, September 15, 2022 at 11:00 AM

Roll Call: Present: Member Kenoyer (arrived 11:05a.m.), Vice-Chair Wright, Chair Zwahlen
Absent: None
Also Present: None

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider approving the Award of Proposal and Agreement for the Furnishing of External Auditing Services to Vasquez and Company LLC, Glendale, California, for a three year Agreement with two one-year extension options, for an estimated annual cost of $142,228, and a total amount not to exceed $715,000 over five years; and forwarding to Council for approval. (Funding Source: General Fund, Housing Urban Development Funds, Utility Funds, Community Facility Districts, and Ceres-Modesto Industrial Fire District)
FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Kenoyer/Wright; 3/0) Motion to consider approving the Award of Proposal and Agreement for the Furnishing of External Auditing Services to Vasquez and Company LLC, Glendale, California, for a three year Agreement with two one-year extension options, for an estimated annual cost of $142,228, and a total amount not to exceed $715,000 over five years; and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:12 a.m.

Attest: _____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, September 26, 2022 at 3:00 PM

Roll Call: Present: Vice-Chair Escutia-Braaton, Member Kenoyer, and Chair Wright
Absent: None
Also Present: Member Ricci

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-7 (Escutia-Braaton/Kenoyer; 3/0)

CONSENT

1. Consider approving the recommended budget adjustments to Fiscal Year 2022-23 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: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

2. Consider approving a one-time purchase for five Hayward Gordon pumps from Hayward Gordon Group, Ontario, Canada, for an amount not to exceed of $135,278, and forwarding to Council for approval. (Funding Source: Wastewater Fund)
FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider approving a one-time purchase for five Hayward Gordon pumps from Hayward Gordon Group, Ontario, Canada, for an amount not to exceed of $135,278, and forwarding to Council for approval.

3. Consider approving the Sole Source Purchase Agreement with Nutrien Ag Solutions, Sacramento, CA, for weed abatement chemical premix known as (Aqumix Proprietary Custom Pre-blend) for a one-year agreement with four one-year extension options, for an annual estimated amount of $70,000, and a total amount not to exceed $350,000 over five-years, and forwarding to Council for approval. (Funding Source: Wastewater and Water Fund)
FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider approving the Sole Source Purchase Agreement with Nutrien Ag Solutions, Sacramento, CA, for weed abatement chemical premix known as (Aqumix Proprietary Custom Pre-blend) for a one-year agreement with four one-year extension options, for an annual estimated amount of $70,000, and a total amount not to exceed $350,000 over five-years and forwarding to Council for approval.

4. Consider approving the Amendment #1 to the Facility and Fleet Maintenance Agreements between the City of Modesto and the Stanislaus Regional Transit Authority, and forwarding to Council for approval. (Funding Source: Local Transportation Funds, State Transit Assistance, Farebox Revenue, & Federal Transit Administration (FTA))
FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider approving the Amendment #1 to the Facility and Fleet Maintenance Agreements between the City of Modesto and the Stanislaus Regional Transit Authority and forwarding to Council for approval.

5. Consider accepting an informational report on the May and June 2022 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: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider accepting an informational report on the May and June 2022 grant applications and awards and forwarding to Council for approval.

6. Considering approval of a Sole Source Renewal Agreement with CivicPlus for continued, uninterrupted hosting and maintenance of the City of Modesto's website (www.modestogov.com) for another four-year term at an amount of $149,350 plus a 10% contingency in the amount of $14,935 for a total amount not to exceed $164,285. (Funding Source: Information Technology Fund)
IT; Scott Conn, 209-577-5229, sconn@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider approval of a Sole Source Renewal Agreement with CivicPlus for continued, uninterrupted hosting and maintenance of the City of Modesto's website (www.modestogov.com) for another four-year term at an amount of $149,350 plus a 10% contingency in the amount of $14,935 for a total amount not to exceed $164,285.

7. Consider authorizing the submittal of application(s) to the California Department of Resources, Recycling and Recovery for beverage container recycling grants that

support recycling education, and encourages reducing and reusing beverage containers in Modesto, and forwarding to Council for approval. (Funding Source: California Department of Resources, Recycling and Recovery)
PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider authorizing the submittal of application(s) to the California Department of Resources, Recycling and Recovery for beverage container recycling grants that support recycling education, and encourages reducing and reusing beverage containers in Modesto, and forwarding to Council for approval.

WRITTEN COMMUNICATIONS

None.

NEW BUSINESS

8. Consider accepting the Annual Investment Report for Fiscal Year 2021-2022. (Funding Source: Various Funds)
FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion to consider accepting the Annual Investment Report for Fiscal Year 2021-2022.

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

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, September 27, 2022 at 5:30 PM

Roll Call - Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
Absent: None

Pledge of Allegiance to the Flag

Invocation: Cindy Marks, Pray Modesto

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported that no reportable action was taken on the two closed session matters.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificates of Recognition honoring the heroism of Daniel Cabral, Gil Espinoza, Jesus Garcia, and Shannon Wiggins. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented Certificates of Recognition to Daniel Cabral, Gil Espinoza, and Jesus Garcia,

2. Presentation of Proclamation to Phillips Lighting recognizing their 75th anniversary. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented Proclamation to Phillips Lighting recognizing their 75th anniversary.

3. 2022 Achievement of Excellence in Procurement Award by National Procurement Institute. (Funding Source: Not Applicable)
   FINANCE; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

ACTION: City Manager Lopez presented the 2022 Achievement of Excellence in Procurement Award by National Procurement Institute.

MISCELLANEOUS

4. Consider reappointing Craig Lewis to the Stanislaus Council of Governments (StanCOG) Measure L Citizens Oversight Committee. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution reappointing Craig Lewis to the StanCOG Measure L Citizens Oversight Committee, with a term expiration of September 30, 2025.

CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

ACTION: (Wright/Zwahlen; 5/1; Ricci No) Resolution 2022-392 reappointing Craig Lewis to the StanCOG Measure L Citizens Oversight Committee, with a term expiration of September 30, 2025.

PUBLIC COMMENT PERIOD

- Perfecto Munoz, West Modesto Community Collaborative spoke about the need for housing in Modesto. He invited the public and the Council to attend the West Modesto Community Collaborative Housing Summit that will be held on Thursday, September 29, 2022.

- A citizen commented regarding the shooting of Paul Chavez and Officer Muncy.

- Vivian Lopez, West Modesto Community Collaborative spoke about housing and its importance for the community. The community needs to have some options of where they can live affordably. She also spoke about the need for the City to get the word out about meetings. She asked that the City take additional steps to share meeting information with the public and increase the budget to improve social media and technology.

- Patrick Thomas spoke about Modesto Police Officers Joseph Lamantia and Sam Muncy. He asked members if Council is going to wait to do something until it happens again. It's important that the community feel safe and not scared, reactive and stalked. Rebuilding of trust is needed.

- Tina Tateo member of Modesto Cruisers Council, spoke in support of lifting the ban on cruising. They will be hosting another cruise in October 21st in support of Breast Cancer Awareness.

- Alissia Hager spoke about her brother Paul Chavez who was shot on July 14, 2022. She asked that Council use their platform and the respect given to them. She invited the Council and public to join them on October 22, 2022 for their petition against police brutality starting at 1 pm, Martin Luther King Park.

- Flavio from the Sacramento Low Riders Commission spoke in support of lifting the no cruising ordinance in Modesto. He asked Council to put the ordinance on the agenda to lift the ban on cruising.

- Jerry Thompson read a statement from the President of the Modesto Cruiser Council requesting an item be placed on a Safety and Communities Committee agenda to discuss lifting the ban on cruising.

- Richard Anderson thanked Council for allowing the public access to participate in council meeting via Zoom. He also asked whether the City Council has been successful in inviting the East Side Mosquito Abatement District to make a presentation at a future meeting.

- Sandra Mello spoke in support of lifting the ban on cruising.

- Carol Blomquist and Jane Manley volunteers at the Stanislaus Library Foundation spoke about the various programs the County library has for the families of young children. She also described several other free programs at the Modesto library for teens, adults and seniors.

- Ramon Rodriguez commented about the shooting of Paul Chavez. He also referenced other officer involved shootings.

- Susan Mendieta-Beasley invited the Council and public to attend the International Heritage Festival that will be held on Saturday, October 1st at the Graffiti Museum. She also invited everyone to the Masquerade Event that will benefit the Parent Resource Center. The event will be held on Friday, October 7th at Rancho Del Rio.

- Lorraine Quinos, a Los Angeles resident stated she is speaking in solidarity for those asking to repeal the ban on cruising.

- Bob Holloway, member of Modesto Cruisers Council spoke about the recent cruising event that had no issues. He spoke in support of lifting the ban on cruising. He asked that Council place the item on an agenda and take a vote on it.

- Steve stated that he is looking forward to see what the Council is going to do with the recommendations of the Forward Together Committee. He also spoke about the rules of public comment and the shooting of Paul Chavez. He further commented on the Modesto Police Department and the Proud Boys. In addition, he asked public comment be increased to 5 minutes.

- Maggie Countryman spoke about a small claims court trial judgement obtained in the amount of $5,000 in favor of the plaintiff. She spoke about the shed/structure in question that has not been removed.

- Teresa Clutter spoke about the shooting of her son-in-law, Paul Chavez by Officer Sam Muncy. She commented on excessive force and accountability for Sam Muncy . There were no life-saving attempts on Paul Chavez. She asked that the City to do what's in the best interest of the family.

- Ronald Dafford spoke about sidewalks, and ADA issues and civil rights violations. He spoke about his attempts to talk with City staff and officials about the ADA issues, and referenced the Bane Act and Unruh Act.

- Brittoni Estrella Chavez spoke about Modesto Police Officers Muncy and Valencia. She further commented about the shooting of her husband Paul Chavez, Jr., and that her late husband was never asked to identify himself. She asked what the Council is going to do to help them.

- Leonardo Hernandez, a student at Modesto High School asked that the City consider building a skate park. The local youths want a safe place to skate at.

- Ana spoke about the shooting of Paul Chavez, Jr. She quoted the MPD policy manual regarding reasonable force and commented on Officer Muncy.

- Ricky White, local real estate agent spoke about the Municipal Golf Course and encouraged Council to use that site for housing. That location can accommodate about 579 mixed housing there.

- Howard Carmen spoke about ADA issues and his discussion with Councilmember Madrigal about sidewalks. He described areas where he believes have ADA issues and he spoke about a recent encounter with the Modesto Police Department.

Recessed: 7:26 pm
Reconvened: 7:33 pm

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 5-16; (Kenoyer/Madrigal; 6/0)

CONSENT ITEMS

Consent

5. Consider approving the minutes from the September 13, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the September 13, 2022 Council Meeting.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0) Motion approving the minutes from the September 13, 2022 Council Meeting.

Consent

6. Consider approving final adoption of Ordinance 3749-C.S. amending section 12-4.202(b)(2) of Article 2 to Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of Park and Recreation areas and facilities to authorize the Director of Parks, Recreation and Neighborhoods to set hours of operations for all parks, trails, green space, and recreation facilities. (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3749-C.S. amending section 12-4.202(b)(2) of Article 2 to Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of Park and Recreation areas and facilities to authorize the Director of Parks, Recreation and Neighborhoods to set hours of operations for all parks, trails, green space, and recreation facilities.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Motion approving final adoption of **Ordinance 3749-C.S.** amending section 12-4.202(b)(2) of Article 2 to Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of Park and Recreation areas and facilities to authorize the Director of Parks, Recreation and Neighborhoods to set hours of operations for all parks, trails, green space, and recreation facilities.

Consent

7. Consider an Operating Agreement, in coordination with Stanislaus County, for a Digital Freeway Billboard at 1027 Emerald Avenue, in County jurisdiction. (Funding Source: Application Fee)
    - Resolution approving an Operating Agreement with Outfront Media LLC, for the installation of a Digital Freeway Billboard on property located at 1027 Emerald Avenue; and authorizing the City Manager, or his designee, to execute the Agreement.

    CED; Paul Liu, 209-577-5282, Paul Liu

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-393 approving an Operating Agreement with Outfront Media LLC, for the installation of a Digital Freeway Billboard on property located at 1027 Emerald Avenue; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider authorizing submittal of Highway Safety Improvement Program Grant applications. (Funding Source: California Department of Transportation Grant Funds)
    - Resolution authorizing submittal of grant applications to seek grant funding for Highway Safety Improvement Program (HSIP) funds.

    CED; Phillip Soares, 209-577-5258, psoares@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-394 authorizing submittal of grant applications to seek grant funding for Highway Safety Improvement Program (HSIP) funds.

Consent

9. Consider approving an On-Call Rental Services Agreement with N & S Tractor, Turlock, California, for one-year with a one-year extension option, for an annual estimated amount of $75,000 and a total amount not to exceed $150,000 over two years. (Funding Source: Various Funds)
    - Resolution approving an On-Call Rental Services Agreement with N & S Tractor, Turlock, California, for one-year with a one-year extension option, for an annual estimated amount of $75,000 and a total amount not to exceed $150,000 over two 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/Madrigal; 6/0) Resolution 2022-395 approving an On-Call Rental Services Agreement with N & S Tractor, Turlock, California, for one-year with a one-year extension option, for an annual estimated amount of $75,000 and a total amount not to exceed $150,000 over two years; and authorizing the City Manager or his designee to execute the Agreement.

Consent

10. Consider approving an Agreement with O'Dell Engineering Inc. to prepare the Tuolumne River Regional Park (TRRP) Master Plan Update for an amount of $268,641, plus $32,237 for additional services, if needed, for an Agreement total not to exceed $300,878. (Funding Source: American Rescue Plan Act (ARPA) / TRRP - Special Revenue Fund and JPA-TRRP Special Revenue Fund-CIP)
    - Resolution approving an Agreement with O'Dell Engineering Inc. to prepare the Tuolumne River Regional Park (TRRP) Master Plan Update for an amount of $268,641, plus $32,237 for additional services, if needed, for an agreement total not to exceed $300,878 and authorizing the City Manager, or his designee to execute the Agreement.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-396 approving an Agreement with O'Dell Engineering Inc. to prepare the Tuolumne River Regional Park (TRRP) Master Plan Update for an amount of $268,641, plus $32,237 for additional services, if needed, for an agreement total not to exceed $300,878 and authorizing the City Manager, or his designee to execute the Agreement.

Consent

11. Consider approving the competitive bidding process from National Purchasing Partners (NPPGov), League of Oregon Cities, with Park Associates, Inc. DBA Park Planet for the Purchase and Delivery of a Sensory Wall for The Awesome Spot Playground at

Beyer Community Park, for a cost not to exceed $172,400. (Funding Source: American Rescue Plan Act Funding)

- Resolution approving the competitive bidding process from National Purchasing Partners (NPPGov), League of Oregon Cities, with Park Associates, Inc. DBA Park Planet for the Purchase and Delivery of a Sensory Wall for The Awesome Spot Playground at Beyer Community Park, for a cost not to exceed $172,400; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-397 approving the competitive bidding process from National Purchasing Partners (NPPGov), League of Oregon Cities, with Park Associates, Inc. DBA Park Planet for the Purchase and Delivery of a Sensory Wall for The Awesome Spot Playground at Beyer Community Park, for a cost not to exceed $172,400; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

12. Consider authorizing payments not to exceed $160,000 to Belfor Property Restoration, Modesto, CA and other vendors for emergency work related to the American Legion Hall fire remediation. (Funding Source: JPA TRRP Special Revenue Fund – CIP and Future Insurance Proceeds)

    - Resolution authorizing payments not to exceed $160,000 to Belfor Property Restoration, Modesto, CA and other vendors for emergency work related to the American Legion Hall fire remediation; and authorizing the Purchasing Manager, or her designee, to issue the payments.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-398 authorizing payments not to exceed $160,000 to Belfor Property Restoration, Modesto, CA and other vendors for emergency work related to the American Legion Hall fire remediation; and authorizing the Purchasing Manager, or her designee, to issue the payments.

Consent

13. Consider approving a Third Amendment to the Agreement with Willdan, Inc., for Traffic Engineering Services increasing the amount by $15,000 from $255,000 to a new total amount of $270,000. (Funding Source: Various Funds)

    - Resolution approving a Third Amendment to the Agreement with Willdan, Inc., for Traffic Engineering Services increasing the amount by $15,000 from $255,000 to a new total amount of $270,000, and authorizing the City Manager, or his designee, to execute the amendment.

    PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-399 approving a Third Amendment to the Agreement with Willdan, Inc., for Traffic Engineering Services

increasing the amount by $15,000 from $255,000 to a new total amount of $270,000, and authorizing the City Manager, or his designee, to execute the amendment.

Consent

14. Consider approving the plans and specifications for the Retroreflective Backplates and Striping Project, accepting the bid, and awarding a contract to Tennyson Electric, Inc. of Livermore, CA, in the amount of $566,317, and amending the Fiscal Year 2022-23 Capital Improvement Program budget in the amount of $305,000. (Funding Source: Highway Safety Improvement Program, Surface Transportation Block Grant, and Surface Transportation Fund)
    - Resolution approving the plans and specifications for the Retroreflective Backplates and Striping Project, accepting the bid, and awarding a contract to Tennyson Electric, Inc. of Livermore, CA, in the amount of $566,317, and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2022-23 Capital Improvement Program (CIP) Budget, Project #101188 in the amount of $305,000, to fund the Retroreflective Backplates and Striping Project and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

    PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-400 approving the plans and specifications for the Retroreflective Backplates and Striping Project, accepting the bid, and awarding a contract to Tennyson Electric, Inc. of Livermore, CA, in the amount of $566,317, and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-401 amending the Fiscal Year 2022-23 Capital Improvement Program (CIP) Budget, Project #101188 in the amount of $305,000, to fund the Retroreflective Backplates and Striping Project and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this Resolution.

Consent

15. Consider accepting the 2018-2019 Sewer Replacement project at Covena Avenue and Sutter Avenue & Nian Way Intersection as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $370,189 to Rolfe Construction Company Inc, of Atwater, CA. (Funding Source: Wastewater Fund)
    - Resolution accepting the 2018-2019 Sewer Replacement Project Covena Avenue and Sutter Avenue & Nian Way Intersection as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $370,189 to Rolfe Construction, Atwater, CA.

    UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-402 accepting the 2018-2019 Sewer Replacement Project Covena Avenue and Sutter Avenue & Nian Way Intersection as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $370,189 to Rolfe Construction, Atwater, CA.

Consent

16. Consider approving a Wastewater Rate Adjustment for the dumping of septage waste. (Funding Source: Wastewater Fund)
    - Resolution approving a Wastewater Rate Adjustment for Septage Waste Disposal from the current rate of $69.35 per 1,000 gallons of waste to $74.52 beginning in Fiscal Year 2022-23 and subsequently increasing 3.5% each year through Fiscal Year 2026-27 in accordance with Proposition 218.

    UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-403 approving a Wastewater Rate Adjustment for Septage Waste Disposal from the current rate of $69.35 per 1,000 gallons of waste to $74.52 beginning in Fiscal Year 2022-23 and subsequently increasing 3.5% each year through Fiscal Year 2026-27 in accordance with Proposition 218.

COUNCIL COMMENTS & REPORTS

Vice Mayor Wright stated that he had the privilege to meet with Roman Bridges who turned 105 this year. Mr. Bridges was born on August 14, 1917, and he asked him what he contributed his long life to and his comment was treating everyone the same way he wanted to be treated. Vice Mayor Wright wanted to wish him a happy birthday again.

Council Member Ricci commented that he agrees with the Cruising Council. It's time to discuss lifting the ban on cruising. The ban was put into effect 10 years ago and the world was a very different place back then. He is looking forward to finding a way that they can discuss solutions to this and respect the safety, culture and diversity of the community. He also reported that he feels like the responsibility of council members is to try and make Modesto better every day. He mentioned what other jurisdictions have done and it's called garage sale day. The City chooses the day and generates a map and everyone sets up garage sales. He thinks in times like this with inflation, it's important to bring the community together. He is hopeful he can get some staff direction on the best place to explore this concept.

Council Member Kenoyer commented about her name being on a flyer saying they're against the new commission on diversity and inclusion. She wants people to know that she had nothing to do with that and neither did the Council. It did not come from the Council. The Council voted for the formation of the commission.

Council Member Escutia-Braaton thanked everyone who took time away from their families to come and speak publicly and express their opinion. All their sentiments were heartfelt and heard by the Council. She also wanted to wish all Modesto residents who are Jewish a Happy New Year, as today is the second day of Rasha Hanna. This past Friday, she and the Mayor visited the largest tomato factory in the world, and it's in Modesto. It employs 1,600 seasonal employees, 300 year-round employees and the factory is Stanislaus Food Products. This company has resided in Modesto for 80 years and it's on H Street. Lastly, on September 15, she attended the grand ribbon cutting of Modesto State Route 132 (SR 132). It was a momentous event that celebrated the completion of phase 1 of a project that has been in the making for 60 years. It elevated the safety standard of a roadway that some use to refer to as blood alley. This new route improves the regions ability to move locally grown and produced goods between markets and it leveraged the City's Measure L dollars to receive tens of millions in State and Federal funding. Thus, it kept the promise to voters in 2016, to be good stewards of public funding. This collaborative effort could not have been completed just by one entity. SR 132 will be open to the public soon.

Council Member Madrigal reported that he also participated in SR 132 ribbon cutting and delivered some remarks in English in Spanish at the ribbon cutting. Council Member Escutia-Braaton did a good job at summarizing a lot of the key points. He wanted to note, in addition to all things that this SR 132 accomplished it also was another demonstration of how our local governments invest in career technical education that is providing more pathways to building and construction trade jobs that are also very much needed. These jobs pay well and allow people in this area an opportunity to live and work here. A wonderful and momentous occasion. He also thanked the neighborhoods, such as the Woodland West neighborhood because this project cut through their neighborhood and it is having an impact on their neighborhood and quality of life. He commented that he tried to do what he could to get the sound wall they were asking for. He knows they're not going to give up advocating for it. His hope is that it can try to get it implemented in phase 2. He also reported on a couple of other events he attended. In particular, the annual SMBU Mexican Independence Day Celebration at the El Rematito Flea Market and attended a Mexican Independence Day Celebration at a local small business in West Modesto – Guayabitos.

Mayor Zwahlen reported that she and Vice Mayor Wright attended the Modesto Police Department promotion and welcoming ceremony. It's delightful to see the expressions and pride of the family members. It was great to be there. Last Sunday, she had the very unique invitation to have dinner with the President of Portugal. His name is Marcelo Rebelo de Sousa. President Rebelo de Sousa was so gracious and it was a relatively small group, it was a great opportunity to hear from a person who's had an incredible life and hear about his experiences with Ukraine, India, and China. He shared all of his experiences and took us through decades of history. He came here because he recognized Portuguese heritage is strong in the central valley. It was delightful and she really appreciated that opportunity.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on August 22, 2022

17. Hearing to consider approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2021-2022. (Funding Source: Community Development Block Grant, Emergency Solutions Grant, Community Development Block Grant - CV, Emergency Solutions Grant - CV and HOME Investment Partnerships funds)
    - Resolution approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2021-2022 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 Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Madrigal/Wright; 6/0) Resolution 2022-404 approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2021-2022 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 September 16, 2022.

18. Hearing to consider adopting an Ordinance repealing and replacing Section 10-3.505 of Article 3 of Title 10 of the City of Modesto Municipal Code and amending the Title of Section 10-3.506 of Article 3 of Title 10 related to termination of non-conforming uses. (Funding Source: General Fund)
    - Motion introducing and waiving the first reading of an Ordinance repealing and replacing Section 10-3.505 of Article 3 of Title 10 of the City of Modesto Municipal Code and amending the Title of Section 10-3.506 of Article 3 of Title 10 of the Modesto Municipal Code.

    CED; Paul Liu, 209-577-5267, pliu@modestogov.com

    ACTION: (Wright/Escutia-Braaton; 6/0) Motion introducing and waiving the first reading of **Ordinance 3750-C.S.** repealing and replacing Section 10-3.505 of Article 3 of Title 10 of the City of Modesto Municipal Code and amending the Title of Section 10-3.506 of Article 3 of Title 10 of the Modesto Municipal Code.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 8:14 pm.

Closed Session Matters Heard Before the Meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case(s): Mike Hoesch v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ11304476, ADJ93185879, ADJ8580687

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

Name of Case: Brittoni Estrella, et al. v. City of Modesto et al.
United States Eastern District
Case No.: 1:22-cv-00921

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

SPECIAL CITY COUNCIL WORKSHOP / FORWARD TOGETHER

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Thursday, September 29, 2022 at 5:30 PM

Roll Call - Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal (Arrived 5:35 p.m.), Ricci, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

PUBLIC COMMENT PERIOD

- Maggie Countryman read a statement about a small claims court matter.

WORKSHOP

1. Presentation by City staff regarding Police Accountability models, including Community Oversight Boards and Independent Police Auditors, as referenced in the Forward Together recommendations report. (Funding Source: Not Applicable)
   CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

   Allison Van Guilder, Deputy City Manager presented the report and facilitated the workshop.

   ACTION: No reportable action. *City staff will bring an item back to the Council on December 13, 2022, regarding the implementation of the Community Oversight Board and the Independent Police Auditor.*

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:31 p.m.

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Modesto, California
Monday, October 03, 2022 at 5:30 PM

Roll Call: Present: Vice-Chair Ricci, Member Wright, and Chair Zwahlen
Absent: None
Also Present: None

PUBLIC COMMENTS

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-5: (Ricci/Wright; 3/0)

Consent
1. Consider approving the Agreement with Michael Baker International for the Development of the 6th Cycle General Plan Housing Element Update, in an amount not to exceed $349,790 and forwarding to Council for approval. (Funding Source: Local Early Action Planning (LEAP) Grant, SB2 Planning Grant)
CED; Jessica Hill, 209-577-5211, jhill@modestogov.com

ACTION: (Ricci/Wright; 3/0) Motion to consider approving the Agreement with Michael Baker International for the Development of the 6th Cycle General Plan Housing Element Update, in an amount not to exceed $349,790 and forwarding to Council for approval.

Consent
2. Consider approving a Fifth Amendment to the Agreement with California Property Specialists, Inc., dba CPSI, an Interwest Consulting Group, Inc. company, for Additional Right-Of-Way Services for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $177,425, plus $44,356 additional services, if needed, for a total increase of $221,781 from $3,737,413 for a total amount not to exceed $3,959,194, and forwarding to Council for approval. (Funding Source: Streets Capital Facility Fees)
CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Ricci/Wright; 3/0) Motion to consider approving a Fifth Amendment to the Agreement with California Property Specialists, Inc., dba CPSI, an Interwest Consulting Group, Inc. company, for Additional Right-Of-Way Services for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $177,425, plus $44,356 additional services, if needed, for a total increase of $221,781 from $3,737,413 for a total amount not to exceed $3,959,194, and forwarding to Council for approval.

Consent

3. Consider approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Design Services for the Grayson Water Infrastructure Project in the amount $1,464,918 for the identified scope of services, plus $146,492 in additional services, if needed, for a total amount not to exceed $1,611,410, amending the Fiscal Year 2022/23 Capital Improvement Program Budget in the amount of $703,461 and forwarding to Council for approval. (Funding Source: Water Fund)
UTILITIES; Edgar Vargas, 209-571-5424, evargas@modestogov.com

ACTION: (Ricci/Wright; 3/0) Motion to consider approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Design Services for the Grayson Water Infrastructure Project in the amount $1,464,918 for the identified scope of services, plus $146,492 in additional services, if needed, for a total amount not to exceed $1,611,410, amending the Fiscal Year 2022/23 Capital Improvement Program Budget in the amount of $703,461 and forwarding to Council for approval.

Consent

4. Consider approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Services for a Groundwater Well Strategy Plan in the amount of $100,900 for the identified scope of services, plus $10,090 in additional services, if needed for a total amount not to exceed $110,990, amending the Fiscal Year 2022/23 Multi-Year Program Budget and forwarding to Council for approval. (Funding Source: Water Fund)
UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

ACTION: (Ricci/Wright; 3/0) Motion to consider approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Services for a Groundwater Well Strategy Plan in the amount of $100,900 for the identified scope of services, plus $10,090 in additional services, if needed for a total amount not to exceed $110,990, amending the Fiscal Year 2022/23 Multi-Year Program Budget and forwarding to Council for approval.

Consent

5. Consider approving a First Amendment to the Purchase Agreement with Muniquip Inc., Roseville, CA, for Wemco/Hidrostal pump parts and/or electrical components and increasing the annual estimated amount by $30,000 from $16,000, for a new estimated annual amount of $46,000 and a new total amount not to exceed $250,237 over five

years and forwarding to Council for approval. (Funding Source: Sewer and Stormwater Fund)
UTILITIES; Monte Hamilton, 209-342-4505, mhamilton@modestogov.com

ACTION: (Ricci/Wright; 3/0) Motion to consider approving a First Amendment to the Purchase Agreement with Muniquip Inc., Roseville, CA, for Wemco/Hidrostal pump parts and/or electrical components and increasing the annual estimated amount by $30,000 from $16,000, for a new estimated annual amount of $46,000 and a new total amount not to exceed $250,237 over five years and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:35 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, October 04, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal (5:36 p.m.), Ricci, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

Invocation: Lynette Crase, Emanuel Lutheran Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming October 2022 as Hindu American Awareness and Appreciation Month. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented a proclamation declaring October 2022 as Hindu American Awareness and Appreciation Month.

2. Presentation of Proclamation proclaiming October 2022 as National Domestic Violence Awareness Month. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented a proclamation declaring October 2022 as National Domestic Violence Awareness Month.

3. Presentation of Proclamation proclaiming October 9-15, 2022, as "Fire Prevention Week" in the City of Modesto. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented a proclamation declaring October 9-15, 2022, as "Fire Prevention Week" in the City of Modesto.

PUBLIC COMMENT PERIOD

- Tina Perez Tateo, Modesto Cruisers Council asked that the ban on cruising be lifted. She invited the public and Council to attend a cruise to benefit cancer awareness in October.

- Louisa Bryant spoke about an inspection on her home for mold. She asked for city officials to help her and send a building inspector.

- Nasson Sanchez spoke in support of lifting the ban on cruising, and requested it be placed on an agenda for consideration.

- Jerry Thompson, Modesto Cruisers Council spoke in support of lifting the ban on cruising.

- Loretta Carhart spoke about a report on a radio program and a new law regarding walking across the street. She also commented on cameras at Needham and Virginia.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-12 (Kenoyer/Wright; 6/0)

CONSENT ITEMS

Consent

4. Consider approving the minutes from the September 27, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the September 27, 2022 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion approving the minutes from the September 27, 2022 Council Meeting.

Consent

5. Consider approving final adoption of Ordinance 3750-C.S. repealing and replacing Section 10-3.505 of Article 3 of Title 10 of the City of Modesto Municipal Code and amending the Title of Section 10-3.506 of Article 3 of Title 10 related to termination of non-conforming uses. (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3750-C.S. repealing and replacing Section 10-3.505 of Article 3 of Title 10 of the City of Modesto Municipal Code and amending the Title of Section 10-3.506 of Article 3 of Title 10 related to termination of non-conforming uses.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion approving final adoption of Ordinance 3750-C.S. repealing and replacing Section 10-3.505 of Article 3 of Title 10 of the City of Modesto Municipal Code and amending the Title of Section 10-3.506 of Article 3 of Title 10 related to termination of non-conforming uses.

Consent

6. Consider an Ordinance amending Title 6 of the Modesto Municipal Code, "Business, Professions and Trades," by adding Chapter 9, "Automobile Businesses," related to use of Public Streets and Highways by automobile businesses. (Funding Source: Not Applicable)
    - Motion introducing and waiving the first reading of an Ordinance amending Title 6 of the Modesto Municipal Code, "Business, Professions and Trades," by adding Chapter 9, "Automobile Businesses," related to use of Public Streets and Highways by Automobile Businesses.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion introducing and waiving the first reading of Ordinance 3751-C.S. amending Title 6 of the Modesto Municipal Code, "Business, Professions and Trades," by adding Chapter 9, "Automobile Businesses," related to use of Public Streets and Highways by Automobile Businesses.

Consent

7. Consider approving a Will Serve Letter and Outside Service Agreement for Water Service for the property located at 6942 St. John Road (APN: 004-076-003). (Funding Source: Water Fund, General Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement to connect to the City of Modesto's existing water system for the property located at 6942 St. John Road in Modesto (APN: 004-076-003), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

    CED; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-405 approving a Will Serve Letter and Outside Service Agreement to connect to the City of Modesto's existing water system for the property located at 6942 St. John Road in Modesto (APN: 004-076-003), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

8. Consider accepting the Annual Investment Report for Fiscal Year 2021-2022. (Funding Source: Various Funds)
    - Motion accepting the Annual Investment Report for Fiscal Year 2021-2022.

    FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Motion accepting the Annual Investment Report for Fiscal Year 2021-2022.

Consent

9. Consider accepting an informational report for the August 2022 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)

- Motion accepting an informational report for the August 2022 Accounts Payable Payment Register and Void report.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Kenoyer/Wright; 6/0) Motion accepting an informational report for the August 2022 Accounts Payable Payment Register and Void report.

Consent

10. Consider approving Amendment #1 to the Facility and Fleet Maintenance Agreements between the City of Modesto and the Stanislaus Regional Transit Authority. (Funding Source: Local Transportation Funds, State Transit Assistance, Farebox Revenue, & Federal Transit Administration (FTA))
    - Resolution approving Amendment #1 to the Facility and Fleet Maintenance Agreements between the City of Modesto and the Stanislaus Regional Transit Authority and authorizing the City Manager, or his designee, to execute the Amendments.

    FINANCE DEPARTMENT; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-406 approving Amendment #1 to the Facility and Fleet Maintenance Agreements between the City of Modesto and the Stanislaus Regional Transit Authority and authorizing the City Manager, or his designee, to execute the Amendments.

Consent

11. Consider approving the Third Amendment to the Agreement with Grover Landscape Services, Inc., Modesto, CA, for Landscape Services to extend the term period for up to an additional six months and increasing the amount of the Agreement by an amount not to exceed $1,331,868 for the extension period. (Funding Source: General Fund – Parks Operations, Community Facilities District Funds, Joint Powers Authority Tuolumne River Regional Park Fund, Various City and Enterprise Funds)
    - Resolution approving the Third Amendment to the Agreement with Grover Landscape Services, Inc., Modesto, CA, for Landscape Services to extend the term period for up to an additional six months and increasing the amount of the Agreement by an amount not to exceed $1,331,868 for the extension period; and authorizing the City Manager, or his designee to execute the Amendment.

    PRN; Kelly Gallagher, 209-342-2270, kgallagher@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-407 approving the Third Amendment to the Agreement with Grover Landscape Services, Inc., Modesto, CA, for Landscape Services to extend the term period for up to an additional six months and increasing the amount of the Agreement by an amount not to exceed $1,331,868 for the extension period; and authorizing the City Manager, or his designee to execute the Amendment.

Consent

12. Consider authorizing staff to apply for all California Department of Resources, Recycling and Recovery Beverage Container Recycling Grants available and authorizing the City Manager, or his designee, to sign grant applications and related forms, accept grant awards, and amend the budget as needed. (Funding Source: Not Applicable)
    - Resolution authorizing staff to apply for all California Department of Resources, Recycling and Recovery Beverage Container Recycling Grants available, and authorizing the City Manager, or his designee, to sign grant applications and related forms, accept grant awards, and amend the budget as needed.

    PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

    ACTION: (Kenoyer/Wright; 6/0) Resolution 2022-408 authorizing staff to apply for all California Department of Resources, Recycling and Recovery Beverage Container Recycling Grants available, and authorizing the City Manager, or his designee, to sign grant applications and related forms, accept grant awards, and amend the budget as needed.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci reported that about a year ago, he asked the City what could be done about the issues neighbors in the Geer Court and Helen Avenue area were having with local businesses parking vehicles. City management came together and tonight an Ordinance was approved to address that. He acknowledged the Central Valley Pickleball Club, College Area Neighborhood Association and the City of Modesto Parks and Recreation Department that all came together and opened up brand new pickleball courts at Graceada Park. Volunteers contributed over 2,000 hours of their own labor to build these new courts. He further acknowledged the cruisers for coming out and advocating this evening. In addition, he commented on how pleased he is with the bulky item pickup program. The program works very well. However, the program does not cover multi-unit housing. He reported that the City is working on something right now to address bulky item pickups for multi-unit housing.

CITY MANAGER COMMENTS & REPORTS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:21 P.M.

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, October 10, 2022 at 5:00 PM

Roll Call: Present: Member Escutia-Braaton, Chair Ricci, and Vice-Chair Zwahlen
Absent: None
Also Present: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-2 (Zwahlen/Escutia-Braaton; 3/0)

CONSENT

1. Consider the application and issuance of a permit to operate as a non-emergency medical transport company to Rose Medical Transportation in the City of Modesto, and forward to Council for approval. (Funding Source: General Fund)
POLICE DEPARTMENT; Bob Meredith, 209-572-9500, MeredithB@modestopd.com

   ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to consider the application and issuance of a permit to operate as a non-emergency medical transport company to Rose Medical Transportation in the City of Modesto, and forward to Council for approval.

2. Consider accepting the Fiscal Year 2022-2023 Cal Fire Rural Fire Capacity (RFC) Program Grant award in the amount of $39,800, which includes a 50% local match, for the procurement of wildland firefighting equipment and forwarding to Council for approval. (Funding Source: General Fund)
FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

   ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to consider accepting the Fiscal Year 2022-2023 Cal Fire Rural Fire Capacity (RFC) Program Grant award in the amount of $39,800, which includes a 50% local match, for the procurement of wildland firefighting equipment and forwarding to Council for approval.

NEW BUSINESS

3. Consider adopting Building, Plumbing, Electrical, and Mechanical Codes by reference of the 2022 California Building Codes, and consider amending various sections of

Chapters 1, 2, 3, 7, 8, and 11 of Title 9 of the Modesto Municipal Code and forwarding to Council for approval. (Funding Source: Building Permit Fees)
CED; Oscar Diaz, 209-571-5885, odiaz@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion to consider adopting Building, Plumbing, Electrical, and Mechanical Codes by reference of the 2022 California Building Codes, and consider amending various sections of Chapters 1, 2, 3, 7, 8, and 11 of Title 9 of the Modesto Municipal Code and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:07 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, October 11, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

Invocation: Jon Apodaca, Good Life

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session City Attorney Sanchez reported that there was no reportable action on the closed session item.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Helen Putnam Award by Stephen Qualls, Cal Cities Public Affairs Manager. (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

ACTION: Stephen Qualls, Cal Cities Public Affairs Manager presented the Helen Putnam Award to the City of Modesto

MISCELLANEOUS

2. Consider approving appointments to fill four City of Modesto vacancies on the Equity Commission for a four-year term. (Funding Source: Not Applicable)
   Staff Recommendation:
   - Resolution approving the appointments of Kwei-Cee Chu, Lindsey Bird, Larry Bolton, and Fallon Ferris to the Equity Commission with a term expiration of October 1, 2026.

   HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

   ACTION: (Escutia-Braaton/Zwahlen; 6/0) Resolution 2022-409 approving the appointments of Kwei-Cee Chu, Lindsey Bird, Larry Bolton, and Fallon Ferris to the

Equity Commission with a term expiration of October 1, 2026. ***(As amended - Larry Bolton was removed from consideration.)***

3. Consider approving the appointments to fill nine vacancies to the City of Modesto Youth Commission for the 2022-2023 school year from October 12, 2022 to June 30, 2023. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the appointments of Hamza Modan, Ameena Pierstorff, Aheli Patel, Jossfin Garza, Noah Wong, Kayvon Banankhah, Lolamaya Evans, Abigail Manzano, and Carissa Nielson to the City of Modesto Youth Commission for the 2022-2023 school year from October 12, 2022 to June 30, 2023.

PRN; Ashley Weaver, 209-577-5428, aweaver@modestogov.com

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-410 approving the appointments of Hamza Modan, Ameena Pierstorff, Aheli Patel, Jossfin Garza, Noah Wong, Kayvon Banankhah, Lolamaya Evans, Abigail Manzano, and Carissa Nielson to the City of Modesto Youth Commission for the 2022-2023 school year from October 12, 2022 to June 30, 2023.

PUBLIC COMMENT PERIOD

- Jerry Thompson spoke in support of lifting the ban on cruising and requested the item be considered at a Safety and Communities Committee meeting.

- Louisa Bryant spoke about a building inspection at her home and asked about a permit to remove the panel to inspect the area. She asked that the documents and photos she provided be reviewed by the Council.

- Maggie Mejia, a volunteer representative for the United Farm Workers spoke about the march held that was initially planned to take place at César Chavez Park. She was disappointed and embarrassed that the City asked for fees and liability insurance for the use of the facilities and amenities. She thanked the Modesto Police Department, because they helped her every step of the way and advised her they could hold a parade with no fee. She also thanked Councilmembers Escutia-Braaton, Madrigal and Ricci because those three councilmembers reached out to her to help.

- Alissa Hagar spoke about Paul Chavez, Jr., and Officer Muncy. She also commented on Forward Together. She is disappointed and is waiting for the Council to use their platform.

- Charmaine Breedlove commented on cruising, and the culture and pride it brings to Modesto. She spoke in support of lifting the ban on cruising.

- Martin Louro, stated that he represents a large group of people that are dissatisfied with the current governance and trying to address the issue and brought it to the Council this

evening. He spoke about their movement which is called New California State. New California is the making of a new State. He read a statement sending notice to all Californians that the State of California is in constitutional default.

- Ron DeLoach from the West Modesto People of Action Council spoke regarding the housing issue in West Modesto. He stated that there are discussions about forming a People of Action Council of South Modesto and the Airport District and they want to be heard. Housing for West Modesto is needed and the municipal golf course can provide affordable housing.

- Mylinda Mason spoke in support of New California State and continued to read the Statement/Notice/Declaration regarding New State California.

- Theresa Clutter spoke about the shooting of Paul Chavez. She asked for accountability. She further commented on Forward Together and stated that an outside auditor is needed.

- Cheryl Aseltin spoke in support of New California State and continued to read the Statement/Notice/Declaration regarding New State California.

- Mara Collins spoke about justice for Paul Chavez. She commented on Officers Muncy and Valencia and the shooting of Paul Chavez. She asked for accountability and more training.

- Donna Barros spoke in support of New California State and continued to read the Statement/Notice/Declaration regarding New California State.

- Brittony Estrella Chavez commented on the death of her husband Paul Davis Chavez, Jr. She spoke about the Forward Together meeting and commented on progressive civic reform.

Recessed: 7:01 pm
Reconvened: 7:06 pm

- Lora Walter spoke in support of New California State and continued to read the Statement/Notice/Declarations regarding New California State.

- Johnathan Williams mentioned the names of Paul Chavez's three sons, Paul III, Abraham and Josiah and stated that they will never see their dad again. He commented on the shooting of Paul Chavez.

- James Martin spoke in support of New California State and continued to read the Statement/Notice/Declarations regarding New California State.

- Anna spoke about the shooting of Paul Chavez, Jr. She further commented on Officers Muncy and Valencia and asked for additional training.

- David Avila spoke in support of New California State and continued to read the Statement/Notice/Declarations regarding New California State.

- Ramon Rodriguez spoke about Sovereign Citizens and conspiracy theorists. He further commented on the shooting of Paul Chavez and Trevor Seevor.

- Patricia Shaefer spoke in support of New California State and continued to read the Statement/Notice/Declarations regarding New California and its purpose and intent.

- Dawn Powers spoke in support of New California State and continued to read the Statement/Notice/Declarations regarding New California and its purpose and intent.

- Chris Powers asked if anyone has had issues with City trees. He further spoke in support of New California State.

- Ron Mason spoke in support of New California State and continued to read the Statement/Notice/Declarations regarding New State California.

- Gavin Schultz spoke in support of New California State and continued to read the Statement/Notice/Declarations regarding New State California.

- Sean Dobbins spoke in support of New California State.

- Matthew Davila spoke in support of New California State.

- Howard Carmen spoke about a recent encounter with the Modesto Police Department and the spelling of his name on a police report.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4-13; (Wright/Kenoyer; 6/0)

CONSENT

Consent

4. Consider approving the minutes from the October 4, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the October 4, 2022 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Motion approving the minutes from the October 4, 2022 Council Meeting.

Consent

5. Consider approving final adoption of Ordinance 3751-C.S. amending Title 6 of the Modesto Municipal Code, "Business, Professions and Trades," by adding Chapter 9, "Automobile Businesses," related to use of Public Streets and Highways by automobile businesses. (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance 3751-C.S. amending Title 6 of the Modesto Municipal Code, "Business, Professions and Trades," by adding Chapter 9, "Automobile Businesses," related to use of Public Streets and Highways by automobile businesses.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Wright/Kenoyer; 6/0) Motion approving final adoption of Ordinance 3751-C.S. amending Title 6 of the Modesto Municipal Code, "Business, Professions and Trades," by adding Chapter 9, "Automobile Businesses," related to use of Public Streets and Highways by automobile businesses.

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. 2020-362.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-411 approving the amended Conflict of Interest Code for the City of Modesto and rescinding Resolution No. 2020-362.

Consent

7. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-412 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361

Consent

8. Consider approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2022-23 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-413 amending Fiscal Year 2022-23 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this resolution.

Consent

9. Consider approving a Fifth Amendment to the Agreement with California Property Specialists, Inc., dba CPSI, an Interwest Consulting Group, Inc. company, for additional Right-Of-Way Services for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $177,425, plus $44,356 additional services, if needed, for a total increase of $221,781 from $3,737,413 for a total amount not to exceed $3,959,194, and forwarding to Council for approval. (Funding Source: Streets Capital Facility Fees)
    - Resolution approving a Fifth Amendment to the Agreement with California 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, increasing the Agreement amount by $177,425, plus $44,356 additional services, if needed, for a total increase of $221,781 from $3,737,413 for a total amount not to exceed $3,959,194, and authorizing the City Manager, or his designee to execute the Fifth Amendment to Agreement.

    CED; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-414 approving a Fifth Amendment to the Agreement with California 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, increasing the Agreement amount by $177,425, plus $44,356 additional services, if needed, for a total increase of $221,781 from $3,737,413 for a total amount not to exceed $3,959,194, and authorizing the City Manager, or his designee to execute the Fifth Amendment to Agreement.

Consent

10. Consider approving an Agreement with the State of California Office of Emergency Services, to temporarily house and maintain a Type 6 fire engine and its associated equipment. (Funding Source: General Fund)
    - Resolution approving an Agreement with the State of California Office of Emergency Services, to temporarily house and maintain a Type 6 fire engine and its associated equipment and authorizing the City Manager, or his designee to execute the Agreement.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-415 approving an Agreement with the State of California Office of Emergency Services, to temporarily house and maintain a Type 6 fire engine and its associated equipment and authorizing the City Manager, or his designee to execute the Agreement.

Consent

11. Consider approving a one-time purchase with Watson Furniture Group, by utilizing the competitive bid process from the Houston-Galveston Area Council (H-GAC), for the purchase and installation of Real Time Crime Center (RTCC) workstation furniture,

equipment, materials and labor for an estimated cost not to exceed $62,627. (Funding Source: Police - Grants)

- Resolution approving a one-time purchase with Watson Furniture Group, by utilizing the competitive bid process from the Houston-Galveston Area Council (H-GAC), for the purchase and installation of Real Time Crime Center (RTCC) workstation furniture, equipment, materials and labor for an estimated cost not to exceed $62,627; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-416 approving a one-time purchase with Watson Furniture Group, by utilizing the competitive bid process from the Houston-Galveston Area Council (H-GAC), for the purchase and installation of Real Time Crime Center (RTCC) workstation furniture, equipment, materials and labor for an estimated cost not to exceed $62,627; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

12. Consider approving the plans and specifications for the New Traffic Signal Installation Oakdale Road at Claratina Avenue project, accepting the bid, and awarding a contract to Tim Paxin's Pacific Excavation, Inc. dba Pacific Excavation of Elk Grove, CA, for a total amount not to exceed $538,116. (Funding Source: Highway Safety Improvement Program, Surface Transportation Block Grant, and Measure L)

    - Resolution approving the plans and specifications for the New Traffic Signal Installation Oakdale Road at Claratina Avenue project, accepting the bid, and awarding a contract to Tim Paxin's Pacific Excavation, Inc. dba Pacific Excavation of Elk Grove, CA, in the amount of $489,196, and change orders up to the cumulative amount of $48,920 for a total amount not exceed $538,116, and authorizing the City Manager, or his designee, to execute the Agreement.

    PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-417 approving the plans and specifications for the New Traffic Signal Installation Oakdale Road at Claratina Avenue project, accepting the bid, and awarding a contract to Tim Paxin's Pacific Excavation, Inc. dba Pacific Excavation of Elk Grove, CA, in the amount of $489,196, and change orders up to the cumulative amount of $48,920 for a total amount not exceed $538,116, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

13. Consider approving three On-Call Water Resource Grant Research and Writing Consultant Services Agreements with Provost & Pritchard Consulting Group, Modesto, CA, Woodard & Curran, Sacramento, CA, and West Yost Associates, Davis, CA, for a one-year Agreement with two one-year extension options, for an annual cost not to exceed $150,000 each, and a total not to exceed $1,350,000 over three years. (Funding Source: Various Capital Improvement Program Projects)

- Resolution approving an On-Call Water Resource Grant Research and Writing Consultant Services Agreement with Provost & Pritchard Consulting Group, Modesto, CA, for a one-year Agreement with two one-year extension options, for an annual cost not to exceed $150,000, and a total amount not to exceed $450,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution approving an On-Call Water Resource Grant Research and Writing Consultant Services Agreement with West Yost Associates, Davis, CA, for a one-year Agreement with two one-year extension options, for an annual cost not to exceed $150,000, and a total amount not to exceed $450,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution approving an On-Call Water Resource Grant Research and Writing Consultant Services Agreement with Woodard & Curran, Sacramento, CA, for a one-year Agreement with two one-year extension options, for an annual cost not to exceed $150,000, and a total amount not to exceed $450,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Miguel Alvarez, 209-577-5348, malvarez@modestogov.com

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-418 approving an On-Call Water Resource Grant Research and Writing Consultant Services Agreement with Provost & Pritchard Consulting Group, Modesto, CA, for a one-year Agreement with two one-year extension options, for an annual cost not to exceed $150,000, and a total amount not to exceed $450,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-419 approving an On-Call Water Resource Grant Research and Writing Consultant Services Agreement with West Yost Associates, Davis, CA, for a one-year Agreement with two one-year extension options, for an annual cost not to exceed $150,000, and a total amount not to exceed $450,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-420 approving an On-Call Water Resource Grant Research and Writing Consultant Services Agreement with Woodard & Curran, Sacramento, CA, for a one-year Agreement with two one-year extension options, for an annual cost not to exceed $150,000, and a total amount not to exceed $450,000 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci commented that their goal as a Council is to try and make Modesto a great City. He commented on the Forward Together process. They worked together to try and find solutions and are taking time to go over the recommendations and will make a decision based on

all the work and input by a lot of people in the community. Recently, he mentioned a one day garage sale where all the City gets together and everyone has a garage sale at the same time. It's a great way to create community. He's hoping they can come up with a way to make this happen.

Mayor Zwahlen commented on the new murals downtown that are beautiful. This morning, she was told that the artist that did one of the murals has been all over the world and has never felt the hospitality anywhere else like here in Modesto.

CITY MANAGER COMMENTS & REPORTS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 8:00 pm.

All Closed Session items heard prior to the meeting.

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Section 54957 of the Government Code)
Title: City Clerk

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
CANNABIS PROGRAM AND PERMIT REVIEW COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Thursday, October 13, 2022 at 4:02 PM

Roll Call: Present: Chair Escutia-Braaton, Member Madrigal, and Member Wright (Alternate)
Absent: Vice-Chair Zwahlen
Also Present: Member Kenoyer (Arrived 4:10pm)

PUBLIC COMMENTS

None.

HEARINGS

Published in the Modesto Bee on September 25, 2022.

1 Hearing to consider the relocation request of retail dispensary Doctor's Choice from 2039 Yosemite Boulevard to 121 Phoenix Ave and granting a residential proximity waiver and forwarding to Council for final action. (Funding Source: Cannabis Permit Application and Annual Permit Fees)
CED; Sean Rando, 209-577-5473, srando@modestogov.com

ACTION: (Wright/Madrigal; 3/0) Motion to consider the relocation request of retail dispensary Doctor's Choice from 2039 Yosemite Boulevard to 121 Phoenix Ave and granting a residential proximity waiver and forwarding to Council for final action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:26 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Held Via Teleconference

Monday, October 24, 2022 at 3:00 PM

Roll Call: Present: Chair Wright, Vice-Chair Escutia-Braaton,
Also Present: Councilmember Ricci as Alternate for Councilmember Kenoyer
Absent: Councilmember Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEM 1 Removed from Consent
ACTION CONSENT ITEMS 2-4 (Ricci/Escutia-Braaton; 3/0)

CONSENT

Removed from Consent

1. Consider approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

    ACTION: (Escutia-Braaton/Ricci; 3/0) Motion approving the recommended budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

Consent

2. Consider accepting an informational report on the July and August 2022 Grant Applications and Awards and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion accepting the informational report for the July and August 2022 Grant Applications and Awards and forwarding to Council for approval.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Ricci/Escutia-Braaton; 3/0) Motion accepting the informational report for the July and August 2022 Grant Applications and Awards and forwarding to Council for approval.

Consent

3. Consider accepting the Upgrade Advanced Traffic Management System 2017 Project as complete, and forwarding to Council for approval. (Funding Source: Congestion Mitigation and Air Quality)
    - Motion accepting the Upgrade Advanced Traffic Management System 2017 Project as complete, and forwarding to Council for approval.

    PUBLIC WORKS; Scott Collins, 209-577-5431, scollins@modestogov.com

    ACTION: (Ricci/Escutia-Braaton; 3/0) Motion accepting the Upgrade Advanced Traffic Management System 2017 Project as complete, and forwarding to Council for approval.

Consent

4. Consider approving an Agreement with West Monroe, Inc., Los Angeles, CA, for Consulting Services for the Advanced Metering Infrastructure (AMI) Project in an amount not to exceed $484,275; and forwarding to Council for approval. (Funding Source: Water Fund)
    - Motion approving an Agreement with West Monroe, Inc., Los Angeles, CA, for Consulting Services for the Advanced Metering Infrastructure (AMI) Project in a total amount not to exceed $484,275; and forwarding to Council for approval.

    UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

    ACTION: (Ricci/Escutia-Braaton; 3/0) Motion approving an Agreement with West Monroe, Inc., Los Angeles, CA, for Consulting Services for the Advanced Metering Infrastructure (AMI) Project in a total amount not to exceed $484,275; and forwarding to Council for approval.

NEW BUSINESS

5. Consider approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the East Morris Sewer Replacement Project for a total amount not to exceed $1,980,000 and forwarding to Council for approval. (Funding Source: Wastewater Fund)
    - Motion approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the East Morris Sewer Replacement Project in the amount of $1,800,000, plus $180,000 in additional services, if needed, for a total amount not to exceed $1,980,000; and forwarding to Council for approval.

    UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

    ACTION: (Escutia-Braaton/Ricci; 3/0) Motion approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the East Morris Sewer Replacement Project in the amount of $1,800,000, plus $180,000 in

additional services, if needed, for a total amount not to exceed $1,980,000; and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 3:28 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, October 25, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal (arrived 5:02 pm), **Ricci, Wright, Mayor Zwahlen**

Absent: **None**

Pledge of Allegiance to the Flag

Invocation: Cindy Marks, Pray Modesto

City Clerk's Announcements: City Clerk reported email correspondence was received for Item 16 and forwarded to the Council.

Declaration of Conflicts of Interest: Mayor Zwahlen Item 16, Pursuant to Section 2-8.01 of the City's Municipal Code related to campaign reform.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Stanislaus County Update (Funding Source: Not Applicable)
   CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

   ACTION: Mani Grewal, Stanislaus County Board of Supervisor's provided a County update.

2. Proclamation declaring November 2022 as Lung Cancer Awareness Month (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen read a Proclamation declaring November 2022 as Lung Cancer Awareness Month.

MISCELLANEOUS

3. Consider approving the Appointments Committee recommendations to fill two City of Modesto vacancies on the Blight Abatement Advisory Committee for a four-year term. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution approving the appointment of Bryan Marks and Frank Ploof to the Blight Abatement Advisory Committee to serve a four-year term beginning November 1, 2022 through October 13, 2026.

CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Wright/Ricci; 6/0) Resolution 2022-421 approving the appointment of Bryan Marks and Frank Ploof to the Blight Abatement Advisory Committee to serve a four-year term beginning November 1, 2022 through October 13, 2026.

PUBLIC COMMENT PERIOD

- Ronald Dafford spoke about sidewalks, ADA issues and civil rights violations. He spoke about his attempts to talk with City staff and officials about ADA issues.

- Patrick commented on the shooting of Paul Chavez, Jr. He also commented on Officers Lamantia and Muncy. He stated that the District Attorney needs to pick up the case.

- Tina Perez Tateo, Modesto Cruisers Council spoke in support of lifting the ban on cruising. She also spoke about the first Crush Cancer Cruise held this month that benefited the Modesto Cancer Society.

- Steve read aloud the information posted online regarding special instructions for public comment. He also commented about the shooting of Paul Chavez, Jr.

- Adrian Harrell, President of Modesto Sister Cities International provided an update on the activities of the organization. She reported on the contributions the organization made to Ukraine and reported on upcoming events.

- Johnathan Williams mentioned the names of Paul Chavez's three sons, Paul III, Abraham and Josiah. He commented on the shooting of Paul Chavez and spoke in support of the Modesto Cruisers.
- Arthur Fabela spoke about residential development and the municipal golf course and stated that further discussion is needed.

- Brittony Estrella Chavez commented on the death of her husband Paul Davis Chavez, Jr. She also spoke about Officers Valencia and Muncy. She asked for the District Attorney to pick up the charges.

- Raelene commented about the shooting of Paul Chavez, Jr, and Officer Muncy.

- Ramon Rodriguez commented on Officer Espinoza and Alonzo Nunes. He asked if Officer Espinoza is still on the job. He asked for accountability.

- J commented on policies, regulations and laws, city budget and redistricting. She spoke about victims of police violence and commented on Measure H. She asked for a public reevaluation of the city's budget.

- Alissa Hagar spoke about Paul Chavez, Jr., and Officer Muncy. She also commented on mutual respect.

- Teresa Clutter spoke about the shooting of her son-in-law, Paul Chavez, Jr., by Officer Sam Muncy.

- Emerson Drake spoke about electioneering and the upcoming election. He commented on the recent Modesto Bee opinion article and endorsements. He also commented on poll watchers at ballot boxes.

Recessed: 6:49 pm
Reconvened: 6:59 pm

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 4-12 and 14-15: (Kenoyer/Madrigal; 6/0)

CONSENT

Consent
4. Consider approving the minutes from the October 11, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the minutes from the October 11, 2022 Council Meeting.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0) Motion approving the minutes from the October 11, 2022 Council Meeting.

Consent
5. Consider approving a Homeowner Rehabilitation Loan in the amount of $80,251 and a Homeowner Rehabilitation Grant in the amount of $10,000 for a total project cost of $90,251 to Christopher and Stacey Gates for health and safety repairs to the residential property located at 1125 Springcreek Drive, Modesto, CA 95355. (Funding Source: Community Development Block Grant Funds)
    - Resolution approving a Homeowner Rehabilitation Loan in the amount of $80,251 and a Homeowner Rehabilitation Grant in the amount of $10,000 to Christopher and Stacey Gates for health and safety repairs to the residential property located at 1125 Springcreek Drive, Modesto, CA 95355 and authorizing the City Manager to execute the Agreements.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-422 approving a Homeowner Rehabilitation Loan in the amount of $80,251 and a Homeowner Rehabilitation Grant in the amount of $10,000 to Christopher and Stacey Gates for health and safety repairs to the residential property located at 1125 Springcreek Drive, Modesto, CA 95355 and authorizing the City Manager to execute the Agreements.

Consent

6. Consider approving a Will Serve Letter and Outside Service Agreement for Sewer Service for the property located at 2117 Parr Avenue (APN: 081-022-020). (Funding Source: Sewer Fund, General Fund)
    - Resolution approving a Will Serve Letter and Outside Service Agreement for Sewer Service for the property located at 2117 Parr Avenue in Modesto (APN: 081-022-020), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

    CED; Toby Wells, 209-571-5542, twells@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-423 approving a Will Serve Letter and Outside Service Agreement for Sewer Service for the property located at 2117 Parr Avenue in Modesto (APN: 081-022-020), and authorizing the City Manager, or his designee, to sign the Will Serve Letter and execute the Outside Service Agreement.

Consent

7. Consider approving a one-time purchase for five Hayward Gordon Pumps from Hayward Gordon Group, Ontario, Canada, for an amount not to exceed of $135,278. (Funding Source: Wastewater Fund)
    - Resolution approving a one-time purchase for five Hayward Gordon Pumps from Hayward Gordon Group, Ontario, Canada, for an amount not to exceed of $135,278, and authorizing the Director of Finance, or her designee to execute the Purchase Order.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-424 approving a one-time purchase for five Hayward Gordon Pumps from Hayward Gordon Group, Ontario, Canada, for an amount not to exceed of $135,278, and authorizing the Director of Finance, or her designee to execute the Purchase Order.

Consent

8. Consider approving the Award of Proposal and Agreement for the Furnishing of External Auditing Services to Vasquez and Company LLC, Glendale, California, for a three year Agreement with two one-year extension options, for an estimated annual cost of $142,228, and over five years of $715,000. (Funding Source: General Fund, Housing Urban Development Funds, Utility Funds, Community Facility Districts, and Ceres-Modesto Industrial Fire District)
    - Resolution approving the Award of Proposal and Agreement for the Furnishing of External Auditing Services to Vasquez and Company LLC, Glendale,

California, for a three-year Agreement with two one-year extension options, for an estimated annual cost of $142,228, and over five years of $715,000; and authorizing the City Manager or his designee to execute the Agreement.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-58412, ckline@modestogov.com

ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-425 approving the Award of Proposal and Agreement for the Furnishing of External Auditing Services to Vasquez and Company LLC, Glendale, California, for a three-year Agreement with two one-year extension options, for an estimated annual cost of $142,228, and over five years of $715,000; and authorizing the City Manager or his designee to execute the Agreement.

Consent

9. Consider approving an Agreement with Nutrien Ag Solutions, Sacramento, CA, for Weed Abatement Chemical Premix known as (Aqumix Proprietary Custom Pre-blend) for a total amount not to exceed $350,000 over five years. (Funding Source: Wastewater and Water Fund)
    - Resolution approving the Sole Source Purchase Agreement with Nutrien Ag Solutions, Sacramento, CA, for Weed Abatement Chemical Premix known as (Aqumix Proprietary Custom Pre-blend) for a one-year Agreement with four one-year extension options, for an annual estimated amount of $70,000, and a total amount not to exceed $350,000 over five years and authorizing the Director of Finance, or her designee to execute the Purchase Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-426 approving the Sole Source Purchase Agreement with Nutrien Ag Solutions, Sacramento, CA, for Weed Abatement Chemical Premix known as (Aqumix Proprietary Custom Pre-blend) for a one-year Agreement with four one-year extension options, for an annual estimated amount of $70,000, and a total amount not to exceed $350,000 over five years and authorizing the Director of Finance, or her designee to execute the Purchase Agreement.

Consent

10. Consider accepting an informational report on the May and June 2022 grant applications and awards. (Funding Source: Not Applicable)
    - Motion accepting an informational report for the May and June 2022 grant applications and awards.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Motion accepting an informational report for the May and June 2022 grant applications and awards.

Consent

11. Consider accepting the Fiscal Year 2022-2023 Cal Fire Rural Fire Capacity (RFC) Program Grant Award in the amount of $39,800, which includes a 50% local match,

for the procurement of Wildland Firefighting Equipment. (Funding Source: General Fund)

- Resolution accepting the Fiscal Year 2022-2023 Cal Fire Rural Fire Capacity (RFC) Program Grant Award in the amount of $39,800, which includes a 50% local match, for the procurement of Wildland Firefighting Equipment.

FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-427 accepting the Fiscal Year 2022-2023 Cal Fire Rural Fire Capacity (RFC) Program Grant Award in the amount of $39,800, which includes a 50% local match, for the procurement of Wildland Firefighting Equipment.

Consent

12. Consider approval of a Sole Source Renewal Agreement with CivicPlus for continued, uninterrupted hosting and maintenance of the City's website for a four-year term for a total amount not to exceed $164,285. (Funding Source: Information Technology Fund)

    - Resolution approving the Sole Source Agreement with CivicPlus for the continued, uninterrupted hosting and maintenance of the City of Modesto's website (www.modestogov.com) for a four-year term at an amount of $149,350 plus a 10% contingency in the amount of $14,935 for a total amount not to exceed $164,285; and authorizing the City Manager, or his designee, to execute the Agreement.

    IT; Scott Conn, 209-577-5229, sconn@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-428 approving the Sole Source Agreement with CivicPlus for the continued, uninterrupted hosting and maintenance of the City of Modesto's website (www.modestogov.com) for a four-year term at an amount of $149,350 plus a 10% contingency in the amount of $14,935 for a total amount not to exceed $164,285; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent – ***Removed from Consent***

13. Consider accepting the Del Rio Tank No. 14, Well No. 68, and Pump Station Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $10,203,691 to Mountain Cascade, Inc., of Livermore, CA. (Funding Source: Water Fund-CIP)

    - Resolution accepting the Del Rio Tank No. 14, Well No. 68, and Pump Station Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $10,203,691 to Mountain Cascade, Inc., Livermore, CA.

    UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Wright/Ricci; 6/0) Resolution 2022-429 accepting the Del Rio Tank No. 14, Well No. 68, and Pump Station Project as complete, authorizing all necessary steps

to file with the County Recorder, releasing securities, and releasing payments totaling $10,203,691 to Mountain Cascade, Inc., Livermore, CA.

Consent

14. Consider approving an increase in the Director's authority to issue Change Orders from 21% ($25,000) to 27% ($32,823) of the original construction contract price of $121,750; accepting the Rebid Fire Station 5 Kitchen Remodel Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $154,573 to O.K. Construction, of Antelope, CA. (Funding Source: General Fund)
    - Resolution accepting the Rebid Fire Station 5 Kitchen Remodel Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $154,573 to O.K. Construction, Antelope, CA.
    - Resolution authorizing an increase to the Director of Utilities authority for Change Orders for the Rebid Fire Station 5 Kitchen Remodel Project to the total amount of $32,823 (27% of the original contract price).

    UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-430 accepting the Rebid Fire Station 5 Kitchen Remodel Project as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $154,573 to O.K. Construction, Antelope, CA.

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-431 authorizing an increase to the Director of Utilities authority for Change Orders for the Rebid Fire Station 5 Kitchen Remodel Project to the total amount of $32,823 (27% of the original contract price).

Consent

15. Consider approving a First Amendment to the Agreement with Bartle Wells Associates, Berkeley, CA, for the Wastewater Rate Study & Proposition 218 Assistance in the amount of $29,900, for an amended total amount not to exceed $149,175. (Funding Source: Wastewater Fund)
    - Resolution approving a First Amendment to the Agreement with Bartle Wells Associates, Berkeley, CA, for the preparation of the Wastewater Rate Study & Proposition 218 Assistance in the amount of $29,900, for a revised total amount not to exceed $149,175, and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; William Wong, 209-571-5801, wwong@modestogov.com

    ACTION: (Kenoyer/Madrigal; 6/0) Resolution 2022-432 approving a First Amendment to the Agreement with Bartle Wells Associates, Berkeley, CA, for the preparation of the Wastewater Rate Study & Proposition 218 Assistance in the amount of $29,900, for a revised total amount not to exceed $149,175, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Vice Mayor Wright thanked the cruisers for placing the 1956 station wagon at the museum. He invited the public to visit the Graffiti Museum to see the vehicles on display. He thanked the cruisers for their involvement.

Councilmember Ricci spoke about regionalization. The City has done a lot of it; and, it's an effective way to maximize budgets, and save residents money. He can see wastewater treatment as an area that can benefit from regionalization. He's hoping they can find ways to partner with other local cities. He reported on the progress that is being made at Modesto Convention & Visitors Bureau. The Bureau has been doing an awesome job with regional and other events and are poised to take advantage of some of the investments of the City such as the Modesto Children's Museum, Graffiti Museum, and the Awesome Spot. He also thinks they are in a good position to get involved with future events such as the Modesto Garage Sale Day and possibly supporting a Gallo Winery themed winetasting facility.

Mayor Zwahlen stated she wanted to comment on some of the statements that were made this evening. She feels compelled to say the comments are heard, and are heartfelt. She feels deep pain and grief for the loss of the loved one. She grieves for the children and their pain. She feels like this Council is doing what they can to address the issues that were mentioned. She is encouraged with the Police Chief and the conversations that they have surrounding issues they are addressing in the community. She knows the community is loved and they all want to improve it in every way that they can. She is human and she feels the pain expressed.

Councilmember Escutia-Braaton highlighted a few notable items that have occurred since the last meeting. Tesla has come to town officially. Effective October 10th, Tesla has established a presence in Modesto as they have 500 parking spaces in the airport area. Effective this month, the City is benefiting and receiving revenue from this venture. She thanked the City's Property Crime Unit for the arrest last week of an organized retail theft group. She also reported on attending Día De Los Muertos event held in Downtown Modesto. It was a joy to attend and celebrate this cultural event. She thanked the Downtown Streets Team and the Ready to Work Team for all of their work that focus on the roadway and highway. Those are two excellent programs that are in large part funded by the City. She further reported on touring the City's service yard and acknowledged the hard work of those city employees that trim trees, fill pot holes, clean the roadways, and maintain and service over 1,200 fleet units. She thanked them for their hard work.

Councilmember Madrigal congratulated the Modesto Cruisers on their successful community event. He also reported on attending the Valley Builders Exchange 75th Anniversary. He stated that the Valley Builders Exchange shared one concern, which is they wish they had a sound wall. The new Highway 132 project is right behind their office, and they have trouble with stolen items and unwanted activity. He congratulated the Valley Builders Exchange on their 75 years of helping keep local jobs and contractors working and also helping to keep local tax dollars in Modesto.

CITY MANAGER COMMENTS & REPORTS

None

HEARINGS

Mayor Zwahlen absent due to conflict of interest

Published in the Modesto Bee on September 25, 2022

16. Hearing to consider the relocation request of retail dispensary Doctor's Choice from 2039 Yosemite Boulevard to 121 Phoenix Ave and granting a residential proximity waiver. (Funding Source: Cannabis Permit Application and Annual Permit Fees)
    - Resolution approving the relocation of Type 10 Business Permit Relocation Request Doctor's Choice Dispensary from 2039 Yosemite Avenue to 121 Phoenix Avenue, Modesto, CA 95350, and granting a residential proximity waiver.

    CED; Sean Rando, 209-577-5473, srando@modestogov.com

    ACTION: (Kenoyer/Escutia-Braaton; 5/0; *Mayor Zwahlen* absent, due to conflict of interest) Resolution 2022-433 approving the relocation of Type 10 Business Permit Relocation Request Doctor's Choice Dispensary from 2039 Yosemite Avenue to 121 Phoenix Avenue, Modesto, CA 95350, and granting a residential proximity waiver.

NEW BUSINESS

17. Consider awarding Stanislaus Regional Housing Authority Loans and Grants in the total amount not to exceed $3,226,604 for the development of the Vine Street Affordable Housing Project including Vine Street Improvements and $100,000 for staff activity delivery costs. (Funding Source: Permanent Local Housing Allocation, HOME Investment Partnership, HOME Investment Partnership CHDO Set-Aside, and Community Development Block Grant Funds)
    - Resolution approving the Award of Loans and Grants to Stanislaus Regional Housing Authority with Great Housing Development Corporation as developer in the total amount not to exceed $3,226,604 for the development of the Vine Street Affordable Housing Project including the Vine Street Road Improvements and $100,000 for staff activity delivery costs and authorizing the City Manager or designee to execute Agreements.
    - Resolution amending the Fiscal Year 2022-2023 multi-year fund budget (101193) to increase the budget of the Vine Street Project Fund (101185) with Community Development Block Grant (CDBG) Funds, Home Investment Partnership Funds (HOME) Home Community Housing Development Organizations (CHDO) Set Aide and Permanent Local Housing Allocation (PLHA) for development of the Vine Street Affordable Housing Project totaling $3,226,604 and an additional $100,000 budgeted for activity delivery costs and budgeting the necessary transfers and authorizing the City Manager or his designee to take the necessary steps to implement the provisions in this Resolution.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Madrigal/Escutia-Braaton; 6/0) Resolution 2022-434 approving the Award of Loans and Grants to Stanislaus Regional Housing Authority with Great Housing Development Corporation as developer in the total amount not to exceed $3,226,604 for the development of the Vine Street Affordable Housing Project including the Vine Street Road Improvements and $100,000 for staff activity delivery costs and authorizing the City Manager or designee to execute Agreements.

ACTION: (Madrigal/Escutia-Braaton; 6/0) Resolution 2022-435 amending the Fiscal Year 2022-2023 multi-year fund budget (101193) to increase the budget of the Vine Street Project Fund (101185) with Community Development Block Grant (CDBG) Funds, Home Investment Partnership Funds (HOME) Home Community Housing Development Organizations (CHDO) Set Aide and Permanent Local Housing Allocation (PLHA) for development of the Vine Street Affordable Housing Project totaling $3,226,604 and an additional $100,000 budgeted for activity delivery costs and budgeting the necessary transfers and authorizing the City Manager or his designee to take the necessary steps to implement the provisions in this Resolution.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 8:13 pm.

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES

City of Modesto

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, November 01, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Escutia-Braaton, Kenoyer, Madrigal (arrived 5:35 pm), **Ricci, Wright, Mayor Zwahlen**

Absent: **None**

Pledge of Allegiance to the Flag

Invocation: Shalom Bochner, Congregation Beth Shalom

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Mayor Zwahlen Item 8, Pursuant to Section 2-8.01 of the City's Municipal Code related to campaign reform.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation recognizing November 11th as Veterans Day. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation recognizing November 11, 2022 as Veteran's Day.

2. Proclamation declaring November 26, 2022 as Small Business Saturday. (Funding Source: Not Applicable)
   CITY COUNCIL; Kathy Espinoza, 209-571-5597, kespinoza1@modestogov.com

   ACTION: Mayor Zwahlen presented proclamation declaring November 26, 2022 as Small Business Saturday.

PUBLIC COMMENT PERIOD

- James Cannar spoke in support of lifting the ban on cruising. Things have changed since the cruising was banned.

- Alissa Hagar spoke about Paul Chavez, Jr., and Officer Muncy and Chief Gillespie. She also commented on mutual respect, and asked for the promotion of other tactics.

- Steve Cunha, President of Modesto Street Rod Association, spoke in support of lifting the ban on cruising.

- Teresa Clutter spoke about the shooting of her son-in-law, Paul Chavez, Jr., and the 26 seconds before he was fired upon.

- Nasson Sanchez, from the Cruiser's Council, commented on recent events they participated in with their cruisers to represent the Latino culture and heritage. He spoke in support of lifting the ban on cruising.

- Johnathan Williams mentioned the names of Paul Chavez's three sons, Paul III, Abraham and Josiah. He commented on the shooting of Paul Chavez and spoke in support of the Modesto Cruisers.

- Ramon Rodriguez spoke about Officer Espinoza and the incidents he was involved in. He asked for accountability.

- Brittony Estrella Chavez commented on the death of her husband Paul Davis Chavez, Jr. She spoke about the community and Officers Muncy and Valencia. She asked for accountability.

- A citizen commented on the Forward Together initiative and building trust. He further commented about the Council rules posted on the City website regarding public comments.

- Roberto Gloria, from the Impala Car Club spoke in support of lifting the ban on cruising.

- Sebastian Jones spoke in support of lifting the ban on cruising and stated that he also supports the Chavez family.

Recessed: 6:36 pm
Reconvened: 6:41 pm

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-7 and 9-12: (Kenoyer/Escutia-Braaton; 6/0)

CONSENT

Consent

3. Consider approving the Minutes from the October 25, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the Minutes from the October 25, 2022 Council Meeting.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0) Motion approving the minutes from the October 25, 2022 Council Meeting.

Consent

4. Consider approving a Resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-436 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

5. Consider approving a Community Benefit Agreement between City of Modesto and Center for Human Services for the purpose of providing the Community Benefit Payment on behalf of Canopy Growth USA, LLC. (Funding Source: Cannabis Community Benefit)
    - Resolution approving a Community Benefit Agreement between City of Modesto and Center for Human Services for the purpose of providing the Community Benefit Payment on behalf of Canopy Growth USA, LLC authorizing the City Manager or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2022-2023 multi-year fund budget to establish applicable revenue, expense and transfer budgets for the Community Benefit Payment to Center for Human Services on behalf of Canopy Growth USA, LLC to be funded with Cannabis Community Benefit Funds and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this Resolution.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-437 approving a Community Benefit Agreement between City of Modesto and Center for Human Services for the purpose of providing the Community Benefit Payment on behalf of Canopy Growth USA, LLC authorizing the City Manager or his designee, to execute the Agreement.

ACTION: Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-438 amending the Fiscal Year 2022-2023 multi-year fund budget to establish applicable revenue, expense and transfer budgets for the Community Benefit Payment to Center for Human Services on behalf of Canopy Growth USA, LLC to be funded with Cannabis Community Benefit Funds and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this Resolution.

Consent

6. Consider accepting the Economic Development Initiative (EDI), Community Project Funding and awarding Downtown Streets Team (DST) a grant of $400,000 to support the permanent housing component of Camp2Home. (Funding Source: Economic Development Initiative, Community Project Funding award)
    - Resolution accepting the Economic Development Initiative, Community Project Funding, and awarding Downtown Streets Team a grant of $400,000 to support the permanent housing component of Camp2Home, and designating the City Manager, or his designee, to negotiate, and execute any related program Agreements, contracts or other documentation required for implementation.
    - Resolution amending the Fiscal Year 2022-2023 multi-year fund budget to establish applicable revenue, expense, and transfer budgets for the Economic Development Initiative Community Project Funding Award Funds and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this Resolution.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-439 accepting the Economic Development Initiative, Community Project Funding, and awarding Downtown Streets Team a grant of $400,000 to support the permanent housing component of Camp2Home, and designating the City Manager, or his designee, to negotiate, and execute any related program Agreements, contracts or other documentation required for implementation.

    ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-440 amending the Fiscal Year 2022-2023 multi-year fund budget to establish applicable revenue, expense, and transfer budgets for the Economic Development Initiative Community Project Funding Award Funds and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this Resolution.

Consent

7. Consider approving an Agreement with Michael Baker International for the development of the 6th Cycle General Plan Housing Element Update, in an amount not to exceed $349,790. (Funding Source: Local Early Action Planning (LEAP) Grant, SB2 Planning Grant)
    - Resolution approving the Agreement with Michael Baker International for the development of the 6th Cycle General Plan Housing Element Update, for an amount not to exceed $349,790 and authorizing the City Manager, or his designee, to execute the Agreement.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-441 approving the Agreement with Michael Baker International for the development of the 6th Cycle General Plan Housing Element Update, for an amount not to exceed $349,790 and authorizing the City Manager, or his designee, to execute the Agreement.

Mayor Zwahlen absent due to conflict of interest

Consent – ***Removed from Consent***

8. Consider approving an extension of the eight Commercial Cannabis Retail Permits for dispensaries in the City from December 19, 2022 to June 30, 2023 and thus adjusting the two-year renewal period from a calendar year to a fiscal year which runs from July to June. (Funding Source: Cannabis Permit Fees)
    - Resolution approving the extension of the eight Commercial Cannabis Retail Permits for dispensaries in the City from December 19, 2022 to June 30, 2023 and thus adjusting the two-year renewal period from a calendar year to a fiscal year which runs from July to June.

    CED; Sean Rando, 209-577-5473, srando@modestogov.com

    ACTION: (Escutia-Braaton/Madrigal; 5/0; Mayor Zwahlen absent, due to conflict of interest) Resolution 2022-442 approving the extension of the eight Commercial Cannabis Retail Permits for dispensaries in the City from December 19, 2022 to June 30, 2023 and thus adjusting the two-year renewal period from a calendar year to a fiscal year which runs from July to June.

Consent

9. Consider approving the grant of a Permanent Utility Easement to Pacific Gas and Electric Company (PG&E) for electrical facilities within the Grayson Well 69 Project area, located at 1840 Mary Street, Grayson, CA 95363, APN: 016-034-015, owned by the City of Modesto. (Funding Source: Water Fund)
    - Resolution approving the grant of a Permanent Utility Easement to Pacific Gas and Electric Company for electrical facilities within the Grayson Well 69 Project area, located at 1840 Mary Street, Grayson, CA 95363, APN: 016-034-015, owned by the City of Modesto and authorizing the City Manager or his designee to execute the grant of easement and all related documents.

    UTILITIES; Miguel Alvarez, 209-577-5348, malvarez@modestogov.com

    ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-443 approving the grant of a Permanent Utility Easement to Pacific Gas and Electric Company for electrical facilities within the Grayson Well 69 Project area, located at 1840 Mary Street, Grayson, CA 95363, APN: 016-034-015, owned by the City of Modesto and authorizing the City Manager or his designee to execute the grant of easement and all related documents.

Consent

10. Consider approving the First Amendment with Muniquip Inc., Roseville, CA, for the purchase of Wemco/Hidrostal pump parts and/or electrical components, to a revised total amount not to exceed $250,237 over five years. (Funding Source: Sewer and Stormwater Fund)
    - Resolution approving the First Amendment increasing the Agreement amount with Muniquip Inc., Roseville, CA, for the purchase of Wemco/Hidrostal pump parts and/or electrical components by $170,237 from $80,000, for a new total

amount not to exceed $250,237 over five years and authorizing the Director of Finance or her designee, to execute the Amendment.

UTILITIES; Monte Hamilton, 209-342-4505, mhamilton@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-444 approving the First Amendment increasing the Agreement amount with Muniquip Inc., Roseville, CA, for the purchase of Wemco/Hidrostal pump parts and/or electrical components by $170,237 from $80,000, for a new total amount not to exceed $250,237 over five years and authorizing the Director of Finance or her designee, to execute the Amendment.

Consent

11. Consider approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Design Services for the Grayson Water Infrastructure Project in a total amount not to exceed $1,611,410. (Funding Source: Water Fund)
    - Resolution approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Design Services for the Grayson Water Infrastructure Project in the amount of $1,464,918 for the identified Scope of Services, plus $146,492 in additional services, if needed, for a total amount not to exceed $1,611,410 and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2022/23 Capital Improvement Program Budget in the amount of $703,461 to be transferred into Project 101081 from Water Fund Reserves in order to fund the design phase of the Grayson Water Infrastructure Project and authorizing the City Manager, or his designee to implement the provisions of this Resolution.

    UTILITIES; Edgar Vargas, 209-571-5424, evargas@modestogov.com

    ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-445 approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Design Services for the Grayson Water Infrastructure Project in the amount of $1,464,918 for the identified Scope of Services, plus $146,492 in additional services, if needed, for a total amount not to exceed $1,611,410 and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-446 amending the Fiscal Year 2022/23 Capital Improvement Program Budget in the amount of $703,461 to be transferred into Project 101081 from Water Fund Reserves in order to fund the design phase of the Grayson Water Infrastructure Project and authorizing the City Manager, or his designee to implement the provisions of this Resolution.

Consent

12. Consider approving an Agreement with West Yost Associates, Sacramento, CA, for Engineering Services for the development of a Groundwater Well Strategy Plan in a total amount not to exceed $110,990 and amending the Fiscal Year 2022/23 Multi-Year Program Budget. (Funding Source: Water Fund)

- Resolution approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Services for the development of a Groundwater Well Strategy Plan in the amount of $100,900 for the identified Scope of Services, plus $10,090 in additional services, if needed, for a total amount not to exceed $110,990 and authorizing the City Manager, or his designee, to execute the Agreement.
- Resolution amending the Fiscal Year 2022/23 Multi-Year Program Budget in the amount of $126,125 to be transferred into the Project from Water Fund Reserves in order to fund the development of a Groundwater Well Strategy Plan.

UTILITIES; Jim Alves, 209-571-5557, jalves@modestogov.com

ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-447 approving an Agreement with West Yost Associates, of Sacramento, CA, for Engineering Services for the development of a Groundwater Well Strategy Plan in the amount of $100,900 for the identified Scope of Services, plus $10,090 in additional services, if needed, for a total amount not to exceed $110,990 and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-448 amending the Fiscal Year 2022/23 Multi-Year Program Budget in the amount of $126,125 to be transferred into the Project from Water Fund Reserves in order to fund the development of a Groundwater Well Strategy Plan.

COUNCIL COMMENTS & REPORTS

Councilmember Ricci spoke about regionalism. When local cities ban together not only do the cities win budget wise, but so do the residents. He wanted to again mention that wastewater treatment is an area that can benefit from regionalism. He encouraged fellow councilmembers and everyone at the City to consider talking with our neighbors about opportunities out there. He also commented about the lack of sufficient media outlets in the City. The City and residents need pathways to tell our story and give a true perspective about the City. He's looking forward to working with the City and fellow councilmembers to address this challenge. He also stated that he is looking forward to the Christmas parade, and thinks it's important that they normalize low riders and the cruising culture because it's not just the past, it's the future.

Councilmember Madrigal stated that he agrees with Councilmember Ricci about having outlets for Council and the people to comment and share local news and stories. He voiced his support of this and urges the Council's support for local television station access, such as the MyTV 26 Channel. He wanted to also thank City staff for being so responsive to his GoModesto App requests that he enters on behalf of citizens. He further invited the public and Council to attend the South Modesto Businesses United 11th Annual Gala Dinner that will be held on November 4th . He further commented on his recent interview with Catholic Radio where he spoke about the GoModesto App. He thanked them for inviting him on the radio show.

Councilmember Kenoyer commented that she is thankful for the rain.

Mayor Zwahlen reported that she and Councilmember Ricci were recently invited to an MJC student forum to talk about what it is like to be in elective office. They spoke to the students about a day in the life of an elected official.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on October 12, 2022

13. Hearing to consider the application of the Arcadia Development Company for a proposed Amendment to the City of Modesto Urban Area General Plan, to amend 25 acres from Regional Commercial (RC) to Residential (R), and to consider a proposed Amendment to the Tivoli Specific Plan, to amend 25 acres from Regional Serving Commercial (RSC) uses to Low Density Residential (LDR-15) and 29.3 acres from Medium Density Residential (MDR) to Low Density Residential (LDR-14) for properties located east of Oakdale Road and north of Mable Avenue, and southeast of future Aria Way and north of McReynolds Ave. (Funding Source: Developer Funded)
    - Resolution approving an amendment to the Modesto Urban Area General Plan to change the land use designation of 25 acres from Regional Commercial (RC) uses to Residential (R), property located north of Mable Avenue and east of Oakdale Road.
    - Resolution approving Specific Plan Amendment No. 3 to the Tivoli Specific Plan, to change the land use designation of 25 acres from Regional Serving Commercial (RSC) to Residential (R), and 29.3 acres from Medium Density Residential (MDR) to Low Density Residential (LDR).
    - Resolution adopting a Negative Declaration for a General Plan Amendment to change the land use designation of 25 acres from Regional Commercial (RC) to Residential (R), property located north of Mable Avenue and east of Oakdale Road, together with Amendment No. 3 to the Tivoli Specific Plan to change the land use designation of 25 acres from Regional Serving Commercial (RSC) to Low Density Residential (LDR), and 29.3 acres from Medium Density Residential (MDR) to Low Density Residential (LDR) in the Land Use Diagram of the Specific Plan.

    CED; Katharine Martin, 209-577-5465, kamartin@modestogov.com

    ACTION: (Wright/Kenoyer; 6/0) Resolution 2022-449 approving an amendment to the Modesto Urban Area General Plan to change the land use designation of 25 acres from Regional Commercial (RC) uses to Residential (R), property located north of Mable Avenue and east of Oakdale Road.

    ACTION: (Escutia-Braaton/Wright; 6/0) Resolution 2022-450 approving Specific Plan Amendment No. 3 to the Tivoli Specific Plan, to change the land use designation of 25 acres from Regional Serving Commercial (RSC) to Residential (R), and **27** acres

from Medium Density Residential (MDR) to Low Density Residential (LDR) ***as Amended.***

ACTION: (Wright/Escutia-Braaton; 6/0) Resolution 2022-451 adopting a Negative Declaration for a General Plan Amendment to change the land use designation of 25 acres from Regional Commercial (RC) to Residential (R), property located north of Mable Avenue and east of Oakdale Road, together with Amendment No. 3 to the Tivoli Specific Plan to change the land use designation of 25 acres from Regional Serving Commercial (RSC) to Low Density Residential (LDR), and **27** acres from Medium Density Residential (MDR) to Low Density Residential (LDR) in the Land Use Diagram of the Specific Plan ***as Amended***.

Published in the Modesto Bee on October 21, 2022.

14. Hearing to consider the application and issuance of a Permit to Operate as a Non-Emergency Medical Transport Company to Rose Medical Transportation in the City of Modesto. (Funding Source: General Fund)
    - Resolution approving the application of Rose Medical Transportation, and authorizing the issuance of a Permit to Operate as a Non-Emergency Medical Transport Company in the City of Modesto.

    POLICE DEPARTMENT; Bob Meredith, 209-572-9500, meredithb@modestopd.com

    ACTION: (Kenoyer/Escutia-Braaton; 6/0) Resolution 2022-452 approving the application of Rose Medical Transportation, and authorizing the issuance of a Permit to Operate as a Non-Emergency Medical Transport Company in the City of Modesto.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Modesto, California
Monday, November 07, 2022 at 5:30 PM

Roll Call: Present: Vice-Chair Ricci, Member Wright, and Chair Zwahlen
Absent: None
Also Present: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-2: (Wright/Ricci; 3/0)

CONSENT

Consent
1. Consider approving an Agreement with HDR Engineering, Inc. to conduct a Feasibility Study for the City's Compost Facility at 7001 Jennings Road, for a total amount not to exceed $97,055, and forwarding to Council for approval. (Funding Source: Compost Facility Improvement Fund)
    - Motion approving an Agreement with HDR Engineering, Inc., Northern California Area, to conduct a Feasibility Study for the City's Compost Facility at 7001 Jennings Road for a total amount not to exceed $97,055 and forwarding to Council for approval.

PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion approving an Agreement with HDR Engineering, Inc., Northern California Area, to conduct a Feasibility Study for the City's Compost Facility at 7001 Jennings Road for a total amount not to exceed $97,055 and forwarding to Council for approval.

Consent
2. Consider approving an Agreement with HSQ Technology, Hayward, CA, for the Procurement of Parts, Service, Licenses and Support for the Miser and Supervisor Control and Data Acquisition System, for two years, with three one-year extension options, for an annual estimated amount of $145,000 and a total not to exceed $725,000 over five years. (Funding Source: Water and Wastewater Funds)
    - Motion approving an Agreement with HSQ Technology, Hayward, CA, for the Procurement of Parts, Service, Licenses and Support for the Miser and

Supervisor Control and Data Acquisition System, for two years, with three (3) one-year extension options, for an annual estimated amount of $145,000 and a total amount not to exceed $725,000 over five years, and authorizing the Director of Finance, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total, and forwarding to Council for approval.

UTILITIES; Ben Koehler, 209-342-4502, bkoehler@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion approving an Agreement with HSQ Technology, Hayward, CA, for the Procurement of Parts, Service, Licenses and Support for the Miser and Supervisor Control and Data Acquisition System, for two years, with three (3) one-year extension options, for an annual estimated amount of $145,000 and a total amount not to exceed $725,000 over five years, and authorizing the Director of Finance, or her designee, the ability to add parts based on the Department's needs, ensuring the total amount does not exceed the authorized total, and forwarding to Council for approval.

NEW BUSINESS

3. Consider an Ordinance repealing Title 5, "Sanitation and Health," Chapter 11 "Organic Waste Disposal" of the Modesto Municipal Code in its entirety, repealing and replacing Title 5, Chapter 5 "Solid Waste" of the Modesto Municipal Code, approving an updated cash security deposit schedule for Self-Haul charges, and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion approving an Ordinance repealing Title 5, "Sanitation and Health," Chapter 11 "Organic Waste Disposal" of the Modesto Municipal Code in its entirety, repealing and replacing Title 5, Chapter 5, "Solid Waste" of the Modesto Municipal Code, approving an updated cash security deposit schedule for Self-Haul charges, rescinding Resolution No. 98-113 and forwarding to Council for approval.

PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion approving an Ordinance repealing Title 5, "Sanitation and Health," Chapter 11 "Organic Waste Disposal" of the Modesto Municipal Code in its entirety, repealing and replacing Title 5, Chapter 5, "Solid Waste" of the Modesto Municipal Code, approving an updated cash security deposit schedule for Self-Haul charges, rescinding Resolution No. 98-113 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 6:05 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Wednesday, November 09, 2022 at 3:00 PM

Roll Call: Present: Vice-Chair Escutia-Braaton, Member Kenoyer, and Chair Wright
Absent: None
Also Present: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-4 (Escutia-Braaton/Kenoyer; 3/0)

CONSENT

Consent

1. Consider approving a two-year Retail and Legal Advertising Contract with the McClatchy Company LLC dba Modesto Bee in the amount of $125,000 and forwarding to Council for approval. (Funding Source: General Fund, Solid Waste Fund, Water Fund, Wastewater Fund, Community Facility District Funds, Landscaping Districts, and Housing Urban Development Funds)
    - Motion approving a two-year Retail and Legal Advertising Contract with the McClatchy Company LLC dba Modesto Bee in the amount of $125,000 and forwarding to Council for approval.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion approving a two-year Retail and Legal Advertising Contract with the McClatchy Company LLC dba Modesto Bee in the amount of $125,000 and forwarding to Council for approval.

Consent

2. Consider approving an Agreement for Concrete Boxes, Covers, Valves and Fittings to Ferguson Waterworks, Modesto CA, Iconix Waterworks, McClellan CA, and to American AVK, Minden, NV for a total amount not to exceed $3,825,000 over five years and forwarding to Council for approval. (Funding Source: Water and Wastewater Funds)
    - Motion approving the Award of Bid and Agreement for Concrete Boxes, Covers, Valves, Hydrants and Fittings to three vendors with the overall lowest, responsive and responsible bids to Ferguson Waterworks, Modesto Ca, Iconix Waterworks, McClellan CA, and American AVK, Minden, NV for a one–year

Agreement with four one-year extension options, for a total estimated annual cost not to exceed $765,000, and $3,825,000 over five years and forwarding to Council for approval.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion approving the Award of Bid and Agreement for Concrete Boxes, Covers, Valves, Hydrants and Fittings to three vendors with the overall lowest, responsive and responsible bids to Ferguson Waterworks, Modesto Ca, Iconix Waterworks, McClellan CA, and American AVK, Minden, NV for a one–year Agreement with four one-year extension options, for a total estimated annual cost not to exceed $765,000, and $3,825,000 over five years and forwarding to Council for approval.

Consent

3. Consider approving a Professional Services Agreement with Sloan Sakai, Emeryville, CA to conduct a compensation study in an amount not to exceed $54,000 and forwarding it to Council for approval. (Funding Source: Various Funds)
    - Motion approving a Professional Services Agreement with Sloan Sakai, Emeryville, CA to conduct a compensation study in an amount not to exceed $54,000, and forwarding to Council for approval.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion made to Approve Motion approving a Professional Services Agreement with Sloan Sakai, Emeryville, CA to conduct a compensation study in an amount not to exceed $54,000, and forwarding to Council for approval.

Consent

4. Consider approving a Pre-Qualified Hydrogeological Services Consultant List; and two On-Call Hydrogeological Services Agreements in a combined total amount not to exceed $450,000 over a three-year period and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)
    - Motion approving a Pre-Qualified Hydrogeological Services Consultant List and On-Call Agreements for Hydrogeological Services with Luhdorff & Scalmanini, Consulting Engineers, Woodland, CA and West Yost Associates, Davis, CA, each for one year, not to exceed $75,000, with two one-year extension options for a total cost not to exceed $225,000 over three years each, and forwarding to Council for approval.

UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: (Escutia-Braaton/Kenoyer; 3/0) Motion approving a Pre-Qualified Hydrogeological Services Consultant List and On-Call Agreements for Hydrogeological Services with Luhdorff & Scalmanini, Consulting Engineers, Woodland, CA and West Yost Associates, Davis, CA, each for one year, not to exceed $75,000, with two one-year extension options for a total cost not to exceed $225,000 over three years each, and forwarding to Council for approval.

NEW BUSINESS

5. Consider approving an Agreement with InfoSend, Inc., Anaheim, CA for Forms Printing and Mailing Services for a total amount not to exceed $12,051,699 over eight years and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion approving an Agreement with InfoSend, Inc., Anaheim, CA for Forms Printing and Mailing Services for a total amount not to exceed $12,051,699 over eight years and forwarding to Council for approval.

   FINANCE DEPARTMENT; Jeni Martin, 209-571-5892, jmartin@modestogov.com

   ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion approving an Agreement with InfoSend, Inc., Anaheim, CA for Forms Printing and Mailing Services for a total amount not to exceed $12,051,699 over eight years and forwarding to Council for approval.

6. Consider accepting a report on upcoming Capital Improvement Program Projects planned for Bidding and Construction and forwarding to Council for approval. (Funding Source: Various Capital Improvement Program Projects)
    - Motion accepting a report on upcoming Capital Improvement Program Projects planned for Bidding and Construction and forwarding to Council for approval.

   UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

   ACTION: (Kenoyer/Escutia-Braaton; 3/0) Motion accepting a report on upcoming Capital Improvement Program Projects planned for Bidding and Construction and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 3:41 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, November 14, 2022 at 5:00 PM

Roll Call: Present: Member Escutia-Braaton, Chair Ricci, and Vice-Chair Zwahlen
Absent: None
Also Present: Member Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-4 (Zwahlen/Escutia-Braaton; 3/0)

CONSENT

Consent

1. Consider approving a One-Time Purchase using the Competitive Bid Process from The National Association of State Procurement Officials (NASPO) ValuePoint for eight (8) LifePak15 Monitors from Stryker Medical, Chicago, IL for a total cost not to exceed $353,624 and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion approving a One-Time Purchase using the Competitive Bid Process from NASPO ValuePoint for eight (8) LifePak15 Monitors from Stryker Medical, Chicago, IL for a total cost not to exceed $353,624 and forwarding to Council for approval.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion approving a One-Time Purchase using the Competitive Bid Process from NASPO ValuePoint for eight (8) LifePak15 Monitors from Stryker Medical, Chicago, IL for a total cost not to exceed $353,624 and forwarding to Council for approval.

Consent

2. Consider approving the First Amendment to the City of Modesto Pandemic Recovery Strategy – Modesto Forward Grant Agreement with the Modesto Convention and Visitors Bureau, Inc., for the Year 2 allocation of 250,000 in American Rescue Plan Act funding, and forwarding to Council for approval. (Funding Source: American Rescue Plan Act)
    - Motion approving the First Amendment to the City of Modesto Pandemic Recovery Strategy – Modesto Forward – Grant Agreement with the Modesto

Convention and Visitors Bureau, Inc., for the Year 2 allocation of 250,000 in American Rescue Plan Act funding, and forwarding to Council for approval.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion approving the First Amendment to the City of Modesto Pandemic Recovery Strategy – Modesto Forward – Grant Agreement with the Modesto Convention and Visitors Bureau, Inc., for the Year 2 allocation of 250,000 in American Rescue Plan Act funding, and forwarding to Council for approval.

Consent

3. Consider approving an Amendment to Lease Agreement for the Modular Building at Dryden Golf Course and approving the increase of a Purchase Order with Williams Scotsman, Inc., Fresno, California, for a revised total not to exceed $95,000; and forwarding to Council for approval. (Funding Source: Golf Fund)
    - Motion approving the Amendment to Lease Agreement for the Modular Building at Dryden Golf Course and approving the increase of a Purchase Order with Williams Scotsman, Inc., Fresno, California, for a revised total not to exceed $95,000; and forwarding to Council for approval.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion approving the Amendment to Lease Agreement for the Modular Building at Dryden Golf Course and approving the increase of a Purchase Order with Williams Scotsman, Inc., Fresno, California, for a revised total not to exceed $95,000; and forwarding to Council for approval.

Consent

4. Consider approving the Fourth Amendment to Agreement with The Baseball Club of Modesto, as successor in interest to HWS Baseball IV, LLC, to revise the expiration date in the accelerated termination provision from December 31, 2022 to December 31, 2023 and forwarding to Council for approval. (Funding Source: General Fund)
    - Motion approving the Fourth Amendment to Agreement with The Baseball Club of Modesto, as successor in interest to HWS Baseball IV, LLC, to revise the expiration date in the accelerated termination provision from December 31, 2022 to December 31, 2023 and forwarding to Council for approval.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Zwahlen/Escutia-Braaton; 3/0) Motion approving the Fourth Amendment to Agreement with The Baseball Club of Modesto, as successor in interest to HWS Baseball IV, LLC, to revise the expiration date in the accelerated termination provision from December 31, 2022 to December 31, 2023 and forwarding to Council for approval.

NEW BUSINESS

5. Consider approving the Purchase and Sale Agreement for certain real property located at approximately 1300 Scenic Drive, Stanislaus County Assessor's Parcel Number 034-018-014, for $795,000, and forwarding to Council for approval. (Funding Source: Parks and Air Quality Capital Facility Fee Fund)
    - Motion approving the Purchase and Sale Agreement for certain real property located at approximately 1300 Scenic Drive, Stanislaus County Assessor's Parcel Number 034-018-014, for $795,000; amending the Fiscal Year 2022-23 Capital Improvement Program Budget in an amount not to exceed $50,000 and forwarding to Council for approval

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion approving the Purchase and Sale Agreement for certain real property located at approximately 1300 Scenic Drive, Stanislaus County Assessor's Parcel Number 034-018-014, for $795,000; amending the Fiscal Year 2022-23 Capital Improvement Program Budget in an amount not to exceed $50,000 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 5:13 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES
City of Modesto
CANNABIS PROGRAM AND PERMIT REVIEW COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Tuesday, November 15, 2022 at 4:00 PM

Roll Call: Present: Chair Escutia-Braaton, Member Madrigal, and Vice-Chair Zwahlen
Absent: None
Also Present: Member Kenoyer, Member Ricci, Member Wright

PUBLIC COMMENTS

None

NEW BUSINESS

1 Consider accepting a Cannabis Equity Assessment Report, adopting a Cannabis Equity Program; approving the submission of a grant application for the Governor's Office of Business and Economic Development Cannabis Equity Grant Program for Local Jurisdictions and forwarding to Council for approval. (Funding Source: General Fund)

- Motion accepting the City of Modesto Cannabis Equity Assessment Report and forwarding to Council for approval.
- Motion adopting a City of Modesto Cannabis Equity Program based on this report, and authorizing the City Manager, or designee, to take all actions as may be required to implement this resolution and program, including but not limited to the establishment of internal controls, administrative functions, and application submittal processes as necessary and forwarding to Council for approval.
- Motion authorizing the City Manager to apply for a State of California Cannabis Equity Grant Program for Local Jurisdictions, for the purpose of funding a cannabis equity program and to complete and submit the grant application and any subsequent application with the Governor's office of Business and Economic Development in relation thereto and forwarding to Council for approval.

CED; Sean Rando, 209-577-5473, srando@modestogov.com

ACTION: (Madrigal/Zwahlen; 3/0) Motion accepting the City of Modesto Cannabis Equity Assessment Report and forwarding to Council for approval.

ACTION: (Madrigal/Zwahlen; 3/0) Motion adopting a City of Modesto Cannabis Equity Program based on this report, and authorizing the City Manager, or designee, to take all actions as may be required to implement this resolution and program, including but not limited to the establishment of internal controls, administrative functions, and application submittal processes as necessary and forwarding to Council for approval.

ACTION: (Zwahlen/Madrigal; 3/0) Motion authorizing the City Manager to apply for a State of California Cannabis Equity Grant Program for Local Jurisdictions, for the purpose of funding a cannabis equity program and to complete and submit the grant application and any subsequent application with the Governor's office of Business and Economic Development in relation thereto and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 5:21 p.m.

Attest: _____
Joseph Lopez, City Manager

MINUTES
City of Modesto
ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Modesto, California
Monday, December 05, 2022 at 5:30 PM

Roll Call: Present: Vice-Chair Ricci, Member Wright, and Chair Zwahlen
Absent: None
Also Present: Member Alvarez (arrived 5:40pm), Member Escutia-Braaton, and Member Williams (arrived 5:36pm)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEMS 1-4: (Wright/Ricci; 3/0)

CONSENT

Consent
1. Consider approving a No-Cost Third Amendment to extend the completion date to June 30, 2023, for the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion approving a No-Cost Third Amendment to extend the completion date to June 30, 2023, for the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project and forwarding to Council for approval.

   CED; Toby Wells, 209-571-5542, twells@modestogov.com

   ACTION: (Wright/Ricci; 3/0) Motion approving a No-Cost Third Amendment to extend the completion date to June 30, 2023, for the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project and forwarding to Council for approval.

Consent
2. Consider approving the Agreement with PlaceWorks (Berkeley, California) for the Development of the Southwest Modesto Plan, in an amount not to exceed $216,000

and forwarding to Council for approval. (Funding Source: Local Early Action Planning (LEAP) Grant)

- Motion approving the Agreement with PlaceWorks (Berkeley, California) for the Development of the Southwest Modesto Plan, in an amount not to exceed $216,000 and forwarding to Council for approval.

CED; Jessica Hill, 209-577-5211, jhill@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion approving the Agreement with PlaceWorks (Berkeley, California) for the Development of the Southwest Modesto Plan, in an amount not to exceed $216,000 and forwarding to Council for approval.

Consent

3. Consider approving Agreements with Republic Services, Inc. dba Forward, Inc. Landfill for the Non-Hazardous Waste Disposal of Wastewater Grit, Sewer Spoils, and Storm Spoils for a total amount not to exceed $404,910 over six years. (Funding Source: Sewer Fund and Storm Drain Fund)

    - Motion approving the Sole Source Agreement(s) with Forward, Inc. for the Disposal of Non-Hazardous Sewer Grit, Sewer Spoils and Storm Spoils for a three-year Agreement with one three-year extension option, for an annual estimated amount of $67,485, and a total amount not to exceed $404,910 over six years; and forwarding to Council for approval.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Wright/Ricci; 3/0) Motion approving the Sole Source Agreement(s) with Forward, Inc. for the Disposal of Non-Hazardous Sewer Grit, Sewer Spoils and Storm Spoils for a three-year Agreement with one three-year extension option, for an annual estimated amount of $67,485, and a total amount not to exceed $404,910 over six years; and forwarding to Council for approval.

Consent

4. Consider approving the Award of Bid and Agreement for the Furnishing of Bio-Solids Removal and Land Application Services with Jim Brisco Enterprises, Inc., Atwater, CA, for a total amount not to exceed $810,891 over five years. (Funding Source: Wastewater Fund)

    - Motion approving the Award of Bid and Agreement for the Furnishing of Bio-Solids Removal and Land Application services to Jim Brisco Enterprises, Inc., Atwater, CA, for a two (2) year Agreement with three (3) one-year extension options, for an estimated annual amount of $145,500, and a total amount not to exceed $810,891 over five (5) years; and authorizing the City Manager, or his designee, to execute the Agreement, and forwarding to Council for approval.

    UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

    ACTION: (Wright/Ricci; 3/0) Motion approving the Award of Bid and Agreement for the Furnishing of Bio-Solids Removal and Land Application services to Jim Brisco Enterprises, Inc., Atwater, CA, for a two (2) year Agreement with three (3) one-year extension options, for an estimated annual amount of $145,500, and a total amount not

to exceed $810,891 over five (5) years; and authorizing the City Manager, or his designee, to execute the Agreement, and forwarding to Council for approval.

NEW BUSINESS

5. Consider accepting the Public Health Goals Report (PHG) on the City of Modesto's water system, in compliance with Title 22 of the California Health and Safety Code and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion accepting the 2022 Public Health Goals Report in compliance with Title 22 of the California Health and Safety Code and forwarding to Council for approval.

UTILITIES; Will Wong, 209-571-5801, wwong@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion accepting the 2022 Public Health Goals Report in compliance with Title 22 of the California Health and Safety Code and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 5:53 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, December 06, 2022 at 5:30 PM

Roll Call – Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pat Nagle, Redeemer Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported that no reportable action was taken on the Closed Session items.

PUBLIC COMMENT PERIOD

- Jerry Thompson spoke in support of lifting the ban on cruising. He also commented on the rich history of cruising.

- Ramon Rodriguez spoke about the shooting of Paul Chavez, Jr. He also spoke about accountability and use of force.

- Steve spoke about the shooting of Paul Chavez, Jr and Officer Muncy.

- Gavin Bruce, spoke about the shooting of Paul Chavez, use of force and the Modesto Police Department.

- Patrick Thomas spoke about the press release issued by the District Attorney regarding Paul Chavez, Jr.

- Karen Sutherland commented about the shootings of Paul Chavez and spoke about Officer Muncy and asked for justice for Paul and Trevor Seever.

- Alissa Hagar spoke about the shooting of her brother Paul Chavez, Jr.. She further commented about Officer Muncy and Chief Gillespie. In addition, she spoke about the youth being the future generation of the community.

- Teresa Clutter spoke about the shooting of her son-in-law, Paul Chavez, Jr. She commented about what has occurred since his death.

- Brittony Estrella Chavez commented on the death of her husband Paul Davis Chavez, Jr. She also commented on the statement issued by the District Attorney.

- Darlene Ruiz, Trevor Seever's mother stated she is here in support of the Chavez family and stated that de-escalation is needed. She spoke in support of Forward Together.

- Marla Seever, Trevor Seever's aunt, spoke in support of the family of Paul Chavez. She also commented about the Modesto Police Department.

- Ray Ruiz, Trevor Seever's step father, commented regarding the shooting of Paul Chavez and Officer Muncy. He spoke in support of the City having an independent police auditor.

- Anna spoke about the 26 seconds it took for the shooting of Paul Chavez and commented on the District Attorney's statement.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 1-22; (Wright/Williams; 7/0)

CONSENT

Consent
1. Consider approving the Minutes from the November 1, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the Minutes from the November 1, 2022 Council Meeting.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Williams; 7/0) Motion approving the Minutes from the November 1, 2022 Council Meeting.

Consent
2. Consider approving the 2023 Calendar of regularly scheduled City Council and Council Standing Committee meetings. (Funding Source: Not Applicable)
    - Resolution approving the 2023 City Calendars of regularly scheduled City Council and Council Standing Committee meetings.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2022-454 approving the 2023 City Calendars of regularly scheduled City Council and Council Standing Committee meetings.

Consent

3. Consider approving the Mayor's appointments to the City of Modesto Standing Committees, and City Council Liaison Committees; and appointment of a Vice Mayor for the 2023 calendar year. (Funding Source: Not Applicable)
    - Motion approving the selection of Council Member Ricci as Vice Mayor.
    - Motion approving the appointments to the Standing Committees and City Council Liaison Committees.

    CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

    ACTION: (Wright/Williams; 7/0) Motion approving the selection of Council Member Ricci as Vice Mayor.

    ACTION: (Wright/Williams; 7/0) Motion approving the appointments to the Standing Committees and City Council Liaison Committees.

Consent

4. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

    CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2022-455 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

5. Consider approving the recommended Budget adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets. (Funding Source: Various Funds)
    - Resolution amending Fiscal Year 2022-23 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this Resolution.

    BUDGET; Steve Christensen, 209-577-5390, schristensen@modestgov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2022-456 amending Fiscal Year 2022-23 Annual Operating and Capital Improvement Project Fund Budgets and authorizing the City Manager, to make the necessary steps to implement the provisions of this Resolution.

Consent

6. Consider approving a Third Amendment to the Joint Exercise of Powers Agreement with the County of Stanislaus, amending sections 8.1.3, 8.1.4 and 8.3.3 concerning

Membership and Alternate Members Appointed to Serve as a Staff Member Commissioners on the Consolidated Emergency Dispatch Agency Commission, and appointing the Deputy City Manager of Operations to serve as the City of Modesto Staff Member Commissioner, and Deputy City Manager of Support as their Alternate, to the Consolidated Emergency Dispatch Agency Commission. (Funding Source: Not Applicable)

- Resolution approving a Third Amendment to the Joint Exercise of Powers Agreement with the County of Stanislaus, amending sections 8.1.3, 8.1.4 and 8.3.3 concerning Membership and Alternate Members Appointed to Serve as Staff Member Commissioners on the Consolidated Emergency Dispatch Agency Commission and authorizing the City Manager, or his designee to execute the Amendment, and appointing the Deputy City Manager of Operations to serve as the City of Modesto Staff Member Commissioner, and Deputy City Manager of Support as their Alternate, to the Consolidated Emergency Dispatch Agency Commission.

CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2022-457 approving a Third Amendment to the Joint Exercise of Powers Agreement with the County of Stanislaus, amending sections 8.1.3, 8.1.4 and 8.3.3 concerning Membership and Alternate Members Appointed to Serve as Staff Member Commissioners on the Consolidated Emergency Dispatch Agency Commission and authorizing the City Manager, or his designee to execute the Amendment, and appointing the Deputy City Manager of Operations to serve as the City of Modesto Staff Member Commissioner, and Deputy City Manager of Support as their Alternate, to the Consolidated Emergency Dispatch Agency Commission.

Consent

7. Consider accepting an informational report for the September 2022 Accounts Payable Payment Register and Void report. (Funding Source: Not Applicable)

    - Motion accepting an informational report for the September 2022 Accounts Payable Payment Register and Void report.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

    ACTION: (Wright/Williams; 7/0) Motion accepting an informational report for the September 2022 Accounts Payable Payment Register and Void report.

Consent

8. Consider accepting an informational report on the July and August 2022 Grant Applications and Awards. (Funding Source: Not Applicable)

    - Motion accepting an informational report for the July and August 2022 Grant Applications and Awards.

    FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Williams; 7/0) Motion accepting an informational report for the July and August 2022 Grant Applications and Awards.

Consent

9. Consider accepting the Monthly Investment Report for July 2022. (Funding Source: Various Funds)
    - Motion accepting the Monthly Investment Report for July 2022.

FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Wright/Williams; 7/0) Motion accepting the Monthly Investment Report for July 2022.

Consent

10. Consider approving a Purchasing Agreement for Concrete Boxes, Covers, Valves and Fittings to Ferguson Waterworks, Modesto CA, Iconix Waterworks, McClellan CA, and to American AVK, Minden, NV for a total amount not to exceed $3,825,000 over five years. (Funding Source: Water and Wastewater Funds)
    - Resolution approving the Award of Bid and Purchasing Agreements for Concrete Boxes, Covers, Valves, Hydrants and Fittings to Ferguson Waterworks, Modesto CA, Iconix Waterworks, McClellan CA, and American AVK, Minden, NV for a one–year Agreement with four one-year extension options, for a total estimated annual amount not to exceed $765,000, and a total amount not to exceed $3,825,000 over five years; and authorizing the Director of Finance, or her designee to execute the Purchasing Agreements.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, clkine@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2022-458 approving the Award of Bid and Purchasing Agreements for Concrete Boxes, Covers, Valves, Hydrants and Fittings to Ferguson Waterworks, Modesto CA, Iconix Waterworks, McClellan CA, and American AVK, Minden, NV for a one–year Agreement with four one-year extension options, for a total estimated annual amount not to exceed $765,000, and a total amount not to exceed $3,825,000 over five years; and authorizing the Director of Finance, or her designee to execute the Purchasing Agreements.

Consent

11. Consider approving an Agreement with InfoSend Inc., for Forms, Printing, and Mailing Services, for a total amount not to exceed $12,051,699 over eight years. (Funding Source: Various Funds)
    - Resolution approving an Agreement with InfoSend Inc., by utilizing the City of Oceanside Agreement for Forms, Printing, and Mailing Services, for a three year Agreement with five one-year extension options, for an annual estimated amount of $1,506,642 and a total amount not to exceed $12,051,699 over eight years; and authorizing the City Manager, or his designee, to execute the Agreement.

FINANCE DEPARTMENT; Jeni Martin, 209-571-5892, jmartin@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2022-459 approving an Agreement with InfoSend Inc., by utilizing the City of Oceanside Agreement for Forms, Printing, and Mailing Services, for a three year Agreement with five one-year extension options, for an annual estimated amount of $1,506,642 and a total amount not to exceed $12,051,699 over eight years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving a One-Time Purchase using the Competitive Bid Process from The National Association of State Procurement Officials (NASPO) ValuePoint for eight LifePak15 Monitors from Stryker Medical, Chicago, IL for a total amount not to exceed $353,624. (Funding Source: General Fund)
    - Resolution approving a One-Time Purchase using the Competitive Bid Process from The National Association of State Procurement Officials (NASPO) ValuePoint for eight LifePak15 Monitors from Stryker Medical, Chicago, IL for a total cost not to exceed $353,624; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

    FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

    ACTION: (Wright/Williams; 7/0) Resolution 2022-460 approving a One-Time Purchase using the Competitive Bid Process from The National Association of State Procurement Officials (NASPO) ValuePoint for eight LifePak15 Monitors from Stryker Medical, Chicago, IL for a total cost not to exceed $353,624; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order.

Consent

13. Consider approving an Agreement with Sloan Sakai Yeung & Wong, LLP, Emeryville, CA to conduct a Compensation Study in an amount not to exceed $54,000. (Funding Source: Various Funds)
    - Resolution approving an Agreement with Sloan Sakai Yeung & Wong, LLP, Emeryville, CA to conduct a Compensation Study in an amount not to exceed $54,000 for a term of December 6, 2022 to December 6, 2023 and authorizing the City Manager, or his designee, to execute the Agreement.

    HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2022-461 approving an Agreement with Sloan Sakai Yeung & Wong, LLP, Emeryville, CA to conduct a Compensation Study in an amount not to exceed $54,000 for a term of December 6, 2022 to December 6, 2023 and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving an Amendment to Lease Agreement for the Modular Building at Dryden Golf Course and approving the increase of a Purchase Order with Williams Scotsman, Inc., Fresno, California, for a revised total amount not to exceed $95,000. (Funding Source: Golf Fund)

- Resolution approving the Amendment to Lease Agreement for the Modular Building at Dryden Golf Course and approving the increase of a Purchase Order with Williams Scotsman, Inc., Fresno, California, for a revised total amount not to exceed $95,000; and authorizing the City Manager, or his designee, to execute the Amendment.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2022-462 approving the Amendment to Lease Agreement for the Modular Building at Dryden Golf Course and approving the increase of a Purchase Order with Williams Scotsman, Inc., Fresno, California, for a revised total amount not to exceed $95,000; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

15. Consider approving the First Amendment to the City of Modesto Pandemic Recovery Strategy – Modesto Forward Grant Agreement with the Modesto Convention and Visitors Bureau, Inc., for the Year 2 allocation of $250,000 in American Rescue Plan Act funding. (Funding Source: American Rescue Plan Act Funds)
    - Resolution approving the First Amendment to the City of Modesto Pandemic Recovery Strategy – Modesto Forward Grant Agreement with the Modesto Convention and Visitors Bureau, Inc., for the Year 2 allocation of $250,000 in American Rescue Plan Act funding, and authorizing the City Manager, or his designee, to execute the First Amendment and carry out the necessary steps to implement the spending plan for the second allocation.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2022-463 approving the First Amendment to the City of Modesto Pandemic Recovery Strategy – Modesto Forward Grant Agreement with the Modesto Convention and Visitors Bureau, Inc., for the Year 2 allocation of $250,000 in American Rescue Plan Act funding, and authorizing the City Manager, or his designee, to execute the First Amendment and carry out the necessary steps to implement the spending plan for the second allocation.

Consent

16. Consider approving the Fourth Amendment to Agreement with The Baseball Club of Modesto, as Successor in Interest to HWS Baseball IV, LLC, to revise the expiration date in the Accelerated Termination Provision from December 31, 2022 to December 31, 2023. (Funding Source: CIP Project 101019/General Fund)
    - Resolution approving the Fourth Amendment to Agreement with The Baseball Club of Modesto, as Successor in Interest to HWS Baseball IV, LLC, to revise the expiration date in the Accelerated Termination Provision from December 31, 2022 to December 31, 2023, and authorizing the City Manager, or his designee to execute the Fourth Amendment to Agreement.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2022-464 approving the Fourth Amendment to Agreement with The Baseball Club of Modesto, as Successor in Interest to HWS Baseball IV, LLC, to revise the expiration date in the Accelerated Termination Provision from December 31, 2022 to December 31, 2023, and authorizing the City Manager, or his designee to execute the Fourth Amendment to Agreement.

Consent

17. Consider approving the Purchase and Sale Agreement for certain real property located at approximately 1300 Scenic Drive, Stanislaus County Assessor's Parcel Number 034-018-014, for $795,000, plus $20,000 in anticipated closing costs. (Funding Source: Parks and Air Quality Capital Facility Fee Fund)
    - Resolution approving the Purchase and Sale Agreement for certain real property located at approximately 1300 Scenic Drive, Stanislaus County Assessor's Parcel Number 034-018-014, for $795,000, plus $20,000 in anticipated closing costs; and authorizing the City Manager, or his designee, to execute any documents necessary to carry out the purpose of this Resolution.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2022-465 approving the Purchase and Sale Agreement for certain real property located at approximately 1300 Scenic Drive, Stanislaus County Assessor's Parcel Number 034-018-014, for $795,000, plus $20,000 in anticipated closing costs; and authorizing the City Manager, or his designee, to execute any documents necessary to carry out the purpose of this Resolution.

Consent

18. Consider approving an Agreement with HDR Engineering, Inc. to conduct a Feasibility Study for the City's Compost Facility at 7001 Jennings Road, for a total amount not to exceed $97,055. (Funding Source: Compost Facility Improvement Fund)
    - Resolution approving an Agreement with HDR Engineering, Inc., Northern California Area, to conduct a Feasibility Study for the City's Compost Facility at 7001 Jennings Road for a total amount not to exceed $97,055, and authorizing the City Manager, or his designee, to execute the Agreement.

    PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

    ACTION: (Wright/Williams; 7/0) Resolution 2022-466 approving an Agreement with HDR Engineering, Inc., Northern California Area, to conduct a Feasibility Study for the City's Compost Facility at 7001 Jennings Road for a total amount not to exceed $97,055, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider approving the Plans and Specifications for the Rebid Upgrade Traffic Signals - 2017 Project, accepting the bid, and awarding a contract to St. Francis Electric, LLC of San Leandro, CA for a total amount not to exceed $935,567. (Funding Source: Congestion Mitigation Air Quality Grant)
    - Resolution approving the Plans and Specifications for the Rebid Upgrade Traffic Signals - 2017 Project, accepting the bid, and awarding a Contract to St.

Francis Electric, LLC of San Leandro, CA, in the amount of $850,515, plus $85,052 for contingency (if needed), for a total amount not to exceed $935,567, and authorizing the City Manager, or his designee, to execute the Agreement.

PUBLIC WORKS; James Ashby, 209-571-5116, jashby@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2022-467 approving the Plans and Specifications for the Rebid Upgrade Traffic Signals - 2017 Project, accepting the bid, and awarding a Contract to St. Francis Electric, LLC of San Leandro, CA, in the amount of $850,515, plus $85,052 for contingency (if needed), for a total amount not to exceed $935,567, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

20. Consider accepting the Upgrade Advanced Traffic Management System 2017 Project as complete. (Funding Source: Congestion Mitigation and Air Quality)
    - Resolution accepting the Upgrade Advanced Traffic Management System 2017 Project as complete.

PUBLIC WORKS; James Ashby, 209-571-5116, jashby@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2022-468 accepting the Upgrade Advanced Traffic Management System 2017 Project as complete.

Consent

21. Consider accepting the Modesto Modular Building Relocation Project as Complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $484,537 to Harris Builders, Inc., of Hilmar, CA. (Funding Source: Community Development Block Grant Funds (CDBG))
    - Resolution accepting the Modesto Modular Building Relocation Project as Complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $484,537 to Harris Builders Inc., Hilmar, CA.

UTILITIES; Pete Kambel, 209-577-5444, pkambel@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2022-469 accepting the Modesto Modular Building Relocation Project as Complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $484,537 to Harris Builders Inc., Hilmar, CA.

Consent

22. Consider approving an Agreement with HSQ Technology, Hayward, CA, for the procurement of parts, service, licenses and support for the Miser and Supervisor Control and Data Acquisition System, for two years, with three one-year extension options, for an annual estimated amount of $145,000 and a total not to exceed $725,000 over five years. (Funding Source: Water and Wastewater Funds)
    - Resolution approving an Agreement with HSQ Technology, Hayward, CA, for the Procurement of Parts, Service, Licenses and Support for two years, with

three one-year extension options, for an annual estimated amount of $145,000 and a total amount not to exceed $725,000 over five years, and authorizing the Director of Finance, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Jason Farnsworth, 209-577-6255, jfarnsworth@modestogov.com

ACTION: (Wright/Williams; 7/0) Resolution 2022-470 approving an Agreement with HSQ Technology, Hayward, CA, for the Procurement of Parts, Service, Licenses and Support for two years, with three one-year extension options, for an annual estimated amount of $145,000 and a total amount not to exceed $725,000 over five years, and authorizing the Director of Finance, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Williams acknowledged the Parks and Recreation Department for putting on a successful Celebration of Lights Ceremony despite the inclement weather. He further thanked all those that assisted and participated in the parade. He also invited the public to attend the 2022 Modesto Spirit of Giving 5K Run on Saturday, December 10th, 2022. He stated he would be remiss if he did not include Chris Murphy, Matt Swanson, and Brian Gini who every year make it possible to do the tree lighting.

Councilmember Escutia-Braaton thanked all staff and volunteers who helped make the Parade of Lights an immensely enjoyable event. There were about 8,000 spectators in attendance. She thanked the over 200 volunteers that gave their time to make the event happen. It was a lovely way to begin the holiday season. Last week she attended the League Leaders Workshop; it was a wonderful opportunity for her to represent Modesto among other municipalities. It was an immense learning opportunity with conversations about valuable initiatives that impact Modesto. She detailed one highly taxation initiative that was discussed. She also attended an event that celebrated the McHenry Avenue widening project, a public safety and roadway improvement project, that allows for a safer commute. She invited the public to attend the Annual South Modesto SMBU Christmas Posada Toy Giveaway on Wednesday, December 7, 2022.

Councilmember Ricci stated that he echoed the sentiments of fellow councilmembers about the Christmas Parade. It was a tremendous event. He was thrilled to be able to ride with the cruising coalition at the parade. Cruising is part of the City's culture and Modesto needs to embrace it. They need to look at this seriously and he has seen other cities address the ban issue. As a community, they need to talk about it. He is excited Forward Together is coming to the Council. It's an opportunity to strengthen the police department and the community. He addressed a recent Facebook post of his regarding the hiring of an auditor, but the graphic he used made it look like the staff was hiding something and that certainly wasn't his intention. Having an auditor is important, because it gives them an opportunity to improve and be better.

He knows staff has an incredible amount of integrity and win awards time and time again for how hard they work and the quality of their work. He commented about homelessness in the community. It's rampant and out of control and he is pushing to find new measures to deal with this issue. There have been numerous nights in the past couple of weeks that the shelters have been completely full. There are lots of options that they can be doing as a City. He further commented on abandoned commercial properties that are attracting drug, crime, blight and prostitution. It's all due to certain landlords not taking responsibility for their buildings. These properties hurt the quality of life in the community. As a City, they need to do something about it.

Councilmember Alvarez also wanted to give a special thank you to everyone who helped organize the Christmas Parade. He also wanted to give a special thank you to the Modesto Cruisers Council and the Impalas Car Club for their generosity, professionalism and service to the community. These organizations are Modesto first type of folks. He also wanted to highlight the tireless work that Nasson Sanchez, as chairman of the Cruiser's Council has been doing for the last several months for the community at large. He hopes to see that continued effort as they work to try and reintegrate cruising.

Mayor Zwahlen reported that she was recently honored to participate in the Healthy Room Project that the City's law enforcement officers organize. The law enforcement officers get information about the children's' favorite colors. While the children are in school, their rooms are painted in their favorite color and new beds and furniture are provided. These two young boys were very happy and it was a great interaction between the children and law enforcement officers. She also wanted to welcome the new Councilmembers and is thrilled to have a full Council. The new councilmembers are in their office, working hard, learning and talking to the residents. She is looking forward to a lot of great work ahead.

CITY MANAGER COMMENTS & REPORTS

City Manager Lopez acknowledged the Parks and Recreation Department for their tremendous amount of effort to put on the Holiday Parade. They were out there all day in the weather. The Department did a tremendous job and he appreciates all the effort.

HEARINGS

Published in the Modesto Bee on November 23, 2022 & November 29, 2022.

23. Public Hearing to consider an Ordinance repealing Title 5, "Sanitation and Health," Chapter 11 "Organic Waste Disposal" of the Modesto Municipal Code in its entirety, repealing and replacing Title 5, Chapter 5 "Solid Waste" of the Modesto Municipal Code, approving an updated Cash Security Deposit Schedule for Self-Haul charges, establishing an annual 9.9% Franchise Fee in accordance with Assembly Bill 939 and rescinding Resolution No. 98-113. (Funding Source: Not Applicable)
    - Motion introducing and waiving the First Reading of an Ordinance repealing Title 5, "Sanitation and Health," Chapter 11 "Organic Waste Disposal" of the Modesto Municipal Code in its entirety, and repealing and replacing Title 5, Chapter 5, "Solid Waste" of the Modesto Municipal Code.

- Resolution updating the Schedule of Cash Security Deposits to be charged to residents and businesses for Self-Haul of Solid Waste in the City of Modesto, establishing an annual 9.9% Franchise Fee in accordance with Assembly Bill 939, and rescinding Resolution No. 98-113.

PUBLIC WORKS; Rosene Salmo, 209-577-5453, rsalmo@modestogov.com

ACTION: (Ricci/Bavaro; 7/0) Motion introducing and waiving the First Reading of an **Ordinance 3752-C.S.** repealing Title 5, "Sanitation and Health," Chapter 11 "Organic Waste Disposal" of the Modesto Municipal Code in its entirety, and repealing and replacing Title 5, Chapter 5, "Solid Waste" of the Modesto Municipal Code.

ACTION: (Escutia-Braaton/Zwahlen; 6/1;Wright Noes;) Resolution 2022-471 updating the Schedule of Cash Security Deposits to be charged to residents and businesses for Self-Haul of Solid Waste in the City of Modesto, establishing an annual 9.9% Franchise Fee in accordance with Assembly Bill 939, and rescinding Resolution No. 98-113.

NEW BUSINESS

24. Consider approving a Resolution authorizing the City of Modesto to utilize the services of Mark Murphy on an interim basis to fulfill the duties of Traffic Engineer for a limited duration of up to six months or until the recruitment is completed, whichever is first. (Funding Source: Surface Transportation Funds)

- Resolution authorizing the City of Modesto to utilize the services of Mark Murphy on an interim basis to fulfill the duties of Traffic Engineer for a limited duration of up to six (6) months or until the recruitment is completed, whichever is first; and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of the action.

HUMAN RESOURCES; Christina Alger, 209-571-5126, calger@modestogov.com

ACTION: ACTION: (Williams/Wright; 7/0) Resolution 2022-472 authorizing the City of Modesto to utilize the services of Mark Murphy on an interim basis to fulfill the duties of Traffic Engineer for a limited duration of up to six (6) months or until the recruitment is completed, whichever is first; and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of the action.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:53 PM.

Closed Session matters heard before the meeting.

CLOSED SESSION

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

Property: 131 9th Street, Modesto, CA 95351, APN: 103-006-002

Property Owners: Varni Bros Corporation

Negotiating Parties:
For City: Will Wong, Director of Utilities
Jose M. Sanchez, City Attorney

For Owner: Property Owner

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
Two Cases (Pursuant to Section 54956.9(a) of the Government Code)

Name of case(s): Benito Chavez v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ13097362, ADJ13097376, ADJ13097365,
ADJ13097371, ADJ13096784

Ron Keyes v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ15382869, ADJ13830244, ADJ14260996,
ADJ15382869

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, December 12, 2022 at 3:05 PM

Roll Call: Present: Member Ricci, Vice-Chair Wright, Chair Escutia-Braaton
Absent: None
Also Present: Member Williams (Arrived 3:02pm)

PUBLIC COMMENTS

None.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-3 (Wright/Ricci; 3/0)

Consent
1. Consider reappointing Rhoda Yare and Sandra Wilson to the Housing Rehabilitation Loan Committee for a second term with term expirations of December 31, 2026 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion reappointing Rhoda Yare and Sandra Wilson to the Housing Rehabilitation Loan Committee for a second term with term expirations of December 31, 2026 and forwarding to Council for approval.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Wright/Ricci; 3/0) Motion reappointing Rhoda Yare and Sandra Wilson to the Housing Rehabilitation Loan Committee for a second term with term expirations of December 31, 2026 and forwarding to Council for approval.

Consent
2. Consider reappointing John Bergman to the Board of Building Appeals Committee (BBA) as the Chairperson through January 1, 2027 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion reappointing John Bergman to the Board of Building Appeals Committee (BBA) as the Chairperson through January 1, 2027 and forwarding to Council for approval.

    CED; Oscar Diaz, 209-571-5885, odiaz@modestogov.com

    ACTION: (Wright/Ricci; 3/0) Motion reappointing John Bergman to the Board of Building Appeals Committee (BBA) as the Chairperson through January 1, 2027 and forwarding to Council for approval.

Consent

3. Consider reappointing Chris Guptill to the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) through December 31, 2026 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion reappointing Chris Guptill to the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) through December 31, 2026 and forwarding to Council for approval.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Wright/Ricci; 3/0) Motion reappointing Chris Guptill to the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) through December 31, 2026 and forwarding to Council for approval.

NEW BUSINESS

4. Consider the appointment for one vacancy on the City of Modesto Planning Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion to interview and recommend the appointment for one vacancy on the City of Modesto Planning Commission and forwarding to Council for approval.

    CED; Jessica Hill, 209-577-5267, jhill@modestogov.com

    ACTION: (Ricci/Wright; 3/0) Motion to interview and recommend the appointment for one vacancy on the City of Modesto Planning Commission and forwarding to Council for approval.

5. Consider recommending appointments to fill two vacancies on the Equity Commission for four-year terms and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion approving the appointments of two applicants to the Equity Commission for a four-year term and forwarding to Council for approval.

    HR; Christina Alger, 209-571-5126, calger@modestogov.com

    ACTION: (Wright/Ricci; 3/0) Motion approving the appointments of Austin Grant and Joel Campos to the Equity Commission for a four-year term and forwarding to Council for approval.

6. Consider appointing members to fill three vacancies on the Culture Commission for four-year terms from January 1, 2023 through December 31, 2026 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion appointing members to fill three vacancies on the Culture Commission for four-year terms from January 1, 2023 through December 31, 2026 and forwarding to Council for approval.

    PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Wright/Ricci; 3/0) Motion appointing members Elena Martinez and Katherine Zagone to fill two vacancies on the Culture Commission for four-year terms from January 1, 2023 through December 31, 2026 and forwarding to Council for approval.

7. Consider appointing Esparza Vargas, Paul Adams, and Julie Betts-Albert to the Modesto Downtown Improvement District Advisory Board for a four-year term to expire December 31, 2026 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion appointing Esparza Vargas, Paul Adams, and Julie Betts-Albert to the Modesto Downtown Improvement District Advisory Board for a four-year term from January 1, 2023 to December 31, 2026 and forwarding to Council for approval.

   PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

   ACTION: (Wright/Ricci; 3/0) Motion appointing Esparza Vargas, Paul Adams, and Julie Betts-Albert to the Modesto Downtown Improvement District Advisory Board for a four-year term from January 1, 2023 to December 31, 2026 and forwarding to Council for ratification.

8. Consider appointing members to fill several vacancies on the Golf Courses Advisory Committee for four-year terms from January 1, 2023 through December 31, 2026 and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion appointing members to fill several vacancies on the Golf Courses Advisory Committee for four-year terms from January 1, 2023 through December 31, 2026 and forwarding to Council for approval.

   PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

   ACTION: (Wright/Ricci; 3/0) Motion appointing members Ricardo Semeria, Arnold Fidalgo, and Jeffrey Lambaren to fill several vacancies on the Golf Courses Advisory Committee for four-year terms from January 1, 2023 through December 31, 2026 and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 3:49 p.m.

Attest: _____
Andrea Cook, Deputy City Clerk

MINUTES
City of Modesto
SAFETY AND COMMUNITIES COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Monday, December 12, 2022 at 5:00 PM

Roll Call: Present: Member Escutia-Braaton, Chair Ricci, and Vice-Chair Zwahlen
Absent: None
Also Present: Member Alvarez (Arrived 5:04pm)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-2, 4 (Escutia-Braaton/Zwahlen; 3/0)
Item 3 Removed from Consent

CONSENT

Consent
1. Consider approving a First Amendment with ZOLL Data Systems, Inc. for Hosted Server Services for both ePCR and FireRMS Records Management and Reporting Software for Salida Fire Services and future fire contract services by increasing the amount by $33,424 for a total revised amount not to exceed $272,296 and forwarding to Council for approval (Funding Source: General Fund)
    - Motion approving a First Amendment with ZOLL Data Systems, Inc. for Hosted Server Services for both ePCR and FireRMS Records Management and Reporting Software for Salida Fire Services and future fire contract services by increasing the amount by $33,424 for a total revised amount not to exceed $272,296 and forwarding to Council for approval.

FIRE DEPARTMENT; Alan Ernst, 209-572-9590, aernst@modestofire.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion approving a First Amendment with ZOLL Data Systems, Inc. for Hosted Server Services for both ePCR and FireRMS Records Management and Reporting Software for Salida Fire Services and future fire contract services by increasing the amount by $33,424 for a total revised amount not to exceed $272,296 and forwarding to Council for approval.

Consent
2. Consider approving a Second Amendment to the Purchasing Agreement with United Site Services, Inc. of Modesto, CA for Portable Toilet Rental Services for a revised total amount not to exceed $583,250 over the term of the Agreement for United Site

Services and Sun Valley Portable Restrooms, Inc., Turlock, CA; and forwarding to Council for approval. (Funding Source: Golf Fund)

- Motion approving a Second Amendment to the Purchasing Agreement with United Site Services, Inc. of Modesto, CA for Portable Toilet Rental Services for a revised total amount not to exceed $583,250 over the term of the Agreement for United Site Services and Sun Valley Portable Restrooms, Inc., Turlock, CA; and forwarding to Council for approval.

PRN; Laurie Smith, 209-577-5347, lsmith@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion approving a Second Amendment to the Purchasing Agreement with United Site Services, Inc. of Modesto, CA for Portable Toilet Rental Services for a revised total amount not to exceed $583,250 over the term of the Agreement for United Site Services and Sun Valley Portable Restrooms, Inc., Turlock, CA; and forwarding to Council for approval.

Removed from Consent

3. Consider authorizing additional payment not to exceed $151,225 to Belfor Property Restoration, Modesto, CA for Emergency Work related to the American Legion Hall Fire Remediation and forwarding to Council for approval. (Funding Source: TRRP JPA Insurance Proceeds)

    - Motion authorizing additional payment not to exceed $151,225 to Belfor Property Restoration, Modesto, CA for Emergency Work related to the American Legion Hall Fire Remediation and forwarding to Council for approval.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

    ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion authorizing additional payment not to exceed $151,225 to Belfor Property Restoration, Modesto, CA for Emergency Work related to the American Legion Hall Fire Remediation and forwarding to Council for approval.

Consent

4. Consider approving an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Neece Project for an amount of $263,257, plus $26,326 for additional services, if needed, for an Agreement total not to exceed $289,583 and forwarding to Council for approval. (Funding Source: Parks Capital Facility Fee Fund, Recreational Trails and Greenways Grant Program – Proposition 68)

    - Motion approving an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Neece Project for an amount of $263,257, plus $26,326 for additional services, if needed, for an Agreement total not to exceed $289,583 and forwarding to Council for approval.

    PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

ACTION: (Escutia-Braaton/Zwahlen; 3/0) Motion approving an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Neece Project for an amount of $263,257, plus $26,326 for additional services, if needed, for an Agreement total not to exceed $289,583 and forwarding to Council for approval.

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, December 13, 2022 at 5:30 PM

Roll Call - Present: Councilmembers Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

Pledge of Allegiance to the Flag

Invocation: Dallas Jackson, Renew Church

City Clerk's Announcements: City Clerk announced email correspondence was received for Item 23, as well as, Public Comment and forwarded to the Council.

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported that no reportable action was taken on the Closed Session item.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentations of Certificate of Achievement for Excellence in Financial Reporting and Popular Annual Financial Reporting Award by Government Finance Officers Association (GFOA) for Fiscal Year ending June 30, 2021, and Presentation for Distinguished Budget Presentation Award by GFOA for Fiscal Year 2022-23 Budget. (Funding Source: Not Applicable)
   FINANCE; DeAnna Christensen, 209-577-5387, dachristensen@modestogov.com

   ACTION: Joe Lopez, City Manager presented the Certificate of Achievement for Excellence in Financial Reporting and Popular Annual Financial Reporting Award by Government Finance Officers Association (GFOA) for Fiscal Year ending June 30, 2021, and Presentation for Distinguished Budget Presentation Award by GFOA for Fiscal Year 2022-23 Budget to DeAnna Christensen, Director of Finance.

2. Presentation of eye glasses collected during Second Chance Week. (Funding Source: Not Applicable)
   PUBLIC WORKS; Myriah Hill, 209-521-4801, mhill@modestogov.com

   ACTION: Myriah Hill presented eye glasses collected during Second Chance Week.

PUBLIC COMMENT PERIOD

- Steve Cunha, President of Modesto Street Rod Association spoke in support of lifting the ban on cruising.

- Paul Soto, from San Jose spoke in support of lifting the ban on cruising.

- Betty Santos, West Coast Customs spoke in support of lifting the ban on cruising. She spoke on the recent toy drives, turkey drive and other community events they have hosted to benefit Modesto residents.

- Lorraine from East Los Angeles spoke in support of lifting the ban on cruising.

- James Costello from Modesto Peace Life Center spoke about civilian police review boards. He thanked the Forward Together Committee for their work on and hopes Council will vote for it.

- Patrick Thomas read an excerpt from the District Attorney's letter regarding the shooting of Paul Chavez, Jr.

- Alissa Hagar commented on Forward Together and the death of Paul Chavez, Jr.

- Flavio from the California Low Rider Alliance spoke in support of lifting the ban on cruising.

- Bob Holloway spoke in support of lifting the ban on cruising.

- Ramon Rodriguez spoke in support of lifting the ban on cruising and police reform.

- Alejandra Bravo thanked all the lowriders, hot rod and car enthusiasts for being present this evening. On behalf of the Modesto Cruising coalition she asked Council to repeal the ban on cruising.

- Vicente spoke in support of a police oversight commission. He also spoke in support of lifting the ban on cruising.

- Charles Byrd, Chairman of the Libertarians Party in Stanislaus County spoke about police accountability and reform. He also spoke about the car culture in the City.

- Johnathan Williams mentioned the names of Paul Chavez's three sons, Paul III, Abraham and Josiah. He commented on the shooting of Paul Chavez, Jr.

- Beth Goodridge and her son Brandon spoke about the intersection of Sycamore and Coldwell. She referenced a video she sent to the Council.

- Andrea Kidd spoke in support of lifting the ban on cruising.

- Brittony Estrella Chavez commented on the death of her husband Paul Davis Chavez, Jr.

- Theresa Clutter, spoke about the shooting of Paul Chavez, Jr. and asked for justice for Paul Chavez.

- Nassan Sanchez congratulated the newly elected Councilmembers. He also spoke about the many community drives the car clubs hosted to benefit community members. He spoke in support of lifting the ban on cruising and requested to place an item on the agenda to lift the ban on cruising.

- Steve spoke about the shooting of Paul Chavez, Jr. He also commented on cruising in the City. He further commented about the recommendations of the Forward Together Group.

- DeAnna Garcia spoke about lowering the taxes on Cannabis. She also spoke in support of the core cannabis equity program and commented about the Maze Blvd exit.

- Vanessa Alfaro spoke about lifting the ban on cruising and police reform.

- Patricia read a comment about being stopped by the Modesto Police Department.

- Jerry Thompson spoke in support of lifting the ban on cruising

- Aaron Anguiano spoke in support of lifting the ban on cruising.

- Natalie Perez spoke in support of lifting the ban on cruising.

- A gentleman congratulated newly elected councilmembers. He spoke in support of lifting the ban on cruising. He also spoke about the death of Paul Chavez, Jr. and commented on Officer Muncy.

Recessed: 7:20 pm
Reconvened: 7:26 pm

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 3-22: (Wright/Alvarez; 7/0)

CONSENT

Consent

3. Consider approving the Minutes from the December 6, 2022 Council Meeting. (Funding Source: Not Applicable)
    - Motion approving the Minutes from the December 6, 2022 Council Meeting.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Motion approving the Minutes from the December 6, 2022 Council Meeting.

Consent

4. Consider approving final adoption of Ordinance 3752-C.S. repealing Title 5, "Sanitation and Health," Chapter 11 "Organic Waste Disposal" of the Modesto Municipal Code in its entirety, and repealing and replacing Title 5, Chapter 5, "Solid Waste" of the Modesto Municipal Code. (Funding Source: Not Applicable)
    - Motion approving final adoption of Ordinance 3752-C.S. repealing Title 5, "Sanitation and Health," Chapter 11 "Organic Waste Disposal" of the Modesto Municipal Code in its entirety, and repealing and replacing Title 5, Chapter 5, "Solid Waste" of the Modesto Municipal Code.

CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Motion approving final adoption of Ordinance 3752-C.S. repealing Title 5, "Sanitation and Health," Chapter 11 "Organic Waste Disposal" of the Modesto Municipal Code in its entirety, and repealing and replacing Title 5, Chapter 5, "Solid Waste" of the Modesto Municipal Code.

Consent

5. Consider approving a resolution continuing to authorize remote teleconference meetings pursuant to Assembly Bill 361. (Funding Source: Not Applicable)
    - Resolution continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-473 continuing to authorize remote teleconference meetings of the City of Modesto pursuant to Assembly Bill 361.

Consent

6. Consider approving a resolution authorizing the City Manager to execute Agreements with the California Department of Tax and Fee Administration ("CDTFA") for implementation of a Local Transactions and Use Tax; and the Resolution authorizing the examination of the Sales, Use, and Transactions Tax Records for the City. (Funding Source: General Fund)
    - Resolution of the City Council of the City of Modesto authorizing the City Manager or his designee to execute Agreements with the California Department of Tax and Fee Administration for implementation of a Local Transactions and Use Tax.
    - Resolution of the City Council of the City of Modesto, authorizing the examination of Sales or Transactions and Use Tax Records.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-474 of the City Council of the City of Modesto authorizing the City Manager or his designee to execute Agreements with the California Department of Tax and Fee Administration for implementation of a Local Transactions and Use Tax.

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-475 of the City Council of the City of Modesto, authorizing the examination of Sales or Transactions and Use Tax Records.

Consent

7. Consider approving a Third Amendment to the Legal Services Agreement with Nossaman LLP to adjust rates and extend the term of the Agreement for one remaining year. (Funding Source: Streets Capital Facility Fees, Regional Measure L)
    - Resolution approving a Third Amendment to the Legal Services Agreement with Nossaman LLP to adjust the blended hourly rate from $425 to $438 and extending the term of the Agreement to December 31, 2023, to continue to provide Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project, with no increase to the not to exceed amount of $2,000,000 for the Agreement and authorizing the City Manager, or his designee, to execute the Amendment.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-476 approving a Third Amendment to the Legal Services Agreement with Nossaman LLP to adjust the blended hourly rate from $425 to $438 and extending the term of the Agreement to December 31, 2023, to continue to provide Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project, with no increase to the not to exceed amount of $2,000,000 for the Agreement and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

8. Consider approving a Second Amendment to the Legal Services Agreement with Rivera, Hewitt Paul, LLP in the amount of $255,000, for a total Agreement amount not to exceed $400,000 for continued representation. (Funding Source: General Liability Insurance Fund)
    - Resolution approving a Second Amendment to the Legal Services Agreement with Rivera Hewitt Paul, LLP in the amount of $255,000, for a total Agreement amount not to exceed $400,000, for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the Amendment.

CITY ATTORNEY; Jose Sanchez, 209-577-5284, jsanchez@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-477 approving a Second Amendment to the Legal Services Agreement with Rivera Hewitt Paul, LLP in the

amount of $255,000, for a total Agreement amount not to exceed $400,000, for continued representation in police litigation matters and authorizing the City Manager or his designee, to execute the Amendment.

Consent

9. Consider accepting a Cannabis Equity Assessment Report, adopting a Cannabis Equity Program, and approving the submission of a Grant Application for the Governor's Office of Business and Economic Development Cannabis Equity Grant Program for Local Jurisdictions. (Funding Source: General Fund)
    - Resolution accepting the City of Modesto Cannabis Equity Assessment Report.
    - Resolution adopting a City of Modesto Cannabis Equity Program and authorizing the City Manager, or designee, to take all actions as may be required to implement this resolution and program, including but not limited to the establishment of internal controls, administrative functions, and application submittal processes as necessary.
    - Resolution authorizing the City Manager, or designee, to apply for a State of California Cannabis Equity Grant Program for Local Jurisdictions, for the purpose of funding a Cannabis Equity Program and to complete and submit the Grant Application and any subsequent application with the Governor's Office of Business and Economic Development in relation thereto.

    CED; Sean Rando, 209-577-5473, srando@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2022-478 accepting the City of Modesto Cannabis Equity Assessment Report.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2022-479 adopting a City of Modesto Cannabis Equity Program and authorizing the City Manager, or designee, to take all actions as may be required to implement this resolution and program, including but not limited to the establishment of internal controls, administrative functions, and application submittal processes as necessary.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2022-480 authorizing the City Manager, or designee, to apply for a State of California Cannabis Equity Grant Program for Local Jurisdictions, for the purpose of funding a Cannabis Equity Program and to complete and submit the Grant Application and any subsequent application with the Governor's Office of Business and Economic Development in relation thereto.

Consent

10. Consider adopting Section 24 (Davis Bacon Labor Standards) and Section 25 (Minority Business Enterprise and Women Business Enterprise) and amending Section 6 (Homeowner Rehabilitation Program Policies) of the Housing and Urban Development Policies & Procedures Manual. (Funding Source: Not Applicable)
    - Resolution approving the adoption of Section 24 (Labor Standards) and Section 25 (MBE/WBE) and the amendment of the Section 6 (Homeowner Rehabilitation Program Policies), within the Housing and Urban Development Policies & Procedures Manual.

CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-481 approving the adoption of Section 24 (Labor Standards) and Section 25 (MBE/WBE) and the amendment of the Section 6 (Homeowner Rehabilitation Program Policies), within the Housing and Urban Development Policies & Procedures Manual.

Consent

11. Consider approving an Agreement with Catholic Charities Diocese of Stockton to provide Environmental Justice Outreach component of the Affordable Housing and Sustainable Communities Grant application in an amount not to exceed $175,000 for the next three years for Archway Commons Phase II. (Funding Source: Affordable Housing and Sustainable Communities)
    - Resolution approving an Agreement with Catholic Charities Diocese of Stockton to provide the Environmental Justice Outreach component of the Affordable Housing and Sustainable Communities Grant application in an amount not to exceed $175,000 for the next three years for Archway Commons Phase II and authorizing the City Manager or designee to execute the Agreements.
    - Resolution amending the Fiscal Year 2022-23 Multi-Year Fund Budget to establish applicable revenue and expense budgets for the Catholic Charities Environmental Justice Program Agreement to be funded with the Affordable Housing and Sustainable Communities Grant (AHSC) and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2022-482 approving an Agreement with Catholic Charities Diocese of Stockton to provide the Environmental Justice Outreach component of the Affordable Housing and Sustainable Communities Grant application in an amount not to exceed $175,000 for the next three years for Archway Commons Phase II and authorizing the City Manager or designee to execute the Agreements.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2022-483 amending the Fiscal Year 2022-23 Multi-Year Fund Budget to establish applicable revenue and expense budgets for the Catholic Charities Environmental Justice Program Agreement to be funded with the Affordable Housing and Sustainable Communities Grant (AHSC) and authorizing the City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

Consent

12. Consider approving a No-Cost Third Amendment to extend the term of Agreement to June 30, 2023, for the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project. (Funding Source: Not Applicable)

- Resolution approving a No-Cost Third Amendment to extend the completion date to June 30, 2023, for the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project, and authorizing the City Manager, or his designee, to execute the Third Amendment.

CED; John Rawles, 209-577-5253, jrawles@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-484 approving a No-Cost Third Amendment to extend the completion date to June 30, 2023, for the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project, and authorizing the City Manager, or his designee, to execute the Third Amendment.

Consent

13. Consider approving an Outside Service Agreement for Water Service for property located at 4524 Tully Road in Modesto (APN: 046-012-005). (Funding Source: Water Fund)

- Resolution approving an Outside Service Agreement with Pastor Of Holy Family Church, a California Corporation to connect to the City of Modesto's existing water system for the property located at 4524 Tully Road in Modesto (APN: 046-012-005), and authorizing the City Manager, or his designee, to execute the Outside Service Agreement.

CED; Toby Wells, 209-571-5542, twells@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-485 approving an Outside Service Agreement with Pastor Of Holy Family Church, a California Corporation to connect to the City of Modesto's existing water system for the property located at 4524 Tully Road in Modesto (APN: 046-012-005), and authorizing the City Manager, or his designee, to execute the Outside Service Agreement.

Consent

14. Consider accepting an informational report for the October 2022 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)

- Motion accepting an informational report for the October 2022 Accounts Payable Payment Register and Void Report.

FINANCE DEPARTMENT; Maria Garnica, 209-577-5249, mgarnica@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Motion accepting an informational report for the October 2022 Accounts Payable Payment Register and Void Report.

Consent

15. Consider accepting the Monthly Investment Report for August 2022. (Funding Source: Various Funds)

- Motion accepting the Monthly Investment Report for August 2022.

FINANCE DEPARTMENT; Calogero Maniscalco, 209-577-5219, cmaniscalco@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Motion accepting the Monthly Investment Report for August 2022.

Consent

16. Consider approving a two-year Retail and Legal Advertising Contract with the McClatchy Company LLC dba Modesto Bee in the amount not to exceed $125,000. (Funding Source: General Fund, Solid Waste Fund, Water Fund, Wastewater Fund, Community Facility District Funds, Landscaping Districts, and Housing Urban Development Funds)
    - Resolution approving a two-year Retail and Legal Advertising Contract with the McClatchy Company LLC dba Modesto Bee in the amount not to exceed $125,000; and authorizing the City Manager or his designee to execute the Agreement.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2022-486 approving a two-year Retail and Legal Advertising Contract with the McClatchy Company LLC dba Modesto Bee in the amount not to exceed $125,000; and authorizing the City Manager or his designee to execute the Agreement.

Consent

17. Consider approving the purchase of two Aerial Trucks from Terex Utilities Inc., Watertown, SD for a total amount not to exceed $751,900 (Funding Source: Fleet Replacement Fund)
    - Resolution approving the Competitive Bidding Process from Sourcewell with Terex Utilities Inc., Watertown, SD for two Aerial Trucks for a total amount not to exceed $751,900; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.

    FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2022-487 approving the Competitive Bidding Process from Sourcewell with Terex Utilities Inc., Watertown, SD for two Aerial Trucks for a total amount not to exceed $751,900; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.

Consent

18. Consider approving an Agreement with RTI International for Evaluation Services for the Board of State and Community Corrections California Violence Intervention and

Prevention Grant Program in an amount not to exceed $154,955 over three years. (Funding Source: Police Grants)

- Resolution approving an Agreement with RTI International for Evaluation Services for the Board of State and Community Corrections California Violence Intervention and Prevention Grant Program in an amount not to exceed $154,955 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

POLICE DEPARTMENT; Jessica Smart, 209-572-9500, smartj@modestopd.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-488 approving an Agreement with RTI International for Evaluation Services for the Board of State and Community Corrections California Violence Intervention and Prevention Grant Program in an amount not to exceed $154,955 over three years; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider approving a Pre-Qualified Hydrogeological Services Consultant List; and two On-Call Hydrogeological Services Agreements in a combined total amount not to exceed $450,000 over a three-year period. (Funding Source: Various Capital Improvement Program Projects)

- Resolution approving an On-Call Agreement for Hydrogeological Services with Luhdorff & Scalmanini, Consulting Engineers, Woodland, CA, for one year, with two one-year extension options, for an annual amount not to exceed $75,000, and a total amount not to exceed $225,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.
- Resolution approving an On-Call Agreement for Hydrogeological Services with West Yost Associates, Davis, CA, for one year, with two one-year extension options, for an annual amount not to exceed $75,000, and a total amount not to exceed $225,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.
- Resolution approving a Prequalified Consultant List for Hydrogeological Services, for various Capital Improvement Program Projects for a period of one year, with the option of two additional one-year extensions at the written approval of the Utilities Department Director.

UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-489 approving an On-Call Agreement for Hydrogeological Services with Luhdorff & Scalmanini, Consulting Engineers, Woodland, CA, for one year, with two one-year extension options, for an annual amount not to exceed $75,000, and a total amount not to exceed $225,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-490 approving an On-Call Agreement for Hydrogeological Services with West Yost Associates, Davis, CA, for one year, with two one-year extension options, for an annual amount not to exceed

$75,000, and a total amount not to exceed $225,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-491 approving an On-Call Agreement for Hydrogeological Services with West Yost Associates, Davis, CA, for one year, with two one-year extension options, for an annual amount not to exceed $75,000, and a total amount not to exceed $225,000 over three years, and authorizing the City Manager, or his designee to execute the Agreement.

Consent

20. Consider approving an Agreement with West Monroe, Inc., Los Angeles, CA, for Consulting Services for the Advanced Metering Infrastructure (AMI) Project in an amount not to exceed $484,275. (Funding Source: Water Fund)
    - Resolution approving an Agreement with West Monroe, Inc., Los Angeles, CA, for Consulting Services for the Advanced Metering Infrastructure Project in the amount of $440,250, plus $44,025 in additional services, if needed, for a total amount not to exceed $484,275; and authorizing the City Manager, or his designee, to execute the Agreement.
    - Resolution amending the Fiscal Year 2022-23 Multi-Year Program budget in the amount of $535,000 to be transferred into the project from Water Fund Reserves in order to fund the Advanced Metering Infrastructure Project.

    UTILITIES; Robert Davalos, 209-571-5869, rdavalos@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2022-492 approving an Agreement with West Monroe, Inc., Los Angeles, CA, for Consulting Services for the Advanced Metering Infrastructure Project in the amount of $440,250, plus $44,025 in additional services, if needed, for a total amount not to exceed $484,275; and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2022-493 amending the Fiscal Year 2022-23 Multi-Year Program budget in the amount of $535,000 to be transferred into the project from Water Fund Reserves in order to fund the Advanced Metering Infrastructure Project.

Consent

21. Consider approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the East Morris Sewer Replacement Project for a total amount not to exceed $1,980,000. (Funding Source: Wastewater Fund)
    - Resolution approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the East Morris Sewer Replacement Project in the amount of $1,800,000, plus $180,000 in additional services, if needed, for a total amount not to exceed $1,980,000; and authorizing the City Manager, or his designee, to execute the Agreement.

    UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

ACTION: (Wright/Alvarez; 7/0) Resolution 2022-494 approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Engineering Services for the East Morris Sewer Replacement Project in the amount of $1,800,000, plus $180,000 in additional services, if needed, for a total amount not to exceed $1,980,000; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

22. Consider approving the plans and specifications for the Jennings Command Center and Hahn Liftstation Restroom Project, accepting the bid, and awarding a contract to Harris Builders Inc, of Hilmar, CA, for a total amount not to exceed $623,619. (Funding Source: Wastewater Fund)
    - Resolution approving Plans and Specifications for the Jennings Command Center and Hahn Liftstation Restroom Project, accepting the bid, and approving a Construction Contract with Harris Builders Inc, of Hilmar, CA, in the amount of $542,277 plus $81,342 for contingency (if needed) for a total amount not to exceed $623,619 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 Command Center and Hahn Liftstation Restroom Project from 10% ($54,228) to 15% ($81,342) of the construction contract price of $542,277 with Harris Builders Inc, of Hilmar, CA.
    - Resolution amending the Fiscal Year 2022-2023 Capital Improvement Program Budget in the amount of $841,619 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 Command Center and Hahn Liftstation Restroom Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

    UTILITIES; Cristian Ciotau, 209-577-5260, cciotau@modestogov.com

    ACTION: (Wright/Alvarez; 7/0) Resolution 2022-495 approving Plans and Specifications for the Jennings Command Center and Hahn Liftstation Restroom Project, accepting the bid, and approving a Construction Contract with Harris Builders Inc, of Hilmar, CA, in the amount of $542,277 plus $81,342 for contingency (if needed) for a total amount not to exceed $623,619 and authorizing the City Manager, or his designee, to execute the Agreement.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2022-496 authorizing an increase in the Director's authority to issue Change Orders for the Jennings Command Center and Hahn Liftstation Restroom Project from 10% ($54,228) to 15% ($81,342) of the construction contract price of $542,277 with Harris Builders Inc, of Hilmar, CA.

    ACTION: (Wright/Alvarez; 7/0) Resolution 2022-497 amending the Fiscal Year 2022-2023 Capital Improvement Program Budget in the amount of $841,619 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 Command Center and Hahn Liftstation Restroom Project and authorizing the City Manager, or his designee, to implement the provisions of this Resolution.

COUNCIL COMMENTS & REPORTS

Councilmember Williams congratulated Mr. Bland, a good friend of his, whose son plays for the Dallas Cowboys representing the City of Modesto.

Councilmember Ricci spoke about the homeless situation in Modesto. He further commented about safe camping that will provide the homeless a place to go and a place to stay dry. Homelessness is a crisis and they need to start this immediately. It's been almost a year since they approved safe parking and they're still trying to get that going. He further reported on the cruising ban and stated it's time that they lift this ban. He requested staff gather stats on how lifting the ban has impacted other cities in terms of TOT, taxes, and police services. He also reported that he had a good conversation with the Modesto Library this week, about the idea of expanding their library services. In other cities and around the country you can check out things from the library like tools, sewing machines, cameras, musical instruments just like a book. He thinks in a city like Modesto, expanding the library in that way, would be really helpful to people.

Councilmember Alvarez highlighted the great turnout at the Central Valley Hispanic Chamber of Commerce, second annual Christmas Festival and special gift giveaway for kids hosted at the Modesto Gospel Mission. He further acknowledged the Central Valley Hispanic Chamber of Commerce, El Concilio, the Modesto Gospel Mission and Univision for their sponsorship and service to the community. There were over 20 organizations present with free resources for Modesto families and one thousand toys. He further commented on cruising and echoes the sentiments of Councilmember Ricci on recommending that staff run a comparative analysis to find out what in fact works. He's looking forward to continued conversations with the car community and Council colleagues on how to bring back cruising in a safe and responsible way for all families to enjoy.

Councilmember Escutia-Braaton commented that she serves as the chairperson of the Appointments Committee. She spoke about the role of the Appointments Committee. The City has over 35 citizen advisory groups and these groups span different subjects. Members to these boards, commissions and committees are appointed by the Appointments Committee. She spoke about how citizens can get involved and serve on the advisory groups. Citizens interested in serving can go to Modestogov.com to see a list of vacancies and apply. She encouraged everyone to be part of this process. She further reported that like her colleagues, she appreciates the respectful conversations and dialogue had with the cruising community. Conversations have been ongoing regarding the subject of lifting the ban. She looks forward to this conversation continuing and in the very near future, bring it on an agenda so that they can decide whether this is a good fit for Modesto at this time. In addition, she wished everyone, a very Merry Christmas, and a safe, and prosperous New Year.

Mayor Zwahlen reported that she was honored to participate last weekend at the Central West Ballet's Nutcracker opening night as the Fairy Godmother. The City is fortunate to have a

symphony and the arts, ballet, opera and many other groups, that perform and enrich the City's culture. At the same time, she feels remiss if she did not acknowledge the pain that some people in the community are feeling at this time. She recognizes and feels it.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

23. Consider an Ordinance establishing the City of Modesto Community Police Review Board (CPRB), approving the associated Bylaws, and approving the proposed Scope of Work to retain services for an Independent Police Auditor (IPA) through a Request for Proposal (RFP) process. (Funding Source: Not Applicable)
    - Motion introducing and waiving the first reading of an Ordinance adding Section 2-3.908, "Community Police Review Board," to Chapter 3, "Administrative Departments," of Title 2, "Administration," of the Modesto Municipal Code to establish The City Of Modesto Community Police Review Board (CPRB).
    - Resolution approving Community Police Review Board Bylaws.
    - Resolution approving the proposed Scope of Work for Independent Police Auditor Services.

    CITY MANAGER; Allison Van Guilder, 209-577-5228, avanguilder@modestogov.com

    ACTION: (Wright/Williams; 7/0) Motion introducing and waiving the first reading of an Ordinance 3753-C.S. adding Section 2-3.908, "Community Police Review Board," to Chapter 3, "Administrative Departments," of Title 2, "Administration," of the Modesto Municipal Code to establish The City Of Modesto Community Police Review Board (CPRB).

    ACTION: (Ricci/Alvarez; 7/0) Resolution 2022-498 approving Community Police Review Board Bylaws.

    ACTION: (Williams/Bavaro; 7/0) Resolution 2022-499 approving the proposed Scope of Work for Independent Police Auditor Services.

HEARINGS

Published in the Modesto Bee on December 2, 2022.

24. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2021-22 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 2021-22 and making findings related to each of the fee categories.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

ACTION: (Wright/Ecutia-Braaton; 7/0) Resolution 2022-500 accepting the Capital Facilities Fees Annual Report for Fiscal Year 2021-22 and making findings related to each of the fee categories.

Published in the Modesto Bee on December 2, 2022.

25. Hearing to consider accepting the Fiscal Year 2021-22 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 2021-22 Annual Report of Funds Held for Future Improvements and making findings related to each security on file.

    CED; Jessica Hill, 209-577-5321, jhill@modestogov.com

    ACTION: (Williams/Zwahlen; 7/0) Resolution 2022-501 accepting the Fiscal Year 2021-22 Annual Report of Funds Held for Future Improvements and making findings related to each security on file.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:23 pm

Closed Session matters heard before the meeting

CLOSED SESSION

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

Name of Case: City of Modesto, et al. v. The Dow Chemical Company, et al. (PCE)
Superior Court of the State of California
Case No: CGC-98-999345 and CGC-98-999643

Attest:_____
Diane Nayares-Perez, City Clerk

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL WORKSHOP
Held Via Teleconference
Wednesday, December 14, 2022 at 3:01 PM

Roll Call: Present: Member Bavaro, Vice-Chair Escutia-Braaton, and Chair Wright
Absent: None
Also Present: Member Ricci (Arrived 3:01pm)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:
ACTION CONSENT ITEM 1-4 (Escutia-Braaton/Wright; 3/0)

CONSENT

Consent
1. Consider approving the recommended Budget Adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion approving the recommended Budget Adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Escutia-Braaton/Wright; 3/0) Motion approving the recommended Budget Adjustments to Fiscal Year 2022-23 Annual Operating and Capital Improvement Program Budgets; and forwarding to Council for approval.

Consent
2. Consider approving an Agreement with Neil Sullivan LLC, Concord, California, for Executive Team and Management Engagement Services for a three-year period for an amount not to exceed $150,000 and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion approving an Agreement with Neil Sullivan LLC, Concord, California, for Executive Team and Management Engagement Services for a three-year period for an amount not to exceed $150,000 and forwarding to Council for approval.

FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

ACTION: (Escutia-Braaton/Wright; 3/0) Motion approving an Agreement with Neil Sullivan LLC, Concord, California, for Executive Team and Management Engagement

Services for a three-year period for an amount not to exceed $150,000 and forwarding to Council for approval.

Consent

3. Consider accepting a report on Fiscal Year 2022-23 Vehicle Replacements and Additions planned for bidding or use of Cooperative Agreements to comply with bidding requirements and forwarding to Council for approval. (Funding Source: Various Funds)
    - Motion accepting a report on Fiscal Year 2022-23 Vehicle Replacements and Additions planned for bidding or use of Cooperative Agreements to comply with bidding requirements and forwarding to Council for approval.

   FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

   ACTION: (Escutia-Braaton/Wright; 3/0) Motion accepting a report on Fiscal Year 2022-23 Vehicle Replacements and Additions planned for bidding or use of Cooperative Agreements to comply with bidding requirements and forwarding to Council for approval.

Consent

4. Consider approving the purchase of a Grant Management Software Subscription with Carahsoft Technology Corporation, Reston, VA doing business as (dba) eCivis in the amount of $295,685 over five years and forwarding to Council for approval. (Funding Source: Information Technology Fund)
    - Motion approving the purchase of a Grant Management Software Subscription with Carahsoft Technology Corporation, Reston, VA dba eCivis in the amount of $295,685 over five years and forwarding to Council for approval.

   FINANCE DEPARTMENT; Cynthia Kline, 209-577-5412, ckline@modestogov.com

   ACTION: (Escutia-Braaton/Wright; 3/0) Motion approving the purchase of a Grant Management Software Subscription with Carahsoft Technology Corporation, Reston, VA dba eCivis in the amount of $295,685 over five years and forwarding to Council for approval.

NEW BUSINESS

5. Consider adopting the 2023-2024 State and Federal Legislative Priorities and forwarding to Council for approval. (Funding Source: Not Applicable)
    - Motion adopting the City of Modesto 2023-2024 State and Federal Legislative Priorities and forwarding to Council for approval.

   CITY MANAGER; Andrew Gonzales, 209-571-5809, angonzales@modestogov.com

   ACTION: (Escutia-Braaton/Wright; 3/0) Motion adopting the City of Modesto 2023-2024 State and Federal Legislative Priorities and forwarding to Council for approval.

6. Consider approving a First Amendment increasing the Agreement amount with Townsend Public Affairs, for State Advocacy Services to a new total amount of $215,000, and Van Scoyoc Associates for Federal Advocacy Services to $322,500 and extending the term of the Agreements from April 27, 2023, to November 28, 2023, and forwarding to Council for approval. (Funding Source: General Fund, Water Fund, and Surface Transportation Fund)
    - Motion approving the First Amendment increasing the Agreement amount with Townsend Public Affairs, for State Advocacy Services by $35,000 from $180,000 to a new total amount of $215,000, and Van Scoyoc Associates for Federal Advocacy Services by $52,500 from $270,000 to $322,500 and extending the term of the Agreements from April 27, 2023, to November 28, 2023; and forwarding to Council for approval.

   CITY MANAGER; Andrew Gonzalez, 209-571-5809, angonzales@modestogov.com

   ACTION: (Escutia-Braaton/Bavaro; 3/0) Motion approving the First Amendment increasing the Agreement amount with Townsend Public Affairs, for State Advocacy Services by $35,000 from $180,000 to a new total amount of $215,000, and Van Scoyoc Associates for Federal Advocacy Services by $52,500 from $270,000 to $322,500 and extending the term of the Agreements from April 27, 2023, to November 28, 2023; and forwarding to Council for approval.

7. Consider approving the Multifamily Dwelling Bulky Item Pickup Program as a pilot for a term of one year and forwarding to Council for approval. (Funding Source: American Rescue Plan Act Funds)
    - Motion approving the Multifamily Dwelling Bulky Item Pickup Program as a pilot for a term of one year and forwarding to Council for approval.

   PUBLIC WORKS; Myriah Hill, 209-577-5495, mhill@modestogov.com

   ACTION: (Bavaro/Escutia-Braaton; 3/0) Motion approving the Multifamily Dwelling Bulky Item Pickup Program as a pilot for a term of one year and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 3:47 p.m.

Attest: _____
Diane Nayares-Perez City Clerk