

2016 LEGISLATIVE HISTORY



MODESTO CITY COUNCIL

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MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 12, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements: Items 15 and 17 - Removed from Consent; Item 20 - continued to January 26, 2016 Council meeting

Declaration of Conflicts of Interest: Grewal – Item 10

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Stanislaus County Mental Health Board regarding their Roles and Responsibilities. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: The Stanislaus County Mental Health Board gave a presentation regarding their roles and responsibilities.

2. Presentation by the Finance Department awarding the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Program for Fiscal Year 2014 to the City of Modesto. (Funding Source: Not Applicable)
Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: The Finance Department gave a presentation awarding the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Program for Fiscal Year 2014 to the City of Modesto.

3. MID Rebate Check Presentation. (Funding Source: Not Applicable)
Public Works; Debbie Miller, 341-2931, dmiller@modestogov.com

ACTION: Public Works Director Bill Sandhu presented an MID Rebate Check to the City of Modesto.

4. Acknowledgement by the City of Modesto to Modesto Police Department Police Officers Davis and Arroyo and Modesto Fire Department Captain Ruben Esparza, Engineer John Haley and Firefighter Ryan Hines for their heroic actions on December 16, 2015. (Funding Source: Not Applicable)
Police; Galen Carroll, , gcarroll@modestopd.com

ACTION: Acknowledgment and Certificates of Recognition were made to Fire and Police Department staff for their heroic efforts on December 16, 2015.

MISCELLANEOUS

Legislation
Appointments
Other

5. Consider reappointing Greg Matas to the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)
 - Resolution reappointing Greg Matas to the City of Modesto Board of Zoning Adjustment.
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Resolution 2016-01 (Madrigal/Grewal; 7/0) reappointing Greg Matas to the City of Modesto Board of Zoning Adjustment.

6. Consider reappointing Dennis Smith to the Disabled Access Appeals Board. (Funding Source: Not Applicable)
 - Resolution reappointing Dennis Smith to the Disabled Access Appeals Board.
Community & Economic Development; William Crew, 577-5242, wcrew@modestogov.com

ACTION: Resolution 2016-02 (Grewal/Madrigal; 7/0) reappointing Dennis Smith to the Disabled Access Appeals Board.

7. Consider reappointing Rick Reid and Evan Yoshino to the Board of Building Appeals. (Funding Source: Not Applicable)
 - Resolution reappointing Rick Reid and Evan Yoshino to the Board of Building Appeals.
Community & Economic Development; William Crew, 577-5242, wcrew@modestogov.com

ACTION: Resolution 2016-03 (Ah You/Madrigan; 7/0) reappointing Rick Reid and Evan Yoshino to the Board of Building Appeals.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding Mayoral Run-Off election candidates.
- Chris Aggers spoke regarding water restrictions and garbage bins near bus benches.
- Rev. James Anderson and Rev. Darius Crosby thanked the Modesto Police Department for their service and announced the 30th year celebration for Martin Luther King, Jr. on January 18, 2016.
- Loretta Carhart spoke about trash and recycling in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT: 8-9; 11-14; 16, 18-19: (Kenoyer/Madrigan; unan.)

ACTION CONSENT 10: (Zoslocki/Madrigan; unan.; Councilmember Grewal absent due to conflict of interest)

CONSENT ITEMS

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

Consent

8. Consider approving the minutes from the December 15, 2015 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the December 15, 2015 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madrigan; 7/0) approving the minutes from the December 15, 2015 Council Meeting.

Consent

9. Consider final adoption of Ordinance No. 3638-C.S. amending Article 18 of Title 2, Chapter 1, “Standing Committees” of the Modesto Municipal Code to align Standing Committee names with the City’s 2015-2018 Strategic Plan. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3638-C.S. amending Article 18 of Title 2, Chapter 1, “Standing Committees” of the Modesto Municipal Code to

align Standing Committee names with the City's 2015-2018 Strategic Plan.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; 7/0) approving final adoption of **Ordinance No. 3638-C.S.** amending Article 18 of Title 2, Chapter 1, "Standing Committees" of the Modesto Municipal Code to align Standing Committee names with the City's 2015-2018 Strategic Plan.

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

10. Consider final adoption of Ordinance No. 3640-C.S. amending Section 11-3-8 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R-2) Zone and Planned Development P-D(333) to Low Density Residential (R-1) Zone, Medium High Density Residential (R-3) Zone and General Commercial (C-2) Zone, property located west of Dale Road and north of Vintage Faire Mall (Valley Ventures LLC). (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance No. 3640-C.S. amending Section 11-3-8 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R-2) Zone and Planned Development P-D(333) to Low Density Residential (R-1) Zone, Medium High Density Residential (R-3) Zone and General Commercial (C-2) Zone, property located west of Dale Road and north of Vintage Faire Mall (Valley Ventures LLC).

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

ACTION: Motion (Zoslocki/Madrigal; 6/0; Grewal absent due to conflict of interest) approving final adoption of **Ordinance No. 3640-C.S.** amending Section 11-3-8 of the Zoning Map of the City of Modesto to rezone from Medium Density Residential (R-2) Zone and Planned Development P-D(333) to Low Density Residential (R-1) Zone, Medium High Density Residential (R-3) Zone and General Commercial (C-2) Zone, property located west of Dale Road and north of Vintage Faire Mall (Valley Ventures LLC).

Consent

11. Consider appointing a new Vice Mayor for calendar year 2016. (Funding Source: Not Applicable)
- Resolution designating Councilmember Bill Zoslocki to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

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

ACTION: Resolution 2016-04 (Kenoyer/Madrigal; 7/0) designating Councilmember Bill Zoslocki to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

Consent

12. Consider approving a resolution at the request of the Modesto City Schools Board of Education to call a Special Municipal Election on June 7, 2016, for the purpose of submitting to the electors of the Modesto City Schools a proposal to amend section 1500 of the City Charter regarding the method of election for the Board of Education; and consider approving a resolution requesting the Stanislaus County Board of Supervisors consolidate the City of Modesto's Special Municipal Election with the

County's Presidential Primary Election to be held on June 7, 2016. (Funding Source: Elections Fund)

- Resolution at the request of the Modesto City Schools Board of Education to call a Special Municipal Election to be held on Tuesday, June 7, 2016, for the purpose of submitting to the electors of the Modesto City Schools a proposal to amend section 1500 of the City Charter relating to the method of election for the Board of Education.
- Resolution requesting the Stanislaus County Board of Supervisors consolidate the City of Modesto's Special Municipal Election with the County's Presidential Primary Election to be held on June 7, 2016.

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

ACTION: Resolution 2016-05 (Kenoyer/Madrigan; 7/0) at the request of the Modesto City Schools Board of Education to call a Special Municipal Election to be held on Tuesday, June 7, 2016, for the purpose of submitting to the electors of the Modesto City Schools a proposal to amend section 1500 of the City Charter relating to the method of election for the Board of Education.

ACTION: Resolution 2016-06 (Kenoyer/Madrigan; 7/0) requesting the Stanislaus County Board of Supervisors consolidate the City of Modesto's Special Municipal Election with the County's Presidential Primary Election to be held on June 7, 2016.

Consent

13. Consider approving a Will Serve Letter for water service for a property located at 4737 Toomes Road in Salida. (The action is authorized by City Council Policy 5.001 regarding extension of water service into unincorporated areas.) (Funding Source: General Fund, Water Fund)

- Resolution approving a Will Serve Letter for the property located at 4737 Toomes Road in Salida (APN: 135-052-037) to connect to the City of Modesto's existing water system, and authorizing the City Manager, or his designee, to sign the Will Serve Letter.

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

ACTION: Resolution 2016-07 (Kenoyer/Madrigan; 7/0) approving a Will Serve Letter for the property located at 4737 Toomes Road in Salida (APN: 135-052-037) to connect to the City of Modesto's existing water system, and authorizing the City Manager, or his designee, to sign the Will Serve Letter.

Consent

14. Consider approving an agreement with Lucity, Inc., Overland Park, KS, for the purchase and implementation of a Computerized Maintenance Management System for an estimated total cost of \$208,078. (Funding Source: Sewer Collections Fund and Storm Water Collections Fund)

- Resolution authorizing the award of proposal and contract for the purchase and implementation of a Computerized Maintenance Management System (CMMS) to Lucity, Inc., Overland Park, KS, and authorizing the City Manager, or his designee,

to execute the contract for an estimated total cost of \$208,078.

Finance; Cindy Medley, 571-5164, cmedley@modestogov.com

ACTION: Resolution 2016-08 (Kenoyer/Madrigan; 7/0) authorizing the award of proposal and contract for the purchase and implementation of a Computerized Maintenance Management System (CMMS) to Lucity, Inc., Overland Park, KS, and authorizing the City Manager, or his designee, to execute the contract for an estimated total cost of \$208,078.

Removed from Consent

15. Consider accepting the Highway Safety Improvement Program Cycle 7 Grant in the amount of \$420,500, to install a new traffic signal system providing ADA pedestrian push buttons and indications, vehicle detection, emergency pre-emption and wiring at the intersection of Claratina Avenue at Oakdale Road, and authorizing the City Manager, or his designee, to execute all necessary documents. (Funding Source: 100% HSIP Grant)

- Resolution accepting the Highway Safety Improvement Program (HSIP) Cycle 7 grant in the amount of \$420,500, to install a new traffic signal at the intersection of Claratina Avenue at Oakdale Road, and authorizing the City Manager, or his designee, to execute all necessary documents.

Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2016-09 (Madrigan/Kenoyer; 7/0) accepting the Highway Safety Improvement Program (HSIP) Cycle 7 grant in the amount of \$420,500, to install a new traffic signal at the intersection of Claratina Avenue at Oakdale Road, and authorizing the City Manager, or his designee, to execute all necessary documents.

Consent

16. Consider approving a two-year extension to the existing Memorandum of Understanding with the Stanislaus and Tuolumne Rivers Groundwater Basin Association. (Funding Source: Water Fund)

- Resolution approving a Memorandum of Understanding with the Stanislaus and Tuolumne Rivers Groundwater Basin Association following the Sustainable Groundwater Management Act, and authorizing the City Manager, or his designee, to execute this Memorandum of Understanding on behalf of the City.

Utilities; Jack Bond, 571-5801, jbond@modestogov.com

ACTION: Resolution 2016-10 (Kenoyer/Madrigan; 7/0) approving a Memorandum of Understanding with the Stanislaus and Tuolumne Rivers Groundwater Basin Association following the Sustainable Groundwater Management Act, and authorizing the City Manager, or his designee, to execute this Memorandum of Understanding on behalf of the City.

Removed from Consent

17. Consider authorizing the submittal of a grant application to the State Water Resources Control Board for development of a Storm Water Resource Plan. (Funding Source: Not applicable)

- Resolution authorizing the submittal of a grant application to the State Water Resources Control Board, under the Proposition 1 Storm Water Grant Program, for

development of a Storm Water Resource Plan; authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive the grant funds, if awarded; and authorizing the Director of Finance to be the signatory of grant invoice forms during requests for reimbursements.

Utilities; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2016-11 (Zoslocki/Ridenour; 7/0) authorizing the submittal of a grant application to the State Water Resources Control Board, under the Proposition 1 Storm Water Grant Program, for development of a Storm Water Resource Plan; authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive the grant funds, if awarded; and authorizing the Director of Finance to be the signatory of grant invoice forms during requests for reimbursements.

Consent

18. Consider approving a Subtrunk Sewer Reimbursement Agreement with Beard Land Improvement Company, of Modesto California in the amount of \$348,403 for the Empire Trunk Sewer Improvements Phase 1. (Funding Source: Wastewater Fund)
- Resolution approving a Subtrunk Sewer Reimbursement Agreement with Beard Land Improvement Company, of Modesto California in the amount of \$348,403 for the Empire Trunk Sewer Improvements Phase 1, and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: Resolution 2016-12 (Kenoyer/Madriral; 7/0) approving a Subtrunk Sewer Reimbursement Agreement with Beard Land Improvement Company, of Modesto California in the amount of \$348,403 for the Empire Trunk Sewer Improvements Phase 1, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider approving an Agreement with West Yost Associates, Inc., Pleasanton, CA for hydrogeological and design services for the Tivoli Well Project in the amount of \$768,460. (Funding Source: Water Fund-CIP)
- Resolution approving an Agreement with West Yost Associates, Inc., Pleasanton, CA for hydrogeological and design services for the Tivoli Well Project, in an amount not to exceed \$698,600 for the identified scope of services, plus \$69,860 for additional services (if needed), for a maximum total amount of \$768,460 and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: Resolution 2016-13 (Kenoyer/Madriral; 7/0) approving an Agreement with West Yost Associates, Inc., Pleasanton, CA for hydrogeological and design services for the Tivoli Well Project, in an amount not to exceed \$698,600 for the identified scope of services, plus \$69,860 for additional services (if needed), for a maximum total amount of \$768,460 and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding street flooding in her district on New Year's Eve and

thanked staff for their hard work.

Councilmember Madrigal also thanked staff in Public Works streets division for the repair of pot holes at the corner of Pine and Madison; he also urged everyone to attend the ice skating rink in Downtown Modesto.

Councilmember Zoslocki thanked staff for their hard work at the airport.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on November 8, 2015 and January 8, 2016; Continued from the December 8 and December 15, 2015 Council meetings. Continued to January 26, 2016

20. Hearing to consider Amendment # 1 to City of Modesto Fiscal Year 2015-2016 Annual Action Plan to allocate up to \$300,000 in Community Development Block Grant program carryover funds for and authorizing City staff to negotiate and execute an agreement with the Boys and Girls Club of Stanislaus County for the purchase and installation of a modular building. (Funding Source: CDBG)
Community & Economic Development; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: This item continued to the January 26, 2016 Council meeting.

Published in the Modesto Bee on December 23, 2015 and December 30, 2015

21. Hearing to consider vacating a portion of De Harro Street located South of Yosemite Boulevard and East of Ruffino. (Funding Source: Not Applicable)
- Resolution approving a vacation of 11,343 square feet of De Harro Street located south of Yosemite Boulevard east of Ruffino Drive and reserving a 50 foot wide public utility easement within the subject street right-of-way. (Modesto Gospel Mission)
 - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Vacation of 11,343 square foot segment of De Harro Street located east of Ruffino Drive and South of Yosemite Boulevard, and reserving a 50 foot wide public utility easement within the subject street right-of-way. (Modesto Gospel Mission)
Community & Economic Development; Jonnie Lan, 577-5302, jlan@modestogov.com

ACTION: Resolution 2016-14 (Kenoyer/Zoslocki; 7/0) approving a vacation of 11,343 square feet of De Harro Street located south of Yosemite Boulevard east of Ruffino Drive and reserving a 50 foot wide public utility easement within the subject street right-of-way. (Modesto Gospel Mission)

ACTION: Resolution 2016-15 (Kenoyer/Zoslocki; 7/0) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area

General Plan Master Environmental Impact Report (SCH No. 2007072023): Vacation of 11,343 square foot segment of De Harro Street located east of Ruffino Drive and South of Yosemite Boulevard, and reserving a 50 foot wide public utility easement within the subject street right-of-way. (Modesto Gospel Mission)

Recess at 8:15 p.m.

Reconvened at 8:30 p.m.

Published in the Modesto Bee on December 31, 2015

22. Hearing to consider an Ordinance amending Section 10-2.152 "Marijuana Dispensaries," Section 10-3.101, "Land Use Table," and Section 10-3.210 "Medical Marijuana Uses." This Ordinance is necessary to retain local control over the cultivation of Medical Marijuana under the Medical Marijuana Regulation and Safety Act. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance amending Section 10-2.152 "Marijuana Dispensaries," Section 10-3.101, "Land Use Table," and Section 10-3.210 "Medical Marijuana Uses" of the Modesto Municipal Code Prohibiting Commercial Marijuana (Cannabis) Activities and Regulating the Cultivation of Medical Marijuana by Qualified Patients and Primary Caregivers. *City Attorney; Adam U. Lindgren, 577-5288, alindgren@modestogov.com*

ACTION: Motion (Zoslocki/Madriral; 6/1; Kenoyer no) introducing and waiving the first reading of **Ordinance No. 3641-C.S.** amending Section 10-2.152 "Marijuana Dispensaries," Section 10-3.101, "Land Use Table," and Section 10-3.210 "Medical Marijuana Uses" of the Modesto Municipal Code Prohibiting Commercial Marijuana (Cannabis) Activities and the Cultivation of Medical Marijuana. **(AS AMENDED)**

ACTION: Motion (Zoslocki/Madriral; 6/1; Kenoyer no) select an ad hoc committee to work through the issues, to assure that those that have a medical issue and need marijuana, to propose and bring back to Council, and in conjunction working with the County, so that if it's possible to have corresponding legislation that's not only in the City but within the County, and that we select an ad hoc committee to accomplish that goal.

NEW BUSINESS

23. Consider approving authorizing the City of Modesto to utilize on a part-time, as needed basis for a limited duration the services of: (i) Fred Cavanah for the purposes of assisting in oversight of the Transit Division and contracts related to the transit system; and (ii) Tish Foley for the purpose of assisting in the functions of the City Clerks' office. (Funding Source: Transit Fund)
- Resolution authorizing the City of Modesto to utilize the services of Fred Cavanah on a part-time basis for a limited duration for the purposes of assisting in overseeing the Transit Division and assisting staff with contracts related to the transit system.
 - Resolution authorizing the City of Modesto to utilize the services of Tish Foley on a part-time, as needed basis for a limited duration for the purposes of assisting the City Clerk's office in critical functions.

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

ACTION: Resolution 2016-16 (Madrigal/Ridenour; 7/0) authorizing the City of Modesto to utilize the services of Fred Cavanah on a part-time basis for a limited duration for the purposes of assisting in overseeing the Transit Division and assisting staff with contracts related to the transit system.

ACTION: Resolution 2016-17 (Madrigal/Ridenour; 7/0) authorizing the City of Modesto to utilize the services of Tish Foley on a part-time, as needed basis for a limited duration for the purposes of assisting the City Clerk's office in critical functions.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:40 p.m.

ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010 10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP (Open to the Public)

24. COUNCIL WORKSHOP: (1) Fire Master Plan; and (2) Safer Neighborhood Initiative Implementation Workshop: Ordinance repealing and replacing Chapter 2 of Title 5 of the Modesto Municipal Code relating to massage establishments and repealing Ordinance No. 3629 C.S. providing for a moratorium on the establishment or expansion of massage establishments. (Funding Source: Not Applicable)
City Attorney; Adam U. Lindgren, 577-5288, alindgren@modestogov.com

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

**CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCFFA**
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Firefighters Association

**CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented**
Negotiator: Joe Lopez
Agency Negotiators: Jim Holgersson, City Manager
Employee Organization: Unrepresented Management and Confidential Employees

Attest: _____

Stephanie Lopez, City Clerk

MINUTES

City of Modesto
HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday January 11, 2016, at 5:00 p.m.

Roll Call: Present: Councilmembers Zoslocki, Ridenour and Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

1. [Consider authorizing the Information Technology to release a Request for Proposal for the creation of a Fiber Network Infrastructure Design and Services Master Plan for deployment of advanced wireline broadband systems and forwarding to Council for approval. \(Funding Source: Information Technology Fund\)](#)
Human Resources and Information Technology; John Dickey, 577-5229, jdickey@modestogov.com

ACTION: (Motion Ridenour/Kenoyer; unan.) to forward to City Council for approval.

NEW BUSINESS

2. [Consider discussion items requested by Councilmember Zoslocki: \(i\) develop economic opportunities/strategies; and \(ii\) switching meeting dates with Effective Government Committee meeting dates. \(Funding Source: Not Applicable\)](#)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: (Motion Ridenour/Kenoyer; unan.) to hold the next meeting on February 10, 2016 at 2:00 p.m.

3. [Consider accepting the findings of the City Attorney into Ms. Countryman's inquiry regarding 1705 Bronson Ave. \(Funding Source: Not Applicable\)](#)
City Attorney; Adam U. Lindgren, 577-5291, alindgren@modestogov.com

ACTION: (Motion: Kenoyer/Ridenour: unan.) to accept the

findings and send to City Council.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:48 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 26, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein, College Avenue United Church of Christ

City Clerk’s Announcements: Item 13 - to be moved before Item 11; Item 15 - to be moved
after Acknowledgments and Presentations

Declaration of Conflicts of Interest: Councilmember Grewal – Items 6 and 7

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the results of the 2015 National Night Out by the Modesto Police
Department. (Funding Source: Not Applicable)
Police; Galen Carroll, 572-9502, carrollg@modestopd.com

ACTION: The Modesto Police Department presented the results of the 2015 National Night
Out.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding lawsuit settlement by Stanislaus County for \$1.5
million.
- Pastor Darius Crosby spoke regarding the Modesto City Schools Board meeting last
week and community relations.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 2-5: (Kenoyer/Madrigal; unan.)

**ACTION CONSENT ITEMS 6, 7: (Kenoyer/Madrigal; unan.; Councilmember Madrigal
absent due to conflict of interest):**

CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the January 12, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the January 12, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madriral; 7/0) approving the minutes from the January 12, 2016 Council Meeting.

Consent

3. Consider final adoption of Ordinance **No. 3641-C.S.** amending Section 10-2.152 "Marijuana Dispensaries," Section 10-3.101, "Land Use Table," and Section 10-3.210 "Medical Marijuana Uses" of the Modesto Municipal Code Prohibiting Commercial Marijuana (Cannabis) Activities and the Cultivation of Medical Marijuana. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3641-C.S.** amending Section 10-2.152 "Marijuana Dispensaries," Section 10-3.101, "Land Use Table," and Section 10-3.210 "Medical Marijuana Uses" of the Modesto Municipal Code Prohibiting Commercial Marijuana (Cannabis) Activities and the Cultivation of Medical Marijuana.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madriral; 7/0) approving final adoption of Ordinance No. 3641-C.S. amending Section 10-2.152 "Marijuana Dispensaries," Section 10-3.101, "Land Use Table," and Section 10-3.210 "Medical Marijuana Uses" of the Modesto Municipal Code Prohibiting Commercial Marijuana (Cannabis) Activities and the Cultivation of Medical Marijuana.

Consent

4. Consider approving the City of Modesto sponsorship of the 2016 Cinco de Mayo Parade, including the waiver of City permit fees, police overtime costs, and vehicle fee expenses incurred by the City of Modesto Police Department, and authorizing the City Manager, or his designee, to execute any documents necessary related to the sponsorship. (Funding Source: General Fund)
 - Resolution approving the City of Modesto sponsorship of the 2016 Cinco de Mayo Parade, including the waiver of City permit fees, police overtime costs, and vehicle fee expenses incurred by the City of Modesto Police Department, and authorizing the City Manager, or his designee, to execute any documents necessary related to the sponsorship.
Police; Galen Carroll, 572-9501, carrollg@modestopd.com

ACTION: Resolution 2016-18 (Kenoyer/Madriral; 7/0) approving the City of Modesto sponsorship of the 2016 Cinco de Mayo Parade, including the waiver of City permit fees, police overtime costs, and vehicle fee expenses incurred by the City of Modesto Police

Department, and authorizing the City Manager, or his designee, to execute any documents necessary related to the sponsorship.

Consent

5. Consider approving a 5-Year Lease Agreement between the City of Modesto and the Boys & Girls Clubs of Stanislaus County for the temporary placement and use of a modular building in Mellis Park. (Funding Source: General Fund and Forestry Enterprise Fund)
- Resolution approving a 5-Year Lease Agreement between the City of Modesto and the Boys & Girls Clubs of Stanislaus County, a California Non-Profit Public Benefit Corporation, for the temporary placement and use of a modular building in Mellis Park and authorizing the City Manager, or his designee, to sign all related documents.
- Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

ACTION: Resolution 2016-19 (Kenoyer/Madrigal; 7/0) approving a 5-Year Lease Agreement between the City of Modesto and the Boys & Girls Clubs of Stanislaus County, a California Non-Profit Public Benefit Corporation, for the temporary placement and use of a modular building in Mellis Park and authorizing the City Manager, or his designee, to sign all related documents.

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

6. Consider approving a Resolution of Intention to form City of Modesto Community Facilities District No. 2016-1 (Funding Source: CFD No. 2016-1 Kiernan Business Park East #2)
- Resolution declaring the Modesto City Council’s Intention to Establish City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) and to Authorize the Levy of a Special Tax within the Community Facilities District.
- Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

ACTION: Resolution 2016-20 (Kenoyer/Madrigal; 6/0; Grewal absent due to conflict of interest) declaring the Modesto City Council’s Intention to Establish City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) and to Authorize the Levy of a Special Tax within the Community Facilities District.

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

7. Consider approving a Resolution of Intention to form City of Modesto Community Facilities District No. 2016-2 (Funding Source: CFD No. 2016-2 (The Vintage))
- Resolution declaring the Modesto City Council’s Intention to Establish City of Modesto Community Facilities District No. 2016-2 (The Vintage) and to Authorize the Levy of a Special Tax within the Community Facilities District.
- Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

ACTION: Resolution 2016-21 (Kenoyer/Madrigal; 6/0; Grewal absent due to conflict of interest) declaring the Modesto City Council’s Intention to Establish City of Modesto

Community Facilities District No. 2016-2 (The Vintage) and to Authorize the Levy of a Special Tax within the Community Facilities District.

Consent

8. Consider approving a \$62,636 Home Repair Program Loan for Betty Odell-LaGesse for her property located at 1437 Oakwood Drive, Modesto (Funding Source: Community Development Block Grant Revolving Loan Fund)
- Resolution approving a \$62,636 Home Repair Program Loan for Betty Odell-LaGesse for her property located at 1437 Oakwood Drive, Modesto.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2016-22 (Kenoyer/Madrigal; 7/0) approving a \$62,636 Home Repair Program Loan for Betty Odell-LaGesse for her property located at 1437 Oakwood Drive, Modesto.

Consent

9. Consider authorizing the submittal of a grant application for \$4,085,000 to the California Air Resources Board that will allow Modesto to participate in the San Joaquin Valley Transit Electrification Project with the San Joaquin Valley Air Pollution Control to deploy four Proterra zero-emission electric public transit buses, four bus yard chargers, and two fast chargers, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents. (Funding Source: Transit Funds)
- Resolution authorizing the submittal of a grant application for \$4,085,000 to the California Air Resources Board (CARB) through the San Joaquin Valley Air Pollution Control District (SJVAPCD) for Fiscal Year 2014-2015 and 2015-2016 funds under the Air Quality Improvement Program and Low Carbon Transportation Greenhouse Gas Reduction funds for purchasing: four Proterra zero emission buses, four bus yard chargers, two fast chargers, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.
Public Works; Terry Easley, 577-5317, teasely@modestogov.com

ACTION: Resolution 2016-23 (Kenoyer/Madrigal; 7/0) authorizing the submittal of a grant application for \$4,085,000 to the California Air Resources Board (CARB) through the San Joaquin Valley Air Pollution Control District (SJVAPCD) for Fiscal Year 2014-2015 and 2015-2016 funds under the Air Quality Improvement Program and Low Carbon Transportation Greenhouse Gas Reduction funds for purchasing: four Proterra zero emission buses, four bus yard chargers, two fast chargers, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

Consent

10. Consider approving a Cost-sharing Agreement between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the Phase 4 Implementation Support of the North Valley Regional Recycled Water Program; and amending the Fiscal Year 2015-16 Capital Improvement Program budget in the amount of \$500,000 to fully fund the City's portion of the Phase 4 scope of work and staffing costs. (Funding Source: Wastewater Fund)
- Resolution approving a Cost-sharing Agreement for associated task items of work

to share certain costs between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the implementation of Phase 4 Implementation Support of the North Valley Regional Recycled Water Program, and authorizing the City Manager, or his designee, to execute the Agreement.

- Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program budget in the amount of \$500,000 to fully fund the City's portion of the Phase 4 Implementation Support, and increased staffing costs associated with the Phase 4 review and overall program support.

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

ACTION: Resolution 2016-24 (Kenoyer/Madriral; 7/0) approving a Cost-sharing Agreement for associated task items of work to share certain costs between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the implementation of Phase 4 Implementation Support of the North Valley Regional Recycled Water Program, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2016-25 (Kenoyer/Madriral; 7/0) amending the Fiscal Year 2015-2016 Capital Improvement Program budget in the amount of \$500,000 to fully fund the City's portion of the Phase 4 Implementation Support, and increased staffing costs associated with the Phase 4 review and overall program support.

COUNCIL COMMENTS & REPORTS

Councilmember Madriral thanked City staff for picking up the Christmas trees around Modesto; he also thanked staff for taking care of flooding and drainage issues in south Modesto; Mayor Marsh also thanked City staff for their hard work during the recent rains.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson announced a meeting regarding homeless issues on Thursday, January 28, 2016 at 6:00 p.m. at the Modesto Centre Plaza.

UNFINISHED BUSINESS

11. Consider (i) approving the Wastewater Engineer's Report prepared by Carollo Engineers, Inc. as complete; (ii) approving the Sewer Rate and Fee Study prepared by Bartle Wells Associates as complete; (iii) authorizing staff to initiate a Proposition 218 process to adjust the City's sewer rates beginning in FY 2016-17 through FY 2020-21; and (iv) approving an agreement with Bartle Wells to conduct a Proposition 218 process for sewer and water rates in an amount not to exceed \$81,350 plus \$8,135 for additional services (if needed), for a maximum total amount of \$89,485. (Funding Source: Water Fund and Wastewater Fund)
 - Resolution approving the Wastewater Engineer's Report prepared by Carollo Engineers, Inc. as complete.
 - Resolution approving the Sewer Rate and Fee Study prepared by Bartle Wells Associates as complete.
 - Resolution authorizing staff to initiate a Proposition 218 process to adjust the City's sewer rates beginning in FY 2016-17 through FY 2020-21.
 - Resolution approving an agreement with Bartle Wells Associates to conduct a

Proposition 218 process for sewer and water rates in an amount not to exceed \$81,350, plus \$8,135 for additional services (if needed), for a maximum total amount of \$89,485, and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2016-26 (Zoslocki/Madrigal; 7/0) approving the Wastewater Engineer's Report prepared by Carollo Engineers, Inc. as complete.

ACTION: Resolution 2016-27 (Zoslocki/Madrigal; 7/0) approving the Sewer Rate and Fee Study prepared by Bartle Wells Associates as complete.

ACTION: Resolution 2016-28 (Zoslocki/Madrigal; 7/0) authorizing staff to initiate a Proposition 218 process to adjust the City's sewer rates beginning in FY 2016-17 through FY 2020-21.

ACTION: Resolution 2016-29 (Zoslocki/Madrigal; 7/0) approving an agreement with Bartle Wells Associates to conduct a Proposition 218 process for sewer and water rates in an amount not to exceed \$81,350, plus \$8,135 for additional services (if needed), for a maximum total amount of \$89,485, and authorizing the City Manager, or his designee, to execute the agreement.

HEARINGS

Published in the Modesto Bee on November 8, 2015 and January 8, 2016; continued December 8, 2015, December 15, 2015, January 12, 2016

12. Hearing to consider Amendment # 1 to City of Modesto Fiscal Year 2015-2016 Annual Action Plan and Operating Budget to allocate up to \$300,000 in Community Development Block Grant program carryover funds to Boys and Girls Club of Stanislaus County for the purchase of a modular building. (Funding Source: Community Development Block Grant carryover funds)

- Resolution approving Amendment No. 1 to City of Modesto Fiscal Year 2015-2016 Annual Action Plan to allocate up to \$300,000 in Community Development Block Grant program carryover funds for the Boys and Girls Club of Stanislaus County, a California Non-Profit Public Benefit Corporation, for the purchase and installation of a modular building.
- Resolution authorizing staff to negotiate and enter into agreement with Boys & Girls Club of Stanislaus County, a California Non-Profit Public Benefit Corporation, for the purchase and installation of a modular building on City property, and authorizing the City Manager, or his designee, to sign all related documents.
- Resolution amending the Fiscal Year 2015-2016 Annual Operating Budget to authorize expenditures up to \$300,000 to the Boys & Girls Club of Stanislaus County, a California Non-Profit Public Benefit Corporation, for the purchase and installation of a modular building, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provision of this resolution.

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

ACTION: Resolution 2016-30 (Madrigal/Ridenour; 7/0) approving Amendment No. 1 to City of Modesto Fiscal Year 2015-2016 Annual Action Plan to allocate up to \$300,000 in Community Development Block Grant program carryover funds for the Boys and Girls Club of Stanislaus County, a California Non-Profit Public Benefit Corporation, for the purchase and installation of a modular building.

ACTION: Resolution 2016-31 (Madrigal/Ridenour; 7/0) authorizing staff to negotiate and enter into agreement with Boys & Girls Club of Stanislaus County, a California Non-Profit Public Benefit Corporation, for the purchase and installation of a modular building on City property, and authorizing the City Manager, or his designee, to sign all related documents.

ACTION: Resolution 2016-32 (Madrigal/Ridenour; 7/0) amending the Fiscal Year 2015-2016 Annual Operating Budget to authorize expenditures up to \$300,000 to the Boys & Girls Club of Stanislaus County, a California Non-Profit Public Benefit Corporation, for the purchase and installation of a modular building, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provision of this resolution.

Published in the Modesto Bee on January 6, 2016

13. Hearing to consider authorizing the filing of an Application to the Stanislaus Local Agency Formation Commission (LAFCO) to annex approximately 0.97 acres of real property located at 110-112 Ellen Avenue to the City of Modesto. (Funding Source: Not Applicable)
- Resolution authorizing the filing of an application with the Stanislaus Local Agency Formation Commission to annex approximately 0.97 acres of property located at 110-112 Ellen Avenue and adjacent right-of-way on Ellen Avenue and Paradise Road to the City of Modesto and Modesto Municipal Sewer District No. 1 (Owner-initiated, uninhabited) (Diana and Kimberly Soranno)
Community & Economic Development; Katharine Martin, 577-5465, kamartin@modestogov.com

ACTION: Resolution 2016-33 (Madrigal/Kenoyer; 7/0) authorizing the filing of an application with the Stanislaus Local Agency Formation Commission to annex approximately 0.97 acres of property located at 110-112 Ellen Avenue and adjacent right-of-way on Ellen Avenue and Paradise Road to the City of Modesto and Modesto Municipal Sewer District No. 1 (Owner-initiated, uninhabited) (Diana and Kimberly Soranno)

Published in the Modesto Bee on January 6, 2016

14. Hearing to consider approving an amendment to the Circulation Element of the City of Modesto Urban Area General Plan, to remove the “Minor Collector Street” designation from Mariposa Road north of Yosemite Boulevard/CA-132 and Clogston Way west of Hubert Drive. (Funding Source: Not Applicable)
- Resolution approving an amendment to the Circulation Element of the Modesto Urban Area General Plan to remove the Minor Collector Street designation from Mariposa Road north of Yosemite Boulevard/CA-132, and Clogston Way west of Hubert Drive (Elcan and Associates, Inc.)
 - Resolution adopting a Negative Declaration for a General Plan Amendment to remove the Minor Collector Street designation of Mariposa Road north of

Yosemite Boulevard/CA-132 and Clogston Way west of Hubert Drive from the
Circulation Element (Elcan and Associates, Inc.)
*Community & Economic Development; Katharine Martin, 577-5465,
kamartin@modestogov.com*

ACTION: Resolution 2016-34 (Zoslocki/Ah You; 7/0) approving an amendment to the Circulation Element of the Modesto Urban Area General Plan to remove the Minor Collector Street designation from Mariposa Road north of Yosemite Boulevard/CA-132, and Clogston Way west of Hubert Drive (Elcan and Associates, Inc.).

ACTION: Resolution 2016-35 (Zoslocki/Ah You; 7/0) adopting a Negative Declaration for a General Plan Amendment to remove the Minor Collector Street designation of Mariposa Road north of Yosemite Boulevard/CA-132 and Clogston Way west of Hubert Drive from the Circulation Element (Elcan and Associates, Inc.).

NEW BUSINESS

15. Consider approving the dedication of the Modesto Police Department Tactical Training Center as the “Sergeant Burl G. Condit Modesto Police Training Center”. (Funding Source: Not Applicable)
- Resolution approving dedicating the Modesto Police Department Tactical Training Facility as the “Sergeant Burl G. Condit Modesto Police Training Center”.
Police; Galen Carroll, 572-9501, carrollg@modestopd.com

ACTION: Resolution 2016-36 (Ridenour/Madrigal; 7/0) approving dedicating the Modesto Police Department Tactical Training Facility as the “Sergeant Burl G. Condit Modesto Police Training Center”.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 6:50 p.m.

CLOSED SESSION

All Closed Session matters heard prior to meeting.

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

Name of case: Modesto Irrigation District v. COM
Case No. 2001607

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto
HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday January 11, 2016, at 5:00 p.m.

Roll Call: Present: Councilmembers Zoslocki, Ridenour and Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

1. [Consider authorizing the Information Technology to release a Request for Proposal for the creation of a Fiber Network Infrastructure Design and Services Master Plan for deployment of advanced wireline broadband systems and forwarding to Council for approval. \(Funding Source: Information Technology Fund\)](#)
Human Resources and Information Technology; John Dickey, 577-5229, jdickey@modestogov.com

ACTION: (Motion Ridenour/Kenoyer; unan.) to forward to City Council for approval.

NEW BUSINESS

2. [Consider discussion items requested by Councilmember Zoslocki: \(i\) develop economic opportunities/strategies; and \(ii\) switching meeting dates with Effective Government Committee meeting dates. \(Funding Source: Not Applicable\)](#)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: (Motion Ridenour/Kenoyer; unan.) to hold the next meeting on February 10, 2016 at 2:00 p.m.

3. [Consider accepting the findings of the City Attorney into Ms. Countryman's inquiry regarding 1705 Bronson Ave. \(Funding Source: Not Applicable\)](#)
City Attorney; Adam U. Lindgren, 577-5291, alindgren@modestogov.com

ACTION: (Motion: Kenoyer/Ridenour: unan.) to accept the

findings and send to City Council.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:48 p.m.

**City of Modesto
EFFECTIVE GOVERNMENT COMMITTEE/ COUNCIL
WORKSHOP**

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

Monday, January 25, 2016, at 5:00 p.m.

Roll Call - Present: Councilmembers Grewal, Ah You, Kenoyer (alternate)
Absent: Councilmember Madrigal

PUBLIC COMMENTS

None.

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

CONSENT

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

Consent

1. Consider accepting the recommended budget adjustments to the FY2015-16 Annual Operating and Capital Improvement Project Budgets and forwarding to City Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion Grewal/Ah You;unan.) accepting the recommended budget adjustments to the FY2015-16 Annual Operating and Capital Improvement Project Budgets and forwarding to City Council for approval.

Consent

2. Consider: (i) accepting an informational report on the City's procurement of a new budget software/system to replace the outdated existing system; (ii) approving an agreement with CGI Group for procurement of a new system; and (iii) forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: Motion (Grewal/Ah You; unan.) (i) accepting an informational report on the City's procurement of a new budget software/system to replace the outdated existing system; (ii) approving an agreement with CGI Group for procurement of a new system; and (iii) forwarding to Council for approval

NEW BUSINESS

3. Consider accepting an informational report on the "Effective, Responsive and Transparent Government Strategic Plan Element." (Funding Source: Not Applicable)
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:36 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 02, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk’s Announcements: Removed from Consent – Item 4

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to Billy Shanahan, American Legion Post 74 Legionnaire of the Year. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented Certificate of Recognition to Billy Shanahan, American Legion Post 74 Legionnaire of the Year.

2. Presentation of Proclamation to Joe and Michelle Williams proclaiming February 1, 2016 Reconciliation Day and February 2016 Reconciliation Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Marsh presented a Proclamation to Joe and Michelle Williams proclaiming February 1, 2016, Reconciliation Day and February 2016 Reconciliation Month.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 3; 5-9: (Kenoyer/Madrigal; unan.)

CONSENT ITEMS

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

Consent

3. Consider approving the minutes from the January 26, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the January 26, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; 7/0) approving the minutes from the January 26, 2016 Council Meeting.

Removed from Consent

4. Consider approving an agreement with AEG Cycling, LLC, to serve as a Partner City for the Stage 5 Start of the 2016 Amgen Tour of California and allocate \$75,000 to fund Partner City commitments. (Funding Source: General Fund)
 - Resolution approving an agreement with AEG Cycling, LLC for the City of Modesto to be a Partner City for the Stage 5 Start of the 2016 Amgen Tour of California, and authorizing the City Manager, or his designee, to execute the Agreement.
 - Resolution amending the Fiscal Year 2015-2016 Operating Budget to allocate \$75,000 to fund the Partner City commitments for the Stage 5 Start of the 2016 Amgen Tour of California.
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Ah You/Zoslocki; 3/4; Madrigal, Kenoyer, Ridenour, Mayor Marsh no) denying approval of an agreement with AEG Cycling, LLC, to serve as a Partner City for the Stage 5 Start of the 2016 Amgen Tour of California and allocate \$75,000 to fund Partner City commitments. **(MOTION DID NOT PASS)**

ACTION: Resolution 2016-37 (Madrigal/Ridenour; 4/3; Ah You, Grewal, Zoslocki no) approving an agreement with AEG Cycling, LLC for the City of Modesto to be a Partner City for the Stage 5 Start of the 2016 Amgen Tour of California, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2016-38 (Madrigal/Ridenour; 4/3; Ah You, Grewal, Zoslocki no) amending the Fiscal Year 2015-2016 Operating Budget to allocate \$75,000 to fund the Partner City commitments for the Stage 5 Start of the 2016 Amgen Tour of California.

Consent

5. Consider accepting the Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for the period of April 2015 – December 2015. (Funding Source: Various)
 - Motion accepting the Travel Information for Mayor and Councilmembers, Charter

Officers, Deputy City Manager and Department Directors for April 2015 through September 2015.

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

ACTION: Motion (Kenoyer/Madrigan; 7/0) accepting the Travel Information for Mayor and Councilmembers, Charter Officers, Deputy City Manager and Department Directors for April 2015 through September 2015.

Consent

6. Consider accepting the Monthly Investment Report for July 2015. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for July 2015.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Kenoyer/Madrigan; 7/0) accepting the Monthly Investment Report for July 2015.

Consent

7. Consider approving a letter of agreement between the City of Modesto and the Modesto Police Officers Association to amend Section 5, Special Compensation, On-Call. (Funding Source: General Fund)
- Resolution approving a Letter of Agreement between the City of Modesto and Modesto Police Officers' Association (MPOA) amending the Memorandum of Understanding for the period of July 1, 2014 to June 30, 2016 to change language in Section 5, Special Compensation; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.
Police; Galen Carroll, 572-9501, carrollg@modestopd.com

ACTION: Resolution 2016-39 (Kenoyer/Madrigan; 7/0) approving a Letter of Agreement between the City of Modesto and Modesto Police Officers' Association (MPOA) amending the Memorandum of Understanding for the period of July 1, 2014 to June 30, 2016 to change language in Section 5, Special Compensation; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

Consent

8. Consider authorizing the submittal of an allocation request to the California Department of Transportation for \$354,065 in Fiscal Year 2015-2016 local and regional funding under the Low Carbon Transit Operations Program for the new Route 23 effective July 2016, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents. (Funding Source: Revenue received from Low Carbon Transit Operations Program)
- Resolution authorizing the submittal of an allocation request to the California Department of Transportation (Caltrans) for \$354,065 in Fiscal Year 2015-2016 local and regional funding under the Low Carbon Transit Operations Program (LCTOP) for the new Route 23 effective July 2016, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.
Public Works; Terry Easley, 577-5298, teasley@modestogov.com

ACTION: Resolution 2016-40 (Kenoyer/Madriral; 7/0) authorizing the submittal of an allocation request to the California Department of Transportation (Caltrans) for \$354,065 in Fiscal Year 2015-2016 local and regional funding under the Low Carbon Transit Operations Program (LCTOP) for the new Route 23 effective July 2016, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

Consent

9. Consider i) approving the plans and specifications for the Tuolumne River Regional Park (TRRP) Gateway Parcel – Phase 2 Project, accepting the bid, and approving a contract with Empire Landscaping, Inc. of Davis, California in the amount of \$2,067,738 and ii) amending the Fiscal Year 2015/2016 Capital Improvement Program budget in the amount of \$397,095 in order to fully fund the Project (Funding Source: Proposition 84 Statewide Park Development Grant, Land and Water Conservation Fund Grant, TRRP Special Revenue Fund-CIP and Local Transportation Funds-Non-Motorized))

- Resolution approving the plans and specifications for the Tuolumne River Regional Park Gateway Parcel – Phase 2 Project, accepting the bid, and approving a contract with Empire Landscaping, Inc. of Davis, California in the amount of \$2,067,738, and authorizing the City Manager, or his designee, to execute the agreement.
- Resolution amending the Fiscal Year 2015/2016 Capital Improvement Program budget in the amount of \$397,095 in order to fully fund the Tuolumne River Regional Park Gateway Parcel – Phase 2 project.

Community & Economic Development; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2016-41 (Kenoyer/Madriral; 7/0) approving the plans and specifications for the Tuolumne River Regional Park Gateway Parcel – Phase 2 Project, accepting the bid, and approving a contract with Empire Landscaping, Inc. of Davis, California in the amount of \$2,067,738, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2016-42 (Kenoyer/Madriral; 7/0) amending the Fiscal Year 2015/2016 Capital Improvement Program budget in the amount of \$397,095 in order to fully fund the Tuolumne River Regional Park Gateway Parcel – Phase 2 project.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding medical marijuana in Modesto.

Councilmember Madriral thanked staff for cleaning up alley way in West Modesto; for illegal dumping and trash call 577-5494.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

10. Consider the Revenue-Neutral Carbon Fee and Dividend Program and whether the program should be supported by the City of Modesto. (Funding Source: Not Applicable)
- Resolution regarding the National Revenue-Neutral Carbon Fee and Dividend Program.
- City Manager; Joseph Lopez, 577-5224, joelopez@modestogov.com*

ACTION: Resolution 2016-43 (Ah You/Madrigal; 4/3; Grewal, Ridenour, Zoslocki no) supporting the National Revenue-Neutral Carbon Fee and Dividend Program.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 7:16 pm.

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

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCMA
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPOA
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPNSA
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Non-Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPMA
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCFFA
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – Unrepresented
Negotiator: Joe Lopez
Agency Negotiators: Jim Holgersson, City Manager
Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

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

Second Floor, Room 2001
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, January 26, 2016, at 3:00 p.m.

Roll Call: Present: Councilmembers Madrigal, Kenoyer and Grewal

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. [Consider approving appointments to fill 2 vacancies on the Housing Rehabilitation Loan Committee and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com
ACTION: (Motion Grewal/Kenoyer: unan.) to forward Charles Austin as the service provider appointee and James Liberto as the financial provider appointee to the City Council to be considered for appointment to the Housing Rehabilitation Loan Committee
2. [Consider approving appointments to fill 2 vacancies on the Citizen's Housing and Community Development Committee and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com
ACTION: (Motion Grewal/Kenoyer: unan.) to forward Doug Parman to City Council to be considered for appointment on The Citizen's Housing and Community Development Committee.
ACTION: (Motion Grewal/Kenoyer: unan.) to forward Richard Maggard to City Council to be considered for appointment on The Citizen's Housing and Community Development Committee.
3. [Consider interviewing prospective candidates for an appointment to fill one vacancy on the City of Modesto Planning Commission, and forwarding to Council for approval. \(Funding Source: Not](#)

Applicable)

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

ACTION: (Motion: Kenoyer/Grewal: unan.) to set up interview sessions and conduct 15 minute interviews with all applicants, including the ones previously interviewed who are still interested.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:32 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 09, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Wade Patton, Trinity United Presbyterian Church

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren reported on a Closed Session matter

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider reappointing Philip Anselmo and Richard Gaytan to the Equal Opportunity/Disability Commission and the Human Relations Commission for terms to expire on January 1, 2018. (Funding Source: Not Applicable)
 - Resolution reappointing Philip Anselmo and Richard Gaytan to the Equal Opportunity/Disability Commission and the Human Relations Commission for terms to expire on January 1, 2018.
Human Resources; Joe Lopez, 577-5809, joelopez@modestogov.com

ACTION: Resolution 2016-44 (Kenoyer/Madrigal; 7/0) reappointing Philip Anselmo and Richard Gaytan to the Equal Opportunity/Disability Commission and the Human Relations Commission for terms to expire on January 1, 2018.

PUBLIC COMMENT PERIOD

Maggie Countryman spoke regarding hearing before Board of Building Appeals.

Loretta Carhart spoke regarding people stealing from her yard.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

CONSENT ITEMS 2-8: (Kenoyer/Madriral; unan.)

CONSENT ITEMS

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

Consent

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

ACTION: Motion (Kenoyer/Madriral; 7/0) approving the minutes from the February 2, 2016 Council Meeting.

Consent

3. Consider accepting the Monthly Investment Report for August 2015. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for August 2015.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Kenoyer/Madriral; 7/0) accepting the Monthly Investment Report for August 2015.

Consent

4. Consider authorizing the award of bid for the purchase of one truck with aerial bucket to Terex Utilities, Watertown, SD, for an estimated total cost of \$172,043. (Funding Source: Fleet Replacement Funds)
 - Resolution authorizing the award of bid for the purchase of one truck with aerial bucket to Terex Utilities, Watertown, SD, and authorizing the Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$172,043.
Finance; Cindy Medley, 571-5164, Cmedley@modestogov.com

ACTION: Resolution 2016-45 (Kenoyer/Madriral; 7/0) authorizing the award of bid for the purchase of one truck with aerial bucket to Terex Utilities, Watertown, SD, and authorizing the Purchasing Manager or his designee to issue a purchase order for an estimated total cost of \$172,043.

Consent

5. Consider approving an Agreement with Digital Telecommunications Corp., Van Nuys, CA, for the purchase and installation of an NEC communication equipment upgrade for the Modesto Police Department for, an estimated total cost of \$168,994. (Funding Source: General Fund)
 - Resolution authorizing the award of proposal and contract for the purchase and installation an NEC communication equipment upgrade for the Modesto Police Department to Digital Telecommunications Corp., Van Nuys, CA, and authorizing the City Manager, or his designee, to execute the contract for an estimated total cost of \$168,994.

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

ACTION: Resolution 2016-46 (Kenoyer/Madriral; 7/0) authorizing the award of proposal and contract for the purchase and installation an NEC communication equipment upgrade for the Modesto Police Department to Digital Telecommunications Corp., Van Nuys, CA, and authorizing the City Manager, or his designee, to execute the contract for an estimated total cost of \$168,994.

Consent

6. Consider authorizing the award of proposal for the furnishing of ortho-rectified aerial photography services for the Information Technology Department to Digital Mapping, Inc., Huntington Beach, CA, for an estimated total cost of \$99,938. (Funding Source: General Fund, Information Technology Fund, Infrastructure Financing Program Admin Fund)
- Resolution authorizing the award of proposal for the furnishing of ortho-rectified aerial photography services for the Information Technology Department to Digital Mapping, Inc., Huntington Beach, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$99,938.

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

ACTION: Resolution 2016-47 (Kenoyer/Madriral; 7/0) authorizing the award of proposal for the furnishing of ortho-rectified aerial photography services for the Information Technology Department to Digital Mapping, Inc., Huntington Beach, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$99,938.

Consent

7. Consider: (i) approving a Purchase and Sale Agreement with David W. Hosmer, Kelly Martin, and Douglas P. Robinson, in the amount of \$600 to acquire a public utility easement for the Strengthen and Replace Water System—South 9th Street Industrial Area Project; and (ii) approving a Purchase and Sale Agreement with Carlos Torres, in the amount of \$750, to acquire a public utility easement for the Strengthen and Replace Water System—South 9th Street Industrial Area Project. (Funding Source: Water Fund CIP)
- Resolution approving a Purchase and Sale Agreement with David W. Hosmer, Kelly Martin, and Douglas P. Robinson for acquisition of a public utility easement located at 736 Bystrom Road (APN: 038-016-029), consisting of 2,900 square feet, in the amount of \$600.00, for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.
 - Resolution approving a Purchase and Sale Agreement with Carlos Torres for acquisition of a 2,360 square feet public utility easement, located at 722 Bystrom Road (APN: 038-016-030), in the amount of \$750, for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.
 - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the acquisition of a public utility easement located at 736 Bystrom

Road (APN: 038-016-029), owned by David W. Hosmer, Kelly Martin, and Douglas P. Robinson, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the acquisition of a public utility easement located at 722 Bystrom Road (APN 038-016-030), owned by Carlos Torres, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2016-48 (Kenoyer/Madriral; 7/0) approving a Purchase and Sale Agreement with David W. Hosmer, Kelly Martin, and Douglas P. Robinson for acquisition of a public utility easement located at 736 Bystrom Road (APN: 038-016-029), consisting of 2,900 square feet, in the amount of \$600.00, for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2016-49 (Kenoyer/Madriral; 7/0) approving a Purchase and Sale Agreement with Carlos Torres for acquisition of a 2,360 square feet public utility easement, located at 722 Bystrom Road (APN: 038-016-030), in the amount of \$750, for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2016-50 (Kenoyer/Madriral; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the acquisition of a public utility easement located at 736 Bystrom Road (APN: 038-016-029), owned by David W. Hosmer, Kelly Martin, and Douglas P. Robinson, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

ACTION: Resolution 2016-51 (Kenoyer/Madriral; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the acquisition of a public utility easement located at 722 Bystrom Road (APN 038-016-030), owned by Carlos Torres, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

COUNCIL COMMENTS & REPORTS

Councilmember Madriral spoke regarding the Greater Safer Neighborhoods Committee meeting last night and outcome of proposal for signage to discourage panhandling in Modesto; he requested a future item at the direction of Mayor Marsh.

Councilmember Kenoyer thanked Jocelyn Reed and her staff for assistance with trees in Modesto.

Mayor Marsh announced appointments of Councilmembers Zoslocki and Kenoyer, on behalf of Modesto, to the County Committee regarding marijuana in Stanislaus County.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on January 30, 2016.

8. Hearing to consider an Ordinance Repealing and Replacing Chapter 2 of Title 5 of the Modesto Municipal Code to Establish New Regulations Regarding Massage and Massage Establishments and Repealing Ordinance No. 3629-C.S., Ending the Moratorium on the Establishment or Expansion of Massage Establishments. (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance Repealing and Replacing Chapter 2 of Title 5 of the Modesto Municipal Code to Establish New Regulations Regarding Massage and Massage Establishments and Repealing Ordinance No. 3629-C.S., Ending the Moratorium on the Establishment or Expansion of Massage Establishments.

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

ACTION: Motion (Ridenour/Zoslocki; 7/0) introducing and waiving the first reading of **Ordinance No. 3642-C.S.** repealing and replacing Chapter 2 of Title 5 of the Modesto Municipal Code to Establish New Regulations Regarding Massage and Massage Establishments and Repealing Ordinance No. 3629-C.S., Ending the Moratorium on the Establishment or Expansion of Massage Establishments.

NEW BUSINESS

9. Consider: (i) approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and Modesto Police Management Association (MPMA); (ii) amending Exhibit “M” of Resolution No. 2015-446 to revise the Class Range Table for Police Management Classes (Unrepresented); (iii) rescinding Resolution No. 2015-445 to update benefit offerings for Unrepresented Management Sworn Police Captains; and iv) granting salary changes to Unrepresented Management Sworn Police Captains effective February 9, 2016, and amending Exhibit “N” to Resolution No. 2015-446. (Funding Source: General Fund)

- Resolution approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and Modesto Police Management Association (MPMA) for a term of December 31, 2015 to December 31, 2016; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.
- Resolution amending Exhibit “M” of Resolution No. 2015-446 to revise the Class Range Table for Police Management Classes (Unrepresented) to amend the Police Captain from salary range 1623 to 1624.
- Resolution rescinding Resolution No. 2015-445 to update benefit offerings for Unrepresented Management Sworn Police Captains; and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.
- Resolution granting salary changes to Unrepresented Management Sworn Police

Captains effective February 9, 2016, and amending Exhibit “N” to Resolution No. 2015-446.

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

ACTION: Resolution 2016-52 (Madrigal/Zoslocki; 7/0) approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and Modesto Police Management Association (MPMA) for a term of December 31, 2015 to December 31, 2016; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2016-53 (Madrigal/Zoslocki; 7/0) amending Exhibit “M” of Resolution No. 2015-446 to revise the Class Range Table for Police Management Classes (Unrepresented) to amend the Police Captain from salary range 1623 to 1624.

ACTION: Resolution 2016-54 (Madrigal/Zoslocki; 7/0) rescinding Resolution No. 2015-445 to update benefit offerings for Unrepresented Management Sworn Police Captains; and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.

ACTION: Resolution 2016-55 (Madrigal/Zoslocki; 7/0) granting salary changes to Unrepresented Management Sworn Police Captains effective February 9, 2016, and amending Exhibit “N” to Resolution No. 2015-446.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 6:25 p.m.

CLOSED SESSION

All Closed Session matters heard prior to meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Anna McCoy v. COM, et al.

Case No. 672402

MINUTES

City of Modesto SPECIAL APPOINTMENTS COMMITTEE / COUNCIL WORKSHOP

Second Floor, Room 2001
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, February 16, 2016, at 3:30 p.m.

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

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. Consider recommending appointment for one (1) vacancy to the Equal Opportunity/Disability and Human Relations Commission and forwarding to Council for approval. (Funding Source: Not Applicable)
Human Resources; Joseph Lopez, 571-5809, joelopez@modestogov.com

ACTION: Motion (Mayor Marsh/Madrigal;unan.) appointing Rosie Arce to the Equal Opportunity/Disability and Human Relations Commission and forwarding to Council for approval.

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

ACTION: Motion (Mayor Marsh/Madrigal; Grewal no) appointing Jessica Self to the City of Modesto Planning Commission and forwarding to Council for approval.

ACTION: Motion (Mayor Marsh/Grewal; unan.) appointing Mike Moradian to the City of

Modesto Board of Zoning Adjustment when the next available vacancy arises and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:39 p.m.

Attest: _____
Joseph Lopez, Deputy City Manager

MINUTES

City of Modesto GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL WORKSHOP

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

Monday, February 08, 2016, at 5:00 p.m.

Roll Call:

Present: Councilmembers Kenoyer, Ah You and Ridenour

PUBLIC COMMENTS

None.

CONSENT

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

1. [Consider approving a Grant and License Agreement with Shane's Inspiration for design services related to the development of an inclusive playground at Beyer Community Park and forwarding to Council for approval. \(Funding Source: Park Partners Program, Volunteer Funding\)](#)
Community & Economic Development; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: (Motion Ridenour/Ah You: unan.) to move this item forward to City Council for consideration of approval.

2. [Consider adopting the 2015 Master and Strategic Plans developed for the Modesto Fire Department by Emergency Services Consulting International Services and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Fire; Sean Slamon, 572-9590, sslamon@modestofire.com

ACTION: (Motion Ridenour/Ah You: unan.) to move this item forward to City Council for consideration of approval.

3. [Consider approving adoption of a proposed fleet replacement program for the Modesto Fire Department that addresses aging fleet issues utilizing existing funds and forwarding to Council for approval. \(Funding Source: General Fund \)](#)
Fire; Alan Ernst, 572-9590, aernst@modestofire.com

ACTION: (Motion Ridenour/ Ah You: unan.) to forward a

recommendation to the City Council to revisit the sole source procurement policy for the Fire Department fleet.

ACTION: (Motion Ridenour/ Ah You: unan.) to move this item forward to City Council for consideration of approval.

4. [Consider a Council request for a public awareness sign campaign aimed at educating the community to direct their donations to charities that help the needy and homeless rather than giving directly to panhandlers. \(Funding Source: General Fund\)](#)
Police; Galen Carroll, 572-9501, carrollg@modestopd.com

ACTION: (Motion Ah You/ Ridenour: unan.) to take no action on this item and look at opportunities to align this effort with Focus on Prevention and other regional standards.

5. [Consider accepting an informational report on the "Great Safe Neighborhoods Strategic Plan Element." \(Funding Source: Not Applicable\)](#)
Police; Galen Carroll, 572-9501, carrollg@modestopd.com

ACTION: (Motion: Ridenour/Ah You: unan.) to accept the report and forward to City Council for consideration of approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:45 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 23, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein, College Avenue United Church of Christ

City Clerk’s Announcements: Items 7, 10 and 11 - Removed from Consent

Declaration of Conflicts of Interest: None

Reports from Closed Session: No Closed Session matters

ELECTION ITEMS

1. Certification of canvass of votes from the February 2, 2016 Municipal Run-Off Election. (Funding Source: Not Applicable)
 - Resolution of the Council of the City of Modesto confirming the canvass of the Second Regular Municipal Run-Off Election which was held in the City of Modesto on February 2, 2016 and declaring the results of said election.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2016-56 (Ridenour/Grewal; 7/0) confirming the canvass of the Second Regular Municipal Run-Off Election which was held in the City of Modesto on February 2, 2016 and declaring the results of said election.

2. Comments from outgoing Mayor Garrad Marsh. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Comments were made by outgoing Mayor Garrad Marsh; Vice Mayor Zoslocki presented Mayor Marsh with a plaque from the City of Modesto; Councilmembers thanked Mayor Marsh for his service to the City of Modesto.

3. Oath of Office of new elected Mayor Ted Brandvold. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: City Clerk Stephanie Lopez administered the Oath of Office to newly elected

Mayor Ted Brandvold.

- 4. Seating of Mayor Ted Brandvold at the dais. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Mayor Brandvold was seated at the dais; he thanked Mayor Marsh for his service to the City of Modesto.

PUBLIC COMMENT PERIOD

- Debbie Barrera, Parent Advocate, spoke regarding safety for children in the community and accident she had at curb on Rumble Road in front of Davis High School.
- Rebecca Harrington spoke regarding lighting on bridge on 9th Street and Mancini Park improvements.
- Vada Terpstra spoke regarding Wood Colony and invited Councilmembers to visit Wood Colony.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 5, 6, 8, 9 (Kenoyer/Madrigal; unan.)**

CONSENT ITEMS

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

Consent

- 5. Consider approving the minutes from the February 9, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the February 9, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; 7/0) approving the minutes from the February 9, 2016 Council Meeting.

Consent

- 6. Consider approving final adoption of **Ordinance No. 3642-C.S.** repealing and replacing Chapter 2 of Title 5 of the Modesto Municipal Code to Establish New Regulations Regarding Massage and Massage Establishments and Repealing Ordinance No. 3629-C.S., Ending the Moratorium on the Establishment or Expansion of Massage Establishments. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3642-C.S.** repealing and replacing Chapter 2 of Title 5 of the Modesto Municipal Code to Establish New Regulations Regarding Massage and Massage Establishments and Repealing Ordinance No. 3629-C.S., Ending the Moratorium on the Establishment or Expansion of Massage Establishments.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madriral; 7/0) approving final adoption of **Ordinance No. 3642-C.S.** repealing and replacing Chapter 2 of Title 5 of the Modesto Municipal Code to Establish New Regulations Regarding Massage and Massage Establishments and Repealing Ordinance No. 3629-C.S., Ending the Moratorium on the Establishment or Expansion of Massage Establishments.

Removed from Consent

7. Consider approving a Will Serve Letter and Outside Service Agreement for water and sewer service for the property located at 1716 Morgan Road. (This action is authorized by City Council Policies 5.001 and 5.002 regarding extension of water and sewer service into unincorporated areas.) (Funding Source: Sewer Fund, Water Fund, General Fund)

- Resolution approving a Will Serve Letter and Outside Service Agreement for Water Service between the City of Modesto and the County of Stanislaus to connect to the City of Modesto's existing water system for the property located at 1716 Morgan Road in Modesto (APN: 040-006-002), and authorizing the City Manager, or his designee, to approve the Will Serve Letter and execute the Outside Service Agreement for Water Service.
- Resolution approving a Will Serve Letter and Outside Service Agreement for Sewer Service between the City of Modesto and The County of Stanislaus to connect to the City of Modesto's existing sewer system for the property located at 1716 Morgan Road in Modesto (APN: 040-006-002), and authorizing the City Manager, or his designee, to approve the Will Serve Letter and execute the Outside Service Agreement for Sewer Service.

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

ACTION: Resolution 2016-57 (Kenoyer/Madriral; 7/0) approving a Will Serve Letter and Outside Service Agreement for Water Service between the City of Modesto and the County of Stanislaus to connect to the City of Modesto's existing water system for the property located at 1716 Morgan Road in Modesto (APN: 040-006-002), and authorizing the City Manager, or his designee, to approve the Will Serve Letter and execute the Outside Service Agreement for Water Service.

ACTION: Resolution 2016-58 (Kenoyer/Madriral; 7/0) approving a Will Serve Letter and Outside Service Agreement for Sewer Service between the City of Modesto and The County of Stanislaus to connect to the City of Modesto's existing sewer system for the property located at 1716 Morgan Road in Modesto (APN: 040-006-002), and authorizing the City Manager, or his designee, to approve the Will Serve Letter and execute the Outside Service Agreement for Sewer Service.

Consent

8. Consider accepting the Monthly Investment Report for September 2015. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for September 2015.

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

ACTION: Motion (Kenoyer/Madriral; 7/0) accepting the Monthly Investment Report for September 2015.

Consent

9. Consider approving the 2016-2020 Airport Capital Improvement Plan for submittal to the Federal Aviation Administration and Caltrans Aeronautics. (Funding Source: FAA Grant Funding 90%, Local Match 10%)
- Resolution approving the 2016-2020 Airport Capital Improvement Plan (ACIP) for submittal to the Federal Aviation Administration (FAA) and CalTrans Aeronautics.
Public Works; Mark Germanowski, 577-5319, mgermanowski@modestogov.com

ACTION: Resolution 2016-59 (Kenoyer/Madrigal; 7/0) approving the 2016-2020 Airport Capital Improvement Plan (ACIP) for submittal to the Federal Aviation Administration (FAA) and CalTrans Aeronautics.

Removed from Consent

10. Consider: (i) approving the prequalified Design-Build team list; (ii) authorizing the issuance of Request for Proposals for the construction of the North Valley Regional Recycled Water Program project; and (iii) designating City Councilmember Bill Zoslocki as the Modesto representative on the Selection Committee for the North Valley Regional Recycled Water Program Project. (Funding Source: Wastewater Fund)
- Resolution approving the prequalified list of Design-Build teams to propose on the construction the recycled water delivery system for the North Valley Regional Recycled Water Program project.
 - Resolution authorizing the issuance of Request for Proposals for the construction of the North Valley Regional Recycled Water Program project.
 - Resolution designating City Council Member Bill Zoslocki to participate in the selection process for a Design-Build team for the North Valley Regional Recycled Water Program project.
Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2016-60 (Ridenour/Zoslocki; 7/0) approving the prequalified list of Design-Build teams to propose on the construction the recycled water delivery system for the North Valley Regional Recycled Water Program project.

ACTION: Resolution 2016-61 (Ridenour/Zoslocki; 7/0) authorizing the issuance of Request for Proposals for the construction of the North Valley Regional Recycled Water Program project.

ACTION: Resolution 2016-62 (Ridenour/Zoslocki; 7/0) designating City Council Member Bill Zoslocki to participate in the selection process for a Design-Build team for the North Valley Regional Recycled Water Program project.

Removed from Consent

11. Consider: (i) approving an Amendment to Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Design-Build Owner Advisor Services in the amount of \$248,595; and (ii) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$159,037 for the North Valley Regional Recycled Water Program. (Funding Source: Wastewater Fund)
- Resolution approving an Amendment to Agreement with Carollo Engineers, Inc. for Design-Build Owner Advisor Services for the North Valley Regional Recycled

Water Program, in an amount not to exceed \$218,498 for the identified scope of services, plus \$30,097 for additional services (if needed), for a maximum total amount of \$248,595, and authorizing the City Manager, or his designee, to execute the amendment.

- Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$159,037 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Design-Build Owner Advisor Services for the North Valley Regional Recycled Water Program, including support by City staff.

Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2016-63 (Madrigal/Ah You; 7/0) approving an Amendment to Agreement with Carollo Engineers, Inc. for Design-Build Owner Advisor Services for the North Valley Regional Recycled Water Program, in an amount not to exceed \$218,498 for the identified scope of services, plus \$30,097 for additional services (if needed), for a maximum total amount of \$248,595, and authorizing the City Manager, or his designee, to execute the amendment.

ACTION: Resolution 2016-64 (Madrigal/Ah You; 7/0) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$159,037 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Design-Build Owner Advisor Services for the North Valley Regional Recycled Water Program, including support by City staff.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked Information Technology staff for help with her I-Pad; she also thanked Jeff Barnes and David Eshoo for assistance with a road problem.

Councilmember Madrigal thanked staff and Jeff Barnes regarding a crosswalk at the corner of Imperial Avenue and Crows Landing Road.

Councilmember Ah You welcomed Mayor Brandvold.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:56 p.m.

MINUTES

City of Modesto
HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Wednesday February 10, 2016, at 2:00 p.m.

Roll Call:

Present: Councilmembers Zoslocki, Ridenour and Kenoyer

PUBLIC COMMENTS

None.

CONSENT

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

1. [Consider entering into an Agreement with Buxton, in an amount not to exceed \\$60,000, to conduct a retail and market study, with a focus on the downtown, and forwarding to the City Council for approval. \(Funding Source: General Fund\)](#)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: (Motion Ridenour/Kenoyer: unan.) to forward this item to City Council for consideration of approval predicated on the verification of sufficient money in carry-over funds as established at the Effective Government Committee and reviewed by the Audit Committee.

DISCUSSION: Committee members discussed moving the regular meeting time of the Healthy Economy Committee from 5:00 p.m. on the second Monday of the month to 2:00 p.m. on the second Wednesday of the month and to place this on the March 7 Healthy Economy Committee agenda for consideration.

MATTERS TOO LATE FOR THE AGENDA

ADJOURNMENT

This meeting adjourned at 3:20 p.m.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, February 23, 2016, at 11:00 a.m.

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

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider approving the Auditor's Internal Audit Status Report through January 31, 2016 prepared by Moss Adams, LLP. (Funding Source: General Fund)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

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

2. Consider accepting the audited financial statements and various audit reports for Fiscal Year 2014-2015 audited by external auditors Macias, Gini & O'Connell, LLP for (i) the City's Comprehensive Annual Financial Report (CAFR); (ii) nine Community Facilities Districts; and (iii) various Joint Powers Agencies and forwarding to City Council for approval. (Funding Source: Not Applicable)
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Grewal/Kenoyer; unan.) accepting the audited financial statements and various audit reports for Fiscal Year 2014-2015 audited by external auditors Macias, Gini & O'Connell, LLP for (i) the City's Comprehensive Annual Financial Report (CAFR); (ii) nine Community Facilities Districts; and (iii) various Joint Powers Agencies and forwarding to City Council for approval.

3. Consider accepting the Auditor's report on compliance with the Federal Aviation Passenger Facility Charge program and internal controls for Fiscal Year ended June 30, 2015 and forwarding to City Council for approval. (Funding Source: Not Applicable)
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Grewal/Kenoyer; unan.) accepting the Auditor's report on compliance with the Federal Aviation Passenger Facility Charge program and internal controls for Fiscal Year ended June 30, 2015 and forwarding to City Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:45 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 01, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

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

Declaration of Conflicts of Interest: Councilmember Grewal – Item 7

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

MISCELLANEOUS

Legislation

Appointments

Other

1. Consider appointing Douglas Parman and Richard Maggard to the Citizen's Housing and Community Development Committee. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Douglas Parman and Richard Maggard to the Citizen's Housing and Community Development Committee.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-65 (Kenoyer/Madrigal; 7/0) approving the appointment of Douglas Parman and Richard Maggard to the Citizen's Housing and Community Development Committee.

2. Consider appointing James Liberto and Charles Austin to the Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
 - Resolution approving the appointment of James Liberto and Charles Austin to the Housing Rehabilitation Loan Committee.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-66 (Madrigal/Zoslocki; 7/0) approving the appointment of

James Liberto and Charles Austin to the Housing Rehabilitation Loan Committee.

3. Consider approving the appointment of Yamilet Valladolid from El Concilio to serve as a Nonprofit Representative on the Safer Neighborhood Initiative Oversight Board. (Funding Source: Not Applicable)
 - Resolution affirming the proposed appointment of Yamilet Valladolid from El Concilio to serve as a Nonprofit Representative on the Safer Neighborhood Initiative Oversight Board; and authorizing the City Manager, or his designee, to execute the necessary documents related to the appointment.
Police; Galen Carroll, 572-9501, carrollg@modestopd.com

ACTION: Resolution 2016-67 (Zoslocki/Madrigan; 7/0) affirming the proposed appointment of Yamilet Valladolid from El Concilio to serve as a Nonprofit Representative on the Safer Neighborhood Initiative Oversight Board; and authorizing the City Manager, or his designee, to execute the necessary documents related to the appointment.

PUBLIC COMMENT PERIOD

- George Russell spoke regarding Amgen costs and request for a flagpole at the King-Kennedy Center.
- Rebecca Harrington spoke regarding lights at the 9th Street Bridge, the condition of Mancini Park and a cell tower at Mancini Park.
- Sebastian Jones spoke regarding the flagpole at the King-Kennedy Center.
- Loretta Carhart spoke regarding thefts in the area.

ACTION: Motion (Kenoyer/Ah You; 7/0) directing staff to bring an agenda item to the next Great Safe Neighborhoods Committee for improvements, including replacement of a flagpole, at the King-Kennedy Center.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-6; 9-12: (Kenoyer/Madrigan; 7/0)

ACTION CONSENT ITEM 7: (Kenoyer/Zoslocki; 6/0; Grewal absent due to conflict of interest)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes from the February 23, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the February 23, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madrigan; 7/0) approving the minutes from the February 23,

2016 Council Meeting.

Consent

5. Consider approving the Third Amended Long Range Property Management Plan of the City of Modesto Redevelopment Successor Agency pursuant to Health and Safety Code Section 34191.5(b) and SB107. (Funding Source: Redevelopment Property Tax Trust Fund)
- Resolution approving the Third Amended Long Range Property Management Plan of the City of Modesto Redevelopment Successor Agency pursuant to Health and Safety Code Section 34191.5(b) and Senate Bill 107.
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2016-68 (Kenoyer/Madriral; 7/0) approving the Third Amended Long Range Property Management Plan of the City of Modesto Redevelopment Successor Agency pursuant to Health and Safety Code Section 34191.5(b) and Senate Bill 107.

Consent

6. Consider a resolution authorizing submission of an application to the California Department of Housing and Community Development for up to \$1,000,000 funding under the Housing Related Parks Grant Program. (Funding Source: Not Applicable)
- Resolution authorizing the application for the Housing Related Parks Grant Program.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2016-69 (Kenoyer/Madriral; 7/0) authorizing the application for the Housing Related Parks Grant Program.

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

7. Consider approving an amendment to the storm drainage section of the Kiernan Business Park East Facilities Master Plan (Funding Source: Not Applicable)
- Resolution approving an amendment to the storm drainage section of the Kiernan Business Park East Facilities Master Plan to allow for the utilization of infiltration trenches and to promote ground water recharge.
Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2016-70 (Kenoyer/Zoslocki; 6/0; Grewal absent due to conflict of interest) approving an amendment to the storm drainage section of the Kiernan Business Park East Facilities Master Plan to allow for the utilization of infiltration trenches and to promote ground water recharge.

Removed from Consent

8. Consider accepting the Destination Modesto Report for the Second Quarter - Fiscal Year 2015-16. (Funding Source: Transient Occupancy Tax)
- Resolution accepting the Destination Modesto Report for Second Quarter – Fiscal Year 2015-16.

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

ACTION: Resolution 2016-71 (Ridenour/Madrigan; 7/0) accepting the Destination Modesto Report for Second Quarter – Fiscal Year 2015-16.

Consent

9. Consider authorizing the award of a sole source procurement for the purchase of a Stertil-Koni Skylift from Municipal Maintenance Equipment, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an amount not to exceed \$114,016.86. (Funding Source: Fleet Replacement Fund)
- Resolution authorizing the award of a sole source procurement for the purchase of a Stertil-Koni Skylift from Municipal Maintenance Equipment; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an amount not to exceed \$114,016.86.

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

ACTION: Resolution 2016-72 (Kenoyer/Madrigan; 7/0) authorizing the award of a sole source procurement for the purchase of a Stertil-Koni Skylift from Municipal Maintenance Equipment; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an amount not to exceed \$114,016.86.

Consent

10. Consider executing a five year agreement with Sidley Austin LLP for professional legal services related to the Joint Powers Agreement between the City of Modesto and Stanislaus County for the Stanislaus Waste-to-Energy Facility, in an amount not to exceed \$500,000. (Funding Source: Joint Power Agency Waste-to-Energy Fund)
- Resolution authorizing execution of an Agreement with Sidley Austin LLP for legal services related to the new Service Agreement with Covanta Stanislaus in an amount not to exceed \$100,000 per fiscal year, and \$500,000 over the five-year term through 2020.

Public Works; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2016-73 (Kenoyer/Madrigan; 7/0) authorizing execution of an Agreement with Sidley Austin LLP for legal services related to the new Service Agreement with Covanta Stanislaus in an amount not to exceed \$100,000 per fiscal year, and \$500,000 over the five-year term through 2020.

Consent

11. Consider approving the plans and specifications for the Sewer Lift Station Coating project, accepting the bid, and approving a contract with F.D. Thomas, Inc., of Central Point, OR in the amount of \$304,069 plus \$30,407 in contingency (if needed) for a maximum total amount of \$334,476. (Funding Source: Wastewater Fund)
- Resolution approving plans and specifications for the Sewer Lift Station Coating Project, accepting the bid, and approving a contract with F.D. Thomas, Inc., of Central Point, OR in the amount of \$304,069 and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2016-74 (Kenoyer/Madrigan; 7/0) approving plans and specifications for the Sewer Lift Station Coating Project, accepting the bid, and approving a contract with F.D. Thomas, Inc., of Central Point, OR in the amount of \$304,069 and authorizing the City Manager, or his designee, to execute the agreement.

Consent

12. Consider (i) accepting the Preliminary Design Report dated December 2015 for the Headworks, Dryden Box and Influent Flume Improvements Projects as complete; and (ii) approving an agreement with Carollo Engineers Inc., Walnut Creek, CA for Final Design Services for the Headworks, Dryden Box and Influent Flume Improvements Projects in an amount not to exceed \$1,151,401. (Funding Source: Wastewater Fund)
- Resolution accepting the Preliminary Design Report dated December 2015 for the Headworks, Dryden Box and Influent Flume Improvements Projects as complete.
 - Resolution approving an agreement with Carollo Engineers, Inc. for Final Design Services for Headworks, Dryden Box and Influent Flume Improvements Projects, in an amount not to exceed \$1,046,728 for the identified scope of services, plus \$104,673 for additional services (if needed), for a maximum total amount of \$1,151,401, and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2016-75 (Kenoyer/Madrigan; 7/0) accepting the Preliminary Design Report dated December 2015 for the Headworks, Dryden Box and Influent Flume Improvements Projects as complete.

ACTION: Resolution 2016-76 (Kenoyer/Madrigan; 7/0) approving an agreement with Carollo Engineers, Inc. for Final Design Services for Headworks, Dryden Box and Influent Flume Improvements Projects, in an amount not to exceed \$1,046,728 for the identified scope of services, plus \$104,673 for additional services (if needed), for a maximum total amount of \$1,151,401, and authorizing the City Manager, or his designee, to execute the agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer acknowledged two staff members leaving the City of Modesto - Mark Averell and Loren Holt.

Councilmember Ah You attended the "Unity Matters" event on Monday night at The House in support of local law enforcement and thanked Pastor Berteau.

Councilmember Madrigal announced the Project Prom event at Alliance Church of Merced on March 12, 2016.

CITY MANAGER COMMENTS & REPORTS

None.

City Attorney Lindgren served on the panel for the Stanislaus County Mock Trial for area high schools last weekend.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 6:40 pm

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Goddard, et al. v. State of California, et al.
Stanislaus County Superior Court

Case No: 659261

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

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

Property: Property between 9th and 10th Street, and E Street and F Street,
located in Modesto, CA; APN: 106-044-005

Property Owners: Victor Martinez and Iris L. Martinez TRS

Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for the City of Modesto

For Property Owners: Larry Killian (Real Estate Broker)

Under Negotiation: Possible acquisition of property and entering into property negotiations

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 08, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rabbi Shalom Bochner, Congregation Beth Shalom

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Grewal - Items 5, 6, 15 and 16; Mayor Brandvold - Item 15

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

ACTION: Motion (Ah You/Brandvold; 6/1; Ridenour no) continuing Item 10 to the March 22, 2016 Council meeting

ACTION: Motion (Brandvold/no second) continuing Item 17 to a future Council meeting after the 100 day review of the City budget. (MOTION FAILS)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Acknowledgment of Chris Guptill, Darin Jesberg, and former Councilmember Gunderson for their work to make a positive impact on our community. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Chris Guptill, Darin Jesberg, and former Councilmember Gunderson were acknowledged for their work to make a positive impact on our community.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider approving: (i) the appointment of Amin Vohra as the Planning Commission representative to the Board of Zoning Adjustment for 2016; and (ii) the appointment of Carmen Morad as the Planning Commission representative to the Citizens Housing and Community Development Committee for 2016. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Amin Vohra as the 2016 Planning Commission representative to the Board of Zoning Adjustment.
 - Resolution approving the appointment of Carmen Morad as the 2016 Planning Commission representative to the Citizens Housing and Community Development Committee.

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

ACTION: Resolution 2016-77 (Madrigal/Ridenour; 7/0) approving the appointment of Amin Vohra as the 2016 Planning Commission representative to the Board of Zoning Adjustment.

ACTION: Resolution 2016-78 (Madrigal/Ridenour; 7/0) approving the appointment of Carmen Morad as the 2016 Planning Commission representative to the Citizens Housing and Community Development Committee.

3. Consider accepting the resignations of (i) Keith Copeland, (ii) Jessica Self and (iii) Duwayne Stenger from the City of Modesto Equal Opportunity Commission and Human Relations Commission and (iv) appointing Rosie Arce to the Equal Opportunity/Disability Commission and the Human Relations Commission for a term to expire on September 1, 2017. (Funding Source: Not Applicable)
 - Resolution accepting the resignation of Keith Copeland from the City of Modesto Equal Opportunity and Human Relations Commission.
 - Resolution accepting the resignation of Jessica Self from the City of Modesto Equal Opportunity and Human Relations Commission.
 - Resolution accepting the resignation of Duwayne Stenger from the City of Modesto Equal Opportunity and Human Relations Commission.
 - Resolution appointing Rosie Arce to the Equal Opportunity/Disability Commission and the Human Relations Commission for a term to expire on September 1, 2017.

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

ACTION: Resolution 2016-79 (Ridenour/Kenoyer; 7/0) accepting the resignation of Keith Copeland from the City of Modesto Equal Opportunity and Human Relations Commission.

ACTION: Resolution 2016-80 (Ridenour/Kenoyer; 7/0) accepting the resignation of Jessica Self from the City of Modesto Equal Opportunity and Human Relations Commission.

ACTION: Resolution 2016-81 (Ridenour/Kenoyer; 7/0) accepting the resignation of Duwayne Stenger from the City of Modesto Equal Opportunity and Human Relations Commission.

ACTION: Resolution 2016-82 (Ridenour/Kenoyer; 7/0) appointing Rosie Arce to the Equal Opportunity/Disability Commission and the Human Relations Commission for a term to expire on September 1, 2017.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in Modesto.
- Maria Madrigal spoke regarding efforts to improve conditions at Mancini Park and the cell tower at Mancini Park.
- Matthew Harrington spoke regarding the cell tower at Mancini Park.
- Rebecca Harrington spoke regarding cell towers in Modesto and at Mancini Park; she also spoke about the condition of the restrooms at Mancini Park.
- Stephanie Velasco spoke regarding condition of Mancini Park.
- Betsy Nicholas spoke regarding issues with people wandering around Graceada Park area and relocation of AEGIS Clinic.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 4, 7-9; 11-14: (Ridenour/Kenoyer; unan.)

ACTION CONSENT ITEMS 5, 6: (Kenoyer; unan.; Councilmember Grewal absent due to conflict of interest)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes from the March 1, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the March 1, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Ridenour/Kenoyer; 7/0) approving the minutes from the March 1, 2016 Council Meeting.

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

5. Consider directing staff to prepare and file the 2016-2017 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 (Funding Source: Landscape Maintenance Assessment District No. 1)
 - Resolution directing staff to prepare and file the 2016-2017 Annual Engineer's Report for City of Modesto Landscape Maintenance Assessment District No. 1.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2016-83 (Kenoyer/Madrigal; 6/0; Grewal absent due to conflict of interest) directing staff to prepare and file the 2016-2017 Annual Engineer's Report for City of Modesto Landscape Maintenance Assessment District No. 1.

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

6. Consider directing staff to prepare and file the Fiscal Year 2016-2017 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2. (Funding Source: Landscape Maintenance Assessment District No. 2)
 - Resolution directing staff to prepare and file the 2016-2017 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2016-84 (Kenoyer/Ridenour; 6/0; Grewal absent due to conflict of interest) directing staff to prepare and file the 2016-2017 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.

Consent

7. Consider directing staff to prepare and file the Fiscal Year 2016-2017 Annual Engineer's Report for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
 - Resolution direction staff to prepare and file the 2016-2017 Annual Engineer's Report for the Shackelford Landscape and Lighting District.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2016-85 (Ridenour/Kenoyer; 7/0) direction staff to prepare and file the 2016-2017 Annual Engineer's Report for the Shackelford Landscape and Lighting District.

Consent

8. Consider accepting the Monthly Investment Report for October 2015. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for October 2015.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Ridenour/Kenoyer; 7/0) accepting the Monthly Investment Report for October 2015.

Consent

9. Consider accepting the Monthly Budget Adjustments Report for November & December 2015 and amending Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget. (Funding Source: Various)
 - Resolution amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2016-86 (Ridenour/Kenoyer; 7/0) amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.

Continued to March 22, 2016 Council meeting

10. Consider accepting the Monthly Budget Adjustments Report for January 2016 and amending Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget. (Funding Source: Various Funds)

Staff Recommendations:

- Resolution amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.

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

ACTION: Continued to the March 22, 2016 Council meeting.

Consent

11. Consider approving an Agreement with DRS Marine, Inc., Vallejo, CA, for the furnishing of water storage tank inspection and repair services for the Utilities Department, Water Division, for an estimated annual cost of \$115,038, and over five (5) years of \$575,190. (Funding Source: Water Fund)
- Resolution authorizing the award of bid and contract or the furnishing of water storage tank inspection and repair services for the Utilities Department, Water Division to DRS Marine, Inc., Vallejo, CA, and authorizing the City Manager, or his designee, to execute the contract for an estimated annual cost of \$115,038 and over five (5) years of \$575,190.

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

ACTION: Resolution 2016-87 (Ridenour/Kenoyer; 7/0) authorizing the award of bid and contract or the furnishing of water storage tank inspection and repair services for the Utilities Department, Water Division to DRS Marine, Inc., Vallejo, CA, and authorizing the City Manager, or his designee, to execute the contract for an estimated annual cost of \$115,038 and over five (5) years of \$575,190.

Consent

12. Consider authorizing the award of bid for the purchase and installation of granular activated carbon for the Utilities Department, Water Division, to Calgon Carbon, Pittsburgh, PA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$276,989 and over five (5) years of \$1,384,945. (Funding Source: Water Fund)
- Resolution authorizing the award of bid for the purchase and installation of granular activated carbon for the Utilities Department, Water Division, to Calgon Carbon, Pittsburgh, PA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$276,989 and over five (5) years of \$1,384,945

Finance; Tom Snow, 577-5406, tsnow@modestogov.com

ACTION: Resolution 2016-88 (Ridenour/Kenoyer; 7/0) authorizing the award of bid for the purchase and installation of granular activated carbon for the Utilities Department, Water Division, to Calgon Carbon, Pittsburgh, PA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$276,989 and over five (5) years of \$1,384,945

Consent

13. Consider approving a Letter of Agreement between the City of Modesto and the Modesto Police Management Association; amending Article 5, Specialty Pays, POST certificates. (Funding Source: General Fund)
- Resolution approving a Letter of Agreement between the City of Modesto and Modesto Police Management Association (MPMA) amending the Memorandum of Understanding for the period of January 1, 2016 to December 31, 2016 to change language in Section 5, Special Compensation; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

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

ACTION: Resolution 2016-89 (Ridenour/Kenoyer; 7/0) approving a Letter of Agreement between the City of Modesto and Modesto Police Management Association (MPMA) amending the Memorandum of Understanding for the period of January 1, 2016 to December 31, 2016 to change language in Section 5, Special Compensation; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

Consent

14. Consider: (i) amending an Agreement to Enter and Construct Improvements with AutoZone, Inc. located at 1901 Prescott Road; and (ii) amending an Agreement to Enter and Construct Improvements with Carol Corcoran Williams and Patrick C. Corcoran, as trustees for the Corcoran 2004 Living Trust, located at 1901 Prescott Road for the Congestion Mitigation Air Quality CML 5059 (187) – Prescott Road and Plaza Parkway project; and authorizing the City Manager, or his designee, to execute the Amended Agreements and all related documents. (Funding Source: Not Applicable)
- Resolution amending an Agreement to Enter and Construct Improvements with AutoZone, Inc. for property located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN: 005-082-037) required for the Congestion Mitigation Air Quality (CMAQ) CML 5059 (187) – Prescott Road and Plaza Parkway project; and authorizing the City Manager, or his designee, to execute the Amendment and all related documents.
 - Resolution amending an Agreement to Enter and Construct Improvements with Carol Corcoran Williams and Patrick C. Corcoran, as Trustees for the Corcoran 2004 Living Trust, for property located at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036) required for the Congestion Mitigation Air Quality (CMAQ) CML 5059 (187) – Prescott Road and Plaza Parkway project; and authorizing the City Manager, or his designee, to execute the Amendment and all related documents.

Public Works; Chuck Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2016-90 (Ridenour/Kenoyer; 7/0) amending an Agreement to Enter and Construct Improvements with AutoZone, Inc. for property located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN: 005-082-037) required for the Congestion Mitigation Air Quality (CMAQ) CML 5059 (187) – Prescott Road and Plaza Parkway project; and authorizing the City Manager, or his designee, to execute the Amendment and all related

documents.

ACTION: Resolution 2016-91 (Ridenour/Kenoyer; 7/0) amending an Agreement to Enter and Construct Improvements with Carol Corcoran Williams and Patrick C. Corcoran, as Trustees for the Corcoran 2004 Living Trust, for property located at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036) required for the Congestion Mitigation Air Quality (CMAQ) CML 5059 (187) – Prescott Road and Plaza Parkway project; and authorizing the City Manager, or his designee, to execute the Amendment and all related documents.

COUNCIL COMMENTS & REPORTS

- Councilmember Kenoyer spoke regarding watering savings by the residents in Modesto.
- Councilmember Madrigal thanked City street crews for removal of bulky items in west Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on February 26, 2016 – Mayor Brandvold, Councilmember Grewal absent due to conflict of interest

15. Hearing to consider (i) establishing City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2), authorizing the levy of special taxes therein, and establishing an annual appropriations limit; (ii) calling a special election; and (iii) declaring the results of the March 8, 2016 special election. (Funding Source: Special taxes generated by CFD No. 2016-1)

- Resolution declaring formation of City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2), authorizing the levy of special taxes therein, and establishing an annual appropriations limit.
- Resolution calling a special election for the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2).
- Resolution declaring the results of the March 8, 2016, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2).
- Motion to introduce and waive first reading of Ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2).

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

ACTION: Resolution 2016-92 (Kenoyer/Ridenour; 5/0; Mayor Brandvold; Grewal absent due to conflict of interest) declaring formation of City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2), authorizing the levy of special taxes therein, and establishing an annual appropriations limit.

ACTION: Resolution 2014-93 (Kenoyer/Ridenour; 5/0; Mayor Brandvold; Grewal absent due to conflict of interest) calling a special election for the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2).

ACTION: Resolution 2016-94 (Kenoyer/Ridenour; 5/0; Mayor Brandvold; Grewal absent due to conflict of interest) declaring the results of the March 8, 2016, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2).

ACTION: Motion (Kenoyer/Ridenour; 5/0; Grewal, Mayor Brandvold absent due to conflict of interest) introducing and waiving first reading of **Ordinance No. 3643-C.S.** authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2).

Published in the Modesto Bee on February 26, 2016 – Councilmember Grewal absent due to conflict of interest

16. Hearing to consider (i) establishing City of Modesto Community Facilities District No. 2016-2 (The Vintage), authorizing the levy of special taxes therein, and establishing an annual appropriations limit; (ii) calling a special election; and (iii) declaring the results of the March 8, 2016 special election. (Funding Source: Special taxes generated by CFD No. 2016-2)

- Resolution declaring formation of City of Modesto Community Facilities District No. 2016-2 (The Vintage), authorizing the levy of special taxes therein, and establishing an annual appropriations limit.
- Resolution calling a special election for the City of Modesto Community Facilities District No. 2016-2 (The Vintage).
- Resolution declaring the results of the March 8, 2016, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2016-2 (The Vintage).
- Motion introducing and waiving the first reading of an ordinance authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2016-2 (The Vintage).

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

ACTION: Resolution 2016-95 (Ridenour/Zoslocki; 6/0; Grewal absent due to conflict of interest) declaring formation of City of Modesto Community Facilities District No. 2016-2 (The Vintage), authorizing the levy of special taxes therein, and establishing an annual appropriations limit.

ACTION: Resolution 2016-96 (Ridenour/Zoslocki; 6/0; Grewal absent due to conflict of interest) calling a special election for the City of Modesto Community Facilities District No. 2016-2 (The Vintage).

ACTION: Resolution 2016-97 (Ridenour/Zoslocki; 6/0; Grewal absent due to conflict of interest) declaring the results of the March 8, 2016, special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2016-2 (The Vintage).

ACTION: Motion (Ridenour/Zoslocki; 6/0; Grewal absent due to conflict of interest)) introducing and waiving the first reading of **Ordinance No. 3644-C.S.** authorizing the levy of special taxes within the City of Modesto held within City of Modesto Community Facilities District No. 2016-2 (The Vintage).

NEW BUSINESS

17. Consider: (i) approving an Agreement with CGI Group, Fairfax, VA, for the sole source procurement of a new budget software system for a first year contract price of \$610,780 with subscription costs of \$102,000 for years two through ten, for a total cost of \$1,528,780 over 10 years to replace the outdated existing software; and (ii) establishing Capital project 100947 in the amount of \$671,858 to cover the first year contract price with a 10% contingency. (Funding Source: IT Fund, Project #100947)
- Resolution approving an Agreement with CGI Group for the sole source procurement of a new budget software system for a first year contract price is \$610,780 with subscription costs of \$102,000 for years two through ten, for a total cost of \$1,528,780 over 10 years, to replace the outdated existing software, and authorizing the City Manager, or his designee, to execute said Agreement.
 - Resolution authorizing the Director of Finance, or her designee, to amend the FY 2015-16 Capital Improvement Budget to create Capital project 100947 and appropriate expenditures of \$671,858 for the IT Department's purchase and implementation of the budget software from the CGI Group.
- Finance; Stephan Christensen, 577-5390, schristensen@modestogov.com*

ACTION: Resolution 2016-98 (Ridenour/Grewal; 7/0) approving an Agreement with CGI Group for the sole source procurement of a new budget software system for a first year contract price is \$610,780 with subscription costs of \$102,000 for years two through ten, for a total cost of \$1,528,780 over 10 years, to replace the outdated existing software, and authorizing the City Manager, or his designee, to execute said Agreement.

ACTION: Resolution 2016-99 (Ridenour/Grewal; 7/0) authorizing the Director of Finance, or her designee, to amend the FY 2015-16 Capital Improvement Budget to create Capital Project 100947 and appropriate expenditures of \$671,858 for the IT Department's purchase and implementation of the budget software from the CGI Group.

18. Consider adopting the 2015 Master and Strategic Plans developed for the Modesto Fire Department by Emergency Services Consulting International Services. (Funding Source: Not applicable)
- Resolution adopting the Modesto Fire Department's 2015 Master and Strategic Plans.
- Fire; Sean Slamon, 572-9590, sslamon@modestofire.com*

ACTION: Resolution 2016-100 (Ridenour/Madrigril; 7/0) adopting the Modesto Fire Department's 2015 Master and Strategic Plans.

19. Consider approving a new Administrative Directive policy entitled Whistleblower Procedures. (Funding Source: Liability Insurance Fund)
- Resolution approving a new administrative directive policy entitled Whistleblower Procedures, attached hereto as Exhibit A.

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

ACTION: Resolution 2016-101 (Grewal/Madriral; 7/0) approving a new Administrative Directive policy entitled Whistleblower Procedures, attached hereto as Exhibit A.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:25 p.m.

CLOSED SESSION

All Closed Session matters heard prior to meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Modesto Irrigation District v. City of Modesto

Case No. 2001607

MINUTES

City of Modesto EFFECTIVE GOVERNMENT COMMITTEE/ COUNCIL WORKSHOP

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

Monday, February 22, 2016, at 5:00 p.m.

Roll Call - Present: Councilmembers Grewal, Ah You, Kenoyer (alternate)
Absent: Councilmember Madrigal

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

CONSENT

None.

NEW BUSINESS

1. Consider approving the recommended budget adjustments to the FY2015-16 Annual Operating and Capital Improvement Project Budgets and forwarding to City Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Kenoyer/Grewal; unan.) approving the recommended budget adjustments to the FY2015-16 Annual Operating and Capital Improvement Project Budgets and forwarding to City Council for approval.

2. Consider accepting an informational report on process changes for effective, responsive and transparent government resulting from the Moss Adams Internal Control Study and forwarding to City Council for approval. (Funding Source: Not Applicable)
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Kenoyer/Ah You; unan.) accepting an informational report on process changes for effective, responsive and transparent government resulting from the Moss Adams Internal Control Study and forwarding to City Council for approval.

3. Consider reviewing an informational report regarding the mid-year financial status of the General Fund revenues, and consider recommending the proposed budget

adjustments and amendments to the FY 2015-16 Position Allocation List and forwarding to City Council for approval. (Funding Source: General Fund and Water Fund)

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

ACTION: Motion (Ah You/Grewal; unan.) reviewing an informational report regarding the mid-year financial status of the General Fund revenues, and consider recommending the proposed budget adjustments and amendments to the FY 2015-16 Position Allocation List and forwarding to City Council for approval.

4. Consider approving a new Administrative Directive policy entitled "Whistleblower Administrative Directive" and forwarding to City Manager for approval. (Funding Source: Liability Insurance Fund)

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

ACTION: Motion (Kenoyer/Ah You; unan.) approving a new Administrative Directive policy entitled "Whistleblower Administrative Directive" and forwarding to City Manager for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:12 p.m.

MINUTES

City of Modesto
HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Wednesday, March 09, 2016, at 2:00 p.m.

Roll Call:

Present: Councilmembers Zoslocki, Ridenour, Sr. and Kenoyer

PUBLIC COMMENTS

NONE.

CONSENT

NONE.

UNFINISHED BUSINESS

NONE.

NEW BUSINESS

1. [Consider moving the regular meeting time of the Healthy Economy Committee from 5:00pm on the 2nd Monday of the month to 2:00pm on the 2nd Wednesday of the month. \(Funding Source: Not Applicable\)](#)
City Manager; H. Brent Sinclair, 577-5228, hbrentsinclair@modestogov.com
ACTION: (Motion Kenoyer/Ridenour: unan.) to forward this item to City Council for consideration of approval.
2. [Consider accepting the quarterly status report of the development projects processed by the Community and Economic Development Department during the second quarter of the 2015-2016 Fiscal Year. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com
ACTION: (Motion Ridenour/Kenoyer: unan.) to accept the quarterly report.
3. [Consider accepting a presentation on the Opportunity Sites Map \(Funding Source: Not Applicable.\)](#)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com
ACTION: (Motion Kenoyer/Ridenour: unan.) to accept the opportunities map.
4. [Consider accepting staff's report regarding status, progress and schedule for the General Plan Amendment and Master Environmental Impact Report Update. \(Funding Source: General](#)

Fund)

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

ACTION: (Motion Kenoyer/Ridenour: unan.) to accept report and schedule for an upcoming City Council Workshop.

5. Consider recommending to City Council adoption of an ordinance to authorize the use of design-build procurement for the North Valley Regional Recycled Water Project and update and reorganize existing provisions of the City Contracts Ordinance (Modesto Municipal Code – Title 8, Chapter 3) regarding public works projects. (Funding Source: Water, Wastewater and General Funds)

*Utilities and Public Works; William Wong, 571-5801,
wwong@modestogov.com*

ACTION: (Motion Ridenour/Kenoyer: unan.) to forward this item to City Council for consideration of adoption.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:00 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 22, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Cindy Marks, City Ministry Network

City Clerk’s Announcements: Item 8 - Removed from Consent; Item 16 - revision to Contract

Declaration of Conflicts of Interest: Grewal - Items 4 and 5; Mayor Brandvold - Items 4 and 23

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

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

ACTION: Mayor Brandvold presented a Proclamation declaring April as "Love Modesto Month."

2. Presentation by Modesto Vet Center honoring Vietnam Veterans. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: The Modesto Vet Center gave a presentation honoring Vietnam Veterans: 50th commemorative ceremony on March 29, 2016 at John Thurman Field.

PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding a second story permit for building behind her home.
- Sebastian Jones spoke regarding recruitment of police officers in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 3; 6-7; 9-22; 24-25: (Kenoyer/Zoslocki; unan.)

ACTION CONSENT ITEM 4: (Kenoyer/Madriral; unan.; Grewal and Mayor Brandvold absent due to conflict of interest)

ACTION CONSENT ITEM 5: (Kenoyer/Ah You; unan.; Grewal absent due to conflict of interest)

ACTION CONSENT ITEM 23: Kenoyer/Ah You; unan.; Mayor Brandvold absent due to conflict of interest)

CONSENT ITEMS

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

Consent

3. Consider approving the minutes from the March 8, 2016 Council Meeting. (Funding Source: Not Applicable)

- Motion approving the minutes from the March 8, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki; 7/0) approving the minutes from the March 8, 2016 Council Meeting.

Consent – *Councilmember Grewal and Mayor Brandvold absent due to conflict of interest*

4. Consider final adoption of **Ordinance No. 3643-C.S.** authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2). (Funding Source: Not Applicable)

- Motion approving final adoption of **Ordinance No. 3643-C.S.** authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2).

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

ACTION: Motion (Kenoyer/Madriral; 5/0; Grewal, Mayor Brandvold absent due to conflict of interest) approving final adoption of **Ordinance No. 3643-C.S.** authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2).

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

5. Consider final adoption of **Ordinance No. 3644-C.S.** authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2016-2 (The Vintage). (Funding Source: Not Applicable)

- Motion approving final adoption of **Ordinance No. 3644-C.S.** authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2016-2 (The Vintage).

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

ACTION: Motion (Kenoyer/Ah You; 6/0; Grewal absent due to conflict of interest) approving final adoption of **Ordinance No. 3644-C.S.** authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2016-2 (The Vintage).

Consent

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

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

Consent

7. Consider approving a Professional Services Agreement with O'Dell Engineering, Inc. of Modesto, to develop a master plan, design development report and construction documents for the Ralston Tower Park Senior Playground Project in an amount not to exceed \$54,550 for the identified scope of services, plus \$5,455 for additional services (if needed), for a maximum total amount of \$60,005, and authorizing the City Manager, or his designee, to execute the agreement. (Funding Source: Community Development Block Grant Entitlement Funds)
- Resolution approving a Professional Services Agreement with O'Dell Engineering, Inc. of Modesto, to develop a master plan, design development report and construction documents for the Ralston Tower Park Senior Playground Project in an amount not to exceed \$54,550 for the identified scope of services, plus \$5,455 for additional services (if needed), for a maximum total amount of \$60,005, and authorizing the City Manager, or his designee, to execute the agreement.
- Community & Economic Development; Nathan Houx, 571-5526, nhoux@modestogov.com*

ACTION: Resolution 2016-102 (Kenoyer/Zoslocki; 7/0) approving a Professional Services Agreement with O'Dell Engineering, Inc. of Modesto, to develop a master plan, design development report and construction documents for the Ralston Tower Park Senior Playground Project in an amount not to exceed \$54,550 for the identified scope of services, plus \$5,455 for additional services (if needed), for a maximum total amount of \$60,005, and authorizing the City Manager, or his designee, to execute the agreement.

Removed from Consent

8. Consider accepting grant from Shane's Inspiration and entering into a grant and license agreement for design services related to the development of an inclusive playground at Beyer Community Park. (Funding Source: Park Partners Program)
- Resolution approving a Grant and License Agreement with Shane's Inspiration for design services related to the development of an inclusive playground at Beyer Community Park, and authorizing the City Manager, or his designee, to execute the agreement.
- Community & Economic Development; Nathan Houx, 571-5526, nhoux@modestogov.com*

ACTION: Resolution 2016-103 (Grewal/Madriral; 7/0) approving a Grant and License Agreement with Shane's Inspiration for design services related to the development of an inclusive playground at Beyer Community Park, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

9. Consider approving an Agreement with Pacific Design Associates, Inc. for design services related to the replacement of the seating area in Mancini Bowl in an amount not to exceed \$8,750. (Funding Source: Parks Partner Program)
- Resolution approving an agreement with Pacific Design Associates, Inc. For design services related to the replacement of seating at Mancini bowl, and authorizing the City Manager, or his designee, to execute the agreement.
- Community & Economic Development; Nathan Houx, 571-5526, nhoux@modestogov.com*

ACTION: Resolution 2016-104 (Kenoyer/Zoslocki; 7/0) approving an agreement with Pacific Design Associates, Inc. For design services related to the replacement of seating at Mancini bowl, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

10. Consider accepting the Monthly Budget Adjustments Report for January 2016 and amending Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget (continued from March 8, 2016 Council meeting). (Funding Source: Various Funds)
- Staff Recommendations:**
- Resolution amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.
- Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

ACTION: Resolution 2016-105 (Kenoyer/Zoslocki; 7/0) amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.

Consent

11. Consider accepting the Monthly Investment Report for November 2015. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for November 2015.
- Finance; Gloria Garza, 577-5219, ggarza@modestogov.com*

ACTION: Motion (Kenoyer/Zoslocki; 7/0) accepting the Monthly Investment Report for November 2015.

Consent

12. Consider authorizing award of proposal for the purchase of mobile data computers for the Modesto Police Department to Dell Marketing L.P., Round Rock, TX, for an estimated total cost of \$404,209. (Funding Source: Fleet Fund, General Fund)
- Resolution authorizing award of proposal for the purchase of mobile data computers for the Modesto Police Department to Dell Marketing L.P., Round Rock, TX, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$404,209.
- Finance; Mark Quiroz, 571-5839, mquiroz@modestogov.com*

ACTION: Resolution 2016-106 (Kenoyer/Zoslocki; 7/0) authorizing award of proposal for the purchase of mobile data computers for the Modesto Police Department to Dell Marketing L.P., Round Rock, TX, and authorizing the Purchasing Manager, or his designee, to issue a

purchase order for an estimated total cost of \$404,209.

Consent

13. Consider: (i) accepting the San Joaquin Valley Air Pollution Control District funding in the amount of \$81,943.11 in Public Benefit Grants Program, New Alternative Fuel Vehicle Purchase funds, for the purchase of 5 Electric Club Cars from Gold Country Golf and Utility, Jamestown, CA, and (ii) amending the Fiscal Year 2015/16 Operating and Multi-Year Budget to reflect revenue and expenses in the amount of \$81,943.11 related to the San Joaquin Valley Air Pollution Control District, New Alternative Fuel Vehicle Purchase funds for the purchase of 5 Electric Club Cars. (Funding Source: Air Quality Grant)

- Resolution accepting the San Joaquin Valley Air Pollution Control District (SJVAPCD) funding in the amount of \$81,943.11 in Public Benefit Grants Program, New Alternative Fuel Vehicle Purchase funds, for the purchase of five (5) Electric Club Cars from Gold Country Golf and Utility, Jamestown, CA; and authorizing the City Manager, or his designee, to execute the necessary documents.
- Resolution amending the Fiscal Year 2015/2016 Multi-Year Operating Budget to reflect revenue and expenses in the amount of \$81,943.11 related to the San Joaquin Valley Air Pollution Control District (SJVAPCD), New Alternative Fuel Vehicle Purchase Funds for the purchase of five (5) Electric Club Cars from Gold Country Golf and Utility, Jamestown, CA; and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

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

ACTION: Resolution 2016-107 (Kenoyer/Zoslocki; 7/0) accepting the San Joaquin Valley Air Pollution Control District (SJVAPCD) funding in the amount of \$81,943.11 in Public Benefit Grants Program, New Alternative Fuel Vehicle Purchase funds, for the purchase of five (5) Electric Club Cars from Gold Country Golf and Utility, Jamestown, CA; and authorizing the City Manager, or his designee, to execute the necessary documents.

ACTION: Resolution 2016-108 (Kenoyer/Zoslocki; 7/0) amending the Fiscal Year 2015/2016 Multi-Year Operating Budget to reflect revenue and expenses in the amount of \$81,943.11 related to the San Joaquin Valley Air Pollution Control District (SJVAPCD), New Alternative Fuel Vehicle Purchase Funds for the purchase of five (5) Electric Club Cars from Gold Country Golf and Utility, Jamestown, CA; and authorizing the Director of Finance, or her designee, to take the necessary steps to implement the provisions of this resolution.

Consent

14. Pursuant to the terms of a previously-approved contract, consider (i) authorizing the Public Works Director to issue payment to Storer Transit Systems in the amount of \$435,875 for fixed cost adjustments for the Fiscal Year 2014/2015 operation of the Modesto Area Dial-A-Ride, and (ii) amending Fiscal Year 2015-2016 Operating Budget in the amount of \$435,875 to fund payment issued to Storer Transit Systems as required by Section G of the City's May 13, 2014 Agreement. (Funding Source: Transit Funds)

- Resolution authorizing the Public Works Director, or his designee, to issue payment to Storer Transit Systems (Storer) in the amount of \$435,875 for fixed cost adjustments for the Fiscal Year 2014/2015 operation of the Modesto Area Dial-A-Ride (MADAR).
- Resolution amending the Fiscal Year 2015-2016 Operating Budget in the amount of \$435,875 to fund payment issued to Storer Transit Systems (Storer) as required by Section G of the City's May 13, 2014, Agreement with Storer requiring the City to cover certain fixed costs incurred by Storer.

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

ACTION: Resolution 2016-109 (Kenoyer/Zoslocki; 7/0) authorizing the Public Works Director, or his designee, to issue payment to Storer Transit Systems (Storer) in the amount of \$435,875 for fixed cost adjustments for the Fiscal Year 2014/2015 operation of the Modesto Area Dial-A-Ride (MADAR).

ACTION: Resolution 2016-110 (Kenoyer/Zoslocki; 7/0) amending the Fiscal Year 2015-2016 Operating Budget in the amount of \$435,875 to fund payment issued to Storer Transit Systems (Storer) as required by Section G of the City's May 13, 2014, Agreement with Storer requiring the City to cover certain fixed costs incurred by Storer.

Consent

15. Pursuant to the terms of a previously-approved contract, consider approving Amendment No. 1 to the August 8, 2012, Fixed Route Transit System Operations Agreement between the City of Modesto and Transdev Services, Inc., and authorizing the City Manager, or his designee, to execute Amendment No. 1 and make all appropriate and necessary payments to Transdev. (Funding Source: Transit Funds)
- Resolution approving Amendment No. 1 to Fixed-Route Transit System Operations Agreement with Transdev Services, Inc. (Transdev) and authorizing the City Manager, or his designee, to execute Amendment No. 1 and make all appropriate and necessary payments to Transdev.

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

ACTION: Resolution 2016-111 (Kenoyer/Zoslocki; 7/0) approving Amendment No. 1 to Fixed-Route Transit System Operations Agreement with Transdev Services, Inc. (Transdev) and authorizing the City Manager, or his designee, to execute Amendment No. 1 and make all appropriate and necessary payments to Transdev.

Consent

16. Consider adopting the designation of a Surface Transportation Assistance Act Truck Route on Morgan Road between Nelson Way and Whitmore Avenue and Oates Court, and updating the existing City of Modesto Truck Route. (Funding Source: Not Applicable)
- Resolution to update the existing City of Modesto Truck Route Map to designate Morgan Road between Nelson Way and Whitmore Avenue and Oates Court as a Surface Transportation Assistance Act (STAA) Truck Route and rescinding Resolution No. 2003-651.

Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2016-112 (Kenoyer/Zoslocki; 7/0) updating the existing City of Modesto Truck Route Map to designate Morgan Road between Nelson Way and Whitmore Avenue and Oates Court as a Surface Transportation Assistance Act (STAA) Truck Route and rescinding Resolution No. 2003-651.

Consent

17. Consider (i) approving the plans and specifications, (ii) accepting the bid, and (iii) approving a construction contract between the City and Carl Joseph Bartaldo Construction of Palo Cedro, CA in the amount of \$280,350 for the expansion of ATMS and CCTV along Briggsmore Avenue from Oakdale Road to Claus Road. (Funding Source: Congestion Mitigation and Air Quality (CMAQ) 100%)

- Resolution approving the plans and specifications, accepting the bid, and approving a contract for the project titled, "Expand ATMS and CCTV Along Briggsmore Avenue" with Carl Joseph Bartaldo Construction of Palo Cedro, CA, in the amount of \$280,350; and authorizing the City Manager, or his designee, to execute the contract.

Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2016-113 (Kenoyer/Zoslocki; 7/0) approving the plans and specifications, accepting the bid, and approving a contract for the project titled, "Expand ATMS and CCTV Along Briggsmore Avenue" with Carl Joseph Bartaldo Construction of Palo Cedro, CA, in the amount of \$280,350; and authorizing the City Manager, or his designee, to execute the contract.

Consent

18. Consider authorizing the award of proposal for the furnishing of after-hours on-call answering services for the Utilities Department, Wastewater Division and Water Division, to Hartley and Associates, Santa Monica, CA, for an estimated annual cost of \$30,600, and over five (5) years, a total cost of \$153,000. (Funding Source: Wastewater Fund and Water Fund)

- Resolution authorizing the award of proposal for the furnishing of after hour on-call answering services for the Utilities Department, Wastewater Division and Water Division, to Hartley and Associates, Santa Monica, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$30,600, and over five (5) years of \$153,000.

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

ACTION: Resolution 2016-114 (Kenoyer/Zoslocki; 7/0) authorizing the award of proposal for the furnishing of after hour on-call answering services for the Utilities Department, Wastewater Division and Water Division, to Hartley and Associates, Santa Monica, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$30,600, and over five (5) years of \$153,000.

Consent

19. Consider rescinding Resolution No. 2011-459 and terminating a Memorandum of Understanding between the Public Works Department and Parks, Recreation, and Neighborhoods Department to repay funds for the relocation of the Solid Waste Compost Facility. (Funding Source: Not Applicable)

- Resolution rescinding Resolution No. 2011-459 and terminating a Memorandum of Understanding between the Public Works Department and Parks, Recreation, and Neighborhoods Department to Repay Funds for the Relocation of the Solid Waste Compost Facility.

Utilities and Public Works; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2016-115 (Kenoyer/Zoslocki; 7/0) rescinding Resolution No. 2011-459 and terminating a Memorandum of Understanding between the Public Works Department and Parks, Recreation, and Neighborhoods Department to Repay Funds for the Relocation of the Solid Waste Compost Facility.

Consent

20. Consider approving an Agreement with Kleinfelder, Inc., Modesto, CA to provide geophysical investigation services for Grayson Well 274 in an amount not to exceed \$82,500. (Funding Source: Water Fund - CIP)
- Resolution approving an agreement with Kleinfelder, Inc., Modesto, CA for Geophysical Investigation Services for Well 274, in an amount not to exceed \$75,000 for the identified scope of services, plus \$7,500 for additional services (if needed), for a maximum total amount of \$82,500, and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2016-116 (Kenoyer/Zoslocki; 7/0) approving an agreement with Kleinfelder, Inc., Modesto, CA for Geophysical Investigation Services for Well 274, in an amount not to exceed \$75,000 for the identified scope of services, plus \$7,500 for additional services (if needed), for a maximum total amount of \$82,500, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

21. Consider (i) approving a First Amendment to Agreement with Horizon Water and Environment, LLC, Oakland, CA for Project Level Environmental Impact Report for the Del Rio Tank and Well Project in an amount not to exceed \$126,374; and (ii) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$127,238 for the Del Rio Tank and Well Project. Total estimated cost of the environmental services for this project is \$227,735. (Funding Source: Water Fund – CIP)
- Resolution approving the first amendment to agreement with Horizon Water and Environment, LLC, Oakland, CA for Project Level Environmental Impact Report for the Del Rio Tank and Well Project in an amount not to exceed \$117,238 for the identified scope of services, plus \$9,136 for additional services (if needed), for a maximum total amount of \$126,374, and authorizing the City Manager, or his designee, to execute the first amendment to agreement.
 - Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$127,238 to be transferred into the project from Water Fund Reserves in order to fully fund the first amendment to agreement with Horizon Water and Environment, LLC, Oakland, CA for Project Level Environmental Impact Report for the Del Rio Tank and Well Project, including support by City staff.

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

ACTION: Resolution 2016-117 (Kenoyer/Zoslocki; 7/0) approving the first amendment to agreement with Horizon Water and Environment, LLC, Oakland, CA for Project Level Environmental Impact Report for the Del Rio Tank and Well Project in an amount not to exceed \$117,238 for the identified scope of services, plus \$9,136 for additional services (if needed), for a maximum total amount of \$126,374, and authorizing the City Manager, or his designee, to execute the first amendment to agreement.

ACTION: Resolution 2016-118 (Kenoyer/Zoslocki; 7/0) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$127,238 to be transferred into the project from Water Fund Reserves in order to fully fund the first amendment to agreement with Horizon Water and Environment, LLC, Oakland, CA for Project Level Environmental Impact Report for the Del Rio Tank and Well Project, including support by City staff.

Consent

22. Consider: (i) accepting the 2014 HUD Curb Ramps and Storm Drain Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling \$914,523 to George Reed, Inc., of Modesto, California; and (ii) authorizing an increase of \$1,893 to the Director of Utilities' authority for change orders for the wastewater-funded portion of the project. (Funding Source: Community Development Block Grant (CDBG) funds and Wastewater Funds)

- Resolution accepting the 2014 HUD Curb Ramps and Storm Drain Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, and release securities and payments totaling \$914,523 to George Reed, Inc., of Modesto, California
- Resolution authorizing an increase to the Director of Utilities authority for change orders for the 2014 HUD Curb Ramps and Storm Drain Improvements Project wastewater portion of work in the total amount of \$61,111 (10.3% of the original wastewater portion of the contract price).

Utilities; Collin Yerzy, 577-5860, cyerzy@modestogov.com

ACTION: Resolution 2016-119 (Kenoyer/Zoslocki; 7/0) accepting the 2014 HUD Curb Ramps and Storm Drain Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, and release securities and payments totaling \$914,523 to George Reed, Inc., of Modesto, California.

ACTION: Resolution 2016-120 (Kenoyer/Zoslocki; 7/0) authorizing an increase to the Director of Utilities authority for change orders for the 2014 HUD Curb Ramps and Storm Drain Improvements Project wastewater portion of work in the total amount of \$61,111 (10.3% of the original wastewater portion of the contract price).

Consent – *Mayor Brandvold absent due to conflict of interest*

23. Consider accepting the Transit Building Restroom Remodel project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$290,940 to RMC Enterprises, Inc. of Fresno, CA. (Funding Source: Transit Fund)

- Resolution accepting the Transit Building Restroom Remodel Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$290,940 to RMC Enterprises, Inc., of Fresno, CA.
Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com

ACTION: Resolution 2016-121 (Kenoyer/Ah You; 6/0; Mayor Brandvold absent due to conflict of interest) accepting the Transit Building Restroom Remodel Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$290,940 to RMC Enterprises, Inc., of Fresno, CA.

Consent

24. Consider accepting the Wellhead Treatment at Well No. 3 project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$1,015,582 to W.M. Lyles Co., of Fresno, CA. (Funding Source: Water PCE Mitigation Fund)
- Resolution accepting the Wellhead Treatment At Well No. 3 Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$1,015,582 to W.M. Lyles Co., of Fresno, CA.
Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com

ACTION: Resolution 2016-122 (Kenoyer/Zoslocki; 7/0) accepting the Wellhead Treatment At Well No. 3 Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$1,015,582 to W.M. Lyles Co., of Fresno, CA.

Consent

25. Consider authorizing an increase in the Director's authority to issue change orders for the 2014-2015 Storm Drain Improvements Project from 10 percent (\$56,632) to approximately 27.1 percent (\$153,536). (Funding Source: Storm Drain Fund)
- Resolution authorizing an increase of the Director of Utilities Authority to issue change orders on the 2014-2015 Storm Drain Improvements project from 10 percent (\$56,632) to approximately 27.1 percent (\$153,536) of the original construction contract price of \$566,317 with Rolfe Construction, of Atwater, CA.
Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com

ACTION: Resolution 2016-123 (Kenoyer/Zoslocki; 7/0) authorizing an increase of the Director of Utilities Authority to issue change orders on the 2014-2015 Storm Drain Improvements project from 10 percent (\$56,632) to approximately 27.1 percent (\$153,536) of the original construction contract price of \$566,317 with Rolfe Construction, of Atwater, CA.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer announced the departure of employees from the City of Modesto: Scott Humphries and Josh Bridegroom.

Councilmember Madrigal thanked Mayor Brandvold for driving with him through District 2 and reviewing infrastructure needs.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

26. Consider (i) accepting the Preliminary Design Report dated September 2015 for the River Trunk Realignment, Beard Brook Siphon, and Cannery Segregation Line Improvement Project as complete; (ii) approving an agreement with Carollo Engineers Inc., Walnut Creek, CA for Final Design Services for the River Trunk Realignment Project in an amount not to exceed \$4,704,361; and (iii) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$3,970,948 for the River Trunk Realignment Project. (Funding Source: Wastewater Fund)
- Resolution accepting the Preliminary Design Report dated September 2015 for the River Trunk Realignment, Beard Brook Siphon, and Cannery Segregation Line Improvement Project as complete.
 - Resolution approving an agreement with Carollo Engineers, Inc., Walnut Creek, CA for Final Design Services for River Trunk Realignment Project, in an amount not to exceed \$4,276,692 for the identified scope of services, plus \$427,669 for additional services (if needed), for a maximum total amount of \$4,704,361, and authorizing the City Manager, or his designee, to execute the agreement.
 - Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$3,970,948 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Final Design Services for the River Trunk Realignment Project, including support by City staff.

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

ACTION: Resolution 2016-124 (Zoslocki/Madrigal; 7/0) accepting the Preliminary Design Report dated September 2015 for the River Trunk Realignment, Beard Brook Siphon, and Cannery Segregation Line Improvement Project as complete.

ACTION: Resolution 2016-125 (Zoslocki/Madrigal; 7/0) approving an agreement with Carollo Engineers, Inc., Walnut Creek, CA for Final Design Services for River Trunk Realignment Project, in an amount not to exceed \$4,276,692 for the identified scope of services, plus \$427,669 for additional services (if needed), for a maximum total amount of \$4,704,361, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2016-126 (Zoslocki/Madrigal; 7/0) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$3,970,948 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Final Design Services for the River Trunk Realignment Project, including support by City staff.

NEW BUSINESS

27. Motion introducing and waiving the first reading of an Ordinance repealing Ordinance 3222-C.S. and adding Chapter 4, "Video Service Provided by State Franchise Holders" of Title 11 of the Modesto Municipal Code to comply with the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA"). (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance repealing Ordinance 3222-C.S. and adding Chapter 4, “Video Service Provided by State Franchise Holders” of Title 11 of the Modesto Municipal Code to comply with the Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”).
Information Technology; John Dickey, 577-5229, jdickey@modestogov.com

ACTION: Motion (Ridenour/Zoslocki; 7/0) introducing and waiving the first reading of **Ordinance No. 3645-C.S.** repealing Ordinance No. 3222-C.S. and adding Chapter 4, “Video Service Provided by State Franchise Holders” of Title 11 of the Modesto Municipal Code to comply with the Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”).

28. Consider a Resolution approving the formation of and appointments to the Mayor’s “100 Days Committee,” comprised of the Mayor, two City Council Members, and eleven members of the public, including three certified public accountants, to make recommendations to the full City Council on the 2016-2017 City budget. (Funding Source: Not Applicable)
- Resolution approving the formation of and appointments to the Mayor’s 100 Days Committee.
City Attorney; Adam U. Lindgren, 577-5288, alindgren@modestogov.com

ACTION: Resolution 2016-127 (Ridenour/Zoslocki; 7/0) approving the formation of and appointments to the Mayor’s 100 Days Committee.

29. Consider a Resolution declaring Council’s fiscal priorities for the remainder of fiscal year 2015-2016 and providing guidance to City staff and the community regarding its intent to prioritize expenditures on only essential matters. (Funding Source: Not Applicable)
- Resolution declaring Council’s fiscal priorities for the remainder of this fiscal year 2015-2016 and providing guidance to City staff and the community regarding its intent to prioritize expenditures on only essential matters.
City Attorney; Adam U. Lindgren, 577-5288, alindgren@modestogov.com

ACTION: Resolution 2016-128 (Grewal/Ridenour; 7/0) declaring Council’s fiscal priorities for the remainder of this fiscal year 2015-2016 and providing guidance to City staff and the community regarding its intent to prioritize expenditures on only essential matters. **(AS AMENDED)**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:10 p.m.

ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010 10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP (Open to the Public)

30. Council Workshop: (i) Review of Audited Fiscal Year 2014/15 financial results and update on Fiscal Year 2015/16 current budget; and (ii) review and direction on proposed Long Range Agenda format. (Funding Source: Not Applicable)
City Manager; Jim Holgersson, 577-5223, jholgersson@modestogov.com

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Property: Property between 9th and 10th Street, and E Street and F Street,
located in Modesto, CA; APN: 106-044-005

Property Owners: Victor Martinez and Iris L. Martinez TRS

Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for the City of Modesto
For Property Owners: Larry Killian (Real Estate Broker)

Under Negotiation: Possible acquisition of property and entering into property negotiations

MINUTES

City of Modesto EFFECTIVE GOVERNMENT COMMITTEE/ COUNCIL WORKSHOP

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

Monday, March 21, 2016, at 5:00 p.m. (meeting started at 5:57 p.m.)

Roll Call - Present: Councilmembers Madrigal, Ah You, Ridenour (alternate)
Absent: Councilmember Grewal

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

CONSENT

None.

NEW BUSINESS

1. Consider accepting an informational report regarding the restructuring of the Housing & Urban Development Unit to improve efficiency and effectiveness within the Department of Community & Economic Development and forwarding to Council for approval. (Funding Source: Community Development Block Grant (CDBG), Home Investment Partnership Grant (HOME), Emergency Solutions Grant (ESG), and General Fund)
Community & Economic Development; Tina Rocha, 577-5231 , trocha@modestogov.com

ACTION: Motion (Ridenour/Ah You; unan.) accepting an informational report regarding the restructuring of the Housing & Urban Development Unit to improve efficiency and effectiveness within the Department of Community & Economic Development and forwarding to Council for approval (**CLARIFY FUNDING**).

2. Consider approving the recommended budget adjustments to the FY2015-16 Annual Operating and Capital Improvement Project Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Ridenour/Ah You; unan.) approving the recommended budget

adjustments to the FY2015-16 Annual Operating and Capital Improvement Project Budgets and forwarding to Council for approval.

3. Consider accepting an informational report regarding Purchasing Methods. (Funding Source: Not Applicable)
Finance; Gloriette Genereux, 577-5371, ggenereux@modestogov.com

ACTION: Motion (Ah You/Ridenour; unan.) accepting an informational report regarding Purchasing Methods.

4. Consider approving an Ordinance repealing Ordinance 3222-C.S. and adding Chapter 4, "Video Service Provided by State Franchise Holders" of Title 11 of the Modesto Municipal Code to comply with the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA") and forwarding to Council for approval. (Funding Source: Not Applicable)
Information Technology; John Dickey, 577-5229, jdickey@modestogov.com

ACTION: Motion (Ah You/Ridenour; unan.) approving an Ordinance repealing Ordinance 3222-C.S. and adding Chapter 4, "Video Service Provided by State Franchise Holders" of Title 11 of the Modesto Municipal Code to comply with the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA") and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:10 p.m.

MINUTES

City of Modesto GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL WORKSHOP

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

Monday, March 14, 2016, at 5:00 p.m.

Roll Call: Present: Councilmembers Kenoyer, Ah You and Ridenour Sr.

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. [Consider approving revisions to the Rules and Procedures of the Entertainment Commission and recommendation of appointment of members to the Entertainment Commission and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Laurie Smith, 577-5347 , lsmith@modestogov.com
ACTION: (Motion Ridenour/Ah You: anan.) to a.) move the revisions forward to City Council for consideration of approval and b.) set up individual interviews for each qualified candidates for the Entertainment Commission vacancies.

2. [Consider recommending to City Council adoption of an ordinance amending Section 4-2.07 to clarify that violations of the City’s Fire Code relating to the possession, manufacture, sale, use or discharge of dangerous fireworks may be charged as a misdemeanor or infraction. \(Funding Source: General Fund Revenue\)](#)
Fire; Mike Payton, 571-5553, mpayton@modestofire.com
ACTION: (Motion: Ridenour/Ah You: unan.) to move this item forward to City Council for consideration of approval.

3. [Consider approving a Funding Agreement with Modesto Neighborhoods, Inc. in the amount of \\$900,000 to develop new Neighborhood Organizations and to strengthen existing Neighborhood Alliances and forwarding to Council for approval. \(Funding Source: General Fund\)](#)
Parks, Recreation & Neighborhoods; Marco Sepulveda, 577-5275, msepulveda@modestogov.com
ACTION: (Motion: Ah You/Ridenour) to wait until after the 100-day Budget Review and return to Committee. Ah You/Ridenour amended motion to table this item for 90 days and return to Committee. All Aye.

4. [Consider replacing the flag pole at the King Kennedy Memorial Center and forwarding to Council for approval. \(Funding Source: General Fund\)](#)
Parks, Recreation and Neighborhoods; Marco Sepulveda, 577-5275, msepulveda@modestogov.com
ACTION: (Motion: Ah You/Ridenour: unan.) to accept the donation from the International Brotherhood of Electrical Workers (IBEW) to fully improve the flag pole with lighting.

Councilmember Ah You leaves meeting at 7:14 and Councilmember Grewal is seated as Alternate.

5. [Consider accepting an informational report regarding Modesto's Crime Statistics for January through December 2015, as compared to January through December 2014. \(Funding Source: Not Applicable\)](#)
Police; Galen Carroll, 572-9501, carrollg@modestopd.com
ACTION: (Motion: Ridenour/Grewal: unan.) to accept the report.
6. [Consider accepting an informational report regarding Modesto's Traffic Statistics for the month of December 2015 and for the year-end report. \(Funding Source: Not Applicable\)](#)
Police; Galen Carroll, 572-9501, carrollg@modestopd.com
ACTION: (Motion: Grewal/Ridenour: unan.) to accept the report.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:19 p.m.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, April 5, 2016, at 11:00 a.m.

Roll Call Present: Councilmembers Zoslocki, Ridenour, Grewal
Absent: None
Also Present: Councilmember Kenoyer (arrived at 11:33 a.m.)

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider approving City Auditor Moss Adams, LLP budget modification request in the amount of \$35,000 to utilize part of the internal audit program contingency for working on the revenue manual. (Funding Source: General Fund)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Ridenour/Grewal; unan.) approving City Auditor Moss Adams, LLP budget modification request in the amount of \$35,000 to utilize part of the internal audit program contingency for working on the revenue manual.

2. Consider accepting audit reports audited by external auditors Macias, Gini & O'Connell, LLP for (i) the City of Modesto Fiscal Year 2014-15 Single Audit; (ii) Stanislaus Drug Enforcement Agency Fiscal Year 2014-15 Single Audit; and (iii) Agreed Upon Procedures for Stanislaus Regional Water Authority and refer to City Council for consideration and approval. (Funding Source: Not Applicable)
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Grewal/Ridenour; unan.) accepting audit reports audited by external auditors Macias, Gini & O'Connell, LLP for (i) the City of Modesto Fiscal Year 2014-15 Single Audit; (ii) Stanislaus Drug Enforcement Agency Fiscal Year 2014-15 Single Audit; and (iii) Agreed Upon Procedures for Stanislaus Regional Water Authority and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:55 a.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 05, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Jim Applegate, Redeemer Church

City Clerk's Announcements: Item 14 - Revision should read: Resolution No. 2015-69

Declaration of Conflicts of Interest: Item 17 - Grewal, Ridenour

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Stanislaus Council of Governments regarding the proposed Expenditure Plan adopted by the StanCOG Policy Board proposing a ½ cent sales tax measure for the November ballot to fund local and regional transportation projects and program. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Stanislaus Council of Governments gave a Presentation regarding the proposed Expenditure Plan adopted by the StanCOG Policy Board proposing a 1/2 cent sales tax measure for the November ballot to fund local and regional transportation projects and program.

2. Presentation of Proclamation to the Northern California Handweavers proclaiming April 3, 2016- April 10, 2016 Field to Fiber: Textile Week in Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation to the Northern California Handweavers proclaiming April 3, 2016 - April 10, 2016 Field to Fiber: Textile Week in Modesto.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider approving the re-appointments of Norma Reed, Tammy Maisetti, and Steve Rank to the Downtown Improvement Advisory Board for a four-year term to expire January 1, 2020. (Funding Source: Not Applicable)
- Resolution approving the re-appointments of Norma Reed, Tammy Maisetti, and Steve Rank to the Downtown Improvement Advisory Board for a four-year term to expire January 1, 2020.
- City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com*

ACTION: Resolution 2016-129 (Ridenour/Zoslocki; 7/0) approving the re-appointments of Norma Reed, Tammy Maisetti, and Steve Rank to the Downtown Improvement Advisory Board for a four-year term to expire January 1, 2020.

4. Consider accepting the resignation of Jessica Self from the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)
- Resolution accepting the resignation of Jessica Self from the City of Modesto Board of Zoning Adjustment.
- Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

ACTION: Resolution 2016-130 (Zoslocki/Ridenour; 7/0) accepting the resignation of Jessica Self from the City of Modesto Board of Zoning Adjustment.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding the Chamber of Commerce in Turlock and Modesto.
- Maggie Mejia spoke regarding June elections and the Family and Paws Walk for Clean Water on April 17, 2016.
- George Russell spoke regarding his previous request for a flagpole; he thanked the International Brotherhood of Electrical Workers for fixing flagpole and question regarding Amgen.
- Maggie Countryman spoke regarding BZA Resolution 2013-60 and two-story permit.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 5-16; 18-20: (Kenoyer/Grewal; unan.)

ACTION CONSENT ITEM 17: (Zoslocki/Madriral; unan.; Ridenour, Grewal absent due to conflict of interest)

CONSENT ITEMS

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

Consent

5. Consider approving the minutes from the March 22, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the March 22, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Grewal; 7/0) approving the minutes from the March 22, 2016 Council Meeting.

Consent

6. Consider final adoption of **Ordinance No. 3645-C.S.** repealing Ordinance No. 3222-C.S. and adding Chapter 4, "Video Service Provided by State Franchise Holders" of Title 11 of the Modesto Municipal Code to comply with the Digital Infrastructure and Video Competition Act of 2006 (DIVCA"). This will ensure that the City's Municipal Code is consistent with state law and will allow the City to collect a 1% fee from State Franchisees operating in the City to fund capital costs associated with Public, Educational and Government (PEG) channel facilities. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3645-C.S.** repealing Ordinance No. 3222-C.S. and adding Chapter 4, "Video Service Provided by State Franchise Holders" of Title 11 of the Modesto Municipal Code to comply with the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA").
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Grewal; 7/0) approving the final adoption of **Ordinance No. 3645-C.S.** repealing Ordinance No. 3222-C.S. and adding Chapter 4, "Video Service Provided by State Franchise Holders" of Title 11 of the Modesto Municipal Code to comply with the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA").

Consent

7. Consider approving the Amended and Restated Joint Powers Agreement Establishing the Stanislaus Council of Governments and Amended and Restated Bylaws amending the clarification process for the Executive Committee of the Policy Board, the terms of office for the Chair and Vice-Chair of the Policy Board from a fiscal to a calendar year, and updating the descriptions and composition information of the committees. (Funding Source: Not Applicable)
 - Resolution approving the Amended and Restated Joint Powers Agreement Establishing the Stanislaus Council of Governments and Amended and Restated Bylaws.
City Attorney; Adam U. Lindgren, 577-5291, alindgren@modestogov.com

ACTION: Resolution 2016-131 (Kenoyer/Grewal; 7/0) approving the Amended and Restated Joint Powers Agreement Establishing the Stanislaus Council of Governments and Amended and Restated Bylaws.

Consent

8. Consider approving the change in meeting time of the Healthy Economy Committee from 5:00 p.m. on the 1st Monday of the month, to 2:00 p.m. on the 2nd Wednesday of the month. (Funding Source: Not Applicable)

- Motion approving the change in meeting time of the Healthy Economy Committee to the 2nd Wednesday of the month at 2:00 p.m.

City Manager; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Kenoyer/Grewal; 7/0) approving the change in meeting time of the Healthy Economy Committee to the 2nd Wednesday of the month at 2:00 p.m.

Consent

9. Consider approving Amendment No. 3 to an Agreement for services between the City of Modesto and Disability Access Consultant, Inc., to assist the City in updated the 1992 Self Evaluation and Transition Plan to comply with the Americans with Disabilities Act (ADA) in an amount not to exceed \$9,550. (Funding Source: General Fund)

- Resolution approving Amendment No. 3 to an agreement for services between the City of Modesto and Disability Access Consultant, Inc., to assist the City in updating the 1992 Self Evaluation and Transition Plan (in an amount not to exceed \$9,550) and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2016-132 (Kenoyer/Grewal; 7/0) approving Amendment No. 3 to an agreement for services between the City of Modesto and Disability Access Consultant, Inc., to assist the City in updating the 1992 Self Evaluation and Transition Plan (in an amount not to exceed \$9,550) and authorizing the City Manager, or his designee, to execute the agreement.

Consent

10. Consider authorizing submittal of an application to the California State Transportation Agency for up to \$1,000,000 in funding under the 2016 Transit and Intercity Rail Capital Program for design and engineering documents for a downtown passenger rail station. (Funding Source: Not Applicable)

- Resolution authorizing City staff to submit an application to the California State Transportation Agency for \$1,000,000 under the 2016 Transit and Intercity Rail Capital Program.

Community & Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com

ACTION: Resolution 2016-133 (Kenoyer/Grewal; 7/0) authorizing City staff to submit an application to the California State Transportation Agency for \$1,000,000 under the 2016 Transit and Intercity Rail Capital Program.

Consent

11. Consider accepting the Monthly Investment Report for December 2015. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for December 2015.

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

ACTION: Motion (Kenoyer/Grewal; 7/0) accepting the Monthly Investment Report for December 2015.

Consent

12. Consider: (i) accepting an informational report regarding the mid-year financial status of the General Fund revenues; and, (ii) consider approving the proposed budget adjustments and amendments to the FY 2015-16 Position Allocation List for the Modesto Fire Department and Utilities Department as reviewed by the Effective Government Committee. (Funding Source: General Fund and Water Fund)
- Resolution accepting an informational mid-year General Fund Revenue Report and amending the Fiscal Year 2015-16 Operating Budget to approve adjustments to General Fund revenues as described in Exhibit B.
 - Resolution amending the Fiscal Year 2015-16 position allocation to eliminate the MRFA Finance Manager and MRFA Information Technology positions and add one Administrative Analyst II and one Senior Administrative Office Assistant position in the Fire Department in the General Fund and to reallocate the Executive Assistant position in the Utilities Administration Division to an Office Supervisor in the Water Fund.

Finance; Stephan Christensen, 577-5390, schristensen@modestogov.com

ACTION: Resolution 2016-134 (Kenoyer/Grewal; 7/0) accepting an informational mid-year General Fund Revenue Report and amending the Fiscal Year 2015-16 Operating Budget to approve adjustments to General Fund revenues as described in Exhibit B.

ACTION: Resolution 2016-135 (Kenoyer/Grewal; 7/0) amending the Fiscal Year 2015-16 position allocation to eliminate the MRFA Finance Manager and MRFA Information Technology positions and add one Administrative Analyst II and one Senior Administrative Office Assistant position in the Fire Department in the General Fund and to reallocate the Executive Assistant position in the Utilities Administration Division to an Office Supervisor in the Water Fund.

Consent

13. Consider approving an Agreement with e-Builder, Inc., Plantation, FL., for the purchase and installation of a construction project management software system for the Utilities Department, for an estimated total cost of \$559,628. (Funding Source: Wastewater Fund and Water Fund)
- Resolution authorizing the award of proposal and contract for the purchase and installation of a construction project management software system for the Utilities Department to e-Builder, Inc., Plantation, FL, and authorizing the City Manager, or his designee, to execute the contract for an estimated total cost of \$559,628.

Finance & Information Technology; Cindy Medley, 571-5164, cmedley@modestogov.com

ACTION: Resolution 2016-136 (Kenoyer/Grewal; 7/0) authorizing the award of proposal and contract for the purchase and installation of a construction project management software system for the Utilities Department to e-Builder, Inc., Plantation, FL, and authorizing the City Manager, or his designee, to execute the contract for an estimated total cost of \$559,628.

Consent

14. Consider authorizing submittal of application(s) to the California Department of Resources, Recycling and Recovery for recycle payment programs that support and

expand beverage container collection and redemption in Modesto, and rescinding City Council Resolution No. 2015-69. (Funding Source: CalRecycle)

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

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

ACTION: Resolution 2016-137 (Kenoyer/Grewal; 7/0) authorizing submittal of application(s) to the California Department of Resources, Recycling and Recovery (Cal Recycle) for recycle payment programs and authorizing the City Manager, or his designee, to execute all related documents and authorizations and rescinding City Council Resolution No. 2015-69.

Consent

15. Consider authorizing the submission of the City's Local Transportation Fund Fiscal Year 2015/16 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of \$153,047 to the Stanislaus Council of Governments. (Funding Source: Local Transportation Funds)

- Resolution authorizing the submission of the City's Local Transportation Fund (LTF) FY 2015/16 claim for Non-motorized Purposes in the amount of \$153,047 to the Stanislaus Council of Governments (StanCOG).

Public Works; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Resolution 2016-138 (Kenoyer/Grewal; 7/0) authorizing the submission of the City's Local Transportation Fund (LTF) FY 2015/16 claim for Non-motorized Purposes in the amount of \$153,047 to the Stanislaus Council of Governments (StanCOG).

Consent

16. Consider authorizing the purchase of two packer trucks from Western Truck Center, West Sacramento, CA, for an estimated total cost of \$424,003 (competitive bid process completed). (Funding Source: Fleet Replacement Fund)

- Resolution authorizing the award of bid for the purchase of two packer trucks to Western Truck Center, West Sacramento, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$424,003.

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

ACTION: Resolution 2016-139 (Kenoyer/Grewal; 7/0) authorizing the award of bid for the purchase of two packer trucks to Western Truck Center, West Sacramento, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$424,003.

Consent – Councilmembers Grewal and Ridenour absent due to conflict of interest

17. Consider approving an Agreement with O'Dell Engineering of Modesto, CA to provide survey services for East Morris Sewer Improvements in an amount not to exceed \$154,220. (Funding Source: Wastewater Fund)

- Resolution approving an agreement with O'Dell Engineering, Inc., dba O'Dell Engineering of Modesto, CA to provide survey services for East Morris Sewer Improvements, in an amount not to exceed \$140,200 for the identified scope of

services, plus \$14,020 for additional services (if needed), for a maximum total amount of \$154,220, and authorizing the City Manager, or his designee, to execute the agreement.

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

ACTION: Resolution 2016-140 (Zoslocki/Madrigal; 5/0; Grewal, Ridenour absent due to conflict of interest) approving an agreement with O'Dell Engineering, Inc., dba O'Dell Engineering of Modesto, CA to provide survey services for East Morris Sewer Improvements, in an amount not to exceed \$140,200 for the identified scope of services, plus \$14,020 for additional services (if needed), for a maximum total amount of \$154,220, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

18. Consider an Ordinance to authorize the use of design-build procurement (a change in the traditional sequence of project work) for the North Valley Regional Recycled Water Project. (Funding Source: Wastewater Fund)

- Motion introducing and waiving the first reading of an Ordinance amending Section 8-3.102 of Article 1, of Chapter 3 of Title 8 of the Modesto Municipal Code to authorize the use of design-build procurement for the North Valley Regional Recycled Water Project.

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

ACTION: Motion (Kenoyer/Grewal; 7/0) introducing and waiving the first reading of **Ordinance No. 3646-C.S.** amending Section 8-3.102 of Article 1, of Chapter 3 of Title 8 of the Modesto Municipal Code to authorize the use of design-build procurement for the North Valley Regional Recycled Water Project.

Consent

19. Consider accepting the Shackelford Sewer Crossing Project as complete, authorizing all necessary steps to file with the County Recorder, and release securities and payments totaling \$2,065,706 to Mozingo Construction, of Oakdale, California. (Funding Source: Wastewater Fund)

- Resolution accepting the Shackelford Crossing Project as complete, authorizing all necessary steps to file with the County Recorder, and release securities and payments totaling \$2,065,706 to Mozingo Construction, Inc. of Oakdale, California.

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

ACTION: Resolution 2016-141 (Kenoyer/Grewal; 7/0) accepting the Shackelford Crossing Project as complete, authorizing all necessary steps to file with the County Recorder, and release securities and payments totaling \$2,065,706 to Mozingo Construction, Inc. of Oakdale, California.

Consent

20. Consider (i) approving a Donation Agreement with Janopaul Properties, LLC, to acquire real property interests; and (ii) approving a Donation Agreement with Serrao Properties, LLC, to acquire real property interests, for both the Strengthen and Replace Water System items concerning South 9th Street Industrial Area Project. (Funding Source: Water Fund)

- Resolution approving a Donation Agreement with Janopaul Properties, LLC, for donation of a public utility easement located at 615 Janopaul Avenue (APN: 038-019-017), consisting of 31,320 square feet, for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.
- Resolution approving a Donation Agreement with Serrao Properties, LLC for donation of a public utility easement located at 820 Janopaul Avenue (APN: 038-019-018), consisting of 16,176 square feet, for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the acquisition of a public utility easement located at 615 Janopaul Avenue, owned by Janopaul Properties, LLC, (APN: 038-019-017) to be accepted by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the donation of a public utility easement located at 820 Janopaul Avenue, owned by Serrao Properties, LLC, (APN: 038-019-018) to be accepted by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

Utilities; Jon Yurjar, 577-5399, jyurjar@modestogov.com

ACTION: Resolution 2016-142 (Kenoyer/Grewal; 7/0) approving a Donation Agreement with Janopaul Properties, LLC, for donation of a public utility easement located at 615 Janopaul Avenue (APN: 038-019-017), consisting of 31,320 square feet, for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2016-143 (Kenoyer/Grewal; 7/0) approving a Donation Agreement with Serrao Properties, LLC for donation of a public utility easement located at 820 Janopaul Avenue (APN: 038-019-018), consisting of 16,176 square feet, for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2016-144 (Kenoyer/Grewal; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the acquisition of a public utility easement located at 615 Janopaul Avenue, owned by Janopaul Properties, LLC, (APN: 038-019-017) to be accepted by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

ACTION: Resolution 2016-145 (Kenoyer/Grewal; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the donation of a public utility easement located at 820 Janopaul Avenue, owned by Serrao Properties, LLC, (APN: 038-019-018) to be accepted by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer thanked Forestry Department staff.

Councilmember Madrigal thanked City staff for assistance with streets and stop signs.

Councilmember Ah You thanked Bill Sandhu and Steve Fischio with their assistance.

Councilmember Zoslocki spoke regarding the installation of a crosswalk at Orville Wright Elementary School; he thanked Jeff Barnes.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

21. Consider, for discussion only, an application for a Special Event Entertainment Permit for Xclamation Festival 2016, and closing downtown streets between 9th and 12th Streets on J Street and I Street, and between 9th and 11th Streets on H Street, on August 20, 2016 to early morning on August 21, 2016. (Funding Source: Entertainment Permit Applicant Fees and Reimbursement)
 - Receive the Agenda Report and attachments, consider any presentations by Staff, take testimony from the applicant and public. Take no action until the hearing on the application on April 26, 2016.
Community & Economic Development; Cynthia Birdsill, 571-5840, cbirdsill@modestogov.com

Recess at 8:35 p.m.

Reconvened at 9:00 p.m.

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:55 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: Joe Lopez

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: Property between 9th and 10th Street, and E Street and F Street,
located in Modesto, CA; APN: 106-044-005

Property Owners: Victor Martinez and Iris L. Martinez TRS

Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for the City of Modesto

For Property Owners: Larry Killian (Real Estate Broker)

Under Negotiation: Possible acquisition of property and entering into property negotiations

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: 800 N. McClure Rd., Modesto, CA; APN: 079-001-001)

Property Owners: Claus Road Farm Trust

Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for the City of Modesto

For Property Owners: Timothy A. Byrd, Attorney at Law

Under Negotiation: Possible acquisition of property and entering into property negotiations

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 12, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Love Modesto

City Clerk’s Announcements: Item 2 - continued to future Council meeting date

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the City of Modesto 27th Annual Earth Day in the Park Festival.
(Funding Source: Not Applicable)
Public Works; Vicki Rice, 577-5495, vrice@modestogov.com

ACTION: Vicki Rice, Recycling Coordinator, gave a presentation of the City of Modesto's 27th Annual Earth Day in the Park Festival.

2. Presentation by the Chamber of Commerce introducing the new business Darroch Brain & Spine Institute of Doctors Medical Center. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.vcom

ACTION: Continued to a future Council meeting date.

3. Presentation by Health Plan of San Joaquin on new State funding for affordable health care coverage. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Michael Nguyen, Health Plan of San Joaquin, gave a Presentation on new State funding for affordable health care coverage (SB 75).

4. Presentation of Proclamation declaring April 29, 2016 as Arbor Day in the City of

Modesto. (Funding Source: Not Applicable)
Public Works; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation declaring April 29, 2016 as Arbor Day in the City of Modesto.

MISCELLANEOUS

Legislation
Appointments
Other

5. Consider accepting the resignation of Joshua Little from the City of Modesto Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
 - Resolution accepting the resignation of Joshua Little from the City of Modesto Housing Rehabilitation Loan Committee.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-146 (Zoslocki/Madrigal; 7/0) accepting the resignation of Joshua Little from the City of Modesto Housing Rehabilitation Loan Committee.

PUBLIC COMMENT PERIOD

- Robert Stanford spoke regarding the homeless in Modesto; he spoke of love compassion and understanding.
- Maggie Countryman spoke regarding Mayor Brandvold and Board of Zoning Adjustment hearings.
- Susan Beasley, Parent Resource Center, spoke regarding programs for children and their families.
- Cecil Russell, Chamber of Commerce, spoke regarding the Ag Aware Luncheon at Modesto Junior College on Friday for Modesto City Schools' FFA Programs; he also spoke regarding the opening of Miracle League Field last Saturday in Modesto.
- Loretta Carhart spoke regarding a tree falling at the Farmers Market last year.
- Robert Hodges announced that he is a Candidate for Congress in District 10.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 6-12: (Kenoyer/Grewal; unan.)

CONSENT ITEMS

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

Councilmember.

Consent

6. Consider approving the minutes from the April 5, 2016 Council Meeting. (Funding Source: Not Applicable)
- Motion approving the minutes from the April 5, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Grewal; 7/0) approving the minutes from the April 5, 2016 Council Meeting.

Consent

7. Consider final adoption of **Ordinance No. 3646-C.S.** authorizing the use of design-build procurement (a change in the traditional sequence of project work) for the North Valley Regional Recycled Water Project. (Funding Source: Not Applicable)
- Motion approving final adoption of **Ordinance No. 3646-C.S.** amending Section 8-3.102 of Article 1, of Chapter 3 of Title 8 of the Modesto Municipal Code to authorize the use of design-build procurement for the North Valley Regional Recycled Water Project.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Grewal; 7/0) approving final adoption of **Ordinance No. 3646-C.S.** amending Section 8-3.102 of Article 1, of Chapter 3 of Title 8 of the Modesto Municipal Code to authorize the use of design-build procurement for the North Valley Regional Recycled Water Project.

Consent

8. Consider (i) amending the Classification Plan for the City of Modesto to create the classification of Housing and Urban Development Supervisor, amend the classification of Housing and Urban Development Manager to the Community Development Manager, and amend the classification of Infrastructure Financing Program Administrator to Infrastructure Financing Program Supervisor; (ii) amending Exhibit "A" of Resolution No. 2015-433 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes; (iii) amending the Position Allocation and the Fiscal Year 2015-16 Operating Budget for the Community and Economic Development Department. (Funding Source: Various Funds)
- Resolution amending the Classification Plan for the City of Modesto to create the classification of Housing and Urban Development Supervisor, amending the classification of Housing and Urban Development Manager to the Community Development Manager, and amending the classification of Infrastructure Financing Program Administrator to Infrastructure Financing Program Supervisor.
 - Resolution amending Exhibit "A" of Resolution No. 2015-433 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to amend the title of the Housing and Urban Development Manager to the Community Development Manager at salary range 450; to add the salary range for Housing and Urban Development Supervisor to salary range 441; and to amend the title of the Infrastructure Financing Program Administrator to Infrastructure Financing Program Supervisor at salary range 441.
 - Resolution amending the Position Allocation and the Fiscal Year 2015-16

Operating Budget for the Community and Economic Development Department.
*Community & Economic Development; Cynthia Birdsill, 341-2938 ,
cbirdsill@modestogov.com*

ACTION: Resolution 2016-147 (Kenoyer/Grewal; 7/0) amending the Classification Plan for the City of Modesto to create the classification of Housing and Urban Development Supervisor, amending the classification of Housing and Urban Development Manager to the Community Development Manager, and amending the classification of Infrastructure Financing Program Administrator to Infrastructure Financing Program Supervisor.

ACTION: Resolution 2016-148 (Kenoyer/Grewal; 7/0) amending Exhibit “A” of Resolution No. 2015-433 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to amend the title of the Housing and Urban Development Manager to the Community Development Manager at salary range 450; to add the salary range for Housing and Urban Development Supervisor to salary range 441; and to amend the title of the Infrastructure Financing Program Administrator to Infrastructure Financing Program Supervisor at salary range 441.

ACTION: Resolution 2016-149 (Kenoyer/Grewal; 7/0) amending the Position Allocation and the Fiscal Year 2015-16 Operating Budget for the Community and Economic Development Department.

Consent

9. Consider accepting the Monthly Budget Adjustments Report for February 2016 and amending Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget. (Funding Source: Various Funds)
- Resolution amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.
- Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

ACTION: Resolution 2016-150 (Kenoyer/Grewal; 7/0) amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.

Consent

10. Consider authorizing the award of bid for the furnishing of sewer root control services to Root Tamers, Inc., Brookings OR, for an estimated annual cost of \$32,523, and over five (5) years of \$162,615. (Funding Source: Wastewater Fund)
- Resolution authorizing the award of bid for the purchase of sewer root control program for the Utilities Department, Wastewater Services Division, to Root Tamers, Inc., Brookings Or. and authorizing the City Manager, or his designee, to issue a purchase agreement for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$32,523, and over five (5) years of \$162,615
- Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

ACTION: Resolution 2016-151 (Kenoyer/Grewal; 7/0) authorizing the award of bid for the purchase of sewer root control program for the Utilities Department, Wastewater Services Division, to Root Tamers, Inc., Brookings Or. and authorizing the City Manager, or his designee, to issue a purchase agreement for a two (2) year agreement with three (3) one-year

extension options at the sole discretion of the City, for an estimated annual cost of \$32,523, and over five (5) years of \$162,615

Consent

11. Consider approving revisions to the Turlock Groundwater Basin Association Memorandum of Understanding to add the City of Waterford and to allow the Turlock Groundwater Basin Association Board to amend the list of parties to include additional water agencies located within the Turlock Subbasin in the future. (Funding Source: Not Applicable)
- Resolution approving the revisions of the Turlock Groundwater Basin Association Memorandum of Understanding to add the City of Waterford, and to allow the Turlock Groundwater Basin Association Board to amend the list of parties to include additional water agencies located within the Turlock Subbasin in the future.
Utilities; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2016-152 (Kenoyer/Grewal; 7/0) approving the revisions of the Turlock Groundwater Basin Association Memorandum of Understanding to add the City of Waterford, and to allow the Turlock Groundwater Basin Association Board to amend the list of parties to include additional water agencies located within the Turlock Subbasin in the future.

Consent

12. Consider approving a Purchase and Sale Agreement between the City of Modesto and Thuan K. Tieu and Tien T. Phu, for surplus real property located at 629 2nd Street (APN: 103-022-001) (previously Fire Station #2), in the amount of \$80,000. (Funding Source: 0180 - Fire Department Unrestricted Non-Capital Projects)
- Resolution approving a Purchase and Sale Agreement With Escrow Instructions, between Thuan K. Tieu and Tien T. Phu for surplus property located at 629 Second Street (APN: 103-022-001) and authorizing the City Manager, or his designee, to execute the Grant Deed and all sale documents required to close escrow.
Utilities; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2016-153 (Kenoyer/Grewal; 7/0) approving a Purchase and Sale Agreement With Escrow Instructions, between Thuan K. Tieu and Tien T. Phu for surplus property located at 629 Second Street (APN: 103-022-001) and authorizing the City Manager, or his designee, to execute the Grant Deed and all sale documents required to close escrow.

COUNCIL COMMENTS & REPORTS

Councilmember Grewal thanked Bill Sandhu, Jocelyn Reed, and staff of the Public Works Department for fixing the stop light at Dale and Snyder.

Councilmember Madrigal thanked Bill Sandhu, Larry Parlin and staff for new sewer connection in downtown Modesto.

CITY MANAGER COMMENTS & REPORTS

City Manager Jim Holgersson announced that staff is continuing to work with Chris Ricci

on details regarding X-Fest.

HEARINGS

Published in the Modesto Bee on April 1, 2016

13. Hearing to consider adopting: (i) the Initial Study, Environmental Assessment No. EA/C&ED 2016-01, for a proposed General Plan Amendment for the Housing Element of the General Plan; and (ii) the 2015 Housing Element. (Funding Source: Not Applicable)

- Resolution adopting the Initial Study, Environmental Assessment No. EA/C&ED 2016-01, for a proposed general plan amendment for the Housing Element of the General Plan.
- Resolution approving an amendment to the General Plan to adopt the 2015 Housing Element.

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

ACTION: Resolution 2016-154 (Madrigal/Ridenour; 7/0) adopting the Initial Study, Environmental Assessment No. EA/C&ED 2016-01, for a proposed general plan amendment for the Housing Element of the General Plan.

ACTION: Resolution 2016-155 (Madrigal/Ridenour; 7/0) approving an amendment to the General Plan to adopt the 2015 Housing Element.

NEW BUSINESS

14. Consider (i) 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); (ii) amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of MCFFA. (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 Fire Fighters Association (MCFFA) for a term of July 1, 2013 to June 30, 2018; rescinding Resolution No. 2012-47, Resolution No. 2011-257, Resolution No. 2010-263 and Resolution No. 2008-599 and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.
- Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto City Fire Fighters' Association (MCFFA); and rescinding Resolution 2012-18.
- Resolution approving an amendment to Class Range Tables for General Fire classes as set forth in Exhibit "A" attached hereto effective April 19, 2016, and adopted concurrently with Resolution No. 2016-_____ approving the successor Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association adopting salary and benefit changes and setting forth

salary schedules for general fire classes.

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

ACTION: Resolution 2016-156 (Grewal/Madrigan; 7/0) approving a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Fire Fighters Association (MCFFA) for a term of July 1, 2013 to June 30, 2018; rescinding Resolution No. 2012-47, Resolution No. 2011-257, Resolution No. 2010-263 and Resolution No. 2008-599 and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2016-157 (Grewal/Madrigan; 7/0) amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CalPERS) on behalf of employees represented by the Modesto City Fire Fighters' Association (MCFFA); and rescinding Resolution 2012-18.

ACTION: Resolution 2016-158 (Grewal/Madrigan; 7/0) approving an amendment to Class Range Tables for General Fire classes as set forth in Exhibit "A" attached hereto effective April 19, 2016, and adopted concurrently with Resolution No. 2016-156 approving the successor Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association adopting salary and benefit changes and setting forth salary schedules for general fire classes.

15. Consider accepting the City's Fiscal Year 2014-2015 Comprehensive Annual Financial Report (CAFR), various other financial reports, and the audit reports from the external auditors Macias, Gini & O'Connell, LLP as well as the City's first Popular Annual Financial Report (PAFR). (Funding Source: Not Applicable)

- Resolution accepting the City's Fiscal Year 2014-2015 Comprehensive Annual Financial Report (CAFR), various other financial reports, and the audit reports from the external auditors Macias, Gini & O'Connell, LLP as well as the City's first Popular Annual Financial Report (PAFR).

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

ACTION: Resolution 2016-159 (Ridenour/Ah You; 7/0) accepting the City's Fiscal Year 2014-2015 Comprehensive Annual Financial Report (CAFR), various other financial reports, and the audit reports from the external auditors Macias, Gini & O'Connell, LLP as well as the City's first Popular Annual Financial Report (PAFR).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:10 p.m.

ADJOURN TO ROOM B-300, BASEMENT LEVEL, TENTH STREET PLACE, 1010

10TH STREET, MODESTO, CA FOR CITY COUNCIL WORKSHOP (Open to the Public)

16. COUNCIL WORKSHOP: (i) Discussion of accomplishments, issues, goals and projects related to the City's 2015-2018 Strategic Plan Commitments of Vibrant Infrastructure and Sustainable Environment and Effective Responsive and Transparent Government and their corresponding 2015-2018 Action Plan. The City Council will review and discuss Strategic Plan and Action Plan goals and projects based on City Council priorities; and (ii) Discussion of Long Range Agenda. (Funding Source: Not Applicable)
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Souliotes v. COM
Case No. 1:15-CV-00556-LJO-SKO

Name of case: Reed v. COM
Case No. 1:11-CV-01083-AWI-GSA

Name of case: Goddard, et al. v. State of California, et al.
Stanislaus County Superior Court

Case No: 659261

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: Property between 9th and 10th Street, and E Street and F Street,
located in Modesto, CA; APN: 106-044-005

Property Owners: Victor Martinez and Iris L. Martinez TRS

Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for the City of Modesto

For Property Owners: Larry Killian (Real Estate Broker)

Under Negotiation: Possible acquisition of property and entering into property negotiations

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: 800 N. McClure Rd., Modesto, CA; APN: 079-001-001)

Property Owners: City of Modesto

Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for the City of Modesto

For Claus Road Farm Trust: Timothy A. Byrd, Attorney at Law

Under Negotiation: Sale of Property

MINUTES

City of Modesto
**GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL
WORKSHOP**

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

Monday April 11, 2016, at 5:00 p.m.

Roll Call: Present Councilmembers Kenoyer, Ridenour Sr. and Alternate Grewal

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. [Consider approving an Ordinance amending the City's Fire Code ordinance to allow for the issuance of administrative penalties for property owners where illegal fireworks have been: possessed, manufactured, sold, used or discharged and forwarding to Council for approval. \(Funding Source: General Fund Revenue\)](#)
Fire; Mike Payton, 571-5876, mpayton@modestofire.com
ACTION: (Motion: Ridenour/Grewal: unan.) to forward this item to City Council for consideration of approval

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:20 p.m.

MINUTES

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

Wednesday April 13, 2016, at 2:00 p.m.

Roll Call: Present: Councilmembers Zoslocki, Ridenour Sr., and Kenoyer

Item number 2 on the agenda is to be continued to the next meeting.

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. Consider authorizing the Information Technology and Public Works Departments to release a Master License Agreement (MLA) for the LinkModesto project Phase One (1), for deployment of advanced Small Cell and WiFi technology on the City’s vertical elements; ii.) approving the annual fee schedule attached to the MLA and forwarding to Council for approval. (Funding Source: General Fund) Information Technology and Public Works; John Dickey, 577-5229, jdickey@modestogov.com
ACTION: (Motion: Kenoyer/Ridenour: unan.) to forward this item to City Council for consideration of approval.
2. Consider accepting report regarding reactivating the Construction Industry Liaison Committee (CILC) to serve as a forum for discussions relating to City of Modesto Development services. (Funding Source: Not Applicable) Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 2:42 p.m.

MINUTES
City of Modesto
GREAT SAFE NEIGHBORHOODS COMMITTEE /
COUNCIL WORKSHOP
Second Floor, Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday, April 06, 2016, at 4:30 p.m.

Roll Call: Present : Committee members Kenoyer, Ah You and Ridenour Sr.

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. [Consider interviewing applicants for appointment to the City of Modesto Entertainment Commission and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com
Committee members interviewed applicants Goodwin and Vanek. Applicants Ingalls, Aguero, Lombrana, Elkins and Buckman did not show. Applicant Frowein called in advance stating unavailability for the interview.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:18 p.m.

MINUTES
City of Modesto
GREAT SAFE NEIGHBORHOODS COMMITTEE /
COUNCIL WORKSHOP
Second Floor, Room 2001
Tenth Street Place, 1010 10th Street
Modesto, California
Thursday, April 07, 2016, at 4:30 p.m.

Roll Call: Present: Committee Members Kenoyer, Ridenour Sr. and Alternate Zoslocki
Absent: Committee Member Au You

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. [Consider interviewing applicants for appointment to the City of Modesto Entertainment Commission and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)

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

The following applicants were interviewed by the Committee: Nic Padilla, Aaron Rowan, Billy Anderson, Richard Bowden, Rosie Arce, Daryl Wilkins, Will DeBoard and Ray Vazira.

ACTION: (Motion: Ridenour/Zoslocki: unan.) to forward Billy Anderson to City Council for consideration of approval to appointment on the Entertainment Commission in the category of Business Permit Holder.

ACTION: (Motion: Ridenour/Kenoyer: Zoslocki abstain) to forward Middagh Goodwin to City Council for consideration of approval to appointment on the Entertainment Commission in the category of Board Member/Economic or Tourism Organization.

ACTION: (Motion: Ridenour/Zoslocki: unan.) to forward Will DeBoard, Nic Padilla and Richard Bowden to City Council for consideration of approval to appointment on the Entertainment Commission in the category of At-Large Citizen.

ACTION: (Motion: Ridenour/Zoslocki: unan.) to forward Darrel Wilkins to City Council for consideration of approval to appointment on the Entertainment Commission in the category of Event Planning or Marketing Specialist.

ACTION: (Motion: Ridenour/Zoslocki: unan.) to forward Rosie Arce to City Council for consideration of approval to appointment on the Entertainment Commission in the category of Alternate Non-Permit Holder

ACTION: (Motion: Zoslocki/Ridenour: unan.) to interview

Matthew Buckman for consideration of appointment on the Entertainment Commission in the category of Non-Profit/Special Event Holder and Naja Frowein in the category of Alternate.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:55 p.m.

MINUTES

City of Modesto EFFECTIVE GOVERNMENT COMMITTEE/ COUNCIL WORKSHOP

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

Monday, January 25, 2016, at 5:00 p.m.

Roll Call - Present: Councilmembers Grewal, Ah You, Zoslocki
Absent: None
Also Present: Mayor Brandvold, Councilmembers Kenoyer and Ridenour

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider reviewing the recommended budget adjustments to the Fiscal Year 2015-16 Annual Operating and Capital Improvement Project Budgets and refer to City Council for consideration and approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Zoslocki/Ah You; unan.) approving the recommended budget adjustments to the Fiscal Year 2015-16 Annual Operating and Capital Improvement Project Budgets and forwarding to City Council for approval.

NEW BUSINESS

2. Consider accepting an informational report on the status of the General Fund Letter of Credit supporting the 2008 Lease Revenue Bonds and the City's Banking Services; giving direction to staff to develop appropriate documents; and recommending this matter be forwarded to Council. (Funding Source: General and Other Funds)
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Motion (Zoslocki/Ah You) accepting an informational report on the status of the General Fund Letter of Credit supporting the 2008 Lease Revenue Bonds and the City's Banking

Services and forwarding proposals from Bank of the West and Bank of America to Council for consideration and approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:30 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 26, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Cindy Marks, City Ministry Network

City Clerk's Announcements: Items 9 and 10 - removed from Consent; for items with more than 5 speaker cards, time limit is 3 minutes.

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to Storer Transportation, recipient of the National United Motorcoach Association's 2016 Vision Award. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Certificate of Recognition to Storer Transportation, recipient of the National United Motorcoach Association's 2016 Vision Award.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding April 23, 2016 "Love Modesto" signs and City Ordinance.
- James Anderson and Pastor Wayne Bridegroom spoke regarding a Prayer Breakfast on April 30, 2016 at 9:30 a.m. to honor former Mayor Garrad Marsh by the Police Clergy Council.
- Robert Stanford spoke regarding homeless solutions in Modesto and City's

panhandling Ordinance.

- Maggie Countryman spoke regarding decisions made by staff and City Attorney timelines.
- Nicole Johnson spoke regarding water in Modesto (Item 11 on Agenda).

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-8: (Ridenour/Madrigal; unan.)

CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the April 12, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the April 12, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Ridenour/Madrigal; 7/0) approving the minutes from the April 12, 2016 Council Meeting.

Consent

3. Consider approving the First Amendment to the HOME Loan Agreement with Stanislaus County Affordable Housing Corporation to reduce the default interest rate, clarify repayment obligations and marketing and tenant selection obligations, and make necessary conforming amendments for the construction of four permanent supportive housing units. (Funding Source: HOME Investment Partnership Program)
 - Resolution approving the First Amendment to the HOME Investment Partnerships Program Loan Agreement with Stanislaus County Affordable Housing Corporation for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities, and authorizing the City Manager, or his designee, to execute the amendment and related documents.
 - Resolution amending the Fiscal Year 2015-2016 budget for Project 100918 to include \$372,965.52 in HOME Entitlement Funds to fully fund the agreement with Stanislaus County Affordable Housing Corporation (STANCO), and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provision of this resolution.
Community & Economic Development; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2016-160 (Ridenour/Madrigal; 7/0) approving the First Amendment to the HOME Investment Partnerships Program Loan Agreement with Stanislaus County Affordable Housing Corporation for the construction of four one-bedroom permanent

supportive units for persons with mental health disabilities, and authorizing the City Manager, or his designee, to execute the amendment and related documents.

ACTION: Resolution 2016-161 (Ridenour/Madriral; 7/0) amending the Fiscal Year 2015-2016 budget for Project 100918 to include \$372,965.52 in HOME Entitlement Funds to fully fund the agreement with Stanislaus County Affordable Housing Corporation (STANCO), and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provision of this resolution.

Consent

4. Consider approving the First Amendment to the HOME loan agreement with Great Valley Housing Development Corporation, a nonprofit organization, to reduce the default interest rate, clarify repayment obligations and marketing and tenant selection obligations, and make necessary conforming amendments for the construction of four affordable housing units for veterans at risk of homelessness. (Funding Source: HOME Investment Partnership Program)
 - Resolution approving the First Amendment to the HOME Investment Partnerships Program Loan Agreement with Great Valley Housing Development Corporation, a non-profit organization, to construct four affordable housing units for veterans at risk of homelessness, and authorizing the City Manager, or his designee, to execute the amendments and related documents.

*Community & Economic Development; Carol Averell, 577-5310,
caverell@modestogov.com*

ACTION: Resolution 2016-162 (Ridenour/Madriral; 7/0) approving the First Amendment to the HOME Investment Partnerships Program Loan Agreement with Great Valley Housing Development Corporation, a non-profit organization, to construct four affordable housing units for veterans at risk of homelessness, and authorizing the City Manager, or his designee, to execute the amendments and related documents.

Consent

5. Consider (i) accepting the bid and approving the plans, specifications and contract for the G Street and Hatch Road Pavement Rehabilitation Project with DSS Company, dba Knife River Construction of Stockton, CA in the amount of \$754,531.13 (project also includes new curb ramps and striping); (ii) amending the Fiscal Year 2015-2016 Capital Improvement Program budget for the project; and, (iii) authorizing the Utilities Director to approve change orders in a total amount not to exceed up to \$150,907. (Funding Source: Capital Grant - Dept. of Transportation)
 - Resolution approving the plans and specifications for the G Street and Hatch Road Pavement Rehabilitation Project, accepting the bid, and approving a contract with DSS company, dba Knife River Construction of Stockton, California in the amount of \$754,531.13, and authorizing the City Manager, or his designee to execute the agreement.
 - Resolution amending the fiscal year 2015-2016 capital improvement program budget in the amounts as shown in Exhibit A in order to fully fund construction, contingency, construction administration, and engineering support during

- construction for the G Street and Hatch Road Pavement Rehabilitation Project.
- Resolution authorizing the Director of Utilities to issue change orders on the G Street and Hatch Road Pavement Rehabilitation Project in the total amount up to \$150,907 (20% of the original contract price).

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

ACTION: Resolution 2016-163 (Ridenour/Madriral; 7/0) approving the plans and specifications for the G Street and Hatch Road Pavement Rehabilitation Project, accepting the bid, and approving a contract with DSS company, dba Knife River Construction of Stockton, California in the amount of \$754,531.13, and authorizing the City Manager, or his designee to execute the agreement.

ACTION: Resolution 2016-164 (Ridenour/Madriral; 7/0) amending the fiscal year 2015-2016 capital improvement program budget in the amounts as shown in Exhibit A in order to fully fund construction, contingency, construction administration, and engineering support during construction for the G Street and Hatch Road Pavement Rehabilitation Project.

ACTION: Resolution 2016-165 (Ridenour/Madriral; 7/0) authorizing the Director of Utilities to issue change orders on the G Street and Hatch Road Pavement Rehabilitation Project in the total amount up to \$150,907 (20% of the original contract price).

Consent

6. Consider (i) approving an agreement with Associated Engineering Group, Inc., Modesto, CA, for professional engineering design services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, in an amount not to exceed \$147,845.50; and (ii) amending the Fiscal Year 2015-2016 Capital Improvement Program (CIP) budget. (Funding Source: Streets Capital Facilities Fee Fund)
- Resolution approving a sole source agreement with Associated Engineering Group, Inc., (Modesto, CA) for professional engineering design services for Hetch Hetchy and Claratina Avenue Structural Crossing Project, in an amount not to exceed \$134,405.00 for the identified scope of services, plus \$13,440.50 for additional services (if needed), for a maximum total amount of \$147,845.50, and authorizing the City Manager, or his designee, to execute the agreement.
 - Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program (CIP) budget to include the Hetch Hetchy and Claratina Avenue Structural Crossing Project and appropriate \$200,000 from the Capital Facilities Fee Fund to CIP Project #100945 for Engineering/Design/Administration.

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

ACTION: Resolution 2016-166 (Ridenour/Madriral; 7/0) approving a sole source agreement with Associated Engineering Group, Inc., (Modesto, CA) for professional engineering design services for Hetch Hetchy and Claratina Avenue Structural Crossing Project, in an amount not to exceed \$134,405.00 for the identified scope of services, plus \$13,440.50 for additional services (if needed), for a maximum total amount of \$147,845.50,

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

ACTION: Resolution 2016-167 (Ridenour/Madrigrig; 7/0) amending the Fiscal Year 2015-2016 Capital Improvement Program (CIP) budget to include the Hetch Hetchy and Claratina Avenue Structural Crossing Project and appropriate \$200,000 from the Capital Facilities Fee Fund to CIP Project #100945 for Engineering/Design/Administration.

Consent

7. Consider approving the submittal of an Application to the Department of Homeland Security- Federal Emergency Management Agency (FEMA) for the Staffing for Fire and Emergency Response grant for funding for 9 additional Firefighter positions. (If awarded, the Fire Department would have funding to reestablish staffing for Engine 11 which was eliminated in July 2011, as a budget reduction). (Funding Source: Not Applicable)

- Resolution approving the submittal of an Application for the SAFER Grant for the addition of (9) Firefighter positions and authorizing the City Manager, or his designee, to execute all grant-related documents.

Fire; Sean Slamon, 572-9590, sslamon@modestofire.com

ACTION: Resolution 2016-168 (Ridenour/Madrigrig; 7/0) approving the submittal of an Application for the SAFER Grant for the addition of (9) Firefighter positions and authorizing the City Manager, or his designee, to execute all grant-related documents.

Consent

8. Consider: (i) approving a Purchase and Sale Agreement in the amount of \$86,200; (ii) approving a Grant Deed; (iii) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed; (iv) approving a Grant of Public Utility Easement; (v) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant of Public Utility Easement; (vi) approving a Grant of Temporary Construction Easement Agreement; (vii) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant of Temporary Construction Easement for the bus turnout located at Southbound Dale Road. (Funding Source: Congestion Mitigation and Air Quality, Regional Surface Transportation, and Local Transportation funds)

- Resolution approving a Purchase and Sale Agreement with MS Portfolio, LLC for partial acquisition of a 2,424 square foot portion of real property, located at 3401 Dale Road (A.P.N. 076-031-022), in the amount of \$86,200., for the CML 5059(197) Bus Turnout SB Dale Road Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.
- Resolution approving a Grant Deed with MS Portfolio, LLC for partial acquisition of a 2,424 square foot portion of real property, located at 3401 Dale Road (A.P.N. 076-031-022), for the CML 5059(197) Bus Turnout SB Dale Road Project, and authorizing the City Manager, or his designee, to accept the Grant Deed.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for partial acquisition of a 2,424 square foot portion of real property, located at 3401 Dale Road (A.P.N. 076-031-022), owned

by MS Portfolio, LLC for the CML 5059(197) Bus Turnout on SB Dale Road Project.

- Resolution approving a Grant of Public Utility Easement with MS Portfolio, LLC for acquisition of a 2,447 square foot Public Utility Easement, located at 3401 Dale Road (A.P.N. 076-031-022), for the CML 5059(197) Bus Turnout on SB Dale Road Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant of Public Utility Easement, located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC for the CML 5059(197) Bus Turnout SB Dale Road Project.
- Resolution approving a Grant of Temporary Construction Easement Agreement with MS Portfolio, LLC for acquisition of a 5,135 square foot Temporary Construction Easement, located at 3401 Dale Road (A.P.N. 076-031-022), for the CML 5059(197) Bus Turnout SB Dale Road Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant of Temporary Construction Easement, located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC for the CML 5059(197) Bus Turnout SB Dale Road Project.

Public Works; Chuck Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2016-169 (Ridenour/Madrigan; 7/0) approving a Purchase and Sale Agreement with MS Portfolio, LLC for partial acquisition of a 2,424 square foot portion of real property, located at 3401 Dale Road (A.P.N. 076-031-022), in the amount of \$86,200., for the CML 5059(197) Bus Turnout SB Dale Road Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2016-170 (Ridenour/Madrigan; 7/0) approving a Grant Deed with MS Portfolio, LLC for partial acquisition of a 2,424 square foot portion of real property, located at 3401 Dale Road (A.P.N. 076-031-022), for the CML 5059(197) Bus Turnout SB Dale Road Project, and authorizing the City Manager, or his designee, to accept the Grant Deed.

ACTION: Resolution 2016-171 (Ridenour/Madrigan; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for partial acquisition of a 2,424 square foot portion of real property, located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC for the CML 5059(197) Bus Turnout on SB Dale Road Project.

ACTION: Resolution 2016-172 (Ridenour/Madrigan; 7/0) approving a Grant of Public Utility Easement with MS Portfolio, LLC for acquisition of a 2,447 square foot Public Utility Easement, located at 3401 Dale Road (A.P.N. 076-031-022), for the CML 5059(197) Bus Turnout on SB Dale Road Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2016-173 (Ridenour/Madrigan; 7/0) authorizing the City Manager, or

his designee, to sign the Certificate of Acceptance for the Grant of Public Utility Easement, located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC for the CML 5059(197) Bus Turnout SB Dale Road Project.

ACTION: Resolution 2016-174 (Ridenour/Madrigan; 7/0) approving a Grant of Temporary Construction Easement Agreement with MS Portfolio, LLC for acquisition of a 5,135 square foot Temporary Construction Easement, located at 3401 Dale Road (A.P.N. 076-031-022), for the CML 5059(197) Bus Turnout SB Dale Road Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2016-175 (Ridenour/Madrigan; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant of Temporary Construction Easement, located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC for the CML 5059(197) Bus Turnout SB Dale Road Project.

Removed from Consent

9. Consider authorizing the award of bid for the purchase of 13 replacement, and seven new half-ton pickup trucks for the Public Works, Utilities, and Police Departments from Albany Ford, Albany, CA, for an estimated total cost of \$585,319. (Funding Source: Various Funds)

- Resolution authorizing the award of bid for the purchase of thirteen replacement, and seven new half-ton pickup trucks for the Public Works, Utilities and Police Departments to Albany Ford, Albany, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$585,319.

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

ACTION: Motion (Ah You/No second) to delay the purchase of vehicles with General Fund dollars (MOTION DID NOT PASS).

ACTION: Resolution 2016-176 (Ridenour/Kenoyer; 6/1; Ah You no) authorizing the award of bid for the purchase of thirteen replacement, and seven new half-ton pickup trucks for the Public Works, Utilities and Police Departments to Albany Ford, Albany, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$585,319.

Removed from Consent

10. Consider authorizing the award of bid for the purchase of two replacement street sweepers for the Public Works Department from Municipal Maintenance Equipment, Sacramento, CA, for an estimated total cost of \$610,006. (Funding Source: Fleet Replacement Funds)

- Resolution authorizing the award of bid for the purchase of two replacement street sweepers for the Public Works Department to Municipal Maintenance Equipment, Sacramento, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$610,006.

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

ACTION: Resolution 2016-177 (Grewal/Ah You; 7/0) authorizing the award of bid for the purchase of two replacement street sweepers for the Public Works Department to Municipal Maintenance Equipment, Sacramento, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$610,006.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the Special Olympics last Saturday in Modesto.

Councilmember Madrigal spoke regarding Love Modesto last Saturday in Modesto.

Councilmember Ridenour spoke regarding the soccer tournament at Mary Grogan Park, Earth Day at Graceada Park, and TV commercial on City website last Saturday.

Councilmember Ah You spoke regarding Earth Day last Saturday.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

11. Consider reinstating the Stage II requirements of the City of Modesto Drought Contingency Plan to allow outdoor watering to two days per week effective May 1, 2016 through October 31, 2016. (Funding Source: Not Applicable)
 - Resolution approving reinstatement of the Drought Stage II requirements of the City of Modesto Drought Contingency Plan that restrict outdoor watering to two days a week effective May 1, 2016 through October 31, 2016.
Utilities; David Savidge, 342-2217, dsavidge@modestogov.com

ACTION: Resolution 2016-178 (Ridenour/Kenoyer; 7/0) approving reinstatement of the Drought Stage II requirements of the City of Modesto Drought Contingency Plan that restrict outdoor watering to two days a week effective May 1, 2016 through October 31, 2016.

Recess at 7:20 pm

Reconvened at 7:35 p.m.

HEARINGS

Published in the Modesto Bee on April 7, 2016

12. Hearing to consider an Ordinance approving an application to rezone 0.418 acres located at 522 E. Granger Avenue from R-1, Low Density Residential Zone to a new Planned Development Zone, P-D(600) for a 4-unit multi-family supportive housing complex and community resource center. (Funding Source: Not Applicable)
 - Motion introducing and waiving the first reading of an Ordinance amending Section 21-3-9 of the Zoning Map to rezone from R-1, Low-Density Residential

Zone, to Planned Development Zone, P-D(600), property located at 522 E. Granger Avenue (STANCO).

- Resolution approving a Development Plan for Planned Development Zone, P-D(600) (STANCO).
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment of Section 21-3-9 of the Zoning Map to rezone from R-1, Low Density Residential Zone, to Planned Development Zone P-D(600), property located at 522 E. Granger Avenue (STANCO).

Community & Economic Development; Rita Doscher, 577-5279, rdoscher@modestogov.com

ACTION: Motion (Grewal/Ridenour; 7/0) introducing and waiving the first reading of **Ordinance No. 3647-C.S.** amending Section 21-3-9 of the Zoning Map to rezone from R-1, Low-Density Residential Zone, to Planned Development Zone, P-D(600), property located at 522 E. Granger Avenue (STANCO).

ACTION: Resolution 2016-179 (Grewal/Ridenour; 7/0) approving a Development Plan for Planned Development Zone, P-D(600) (STANCO).

ACTION: Resolution 2016-180 (Grewal/Ridenour; 7/0) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment of Section 21-3-9 of the Zoning Map to rezone from R-1, Low Density Residential Zone, to Planned Development Zone P-D(600), property located at 522 E. Granger Avenue (STANCO).

Hearing notice mailed to all ratepayers on March 10, 2016

13. Hearing to consider proposed sewer rate increase for Fiscal Years 2016-17 through 2020-21. (Funding Source: Wastewater Fund)
 - Conduct a hearing to consider proposed sewer rate increase for Fiscal Years 2016-17 through 2020-21.
 - Motion, at the close of the public hearing, to determine whether there has been a majority protest by either property owners or customers.
 - If a majority protest has not occurred, adopt Resolution rescinding Resolution No. 2014-129 and adopting sewer service rates, effective July 1, 2016, for Fiscal Years 2016-17 through 2020-21 in accordance with Proposition 218.

Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Motion (Zoslocki/Madriral; 7/0) to conduct hearing to consider proposed sewer rate increase for Fiscal Years 2016-17 through 2020-21.

ACTION: Motion (Zoslocki/Madriral; 7/0) determining there has not been a majority protest by either property owners or customers.

ACTION: Resolution 2016-181 (Zoslocki/Madriral; 7/0) rescinding Resolution No. 2014-

129 and adopting sewer service rates, effective July 1, 2016, for Fiscal Years 2016-17 through 2020-21 in accordance with Proposition 218.

Published in the Modesto Bee on April 16th & April 22nd, 2016

14. Hearing to consider adopting proposed wastewater (sewer) capacity charges that will significantly reduce residential fees and result in a minimum 36% reduction in fee amounts for non-residential new development. (Funding Source: Wastewater Fund)
- Conduct a hearing to consider adopting proposed wastewater (sewer) capacity fees.
 - Resolution approving a sewer capacity fee study prepared by Bartle Well Associates and adopting sewer capacity charges, effective July 1, 2016.
- Utilities; William Wong, 571-5801, WWong@modestogov.com*

ACTION: Motion (Ridenour/Kenoyer; 7/0) to conduct hearing to consider adopting proposed wastewater (sewer) capacity fees.

ACTION: Resolution 2016-182 (Ridenour/Kenoyer; 7/0) approving a sewer capacity fee study prepared by Bartle Well Associates and adopting sewer capacity charges, effective July 1, 2016.

15. Consider approval or denial of an application for a Special Event Entertainment Permit for Xclamation Festival 2016, and closing downtown streets between 9th and 12th Streets on J Street and I Street and between 9th and 11th Streets on H Street on August 20, 2016 to early morning on August 21, 2016. (Funding Source: Entertainment Permit Applicant Fees and Reimbursement)
- Resolution approving an application for a Special Event Permit for Xclamation Festival 2016 with conditions.
- Community & Economic Development; Margaret James, 571-5840, mbjames@modestogov.com*

ACTION: Motion (Madrigal/no second) approving Permit for X-Fest with condition that we require staff to return with security plan acceptable to Police Chief on May 10, 2016 for final approval by Council; security plan does not include opening event to all ages, does not include limitation of beer gardens, provides additional security additional security at each of the beer distribution points, and includes \$5,000 Administrative Fee. (MOTION DID NOT PASS)

ACTION: Resolution 2016-183 (Ridenour/Madrigal; 4/3; Grewal, Zoslocki, Mayor Brandvold no) approving an application for a Special Event Permit for Xclamation Festival 2016 with conditions (**with direction for staff to return to Council with report on status of X-Fest after event**).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:25 a.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Name of case: Dias v. COM
Case No. 2013360

Name of case: Modesto Irrigation District v. COM
Case No. 2001607

Name of case: Stanislaus Food Products Company v. COM
Case No. 670384

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

**CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCEA**
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Employees Association

**CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MCMA**
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Confidential & Management Association

**CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPOA**
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Officers' Association

**CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) – MPNSA**
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Non-Sworn Association

**CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code) –MPMA**
Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: 800 N. McClure Rd., Modesto, CA; (APN: 079-001-001)

Property Owners: City of Modesto

Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for the City of Modesto

For Claus Road Farm Trust: Timothy A. Byrd, Attorney at Law

Under Negotiation: Sale of Property

MINUTES

City of Modesto
**GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL
WORKSHOP**

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

Thursday, April 21, 2016, at 5:00 p.m.

Roll Call: Present: Committee members Kenoyer, Ridenour Sr., and Alternate Zoslocki
Absent: Ah You

PUBLIC COMMENTS

None

CONSENT ITEMS

None

UNFINISHED BUSINESS

Consider interviewing applicants for appointment to the City of Modesto Entertainment Commission and forwarding to Council for approval. (Funding Source: Not Applicable)

Community & Economic Development; Laurie Smith, 577-5347, lsmith@modesto.gov

The following applicants were interviewed by the Committee: Carlos Yamzon, Katherine Zagone and Naja Frowein.

ACTION: (Motion: Ridenour/Zoslocki:unan.) to forward Carlos Yamzon to City Council for consideration of approval to appointment on the Entertainment Commission in the category of Non-Profit/Special Event Holder.

ACTION: (Motion: Ridenour/Zoslocki:unan.)

- 1) to forward Katherine Zagone and Naja Frowein to City Council for consideration of approval to appointment on the Entertainment Commission in the category of Alternate Non-Permit Holders IF the previous recommendation of Rosie Arce in this category can be amended.
- 2) to forward Katherine Zagone (and Rosie Arce) to City Council for consideration of approval to appointment on the Entertainment Commission in the category of Alternate Non-Permit Holders IF the previous recommendation of Rosie Arce in this category CANNOT be amended.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:00 PM

MINUTES

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

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

Thursday, April 28, 2016, at 4:30 p.m.

Roll Call: Present: Committee Members Brandvold, Grewal and Madrigal

Alternates Present: Zoslocki

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

UNFINISHED BUSINESS

1. [Discussion of next steps to be taken to fill the current vacancies on the Planning Commission, Board of Zoning Adjustment, and Landmark Preservation Commission. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com
Applicants Mike Moradian, John Rodriguez and Jessica Self were interviewed.

NEW BUSINESS

2. [Consider recommending appointment of Martin Campbell for the Airport Advisory Committee position vacancy, Commercial Provider / Service Provider, and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Public Works; Steven Fischio, 342-2222, sfischio@modestogov.com
ACTION: (Motion: Zoslocki/Brandvold: unan.) to forward Martin Campbell to City Council for consideration to appointment on the Airport Advisory Committee in the category of Commercial Provider/Service Provider.
3. [Consider recommending appointment of Joseph Sanchez for the Airport Advisory Committee position vacancy, Public at Large, and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Public Works; Steven Fischio, 342-2222, sfischio@modestogov.com
ACTION: (Motion: Zoslocki/Brandvold, Aye; Madrigal No; to hold position open until candidate emerges with airport

experience.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:02 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 03, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Shalom Bochner, Congregation Beth Shalom

City Clerk's Announcements: Item 7 - Removed from Consent

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Commission on Aging proclaiming May 2016 as Older Americans Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation to Maggie Mejia, Commission on Aging, proclaiming May 2016 as Older Americans Month.

2. Presentation of Proclamation to Chris Murphy in honor of George Lucas and Star Wars. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation to Chris Murphy in honor of George Lucas and Star Wars.

3. Presentation by the Chamber of Commerce introducing the new business Darroch Brain & Spine Institute of Doctors Medical Center. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.vcom

ACTION: Cecil Russell, President of the Modesto Chamber of Commerce, and Warren Kirk,

Doctors Medical Center, gave a Presentation introducing the new business Darroch Brain & Spine Institute of Doctors Medical Center.

PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding the appeal process, her neighbor and staff.
- Bob Fores and Armando Flores announced the 5th Anniversary "Ride for Mom" on Saturday, May 7, 2016 at Johanssen High School.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS: 4-6; 8-12: (Zoslocki/Madriral; unan.)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes from the April 26, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the April 26, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Zoslocki/Madriral; 7/0) approving the minutes from the April 26, 2016 Council Meeting.

Consent

5. Consider final adoption of **Ordinance No. 3647-C.S.** approving an application to rezone 0.418 acres located at 522 E. Granger Avenue from R-1, Low Density Residential Zone to a new Planned Development Zone, P-D(600) for a 4-unit multi-family supportive housing complex and community resource center. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3647-C.S.** amending Section 21-3-9 of the Zoning Map to rezone from R-1, Low-Density Residential Zone, to Planned Development Zone, P-D(600), property located at 522 E. Granger Avenue (STANCO).
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Zoslocki/Madriral; 7/0) approving final adoption of **Ordinance No. 3647-C.S.** amending Section 21-3-9 of the Zoning Map to rezone from R-1, Low-Density Residential Zone, to Planned Development Zone, P-D(600), property located at 522 E. Granger Avenue (STANCO).

Consent

6. Consider adopting a resolution required for the Clean Water State Revolving Fund Loan application which will dedicate and pledge net revenues of the Sewer Enterprise Fund for loan repayment. (Funding Source: Wastewater Fund)
 - Resolution approving as to form and authorizing the execution and delivery of certain documents in connection with the incurrence of an obligation pursuant to an installment sale agreement and grant and authorizing certain other matters relating thereto.

Finance; Thomas Hedegard, 571-5855, thedegard@modestogov.com

ACTION: Resolution 2016-184 (Zoslocki/Madrigal; 7/0) approving as to form and authorizing the execution and delivery of certain documents in connection with the incurrence of an obligation pursuant to an installment sale agreement and grant and authorizing certain other matters relating thereto.

Removed from Consent

7. Consider approving a Master License Agreement (MLA) together with its fee schedule for the LinkModesto project Phase One (1), to be used by the Information Technology and Public Works Departments for deployment of future Small Cell and Wi-Fi technology on the City's Street Light Poles. (Funding Source: General Fund) (Funding Source: General Fund)
 - Resolution authorizing the Information Technology and Public Works Departments to release a Master License Agreement (MLA) for the LinkModesto project Phase One (1), for deployment of advanced Small Cell and Wi-Fi technology on the City's Street Light Poles and approving the annual fee schedule attached to the MLA.

Information Technology and Public Works; John Dickey, 577-5229, jdickey@modestogov.com

ACTION: Resolution 2016-185 (Madrigal/Zoslocki; 7/0) authorizing the Information Technology and Public Works Departments to release a Master License Agreement (MLA) for the LinkModesto project Phase One (1), for deployment of advanced Small Cell and Wi-Fi technology on the City's Street Light Poles and approving the annual fee schedule attached to the MLA.

Consent

8. Consider: (i) accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$37,500 on behalf of the Stanislaus Drug Enforcement Agency (SDEA); and, (ii) amending the SDEA's Fiscal Year 2015/2016 Multi-Year Operating Budget to increase revenues in the amount of \$37,500. (Funding Source: Federal Grants/DCESP)
 - Resolution accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$37,500 for the Stanislaus County Drug Enforcement Agency; and authorizing the City Manager, or his designee, to execute all necessary grant documents.
 - Resolution amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2015/2016 Multi-Year Operating Budget estimating revenue in the amount of

\$37,500 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant; and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

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

ACTION: Resolution 2016-186 (Zoslocki/Madrigan; 7/0) accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$37,500 for the Stanislaus County Drug Enforcement Agency; and authorizing the City Manager, or his designee, to execute all necessary grant documents.

ACTION: Resolution 2016-187 (Zoslocki/Madrigan; 7/0) amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2015/2016 Multi-Year Operating Budget estimating revenue in the amount of \$37,500 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant; and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

Consent

9. Consider authorizing the creation of a non-capital project for the Organized Crime Drug Enforcement Task Force Program and approving various agreements with U.S. Department of Justice as well as an amendment to the Multi-Year Operating Budget. (Funding Source: 1341 - Operational Grants Reimbursed)

- Resolution authorizing the Finance Director, or her designee, to amend the 2015/2016 Multi-Year Operating Budget to appropriate revenues and expenditures, in an amount not to exceed \$5,000; and create a new non-capital project account for Organized Crime Drug Enforcement Task Forces Program, and implement the provisions of this resolution.
- Resolution authorizing the Chief of Police, or his designee, with City Manager approval, to approve Annual Agreements and State and Local Overtime and Authorized Expense Agreements with the U.S. Department of Justice Organized Crime Drug Enforcement Task Forces and amend the Multi-Year Operating Budget as they become available in the future.

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

ACTION: Resolution 2016-188 (Zoslocki/Madrigan; 7/0) authorizing the Finance Director, or her designee, to amend the 2015/2016 Multi-Year Operating Budget to appropriate revenues and expenditures, in an amount not to exceed \$5,000; and create a new non-capital project account for Organized Crime Drug Enforcement Task Forces Program, and implement the provisions of this resolution.

ACTION: Resolution 2016-189 (Zoslocki/Madrigan; 7/0) authorizing the Chief of Police, or his designee, with City Manager approval, to approve Annual Agreements and State and Local Overtime and Authorized Expense Agreements with the U.S. Department of Justice Organized Crime Drug Enforcement Task Forces and amend the Multi-Year Operating Budget as they become available in the future.

Consent

10. Consider authorizing the award of bid for the purchase of slurry rock for the streets preventative maintenance program for the Public Works Department to West Coast Sand and Gravel, Inc., Modesto, CA, for an estimated annual cost of \$388,742, totaling \$1,166,226 over a three year period. (Funding Source: Surface Transportation Fund)
- Resolution authorizing the award of bid for the purchase of slurry rock for the Public Works Department to West Coast Sand and Gravel, Modesto, CA, for a one-year agreement with two one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$388,742, totaling \$1,166,226 over a three year period.

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

ACTION: Resolution 2016-190 (Zoslocki/Madrigal; 7/0) authorizing the award of bid for the purchase of slurry rock for the Public Works Department to West Coast Sand and Gravel, Modesto, CA, for a one-year agreement with two one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$388,742, totaling \$1,166,226 over a three year period.

Consent

11. Consider authorizing the award of bid for the purchase of curb, gutter and sidewalk repair services for the Public Works Department to Garrett Thompson Construction, Inc., Modesto, CA, for an estimated annual cost of \$183,220, totaling \$916,100 over a five year period. (Funding Source: Surface Transportation Funds)
- Resolution authorizing the award of bid for the purchase of curb, gutter and sidewalk repair services for the Public Works Department, to Garrett Thompson Construction, Inc., Modesto, CA, for a two year agreement with three one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$183,220, totaling \$916,100 over a five year period.

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

ACTION: Resolution 2016-191 (Zoslocki/Madrigal; 7/0) authorizing the award of bid for the purchase of curb, gutter and sidewalk repair services for the Public Works Department, to Garrett Thompson Construction, Inc., Modesto, CA, for a two year agreement with three one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$183,220, totaling \$916,100 over a five year period.

Consent

12. Consider awarding a bid for Weed Abatement and Trash Removal Services to DeAngelo Brothers, LLC., Sacramento CA. for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$62,239, and over five years of \$311,195. (Funding Source: Stormwater Fund)
- Resolution authorizing the award of bid for weed abatement and trash removal services for the Utilities Department, Stormwater Collections Division to

DeAngelo Brothers, LLC., Sacramento CA. and authorizing the City Manager, or his designee, to issue a purchase agreement for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$62,239, and over five years of \$311,195

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

ACTION: Resolution 2016-192 (Zoslocki/Madrigal; 7/0) authorizing the award of bid for weed abatement and trash removal services for the Utilities Department, Stormwater Collections Division to DeAngelo Brothers, LLC., Sacramento CA. and authorizing the City Manager, or his designee, to issue a purchase agreement for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$62,239, and over five years of \$311,195

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer announced Public Service Recognition Week and thanked the City of Modesto staff.

Councilmember Madrigal announced the Annual Cinco de Mayo Parade on Saturday at 9:00 am on Crows Landing Road.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

13. Accept a written communication from Carousel Ballroom Dance Club of Modesto requesting non-profit status for purposes of renting the Arbor Vista Room at the Modesto Center Plaza. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Staff is working with the Dance Club to reach a solution.

HEARINGS

14. Transient Occupancy Tax (TOT) Appeal Hearing – United Resorts LLC (dba “Budgetel Inn & Suites”, formerly, “America’s Best Value Inn” and “Vagabond Inn”. (Funding Source: Not Applicable)
 - Conduct Transient Occupancy Tax (TOT) Appeal Hearing – United Resorts LLC (dba “Budgetel Inn & Suites”, formerly, “America’s Best Value Inn” and “Vagabond Inn”).
City Attorney; John Goulart, 577-5284, jgoulart@modestogov.com

ACTION: Motion (Ah You/Zoslocki; 6/1; Madrigal no) Direct staff to prepare a resolution approving findings and action consistent with staff recommendation that Appellant owes full amount and penalties, accept payment of \$33,000 today and to request immediate payment of remaining sums within 72 hours.

Recess at 8:05 p.m.

Reconvened at 8:20 p.m.

NEW BUSINESS

15. Consider approving a list of regional projects to be forwarded to the Stanislaus Council of Government for recommended inclusion in the Transportation Expenditure Plan being prepared for the 2016 half-cent sales tax measure. (Funding Source: Not Applicable)
- Resolution approving a list of regional projects to be forwarded to the Stanislaus Council of Government for recommended inclusion in the Transportation Expenditure Plan being prepared for the 2016 half-cent sales tax measure.
Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2016-193 (Ridenour/Grewal; 7/0) approving a list of regional projects to be forwarded to the Stanislaus Council of Government for recommended inclusion in the Transportation Expenditure Plan being prepared for the 2016 half-cent sales tax measure.

MATTERS TOO LATE FOR THE AGENDA

ACTION: None.

ADJOURNMENT

This meeting adjourned at 8:32 p.m.

16. **COUNCIL WORKSHOP:** (i) Water Rates and (ii) Long Range Agenda. (Funding Source: Not Applicable)
Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: No reportable action.

This Council Workshop adjourned at 9:10 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Modesto Irrigation District v. COM
Case No. 2001607

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Sections 54957(b)(1) of the Government Code)

Title: City Clerk

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: Property between 9th and 10th Street, and E Street and F Street,
located in Modesto, CA; APN: 106-044-005

Property Owners: Victor Martinez and Iris L. Martinez TRS

Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for the City of Modesto

For Property Owners: Larry Killian (Real Estate Broker)

Under Negotiation: Possible acquisition of property and entering into property negotiations

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 10, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

Absent: Councilmembers Zoslocki

Pledge of Allegiance to the Flag

Invocation: Brad Hawn

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Councilmember Grewal - Items 7 and 8

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring May 15-21, 2016 as National Public Works Week. (Funding Source: Not Applicable)
Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com

ACTION: Councilmember Madrigal presented a Proclamation declaring May 15-21, 2016 as National Public Works Week.

2. Presentation of Proclamation declaring May 9-15, 2016 as National Salvation Army Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Councilmember Ah You presented a Proclamation declaring May 9-15, 2016 as National Salvation Army Week.

3. Presentation by Stanislaus County Chief Executive Officer Stan Risen regarding Focus on Prevention. (Funding Source: Not Applicable)
City Manager; James Holgersson, 577-5223, jholgersson@modestogov.com

ACTION: Stanislaus County Supervisor Terry Withrow and Chief Executive Officer Stan

Risen gave a Presentation regarding Focus on Prevention.

4. Presentation by Chris Guptill on the Tuolumne River Regional Park. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Chris Guptill gave a Presentation on the Tuolumne River Regional Park.

PUBLIC COMMENT PERIOD

- Susana Luna, South Modesto Businesses United, thanked Council for the City's support and sponsorship of the Cinco de Mayo Parade last weekend.
- Loretta Carhart spoke regarding the removal of shopping carts in the City.
- Cecil Russell spoke regarding the removal of shopping carts in Modesto and potential issues with changing the shopping cart Ordinance.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 5-6; 9-14: (Kenoyer/Ridenour; 6/0; Councilmember Zoslocki absent)

ACTION CONSENT ITEMS 7, 8: (Kenoyer/Ridenour; 5/0; Councilmember Zoslocki absent; Councilmember Grewal absent due to conflict of interest)

CONSENT ITEMS

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

Consent

5. Consider approving the minutes from the May 3, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the May 3, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Ridenour; 6/0; Zoslocki absent) approving the minutes from the May 3, 2016 Council Meeting.

Consent

6. Consider approving the Bylaws of the Culture Commission. (Funding Source: Not Applicable)
 - Resolution approving the Bylaws of the Culture Commission.
Community & Economic Development; Cindy van Empel, 577-5280, cvanempel@modestogov.com

ACTION: Resolution 2016-194 (Kenoyer/Ridenour; 6/0; Zoslocki absent) approving the

Bylaws of the Culture Commission.

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

7. Consider approving Fiscal Year 2016-17 Engineer’s Report and setting a public hearing for the levy and collection of assessments for landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1 through 6. (Funding Source: Landscape Maintenance District No. 1)
- Motion accepting Fiscal Year 2016-17 Engineer’s Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.
 - Resolution of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6 and setting a public hearing on July 5, 2016 to consider the 2016-17 levy and collection of assessments within Landscape Maintenance Assessment District No. 1.

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

ACTION: Motion (Kenoyer/Ridenour; 5/0; Zoslocki absent; Grewal absent due to conflict of interest) accepting Fiscal Year 2016-17 Engineer’s Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.

ACTION: Resolution 2016-195 (Kenoyer/Ridenour; 5/0; Zoslocki absent; Grewal absent due to conflict of interest) of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6 and setting a public hearing on July 5, 2016 to consider the 2016-17 levy and collection of assessments within Landscape Maintenance Assessment District No. 1.

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

8. Consider approving the Fiscal Year 2016-17 Engineer’s Annual Report and setting a public hearing for the levy and collection of assessment for landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2. (Funding Source: Landscape Maintenance District No. 2)
- Motion accepting Fiscal Year 2016-17 Engineer’s Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision.
 - Resolution of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision and setting a public hearing on July 5, 2016 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

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

ACTION: Motion (Kenoyer/Ridenour; 5/0; Zoslocki absent; Grewal absent due to conflict of interest) accepting Fiscal Year 2016-17 Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision.

ACTION: Resolution 2016-196 (Kenoyer/Ridenour; 5/0; Zoslocki absent; Grewal absent due to conflict of interest) of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision and setting a public hearing on July 5, 2016 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

Consent

9. Consider approving Fiscal Year 2016-17 Engineer's Report and setting a public hearing for the levy and collection of assessments for the maintenance and service of 77 street lights within the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)
- Motion accepting the Fiscal Year 2016-17 Engineer's Report for the Shackelford Landscape and Lighting District.
 - Resolution of Intention to Levy and Collect Assessments for the Shackelford Landscape and Lighting District, and setting a public hearing on the proposed assessments to be held on July 5, 2016 to consider the 2016-17 levy and collection of assessments within Shackelford Landscape and Lighting District.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Kenoyer/Ridenour; 6/0; Zoslocki absent) accepting the Fiscal Year 2016-17 Engineer's Report for the Shackelford Landscape and Lighting District.

ACTION: Resolution 2016-197 (Kenoyer/Ridenour; 6/0; Zoslocki absent) of Intention to Levy and Collect Assessments for the Shackelford Landscape and Lighting District, and setting a public hearing on the proposed assessments to be held on July 5, 2016 to consider the 2016-17 levy and collection of assessments within Shackelford Landscape and Lighting District.

Consent

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

ACTION: Motion (Kenoyer/Ridenour; 6/0; Zoslocki absent) accepting the Monthly Investment Report for January 2016.

Consent

11. Consider accepting the Monthly Budget Adjustments Report for March 2016 and amending Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget. (Funding Source: Various Funds)
- Resolution amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.
- Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

ACTION: Resolution 2016-198 (Kenoyer/Ridenour; 6/0; Zoslocki absent) amending the Fiscal Year 2015-16 Annual Operating and Capital Improvement Budget.

Consent

12. Consider authorizing the sole source procurement for the rental of three DV-400c pumps and a fusion welder from Rain for Rent, Stockton, CA in an amount not to exceed \$110,000 to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season. (Funding Source: Wastewater Fund)
- Resolution authorizing the sole source procurement for the rental of three DV-400c pumps and one MegaMc1236 fusion welder for the Utilities Department, Wastewater Services Division from Rain for Rent, Stockton, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost not to exceed \$110,000.
- Utilities; Robert Englent, 577-6222, renglent@modestogov.com*

ACTION: Resolution 2016-199 (Kenoyer/Ridenour; 6/0; Zoslocki absent) authorizing the sole source procurement for the rental of three DV-400c pumps and one MegaMc1236 fusion welder for the Utilities Department, Wastewater Services Division from Rain for Rent, Stockton, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost not to exceed \$110,000.

Consent

13. Consider accepting Empire Trunk Sewer Improvements Phase 1 Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$281,752 to Beard Land Improvements Co., of Modesto, CA. (Funding Source: Wastewater Fund)
- Resolution accepting the Subtrunk Sewer Reimbursement Agreement with Beard Land Improvements for the Empire Trunk Sewer Improvements Phase 1 Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$281,752 to Beard Land Improvements Co., of Modesto, CA.
- Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com*

ACTION: Resolution 2016-200 (Kenoyer/Ridenour; 6/0; Zoslocki absent) accepting the Subtrunk Sewer Reimbursement Agreement with Beard Land Improvements for the Empire Trunk Sewer Improvements Phase 1 Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$281,752 to Beard

Land Improvements Co., of Modesto, CA.

Consent

14. Consider (i) accepting the Sutter Treatment Plant Improvements project as complete, and authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$2,529,019 to R.E. Smith Contractor, Inc., of Newcastle, California; and (ii) approving the First Amendment to Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Design Support During Construction in the amount of \$28,000. (Funding Source: Wastewater Fund)

- Resolution accepting the Sutter Treatment Plant Improvements project as complete, and authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$2,529,019 to R.E. Smith Contractor, Inc., of Newcastle, California.
- Resolution approving the First Amendment to Agreement with Carollo Engineers, Inc. for Design Support During Construction for the Sutter Treatment Plant Improvements Project, in an amount not to exceed \$28,000, and authorizing the City Manager, or his designee, to execute the first amendment.

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

ACTION: Resolution 2016-201 (Kenoyer/Ridenour; 6/0; Zoslocki absent) accepting the Sutter Treatment Plant Improvements project as complete, and authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$2,529,019 to R.E. Smith Contractor, Inc., of Newcastle, California.

ACTION: Resolution 2016-202 (Kenoyer/Ridenour; 6/0; Zoslocki absent) approving the First Amendment to Agreement with Carollo Engineers, Inc. for Design Support During Construction for the Sutter Treatment Plant Improvements Project, in an amount not to exceed \$28,000, and authorizing the City Manager, or his designee, to execute the first amendment.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer received a thank you note from Carol Benson for four-way stop at Tokay and Coffee.

Councilmember Madrigal announced the Third Annual Child Safety Seat Check event on May 28, 2016 at Los Amigos Tire on Crows Landing Road.

City Attorney Lindgren attended the Annual City Attorney Conference with Assistant City Attorney Sanchez.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson spoke regarding "Go Modesto" application for tagging, potholes, etc. in Modesto.

NEW BUSINESS

15. Consider authorizing the submittal of the City's Local Transportation Fund Fiscal Year 2016/17 claim for transit capital in the amount of \$500,000 for commencement of the final design and engineering for a passenger rail station to the Stanislaus Council of Governments. (Funding Source: Local Transportation Fund)
- Resolution authorizing the submittal of the City's Local Transportation Fund Fiscal Year 2016/17 claim for transit capital in the amount of \$500,000 for commencement of final design and engineering for a passenger rail station to the Stanislaus Council of Governments.
- Community & Economic Development; Cindy van Empel, 577-5280, cvanempel@modestogov.com*

ACTION: Resolution 2016-203 (Grewal/Ridenour; 6/0; Zoslocki absent) authorizing the submittal of the City's Local Transportation Fund Fiscal Year 2016/17 claim for transit capital in the amount of \$500,000 for commencement of final design and engineering for a passenger rail station to the Stanislaus Council of Governments.

16. Consider authorizing submission of a joint application with the Stanislaus County Sheriff's Department to the Board of State & Community Corrections for a Strengthening Law Enforcement and Community Relations Grant for up to \$850,000. (Funding Source: 1341 – Grants – Operation Grants Reimbursed)
- Resolution authorizing submission of a joint application with the Stanislaus Sheriff's Department to the Board of State & Community Corrections for a Strengthening Law Enforcement and Community Relations Grant for up to \$850,000 funding; and authorizing the City Manager, or his designee, to execute the Grant Application, Grant Agreement with the Board of State & Community Corrections, including any amendments thereof, and grant related documents, if awarded.
- Police; Galen L. Carroll, 572-9501, carrollg@modestopd.com*

ACTION: Resolution 2016-204 (Madrigal/Ah You; 6/0; Zoslocki absent) authorizing submission of a joint application with the Stanislaus Sheriff's Department to the Board of State & Community Corrections for a Strengthening Law Enforcement and Community Relations Grant for up to \$850,000 funding; and authorizing the City Manager, or his designee, to execute the Grant Application, Grant Agreement with the Board of State & Community Corrections, including any amendments thereof, and grant related documents, if awarded.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:40 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

PUBLIC EMPLOYEE DISCIPLINE

Pursuant to Government Code section 54957(b)

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

Title: City Clerk

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto
**GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL
WORKSHOP**

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

Monday, May 9, 2016, at 5:00 p.m.

Roll Call: Present: Councilmembers Kenoyer, Ah You and Ridenour Sr.

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider accepting an informational report regarding the 2015 Modesto Fire Department Annual Report. (Funding Source: Not Applicable)

Fire; Sean Slamon, 572-9590, sslamon@modestofire.com

ACTION: Motion (Ridenour/Ah You; unan.) accepting an informational report regarding the 2015 Modesto Fire Department Annual Report.

2. Consider recommending to the City Council approval of the Letter of Intent and Community Partner Playground Agreement with KaBOOM!, to install new playground equipment at East La Loma Park. (Funding Source: General Fund/Park Partners Fund)

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

ACTION: Motion (Ridenour/Ah You; unan.) approving the Letter of Intent and Community Partner Playground Agreement with KaBOOM!, to install new playground equipment at East La Loma Park and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:14 p.m.

MINUTES

City of Modesto

Special Effective Government Committee Meetings/ Special City Council Workshop Meetings

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

BUDGET WORKSHOPS

MONDAY – MAY 16, 2016 – 9:00 a.m.

Roll Call - Present: Chair Mani Grewal
Absent: Vice-Chair Kristi Ah You, Member Bill Zoslocki
Also Present: Tony Madrigal (alternate; left meeting at 1:00 p.m.), Mayor Brandvold (alternate), Doug Ridenour, Sr. (alternate; left meeting at 3:10 p.m.)

[View the 2016/2017 Proposed Operating Budget.](#)

PUBLIC COMMENT PERIOD **Three minute time limit per speaker**

None.

NEW BUSINESS

City Manager Jim Holgersson gave welcoming remarks.

1. Proposed Budget Overview
 - Budget Manager Stephan Christensen gave an overview of the Proposed Fiscal Year 2016-2017 Budget; Citywide Budget – Fiscal Year 2016-17 expense budget by fund type \$361 Million; General Fund Overview Prior to Mayor’s Proposed Changes; Bridging the Gap – Deficit = \$13,121,813; Proposed Options for Closing the Gap; Fiscal Year 2016-17 General Fund Proposed Revenues; Total General Fund Revenues (in Millions); Fiscal year 2016-17 General Fund Proposed Expenses; General fund Proforma; Water and Wastewater Funds; Department Presentations Schedule.
2. Great Safe Neighborhoods
 - a. Police
 - Chief Galen Carroll gave an over view of the Police Department; Budget Summary; Discussion Points: Overview – General Fund Expenses; General Fund Revenue Summary; Increases in General Fund Expenses; Overview – Traffic Safety Fund; Overview – Traffic Offender Fund; Department Staffing Challenges; Additional

Challenges; Opportunities; Enhancement Requests; Mayor Approved Enhancement Requests.

Recess at 10:22 a.m.

Reconvened at 10:33 a.m.

b. Fire

- Chief Sean Slamon gave an overview of the Modesto Fire Department; What We Do...; Our Impact; Department Org Chart; Department Staffing; Staffing Levels Compared; Fire Data Compared; Strategic Plan and the Department; Department Revenues; Department Expenses; Performance Measures; Department Requests; Fire Budget Reductions; Department Goals Moving Forward.

c. Parks, Recreation & Neighborhoods

- Acting Manager Ashley Weaver gave Department Overview; Department Org Chart; Department Staffing; PRN and the Strategic Plan; Services & Programs; Department Fund Overview; General Fund Revenues; General Fund Expenses; Performance Measures; Budget “Big Picture”; Mayor Approved Enhancements; Department Opportunities & Goals.

Recess at 12:26 p.m.

Reconvened at 1:18 p.m.

3. Vibrant Infrastructure & Sustainable Environment

a. Public Works

- Public Works Director Bill Sandhu gave overview of department; Public Works Divisions: Street Services, Transit Services, Parks Services, Solid Waste, Traffic Engineering and Operations, and Engineering Design; Public Works Staffing; Strategic Plan and the Airport; Strategic Plan and Building Services; Strategic Plan and Engineering Design; Strategic Plan and Fleet; Strategic Plan and Parking; Strategic Plan and Parks; Strategic Plan and Solid Waste; Strategic Plan and Streets; Strategic Plan and Traffic; Strategic Plan and Transit; Airport Revenues and Expenses; Proposed 2016-2017 Revenue Breakdown; Airport Ending Fund Balance; Building Services and JPA Operations Revenues and Expenses; Engineering Design Revenue and Expenses; Fleet Revenue and Expenses – Fleet Management Fund and Transit Maintenance; Parking Revenue and Expenses; Parks Operations Revenue and Expenses; John Thurman Field Revenue and Expenses; Mary Grogan Soccer Complex Revenue and Expenses; Tagging Abatement Revenue and Expenses; Parks Division Revenue and Expenses; Solid Waste Revenue and Expenses; Surface Transportation Fund Expenses and Revenue; Surface Transportation Fund Revenue by Source; Surface Transportation Fund Revenue Ending Fund Balance; Traffic Division Revenue and Expenses; Street Division Revenue and Expenses; Transit Revenue and Expenses; Performance Measures: Airport, Fleet, Surface Transportation Fund, and Transit; Approved Enhancement – Building Services: Increased Security at the Corporation Yard, Solid Waste: Reallocate/reclassify existing AOA I

position to AOA II; Solid Waste: Reclassify Equipment Mechanic in Compost Division to Heavy Equipment Mechanic; Airport Goals; Building Services Goals; Engineering Design Goals; Fleet Services Goals; Parking Goals; Parks Maintenance and Operations Goals; Solid Waste Funds Goals; Surface Transportation Fund Goals; Transit Goals.

Recess at 2:40 p.m.

Reconvened at 2:52 p.m.

b. Utilities Department

- Utilities Director Larry Parlin gave Utilities Overview; Utilities Department – 277 Full-time Employees; Utilities Staffing; Strategic Plan and Utilities; Utilities Funding Sources; Utilities Water Fund Revenue/Expense Comparison; Utilities Water Fund – 2016/17 Operating Expenses Breakdown; Utilities Wastewater Fund Revenue/Expense Comparison; Utilities Wastewater Fund 2016/17 Operating Expenses Breakdown; Storm Drain Fund Revenue/Expense Comparison; Utilities Storm Drain Fund 2016/17 Operating Expenses Breakdown; Utilities Capital Improvement Services (CIS) Support Fund Revenue/Expense Comparison; Utilities Capital Improvement Services (CIS) Support fund 2016/17 Operating Expenses Breakdown; Utilities Performance Measures; Mayor-Approved Enhancements; Departmental Goals.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:25 p.m.; will reconvene tomorrow at 9:00 a.m.

MINUTES

City of Modesto

Special Effective Government Committee Meetings/ Special City Council Workshop Meetings

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

BUDGET WORKSHOPS

TUESDAY – MAY 17, 2016 – 9:00 a.m.

Roll Call - Present: Chair Mani Grewal
Absent: Vice-Chair Kristi Ah You, Member Bill Zoslocki
Also Present: Tony Madrigal (alternate; arrived at 9:20 a.m.; left meeting at 1:00 p.m.),
Mayor Brandvold (alternate; left meeting at 2:27 p.m.), Doug Ridenour, Sr. (alternate)

[View the 2016/2017 Proposed Operating Budget.](#)

PUBLIC COMMENT PERIOD

Three minute time limit per speaker

Rick Dahlseid thanked the City and staff for transparency and information provided.

NEW BUSINESS (continued)

1. Healthy Economy & Great Quality of Life
 - c. Community & Economic Development
 - Community & Economic Director Cindy Birdsill gave Department Overview; Org Chart; Staffing - # of Positions; CEDD's Story – FY15/16 to FY16/17; Healthy Economy & Great Quality of Life; Great Safe Neighborhoods; Healthy Economy & Great Quality of Life; Vibrant Infrastructure & Sustainable Environment; Great Safe Neighborhoods; Proposed Operating Budget Net Impacts Fiscal Year 16-17; General Fund Revenues; General Fund Expenses; Economic Development & Asset Administration – Expenses/Revenues FY 16/17; Non-General Fund Revenues; Non-General Fund Expenses; Performance Measures – Great Safe Neighborhoods, Healthy Economy & Great Quality of Life, Vibrant Infrastructure & Sustainable Environment; Mayor Approved Enhancements – General Fund; Departmental Goals Moving Forward.
2. Go Modesto Presentation
 - Deputy City Manager introduced Go Modesto Presentation; Public Information Officer Amy Vickery and Administrative Services Officer Randy Saffold discussed Using

Technology to Enhance City Services; Effective Responsive & Transparent Government; Why the New Technology?; What Do People Want?; Residents are ready for a fundamental shift in the way they connect with us; Pubic Stuff; Background; Digital Civic Engagement; Collaborative Implementation; Meeting Citizens Where They Are; Working Smarter & Faster; Go Modesto! Mobile App; Communication Plan; Desktop Submissions; Website Preview; Online Services; Meetings & Events; Your Government; Stay Connected; Department Pages; Records & Agendas.

3. Performance Measures Update

- Administrative Services Officer Randy Saffold gave update on Performance Measures; Website Preview & Performance Measures.

Recess at 11:10 a.m.

Reconvened at 11:23 a.m.

4. Effective, Responsive and Transparent Government

a. City Manager

- Deputy City Manager Joe Lopez gave Department Overview; City Manager's Office; Department Org Chart; FY 16/17 Proposed Department Budget; Mayor Approved Enhancements; Department Goals.

b. City Clerk

- City Clerk Stephanie Lopez gave Department Overview; City Clerk Organizational Chart; Strategic Plan and the Department; Department Expenses/Revenue; Performance Measures; Departmental Goals Moving Forward.

Recess at 12:00 p.m.

Reconvened at 1:15 p.m.

c. City Attorney

- City Attorney Adam Lindgren gave Department Overview; Department Org Chart; Strategic Plan and the Department; City Attorney's Office Expenses FY 2016/17 Proposed; Performance and Accomplishments for FY 2015/2016; Potential Work in Process FY 2016/2017; No Enhancements Requested, Items Not Budgeted for FY 2016/2017; City Savings FY 2016/2017; Historic Budgets and 16/17 Budget Request; FY 2014/15 Actuals and 2015/16 Budget Compared to 2016/17; Office Goals for 2016/2017; Departmental Challenges.

Recess at 2:16 p.m.

Reconvened at 2:27 p.m.

d. Human Resources

- Deputy City Manager gave Department Overview; Human Resources Org Chart; Department Staffing; HR & The Strategic Plan; HR Administration Revenues; HR Administration Expenses; Benefits; Employee Benefits Fund Cost Allocation Method; EBF Administration Expenses; Employee Benefits Financials; Employee Benefits Fund History and Projections; Risk; Workers' Comp & Liability Fund Cost Allocation Methods; Risk Administration Expenses; Workers' Comp Financials; Workers' Comp Fund History and Projection (5320); General Liability Fund Financials; General Liability Fund History and Projection; Performance Measures; Performance Measure – Citywide Staffing; Proposed Enhancements; Human Resources Proposed; Department Goals Moving Forward.

e. Finance

- Finance Director Gloriette Genereux gave Overview of Finance Department; Department Staffing; Strategic Plan and the Finance; Finance FY16/17 Proposed Budget Summary by Division and by Fund; General Fund Proposed FY 16/17 Expense Budget; Significant General Fund Discretionary Expenses in FY 16/17; Finance General Fund Trends Budget Years FY09/10 to FY16/17; General Fund Expense Comparison of FY 15/16 Current to Proposed 16/17 Budget; Performance Measures; Departmental Goals, Challenges and Opportunities.

f. Information Technology

- Information Technology Chief Information Officer John Dickey gave Presentation: Information Technology Focus Areas; Information Technology Organization; Department Staffing; Strategic Plan and the Departmental Opportunities; IT ISF Components; IT Department Revenue; Performance Measures; Mayor Approved Enhancements; Departmental Goals Moving Forward.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:10 p.m.; will reconvene tomorrow at 9:00 a.m.

MINUTES

City of Modesto

Special Effective Government Committee Meetings/ Special City Council Workshop Meetings

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

BUDGET WORKSHOPS

WEDNESDAY – MAY 18, 2016 – 9:00 a.m.

Roll Call - Present: Chair Mani Grewal
Absent: Vice-Chair Kristi Ah You, Member Bill Zoslocki
Also Present: Mayor Brandvold (alternate), Doug Ridenour, Sr. (alternate)

[View the 2016/2017 Proposed Operating Budget.](#)

PUBLIC COMMENT PERIOD Three minute time limit per speaker

None.

NEW BUSINESS (continued)

1. Deliberation & Staff Follow-up

- Budget Manager Stephan Christensen discussed Items for Future Action: (i) Sales Tax Projections; (ii) Utilities User Tax Projections; (iii) Cable TV Franchise Fees; (iv) Letter of Credit Impact on Fund Balance; (v) Vacant Position list; (vi) Potential Implementation of Destination Modesto; and (vii) Implementation of Budget Software.
- Utilities Director Larry Parlin discussed Utilities Performance Measures.
- City Attorney Lindgren reported back on legal fees for next fiscal year.
- Deputy City Manager Brent Sinclair gave Presentation regarding Destination Modesto; Org Chart; Designation Modesto FY2016/17.
- Deputy City Manager Joe Lopez discussed additional Battalion Chief for Fire Department, Records Management system for City; Centre Plaza negotiations; reporting back quarterly regarding Performance Measures; additional information regarding small cells on street light poles.

ACTION: Motion (Mayor Brandvold/Ridenour; unan.) directing the Effective Government Committee forward the 2016-2017 staff draft budget to the full City Council for consideration to be scheduled at a time after the Mayor's Final Budget Modifications are delivered to the City Council under City Charter Section 1303, such modifications being due at least 30 days prior to the new Fiscal Year.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:55 a.m.

MINUTES

City of Modesto
HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Wednesday, May 11, 2016, at 2:00 p.m.

Roll Call: Present: Councilmember Ridenour; Alternates Brandvold and Grewal.
Absent: Councilmembers Zoslocki and Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. [Consider accepting the quarterly status report of the development projects processed by the Community and Economic Development Department during the third quarter of Fiscal Year 2015-2016. \(Funding Source: Not applicable\)](#)
Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com
ACTION: (Motion: Grewal/Brandvold: unan.) to accept the report.
2. [Consider providing policy direction to staff for the development of the City of Modesto's project list for the StanCOG 2016 Transportation Expenditure Plan for the ½ cent sales tax measure and forwarding the list of projects to City Council for approval. \(Funding Source: \)](#)
Community & Economic Department; Vickey Dion, 571-5542, vdion@modestogov.com
ACTION: (Motion: Grewal/Brandvold: unan.) to forward the list of projects to City Council for consideration of approval.
3. [Consider information regarding the formation of a multi-disciplinary Comprehensive Fee Task Force for the purpose of reviewing and aligning development-related fees with the goals and policies of the City's General Plan and Strategic Commitments. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Tina Rocha, 577-5231,

trocha@modestogov.com

ACTION: (Motion: Grewal/Brandvold: unan.) to receive information and forward to City Council for consideration of approval.

4. [Consider approving the formation of a multi-disciplinary Blue Ribbon Development Streamlining Committee and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com
ACTION: (Motion: Grewal/Brandvold: unan.) to continue this item to a future HEC meeting.

5. [Consider authorizing staff to partner with Central Valley Specialty Hospital to reconstruct City of Modesto easement \(alleyway\) located at 1801 17th Street, and forwarding to City Council for approval \(Funding Source: Surface Transportation Fund: Curb, Gutter and Sidewalks\)](#)
Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com
ACTION: (Motion: Grewal/Brandvold: unan.) to forward to City Council for consideration of approval.

6. [Consider approving an Ordinance amending Title 5, Sanitation and Health, Chapter 6, Articles 1, 2, 5, 6, and 7 of the Modesto Municipal Code to update definitions to comply with the Code of Federal Regulations General Pretreatment Regulations for Existing and New Sources of Pollution and forwarding to Council for Approval. \(Funding Source: Not Applicable\)](#)
Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com
ACTION: (Motion: Grewal/Ridenour: unan. - Brandvold not present) to forward to City Council for consideration of approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:27 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 24, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

Absent: Councilmember Zoslocki

Pledge of Allegiance to the Flag

Invocation: Susan Bagley, Celebration Center Church

City Clerk's Announcements: Item 6 - Removed from Consent;
Item 15 - continued to June 7, 2016 Council meeting

Declaration of Conflicts of Interest: Item 4 - Mayor Brandvold and Councilmember Grewal

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

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 1-3; 5; 7-12: (Kenoyer/Madrigal; unan.)

ACTION CONSENT ITEM 4: (Kenoyer/Madrigal; unan.; Mayor Brandvold, Grewal absent due to conflict of interest; Councilmember Zoslocki absent)

CONSENT ITEMS

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

Consent

1. Consider approving the minutes from the May 10, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the May 10, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; 6/0; Zoslocki absent) approving the minutes from the May 10, 2016 Council Meeting.

Consent

2. Consider adopting a resolution affirming the findings and decision of the Tax Administrator regarding delinquent transient occupancy taxes (TOT) and penalties owed by United Resorts LLC. (Funding Source: General Fund)
 - Resolution finding that United Resorts LLC owes \$101,304.28 in delinquent transient occupancy taxes (TOT) and penalties and directing staff to accept payment from United Resorts LLC in the amount of \$33,000 and to require payment of remaining balance of \$68,304.28 within 72 hours.

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

ACTION: Motion (Ridenour/Grewal; 1/5; Ah You, Kenoyer, Ridenour, Grewal, Mayor Brandvold no; Zoslocki absent) requesting Item 2 be removed from Consent (MOTION FAILED)

ACTION: Resolution 2015-205 (Kenoyer/Madrigal; 6/0; Zoslocki absent) finding that United Resorts LLC owes \$101,304.28 in delinquent transient occupancy taxes (TOT) and penalties and directing staff to accept payment from United Resorts LLC in the amount of \$33,000 and to require payment of remaining balance of \$68,304.28 within 72 hours.

Consent

3. Consider approving a second amendment to the standard consultant agreement with Data Path, Inc., of Modesto, CA to provide continued Chief Information Officer services for an additional three year term at a cost of \$17,578 per month, effective May 24, 2016. (Funding Source: Information Technology Fund)
 - Resolution approving and authorizing the City Manager or his designee to execute an agreement with Data Path, Inc., of Modesto, CA, a professional firm, to provide Chief Information Officer services for the City for an additional three year term with a monthly cost of \$17,578, and to continue with John Dickey as Chief Information Officer, as originally effective November 24, 2015.

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

ACTION: Resolution 2016-206 (Kenoyer/Madrigal; 6/0; Zoslocki absent) approving and authorizing the City Manager or his designee to execute an agreement with Data Path, Inc., of Modesto, CA, a professional firm, to provide Chief Information Officer services for the City for an additional three year term with a monthly cost of \$17,578, and to continue with John Dickey as Chief Information Officer, as originally effective November 24, 2015.

Consent – *Mayor Brandvold; Councilmember Grewal absent due to conflict of interest*

4. Consider approving the Final Map for the Kiernan Business Park East Phase 2 Subdivision located south of Kiernan Avenue and northeast of the intersection of Dale and Healthcare Way and approving Subdivision Agreement with the owner regarding the construction of required public improvements. (Funding Source: General Fund)
 - Resolution approving the Final Map of Kiernan Business Park Phase 2 Subdivision,

authorizing the City Manager or his designee to execute a subdivision agreement with Joann Irene Bledsoe, a married woman her sole and separate property, and Carl R. Fischer, Jr. and Sandy Fischer, aka Sandra Fischer, as trustees of The Carl R. Fischer, Jr, and Sandy Fischer Revocable Trust udt dated September 25, 2000 and authorizing the City Clerk to certify the Final Map and record it with the Stanislaus County Recorder's office.

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

ACTION: Resolution 2016-207 (Kenoyer/Madrigal; 4/0; Grewal, Zoslocki, Mayor Brandvold absent due to conflict of interest; Zoslocki absent) approving the Final Map of Kiernan Business Park Phase 2 Subdivision, authorizing the City Manager or his designee to execute a subdivision agreement with Joann Irene Bledsoe, a married woman her sole and separate property, and Carl R. Fischer, Jr. and Sandy Fischer, aka Sandra Fischer, as trustees of The Carl R. Fischer, Jr, and Sandy Fischer Revocable Trust udt dated September 25, 2000 and authorizing the City Clerk to certify the Final Map and record it with the Stanislaus County Recorder's office.

Consent

5. Consider approving an exemption creating a 90 day plant establishment period for newly installed landscapes from Stage I, II or IIA Drought Contingency Plan requirements. (Funding Source: Not Applicable)
- Resolution approving an exemption for a 90 day plant establishment period for newly installed landscapes from Stage I, II or IIA Drought Contingency Plan requirements.

*Community & Economic Development; Nathan Houx, 571-5526,
nhoux@modestogov.com*

ACTION: Resolution 2016-208 (Kenoyer/Madrigal; 6/0; Zoslocki absent) approving an exemption for a 90 day plant establishment period for newly installed landscapes from Stage I, II or IIA Drought Contingency Plan requirements.

Removed from Consent

6. Consider: (i) amending Section 3.3 Membership Composition of the Rules and Procedures of the Entertainment Commission to revise the membership category of one Cultural Commission member to one Event Planning or Marketing Specialist member; and (ii) approving seven appointments and two alternate appointments to the City of Modesto Entertainment Commission. (Funding Source: Not Applicable)
- Resolution amending Section 3.3 Membership Composition of the Rules and Procedures of the Entertainment Commission.
 - Resolution approving nine appointments and two alternate appointments to the Entertainment Commission.

*Community & Economic Development; Margaret James, 571-5840,
mbjames@modestogov.com*

ACTION: Resolution 2016-209 (Ridenour/Kenoyer; 6/0; Zoslocki absent) amending Section 3.3 Membership Composition of the Rules and Procedures of the Entertainment Commission.

ACTION: Resolution 2016-210 (Ridenour/Kenoyer; 6/0; Zoslocki absent) approving nine appointments and two alternate appointments to the Entertainment Commission.

Consent

7. Consider revising the City's Anti-Drug Program/Alcohol Misuse Program to ensure compliance with the regulations established by the Department of Transportation. (Funding Source: Not applicable)

- Resolution amending the City's Anti-Drug Program/Alcohol Misuse Program to ensure continued compliance with the regulations established by the Federal Department of Transportation.

Human Resources; Beverly Jensen, 577-5446, bjensen@modestogov.com

ACTION: Resolution 2016-211 (Kenoyer/Madrigal; 6/0; Zoslocki absent) amending the City's Anti-Drug Program/Alcohol Misuse Program to ensure continued compliance with the regulations established by the Federal Department of Transportation.

Consent

8. Consider approving the Letter of Intent and Community Partner Playground Agreement with KaBOOM! to install new playground equipment at East La Loma Park. (Funding Source: Park Partners and General Fund)

- Resolution approving the Letter of Intent and Community Partner Playground Agreement with KaBOOM!, to install new playground equipment at East La Loma Park and authorizing the City Manager or his designee, to execute the agreements and related documents.

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

ACTION: Resolution 2016-212 (Kenoyer/Madrigal; 6/0; Zoslocki absent) approving the Letter of Intent and Community Partner Playground Agreement with KaBOOM!, to install new playground equipment at East La Loma Park and authorizing the City Manager or his designee, to execute the agreements and related documents.

Consent

9. Consider approving annual adjustments to various Airport Rates and Fees of 3% using the Consumer Price Index for specific activities and services at the Modesto City-County Airport, effective July 1, 2016, and rescind Resolution No. 2015-171. (Funding Source: Airport Operating Revenue (Fund 4310))

- Resolution approving annual adjustments to various Airport Rates and Fees of 3% using the Consumer Price Index (CPI) for specific activities and services at the Modesto City-County Airport (Airport), effective July 1, 2016, and rescind Resolution No. 2015-171.

Public Works; Mark Germanowski, 577-5319, mgermanowski@modestogov.com

ACTION: Resolution 2016-213 (Kenoyer/Madrigal; 6/0; Zoslocki absent) approving annual adjustments to various Airport Rates and Fees of 3% using the Consumer Price Index (CPI) for specific activities and services at the Modesto City-County Airport (Airport), effective July 1, 2016, and rescind Resolution No. 2015-171.

Consent

10. Consider authorizing submission of the Transportation Development Act Transit Claim for Fiscal Year 2016-2017 to the Stanislaus Council of Governments in the amount of \$10,933,578 to support Transit operations and capital expenses. (Funding Source: Transportation Development Act Funds)

- Resolution authorizing submission of the City's Transportation Development Act (TDA) Transit Claim for Fiscal Year 2016-2017 to the Stanislaus Council of Governments (StanCOG) in the amount of \$10,933,578 to support Transit operations and capital expenses.

Public Works; Maria Garnica, 577-5249, mgarnica@modestogov.com

ACTION: Resolution 2016-214 (Kenoyer/Madrigal; 6/0; Zoslocki absent) authorizing submission of the City's Transportation Development Act (TDA) Transit Claim for Fiscal Year 2016-2017 to the Stanislaus Council of Governments (StanCOG) in the amount of \$10,933,578 to support Transit operations and capital expenses.

Consent

11. Consider authorizing an increase in the Director's authority to issue change orders for the Emerald Lift Station Rehabilitation Project and amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$220,078 (Funding Source: Wastewater Fund)

- Resolution authorizing an increase of the Director of Utilities Authority to issue change orders on the Emerald Lift Station Rehabilitation Project from 10 percent (\$269,000) to approximately 15.3 percent (\$410,287) of the original construction contract price of \$2,690,000 with Aztec Consultants, of San Ramon, CA.
- Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$220,078 to be transferred into the project from Wastewater Fund Reserves in order to fund additional staff and change order costs for Emerald Lift Station Rehabilitation Project.

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

ACTION: Resolution 2016-215 (Kenoyer/Madrigal; 6/0; Zoslocki absent) authorizing an increase of the Director of Utilities Authority to issue change orders on the Emerald Lift Station Rehabilitation Project from 10 percent (\$269,000) to approximately 15.3 percent (\$410,287) of the original construction contract price of \$2,690,000 with Aztec Consultants, of San Ramon, CA.

ACTION: Resolution 2016-216 (Kenoyer/Madrigal; 6/0; Zoslocki absent) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$220,078 to be transferred into the project from Wastewater Fund Reserves in order to fund additional staff and change order costs for Emerald Lift Station Rehabilitation Project.

Consent

12. Consider approving various documents for the Cannery Segregation Line Diversion Structure Project and a contract with Gateway Pacific Contractors Inc., of Sacramento, CA in the amount of \$1,290,439 as well as increasing the Director's change order authority and amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$525,868. (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the Cannery Segregation Line Diversion Structure Project, accepting the bid, and approving a contract with Gateway Pacific Contractors Inc., of Sacramento, CA in the amount of \$1,290,439 plus \$148,547 for contingency (if needed), for a total amount of \$1,138,861 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 Cannery Segregation Line Diversion Structure Project from 10 percent (\$129,044) to 15 percent (\$193,566) of the construction contract price of \$1,290,439 with Gateway Pacific Contractors, Inc., of Sacramento, CA.
 - Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$525,868 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for Cannery Segregation Line Diversion Structure Project.

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

ACTION: Resolution 2016-217 (Kenoyer/Madrigal; 6/0; Zoslocki absent) approving the plans and specifications for the Cannery Segregation Line Diversion Structure Project, accepting the bid, and approving a contract with Gateway Pacific Contractors Inc., of Sacramento, CA in the amount of \$1,290,439 plus \$148,547 for contingency (if needed), for a total amount of \$1,138,861 and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2016-218 (Kenoyer/Madrigal; 6/0; Zoslocki absent) authorizing an increase in the Director's Authority to issue change orders for Cannery Segregation Line Diversion Structure Project from 10 percent (\$129,044) to 15 percent (\$193,566) of the construction contract price of \$1,290,439 with Gateway Pacific Contractors, Inc., of Sacramento, CA.

ACTION: Resolution 2016-219 (Kenoyer/Madrigal; 6/0; Zoslocki absent) amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$525,868 to be transferred into the project from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for Cannery Segregation Line Diversion Structure Project.

COUNCIL COMMENTS & REPORTS

Councilmember Grewal spoke regarding Lemonade Day in Downtown Modesto last Saturday with children and vendors.

Councilmember Madrigal announced Child Safety Seat event at Los Amigos Tire on Saturday, May 28, 2016.

Councilmember Kenoyer attended a Taiwan Tasting event on Saturday and thanked Jeff Barnes and Mark Murphy for the assistance.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

13. Accept a written communication from Robert W. Stanford concerning Civil Rights. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: No reportable action.

UNFINISHED BUSINESS

14. Consider approving a list of local projects to be forwarded to the Stanislaus Council of Government for recommended inclusion in the Transportation Expenditure Plan being prepared for the 2016 half-cent sales tax measure. (Funding Source: Not Applicable)
- Resolution approving a list of local projects to be forwarded to the Stanislaus Council of Government by May 25, 2016 for recommended inclusion in the Transportation Expenditure Plan being prepared for the November 2016 half-cent sales tax measure.
Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2016-220 (Grewal/Madrigal; 6/0; Zoslocki absent) approving a list of local projects to be forwarded to the Stanislaus Council of Government by May 25, 2016 for recommended inclusion in the Transportation Expenditure Plan being prepared for the November 2016 half-cent sales tax measure.

HEARINGS

Published in the Modesto Bee on May 13, 2016; continued to June 7, 2016 Council meeting

15. Hearing to consider the adoption of an Ordinance amending Section 4-2.07 to clarify that violations of the City's Fire Code relating to the possession, manufacture, sale, use or discharge of dangerous fireworks may be charged as a misdemeanor or infraction. (Funding Source: General Fund Revenue)
- Motion introducing and waiving the first reading of an ordinance amending provisions of Title 4, Chapter 2, "Misdemeanors" of the Modesto Municipal Code regarding penalties for dangerous fireworks.
Fire; Mike Payton, 571-5876, mpayton@modestofire.com

ACTION: This hearing continued to June 7, 2016 Council meeting.

NEW BUSINESS

16. Consider authorizing the award the bid for construction of the Santa Rosa Sewer Trunk Line Emergency Replacement Project. (Funding Source: Wastewater Fund)
- Resolution authorizing the City Manager, or his designee, to award the bid for construction of the Santa Rosa Sewer Trunk Line Emergency Replacement Project and, to execute the agreement.

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

ACTION: Resolution 2016-221 (Ridenour/Madrigal; 6/0; Zoslocki absent) authorizing the City Manager, or his designee, to award the bid for construction of the Santa Rosa Sewer Trunk Line Emergency Replacement Project and, to execute the Agreement **with D.A. Wood, Inc. of Modesto, California in the amount of \$427,990.17.**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:10 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

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

Property: An undeveloped portion of Wells Ave, in Stanislaus County,
A portion of and at the east end of Wells Ave, near intersection of Pelandale & McHenry
Avenues (within the SE ¼ of Section 5, Township 3S, Range 9E, M.D. B. & M)

Property Owners: City of Modesto

Negotiating Parties:

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

For Purchaser: Burchell Nursery, Inc., by owner's representative, Robert Braden

Under Negotiation: Provide direction to staff as to how to proceed with property transfer

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

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

Property Owners: Union Pacific Railroad

Negotiating Parties:

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

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

Under Negotiation: Purchase of property

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 07, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal (arrived at 6:27 p.m.), Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements: Item 7 - removed from Consent; Item 21 - continued to June 14, 2016 Council meeting

Declaration of Conflicts of Interest: Councilmember Grewal and Mayor Brandvold - Items 6 and 8

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring June 2016 as Disability Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation declaring June 2016 as Disability Awareness Month.

2. Presentation of Certificate of Recognition to the International Brotherhood of Electrical Workers (IBEW) for their donation to the King-Kennedy Memorial Center. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Councilmember Grewal presented a Certificate of Recognition to the International Brotherhood of Electrical Workers (IBEW) for their donation to the King-Kennedy Memorial Center.

3. Presentation of Certificates of Merit for the City of Modesto's Industrial Pretreatment Program. (Funding Source: Not Applicable)

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

ACTION: Mayor Brandvold presented Certificates of Merit for the City of Modesto's Industrial Pretreatment Program.

MISCELLANEOUS

Legislation
Appointments
Other

Councilmember Madrigal absent

4. Consider approving the appointment of Martin Campbell to the Airport Advisory Committee position vacancy, as a Commercial Provider / Service Provider member for a two year term. (Funding Source: Not Applicable)

- Resolution approving the appointment of Martin Campbell to the Modesto City-County Airport Advisory Committee.

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

ACTION: Resolution 2016-222 (Kenoyer/Ridenour; 6/0; Madrigal absent) approving the appointment of Martin Campbell to the Modesto City-County Airport Advisory Committee.

PUBLIC COMMENT PERIOD

- Barbara Hayes spoke regarding shopping carts being left around the City of Modesto and said she would like locks on carts at the stores in Modesto; she was referred to City Manager's Office.
- John Mataka requested the Mayor appoint an ad hoc committee to address Latino community issues.
- Miguel Donoso spoke regarding the recent murder of a 13 year old girl in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 5; 9-19: (Zoslocki/Ridenour; 6/0; Madrigal absent)

ACTION CONSENT ITEMS 6; 8: (Zoslocki/Ah You; 4/0; Madrigal absent; Mayor Brandvold, Grewal absent due to conflict of interest)

CONSENT ITEMS

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

Consent – *Councilmember Madrigal absent*

5. Consider approving the minutes from the May 24, 2016 Council Meeting. (Funding Source: Not Applicable)

- Motion approving the minutes from the May 24, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Zoslocki/Ridenour; 6/0; Madrigal absent) approving the minutes from the May 24, 2016 Council Meeting.

Consent – *Councilmember Madrigal absent; Mayor Brandvold and Grewal absent due to conflict of interest*

6. Consider introducing an Ordinance and adopting a Resolution to dissolve City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) which is no longer necessary given the formation of Community Facilities District No. 2016-1 (Kiernan Business Park East #2). (Funding Source: Kiernan Business Park East #2; Community Facilities District Nos. 2009-1 & 2016-1)
 - Resolution rescinding Resolution Nos. 2010-042 and 2010-045 relating to City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East).
 - Motion introducing and waiving the first reading of an Ordinance repealing Ordinance No. 3524-C.S. dissolving City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) and ordering the recordation of an addendum to the notice of special tax lien thereon.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2016-223 (Zoslocki/Ah You; 4/0; Madrigal absent; Mayor Brandvold and Grewal absent due to conflict of interest) rescinding Resolution Nos. 2010-042 and 2010-045 relating to City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East).

ACTION: Motion (Zoslocki/Ah You; 4/0; Madrigal absent; Mayor Brandvold and Grewal absent due to conflict of interest) introducing and waiving the first reading of **Ordinance No. 3648-C.S.** repealing Ordinance No. 3524-C.S. dissolving City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) and ordering the recordation of an addendum to the notice of special tax lien thereon.

Removed from Consent

7. Consider accepting the Destination Modesto Report for the Third Quarter - Fiscal Year 2015-16. (Funding Source: Transient Occupancy Tax)
 - Resolution accepting the Destination Modesto Report for Third Quarter – Fiscal Year 2015-16.
Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2016-224 (Kenoyer/Ah You; 7/0) accepting the Destination Modesto Report for Third Quarter – Fiscal Year 2015-16.

Consent – *Councilmember Madrigal absent; Mayor Brandvold and Grewal absent due to conflict of interest*

8. Consider approving the Final Map for the Kiernan Business Park East Phase 3 Subdivision located south of Kiernan Avenue and east of the intersection of Dale and Healthcare Way. (Funding Source: General Fund)
- Resolution approving the Final Map of Kiernan Business Park Phase 3 Subdivision and authorizing the City Clerk to certify and record the Final Map with the Stanislaus County Recorder's office.
Community & Economic Development; Daniel England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2016-225 (Zoslocki/Ah You; 4/0; Grewal, Madrigal, Mayor Brandvold absent) approving the Final Map of Kiernan Business Park Phase 3 Subdivision and authorizing the City Clerk to certify and record the Final Map with the Stanislaus County Recorder's office.

Consent – *Councilmember Madrigal absent*

9. Consider authorizing the award of bid for the purchase of Personal Protection Equipment for the Modesto Fire Department to Cascade Fire Equipment, Medford, OR, L.N. Curtis & Sons, Oakland, CA, and Zen Fire & Safety, Coarsegold, CA, for a 2 year purchase agreement with 3 one-year extension options at the sole discretion of the City, for an estimated annual cost of \$110,000, and over 5 years of \$550,000. (Funding Source: General Fund)
- Resolution authorizing the award of bid for the purchase of Personal Protection Equipment (PPE) from Cascade Fire Equipment (Medford, OR), L.N. Curtis and Sons (Oakland, CA), and Zen Fire & Safety (Coarsegold, CA) and authorizing the City Manager, or his designee, to issue a purchase agreement for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$110,000, and over five (5) years of \$550,000.
Fire; Kristin Rawlinson, 572-9594, krawlinson@modestofire.com

ACTION: Resolution 2016-226 (Zoslocki/Ridenour; 6/0; Madrigal absent) authorizing the award of bid for the purchase of Personal Protection Equipment (PPE) from Cascade Fire Equipment (Medford, OR), L.N. Curtis and Sons (Oakland, CA), and Zen Fire & Safety (Coarsegold, CA) and authorizing the City Manager, or his designee, to issue a purchase agreement for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$110,000, and over five (5) years of \$550,000.

Consent – *Councilmember Madrigal absent*

10. Consider authorizing the award of bid for the purchase of Cisco Communications Equipment for the Information Technology Department, to Telcion Communications, Modesto, CA for an estimated cost of \$250,296.71 (supports our Public Safety Systems). (Funding Source: Information Technology Fund)
- Resolution authorizing the award of bid for the purchase of Cisco Communications Equipment for the Information Technology Department to Telcion Communications., Modesto, CA for an estimated cost of \$250,296.71.
Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com

ACTION: Resolution 2016-227 (Zoslocki/Ridenour; 6/0; Madrigal absent) authorizing the award of bid for the purchase of Cisco Communications Equipment for the Information Technology Department to Telcion Communications., Modesto, CA for an estimated cost of \$250,296.71.

Consent – *Councilmember Madrigal absent*

11. Consider: (i) accepting the Brenden Mann Foundation Grant totaling \$50,000 to provide funding for Downtown Bike, Foot, and when appropriate, Equestrian Patrols; and, (ii) amending the 2015/2016 Multi-Year Operating Budget to appropriate revenues and expenditures in the amount of \$50,000. (Funding Source: 1342 - Grants – Police)
- Resolution accepting the Brenden Mann Foundation grant totaling \$50,000 to provide funding for Downtown Bike, Foot, and when appropriate, Equestrian Patrols; and authorizing the City Manager, or his designee, to execute the necessary grant documents.
 - Resolution amending the 2015/2016 Multi-Year Operating Budget to appropriate revenues and expenditures of \$50,000 from the Brenden Mann Foundation grant to provide funding for Downtown Bike, Foot, and when appropriate, Equestrian Patrols; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.
- Police; Galen L. Carroll, 572-9501, carrollg@modestopd.com*

ACTION: Resolution 2016-228 (Zoslocki/Ridenour; 6/0; Madrigal absent) accepting the Brenden Mann Foundation grant totaling \$50,000 to provide funding for Downtown Bike, Foot, and when appropriate, Equestrian Patrols; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2016-229 (Zoslocki/Ridenour; 6/0; Madrigal absent) amending the 2015/2016 Multi-Year Operating Budget to appropriate revenues and expenditures of \$50,000 from the Brenden Mann Foundation grant to provide funding for Downtown Bike, Foot, and when appropriate, Equestrian Patrols; and authorizing the Finance Director, or her designee, to implement the provisions of this resolution.

Consent – *Councilmember Madrigal absent*

12. Consider approving an Agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$8,840 to provide training for up to 40 students. (Funding Source: General Fund)
- Resolution approving an Agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$8,840 to provide training for 40 students not employed by the contract agency in the four-hour Force Option Simulator courses or 40 students not employed by the contract agency in the four-hour Mobile Force Option Simulator courses; and authorizing the City Manager, or his designee, to execute the Agreement.
- Police; Galen L. Carroll, 572-9501, carrollg@modestopd.com*

ACTION: Resolution 2016-230 (Zoslocki/Ridenour; 6/0; Madrigal absent) approving an Agreement with the State of California, Commission on Peace Officer Standards and Training

(POST), for up to \$8,840 to provide training for 40 students not employed by the contract agency in the four-hour Force Option Simulator courses or 40 students not employed by the contract agency in the four-hour Mobile Force Option Simulator courses; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent – *Councilmember Madrigal absent*

13. Consider authorizing: (i) the award of bid for the purchase of slurry oil for an estimated annual cost of \$499,380, totaling \$2,496,900 over a five year period, and (ii) the award of bid for the rental of a slurry oil tanker for an estimated annual cost of \$33,000, totaling \$165,000 over a five year period to VSS Emultech, Sacramento, CA. (Funding Source: Surface Transportation Fund)

- Resolution authorizing the award of bid for the purchase of slurry oil to VSS Emultech, Sacramento, CA, for a one-year agreement with four one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$499,380, totaling \$2,496,900 over a five year period.
- Resolution authorizing the award of bid for the rental of a slurry oil tanker to VSS Emultech, Sacramento, CA, for a one-year agreement with four one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue a rental agreement for an estimated annual cost of \$33,000, totaling \$165,000 over a five year period.

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

ACTION: Resolution 2016-231 (Zoslocki/Ridenour; 6/0; Madrigal absent) authorizing the award of bid for the purchase of slurry oil to VSS Emultech, Sacramento, CA, for a one-year agreement with four one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$499,380, totaling \$2,496,900 over a five year period.

ACTION: Resolution 2016-232 (Zoslocki/Ridenour; 6/0; Madrigal absent) authorizing the award of bid for the rental of a slurry oil tanker to VSS Emultech, Sacramento, CA, for a one-year agreement with four one-year extension options at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue a rental agreement for an estimated annual cost of \$33,000, totaling \$165,000 over a five year period.

Consent – *Councilmember Madrigal absent*

14. Consider approving an agreement between Central Valley Specialty Hospital and the City to reconstruct an easement (alleyway) located at 730 17th Street. (Funding Source: Surface Transportation Fund, Curb, Gutter and Sidewalks)

- Resolution authorizing staff to partner with Central Valley Specialty Hospital to reconstruct a City of Modesto easement (alleyway) located at 730 17th Street, with Central Valley Specialty Hospital's cost share of \$15,015 for materials, and the City's cost share of \$30,858 for labor and equipment, for an estimated total cost of \$45,873.

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

ACTION: Resolution 2016-233 (Zoslocki/Ridenour; 6/0; Madrigal absent) authorizing

staff to partner with Central Valley Specialty Hospital to reconstruct a City of Modesto easement (alleyway) located at 730 17th Street, with Central Valley Specialty Hospital's cost share of \$15,015 for materials, and the City's cost share of \$30,858 for labor and equipment, for an estimated total cost of \$45,873.

Consent – *Councilmember Madrigal absent*

15. Consider approving a two year sole source agreement with Avail Technologies, Inc. for the maintenance and support of the Computer Aided Dispatch and Automatic Vehicle Location system utilized by Modesto Area Express. (The first year of the agreement will cost \$52,980, and the second year \$59,672, for a total cost not to exceed \$112,652.) (Funding Source: Federal Transit Funds)

- Resolution approving a sole source agreement for two years with Avail Technologies, Inc., State College PA, for Maintenance and Support of the Computer Aided Dispatch and Automatic Vehicle Location system, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost of \$112,652.

Public Works; Kay Dillon, 571-5122, kdillon@modestogov.com

ACTION: Resolution 2016-234 (Zoslocki/Ridenour; 6/0; Madrigal absent) approving a sole source agreement for two years with Avail Technologies, Inc., State College PA, for Maintenance and Support of the Computer Aided Dispatch and Automatic Vehicle Location system, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for a total cost of \$112,652.

Consent – *Councilmember Madrigal absent*

16. Consider authorizing the award of bid for the purchase of Badger Meter brand water meters, automated meter readers, and related parts to National Meter and Automation, Inc., Santa Rosa, California, for a two-year agreement with three one-year extension options, at the sole discretion of the City, for an estimated annual cost of \$729,333, and over 5 years of \$3,646,665. (Funding Source: Water Fund)

- Resolution authorizing the award of bid for the purchase of Badger Meter brand water meters, automated meter readers, and related parts to National Meter and Automation, Inc., Santa Rosa, California, and authorizing the City Manager, or his designee, to issue a purchase agreement for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$729,333, and over five years of \$3,646,665

Utilities; David Savidge, 342-2217, dsavidge@modestogov.com

ACTION: Resolution 2016-235 (Zoslocki/Ridenour; 6/0; Madrigal absent) authorizing the award of bid for the purchase of Badger Meter brand water meters, automated meter readers, and related parts to National Meter and Automation, Inc., Santa Rosa, California, and authorizing the City Manager, or his designee, to issue a purchase agreement for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$729,333, and over five years of \$3,646,665

Consent – *Councilmember Madrigal absent*

17. Consider approving an Agreement with EMA, Inc., Tucson, AZ, for a system that monitors and controls Utility Operations, for consultant services for the Supervisory Control and Data Acquisition (SCADA) System Upgrade Study for Water and Wastewater Utility Operations in the amount of \$139,552, and amending the Fiscal Year 2015-2016 Operating Budget in the amount of \$139,552. (Funding Source: Water and Wastewater Funds)
- Resolution approving an Agreement with EMA, Inc. dba EMA of Minnesota, Inc., Tucson, AZ, for consultant services for the SCADA System Upgrade Study, in an amount not to exceed \$126,865 for the identified scope of services, plus \$12,687 for additional services (if needed), for a maximum total amount of \$139,552 and authorizing the City Manager, or his designee to execute the agreement.
 - Resolution amending the Fiscal Year 2015-2016 Operating Budget in the amount of \$139,552 to be transferred into the cost center accounts from Water and Wastewater Fund Reserves in order to cover the 50/50 cost share to fund the agreement for the SCADA System Upgrade Study.

Utilities; Jack Bond, 571-5424, jbond@modestogov.com

ACTION: Resolution 2016-236 (Zoslocki/Ridenour; 6/0; Madrigal absent) approving an Agreement with EMA, Inc. dba EMA of Minnesota, Inc., Tucson, AZ, for consultant services for the SCADA System Upgrade Study, in an amount not to exceed \$126,865 for the identified scope of services, plus \$12,687 for additional services (if needed), for a maximum total amount of \$139,552 and authorizing the City Manager, or his designee to execute the agreement.

ACTION: Resolution 2016-237 (Zoslocki/Ridenour; 6/0; Madrigal absent) amending the Fiscal Year 2015-2016 Operating Budget in the amount of \$139,552 to be transferred into the cost center accounts from Water and Wastewater Fund Reserves in order to cover the 50/50 cost share to fund the agreement for the SCADA System Upgrade Study.

Consent – *Councilmember Madrigal absent*

18. In order to maintain compliance with Federal and State water requirements, consider approving a First Amendment to the Agreement with West Yost Associates, Walnut Creek, CA for additional engineering services in preparing a Report of Waste Discharge, an Anti-degradation Analysis, and a Title 22 Report in an amount of \$42,100. (Funding Source: Wastewater Fund)
- Resolution approving a First Amendment to the Agreement with West Yost Associates for additional engineering services in preparing a Report of Waste Discharge, an Anti-degradation Analysis, and a Title 22 Report in an amount not to exceed \$42,100, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement

Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com

ACTION: Resolution 2016-238 (Zoslocki/Ridenour; 6/0; Madrigal absent) approving a First Amendment to the Agreement with West Yost Associates for additional engineering services in preparing a Report of Waste Discharge, an Anti-degradation Analysis, and a Title 22 Report in an amount not to exceed \$42,100, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement

Consent – *Councilmember Madrigal absent*

19. Consider introducing and waiving the first reading of an Ordinance amending the Modesto Municipal Code to update definitions to comply with the Code of Federal Regulations General Pretreatment Regulations for Existing and New Sources of Pollution. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance amending Title 5, Sanitation and Health, Chapter 6, Articles 1, 2, 5, 6, and 7 of the Modesto Municipal Code to update definitions to comply with the Code of Federal Regulations General Pretreatment Regulations for Existing and New Sources of Pollution.

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

ACTION: Motion (Zoslocki/Ridenour; 6/0; Madrigal absent) introducing and waiving the first reading of **Ordinance No. 3649-C.S.** amending Title 5, Sanitation and Health, Chapter 6, Articles 1, 2, 5, 6, and 7 of the Modesto Municipal Code to update definitions to comply with the Code of Federal Regulations General Pretreatment Regulations for Existing and New Sources of Pollution.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Scottish and Celtic Games over the weekend.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

20. Consider (i) approving the Water Engineer’s Report prepared by West Yost Associates as complete; (ii) approving the Water Rate and Fee Study prepared by Bartle Wells Associates as complete; and (iii) authorizing staff to initiate a Proposition 218 process to adjust the City’s water rates effective September 1, 2016 through Fiscal Year 2020-21. (Funding Source: Water Fund)
- Resolution approving the Water Engineer’s Report prepared by West Yost Associates as complete.
 - Resolution approving the Water Rate and Fee Study prepared by Bartle Wells Associates as complete.
 - Resolution authorizing staff to initiate a Proposition 218 process to adjust the City’s water rates to be effective September 1, 2016 through FY 2020-21.

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

ACTION: Resolution 2016-239 (Kenoyer/Madrigal; 7/0) approving the Water Engineer’s Report prepared by West Yost Associates as complete.

ACTION: Resolution 2016-240 (Kenoyer/Madrigal; 7/0) approving the Water Rate and Fee

Study prepared by Bartle Wells Associates as complete.

ACTION: Resolution 2016-241 (Kenoyer/Madrigal; 7/0) authorizing staff to initiate a Proposition 218 process to adjust the City's water rates to be effective September 1, 2016 through FY 2020-21.

HEARINGS

Published in the Modesto Bee on May 9, 2016, Continued to June 14, 2016

21. Hearing to consider adopting: (i) Annual Action Plan; and (ii) Citizen's Participation Plan as required by the U.S. Department of Housing and Urban Development (HUD) for receipt of HUD entitlement funding. (Funding Source: HUD Entitlement Funds)
- Item continued to June 14, 2016 Council Meeting.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Item continued to June 14, 2016 Council Meeting.

Published in the Modesto Bee on May 13, 2016, Continued from May 24, 2016.

22. Hearing to consider adopting an Ordinance amending Modesto Municipal Code Section 4-2.07 to clarify that violations of the City's Fire Code relating to the possession, manufacture, sale, use or discharge of dangerous fireworks may be charged as a misdemeanor or infraction. (Funding Source: General Fund Revenue)
- Motion introducing and waiving the first reading of an ordinance amending provisions of Title 4, Chapter 2, "Misdemeanors" of the Modesto Municipal Code regarding penalties for dangerous fireworks.
Fire; Mike Payton, 571-5876, mpayton@modestofire.com

ACTION: Motion (Madrigal/Ah You; 7/0) introducing and waiving the first reading of **Ordinance No. 3650-C.S.** amending provisions of Title 4, Chapter 2, "Misdemeanors" of the Modesto Municipal Code regarding penalties for dangerous fireworks.

Published in the Modesto Bee on May 27, 2016

23. Consider amending the City's Fire Code Ordinance to allow for the issuance of administrative penalties for property owners where illegal fireworks have been: possessed, manufactured, sold, used or discharged. (Funding Source: General Fund Revenue)
- Motion introducing and waiving the first reading of an Ordinance amending Section 3-1.304 of Article 3, of Title 3 of the Modesto Municipal Code to add the term "responsible party" this language will allow law enforcement personnel to issue administrative citations to property owner(s) that do not live at the residence, but who are responsible to maintain, manage and supervise their property.
Fire; Mike Payton, 572-9590, mpayton@modestofire.com

ACTION: Motion (Madrigal/Ah You; 7/0) introducing and waiving the first reading

of **Ordinance No. 3651-C.S.** amending Section 3-1.304 of Article 3, of Title 3 of the Modesto Municipal Code to add the term “responsible party” this language will allow law enforcement personnel to issue administrative citations to property owner(s) that do not live at the residence, but who are responsible to maintain, manage and supervise their property.

NEW BUSINESS

Councilmember Madrigal absent

24. Consider approving a 3-year extension of the Letter of Credit for the 2008 Lease Revenue Bonds and amending an existing banking services agreement, both with Bank of America, for an estimated annual savings of \$353,088 and total savings of \$1,118,725 over three years. (Funding Source: General and Other Funds)
- Resolution approving amendment No. 3 to amended and restated reimbursement agreement among Bank of America, N.A., the City of Modesto and Modesto Public Financing Authority; Amendment No. 3 to fee letter; and a supplement to Official Statement; and authorizing certain other related actions.
 - Resolution amending the existing agreement with Bank of America Merrill Lynch to provide banking services to include revised fees as contained in Bank of America’s Pricing Modification Letter and authorizing the City Manager to execute the amended agreement as prepared and in a form approved by the City Attorney.
- Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com*

ACTION: Resolution 2016-242 (Ah You/Grewal; 6/0; Madrigal absent) approving amendment No. 3 to amended and restated reimbursement agreement among Bank of America, N.A., the City of Modesto and Modesto Public Financing Authority; Amendment No. 3 to fee letter; and a supplement to Official Statement; and authorizing certain other related actions.

ACTION: Resolution 2016-243 (Ah You/Grewal; 6/0; Madrigal absent) amending the existing agreement with Bank of America Merrill Lynch to provide banking services to include revised fees as contained in Bank of America’s Pricing Modification Letter and authorizing the City Manager to execute the amended agreement as prepared and in a form approved by the City Attorney.

25. Consider a resolution approving the Final Proposed Budget for Fiscal Year 2016-2017 inclusive of the City Manager’s Proposed Budget and Mayor’s Final Budget Modifications, and noticing a public hearing to be held on June 21, 2016 for the first reading of the Final Proposed Budget. (Funding Source: Various Funds)
- Resolution approving the Final Proposed Budget inclusive of City Manager’s Proposed Budget and Mayor’s Final Budget Modification, and noticing a public hearing to be held on June 21, 2016, **and request staff to secure grant writing staff or secure grant writing services by June 30, 2016 to pursue any available grants**, and for the first reading of the Final Proposed Budget and related actions.
- Finance; Stephan Christensen, 577-5390, schristensen@modestogov.com*

ACTION: Motion (Kenoyer/Ridenour; 3/4 ; Ah You, Grewal, Madrigal, Mayor Brandvold – no) exclude \$650,000 reduction and \$1.2 million in COPS grants, to continue

**investigation on those reductions, and return with budget adjustment when secured.
(MOTION FAILS)**

ACTION: Resolution 2016-244 (Grewal/Ah You; 7/0) approving the Final Proposed Budget inclusive of City Manager's Proposed Budget and Mayor's Final Budget Modification, and noticing a public hearing to be held on June 21, 2016 for the first reading of the Final Proposed Budget and related actions.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:10 p.m.

CLOSED SESSION

All Closed Session Matters Heard prior to Meeting

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

Name of case: Modesto Irrigation District v. COM
Case No. 2001607

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

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

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

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

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

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

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

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

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

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

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

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

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

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

Wednesday, June 08, 2016, at 2:00 p.m.

Roll Call: Present: Chair Zoslocki, members Ridenour Sr., and Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: There are no consent Items
Any and all of the following agenda items are subject to action by the Healthy Economy Committee.

NEW BUSINESS

1. [Consider accepting the final report titled “Quiet Zone Evaluation for City of Modesto” that explores the potential for establishing a quiet zone along the Union Pacific Railroad right-of-way through downtown and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Cindy van Empel, 577-5280, cvanempel@modestogov.com
ACTION: (Motion: Ridenour/Kenoyer: unan.) to accept the final report and forward to City Council for consideration of approval.
2. [Consider accepting staff’s report regarding the General Plan Amendment and forwarding to Council for approval. \(Funding Source: General Fund\)](#)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com
ACTION: (Motion: Kenoyer/Ridenour: unan.) to recommend keeping the General Plan boundaries as shown on the 1995 Adopted General Plan Boundary Map; and proceeding forward with all other internal General Plan Amendments as previously recommended by City Council and forwarding this recommendation to City Council for consideration of approval.
3. [Consider approving the installation of a mid-block crosswalk across Sunnyside Drive near Coffee Road and Lucern Avenue, and forwarding to Council for approval. \(Funding Source: Surface Transportation Fund - Traffic Operations\)](#)
Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com
ACTION: (Motion: Ridenour/Kenoyer: unan.) to forward this

- item to City Council for consideration of approval.**
4. Consider approving the Protected (Green Left Turn Arrow) – Permissive (Circular Green) Traffic Signals Safety Record Report for 2015, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund)
Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com
ACTION: (Motion: Kenoyer/Ridenour: unan.) to forward this item to City Council for consideration of approval.
 5. Consider approving the installation of angled on-street parking along the west side of 8th Street between H Street and I Street, and forwarding to Council for approval. (Funding Source: Surface Transportation Fund - Traffic Operations)
Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com
ACTION: (Motion: Ridenour/Kenoyer: unan.) to forward this item to City Council for consideration of approval.
 6. Presentation and possible direction regarding Tax Increment Financing Tools. (Funding Source: Not Applicable)
Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com
Presentation by CEDD staff on post RDA financing tools. No action taken.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:04 p.m.

MINUTES

City of Modesto
**GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL
WORKSHOP**

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

Monday, June 13, 2016, at 5:00 p.m.

Roll Call: Present: Chair Kenoyer, Member Ridenour, Sr. and Alternate Zoslocki
Absent: Member Ah You

PUBLIC COMMENTS

Miguel Donoso requested to be on the next Great Safe Neighborhood agenda to discuss the issues of safety, security and quality of life for young Latinos in Modesto.

CONSENT ITEMS – None.

NEW BUSINESS

1. [Discussion of possible plastic bag Ordinance requested by Councilmember Kenoyer. \(Funding Source: Not Applicable\)](#)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com
ACTION: (Motion: Ridenour/Zoslocki: unan.) to direct staff to initiate community outreach with interested stakeholders to discuss issues and concerns with a possible plastic bag Ordinance; report back to the Committee in August.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:01 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 14, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: Councilmember Ah You

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements: Items 3 and 18 - continued to June 28, 2016 Council meeting;
Item 19 - Removed from Agenda

Declaration of Conflicts of Interest: Mayor Brandvold; Grewal – Item 5

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Recognition of staff who have reached 30 and 35 year milestones as employees of the City of Modesto. (Funding Source: Not Applicable)
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Mayor Brandvold and Councilmembers presented Certificates in recognition of staff who have reached 30 and 35 year milestones as employees of the City of Modesto.

2. Presentation of Certificates to the Modesto Sister Cities delegation from Ukraine. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented Certificates to the Modesto Sister Cities delegation from Ukraine.

3. Presentation of Plaque from the NAACP in recognition of Modesto Police Chief Galen Carroll for cultural diversity and community commitment. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Continued to June 28, 2016 Council meeting.

PUBLIC COMMENT PERIOD

- Cecil Russell acknowledged Modesto North Kiwanis Graffiti Cruise and Parade last weekend; Councilmember Madrigal also acknowledged the event and car show.
- Todd Heinrich spoke regarding working together with Council on upcoming General Plan item.
- Frank Johnson, President of NAACP, spoke regarding history and cultural diversity with the Modesto Police Department.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 4; 6-14: (Kenoyer/Ridenour; 6/0; Ah You absent)
ACTION CONSENT ITEM 5: (Kenoyer/Zoslocki; 4/0; Ah You absent; Mayor Brandvold, Grewal absent due to conflict of interest)

CONSENT ITEMS

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

Consent – *Councilmember Ah You absent*

4. Consider approving the minutes from the June 7, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the June 7, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Ridenour; 6/0; Ah You absent) approving the minutes from the June 7, 2016 Council Meeting.

Consent – *Councilmember Ah You absent; Mayor Brandvold, Councilmember Grewal absent due to conflict of interest*

5. Consider final adoption of Ordinance 3648-C.S. to dissolve City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) which is no longer necessary given the formation of Community Facilities District No. 2016-1 (Kiernan Business Park East #2). (Funding Source: Kiernan Business Park East #2; Community Facilities District Nos. 2009-1 & 2016-1)
 - Motion approving final adoption of Ordinance 3648-C.S. repealing Ordinance No. 3524-C.S. dissolving City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) and ordering the recordation of an addendum to the notice of special tax lien thereon.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki; 4/0; Ah You absent, Grewal, Mayor Brandvold absent due to conflict of interest) approving final adoption of **Ordinance No. 3648-C.S.** repealing Ordinance No. 3524-C.S. dissolving City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) and ordering the recordation of an addendum to the notice of special tax lien thereon.

Consent – *Councilmember Ah You absent*

6. Consider final adoption of Ordinance 3649-C.S. amending the Modesto Municipal Code to update definitions to comply with the Code of Federal Regulations General Pretreatment Regulations for Existing and New Sources of Pollution. (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance 3649-C.S. amending Title 5, Sanitation and Health, Chapter 6, Articles 1, 2, 5, 6, and 7 of the Modesto Municipal Code to update definitions.

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

ACTION: Motion (Kenoyer/Ridenour; 6/0; Ah You absent) approving final adoption of **Ordinance No. 3649-C.S.** amending Title 5, Sanitation and Health, Chapter 6, Articles 1, 2, 5, 6, and 7 of the Modesto Municipal Code to update definitions.

Consent – *Councilmember Ah You absent*

7. Consider final adoption of Ordinance 3650-C.S. amending Modesto Municipal Code Section 4-2.07 to clarify that violations of the City’s Fire Code relating to the possession, manufacture, sale, use or discharge of dangerous fireworks may be charged as a misdemeanor or infraction. (Funding Source: General Fund Revenue)

- Motion approving final adoption of Ordinance 3650-C.S. amending provisions of Title 4, Chapter 2, “Misdemeanors” of the Modesto Municipal Code regarding penalties for dangerous fireworks.

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

ACTION: Motion (Kenoyer/Ridenour; 6/0; Ah You absent) approving final adoption of **Ordinance No. 3650-C.S.** amending provisions of Title 4, Chapter 2, “Misdemeanors” of the Modesto Municipal Code regarding penalties for dangerous fireworks.

Consent – *Councilmember Ah You absent*

8. Consider final adoption of Ordinance 3651-C.S. amending the City’s Fire Code Ordinance to allow for the issuance of administrative penalties for property owners where illegal fireworks have been: possessed, manufactured, sold, used or discharged. (Funding Source: General Fund Revenue)

- Motion approving final adoption of Ordinance 3651-C.S. amending Section 3-1.304 of Article 3, of Title 3 of the Modesto Municipal Code to add the term “responsible party.”

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

ACTION: Motion (Kenoyer/Ridenour; 6/0; Ah You absent) approving final adoption of

Ordinance No. 3651-C.S. amending Section 3-1.304 of Article 3, of Title 3 of the Modesto Municipal Code to add the term “responsible party.”

Consent – *Councilmember Ah You absent*

9. Consider approving: (i) a Memorandum of Understanding between the Tuolumne River Preservation Trust and the City of Modesto regarding the removal of the Remnant Dennett Dam; and (ii) endorsing the application for an Urban Streams Restoration Program Grant for removal of the Remnant Dennett Dam. (Funding Source: Capital Grants-Parks CIP Projects)
- Resolution approving a Memorandum of Understanding (MOU) between the Tuolumne River Preservation Trust and the City of Modesto regarding the removal of the Remnant Dennett Dam, and authorizing the City Manager, or his designee, to execute the MOU on behalf of the City.
 - Resolution endorsing the application for an Urban Streams Restoration Program grant for removal of the Remnant Dennett Dam and determining appropriate environmental impact document, conditionally accepting grant and designating project representative, contract manager and fiscal agent.

Community & Economic Development; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: Resolution 2016-245 (Kenoyer/Ridenour; 6/0; Ah You absent) approving a Memorandum of Understanding (MOU) between the Tuolumne River Preservation Trust and the City of Modesto regarding the removal of the Remnant Dennett Dam, and authorizing the City Manager, or his designee, to execute the MOU on behalf of the City.

ACTION: Resolution 2016-246 (Kenoyer/Ridenour; 6/0; Ah You absent) endorsing the application for an Urban Streams Restoration Program grant for removal of the Remnant Dennett Dam and determining appropriate environmental impact document, conditionally accepting grant and designating project representative, contract manager and fiscal agent.

Consent – *Councilmember Ah You absent*

10. Consider accepting the Monthly Investment Report for February 2016. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for February 2016.

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

ACTION: Motion (Kenoyer/Ridenour; 6/0; Ah You absent) accepting the Monthly Investment Report for February 2016.

Consent – *Councilmember Ah You absent*

11. Consider approving a Memorandum of Understanding between Stanislaus County and the City of Modesto to participate in a County-wide fire investigation task force. (Funding Source: General Fund)
- Resolution approving a Memorandum of Understanding between Stanislaus County and the City of Modesto to participate in a County-wide fire investigation task force.

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

ACTION: Resolution 2016-247 (Kenoyer/Ridenour; 6/0; Ah You absent) approving a Memorandum of Understanding between Stanislaus County and the City of Modesto to participate in a County-wide fire investigation task force.

Consent – *Councilmember Ah You absent*

12. Consider authorizing submittal of application(s) to the California Department of Resources, Recycling and Recovery for beverage container recycling grants that support and expand beverage container collection and redemption in Modesto. (Funding Source: California Department of Resources, Recycling and Recovery)
- Resolution authorizing submittal of application(s) to the California Department of Resources, Recycling and Recovery (CalRecycle) for beverage container recycling grants, and authorizing the City Manager, or his designee, to execute all related documents for which the City of Modesto is eligible.

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

ACTION: Resolution 2016-248 (Kenoyer/Ridenour; 6/0; Ah You absent) authorizing submittal of application(s) to the California Department of Resources, Recycling and Recovery (CalRecycle) for beverage container recycling grants, and authorizing the City Manager, or his designee, to execute all related documents for which the City of Modesto is eligible.

Consent – *Councilmember Ah You absent*

13. Consider authorizing the award of bid for the purchase of chemicals from Univar USA Inc., San Jose, CA and Northstar Chemical, Modesto, CA for two-year purchase agreements with three one-year extension options, at the sole discretion of the City, for an estimated annual cost of \$34,134, and over five years of \$170,070. (Funding Source: Wastewater Fund)
- Resolution authorizing the award of bid for the purchase of sodium hypochlorite, sodium hydroxide, and citric acid to Univar USA Inc., San Jose CA and sulfuric acid and phosphoric acid to Northstar Chemical, Modesto CA, and authorizing the City Manager, or his designee, to issue purchase agreements for two-year agreements with three one-year extension options, at the sole discretion of the City, for an estimated annual cost of \$34,134, and over five years of \$170,070

Utilities; Laura Anhalt, 342-4502, lanhalt@modestogov.com

ACTION: Resolution 2016-249 (Kenoyer/Ridenour; 6/0; Ah You absent) authorizing the award of bid for the purchase of sodium hypochlorite, sodium hydroxide, and citric acid to Univar USA Inc., San Jose CA and sulfuric acid and phosphoric acid to Northstar Chemical, Modesto CA, and authorizing the City Manager, or his designee, to issue purchase agreements for two-year agreements with three one-year extension options, at the sole discretion of the City, for an estimated annual cost of \$34,134, and over five years of \$170,070

Consent – *Councilmember Ah You absent*

14. Consider authorizing the sole source procurement for Grundfos chemical feed metering pumps from Preferred Pump & Equipment LP, Fresno, CA for a one-year period at an

estimated cost of \$31,269 with four one-year extensions, for a total cost of \$156,345 to ensure the water quality supply meets all State compliance requirements. (Funding Source: Water Fund)

- Resolution authorizing the sole source procurement of Grundfos chemical feed metering pumps for the Utilities Department, Water Services Division, to Preferred Pump & Equipment LP, Fresno, CA, for a one-year agreement with four one-year extension options, at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$31,269, and over five years of \$156,345

Utilities; David Savidge, 342-2217, dsavidge@modestogov.com

ACTION: Resolution 2016-250 (Kenoyer/Ridenour; 6/0; Ah You absent) authorizing the sole source procurement of Grundfos chemical feed metering pumps for the Utilities Department, Water Services Division, to Preferred Pump & Equipment LP, Fresno, CA, for a one-year agreement with four one-year extension options, at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$31,269, and over five years of \$156,345

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding Tower Park housing grand opening (senior apartment complex) and Graffiti Weekend in Modesto.

Councilmember Madrigal acknowledged Graffiti Weekend and upcoming events: Juneteenth Celebration on June 17, 2016 and June 18, 2016, as well as the Second Annual All American 4th of July Festival.

Councilmember Ridenour also acknowledged Graffiti Weekend and the open house at Maddux Youth Center.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

Councilmember Ah You absent

15. Consider (i) approving the Transportation Expenditure Plan and requesting the Stanislaus County Board of Supervisors place the transportation sales tax measure on the November 8, 2016 general election ballot, and (ii) amending the budget to allocate \$163,530 to fund the City of Modesto's share of the Transportation Expenditure Plan expenses. (Funding Source: General Fund)
 - Resolution approving the Transportation Expenditure Plan and requesting the Stanislaus County Board of Supervisors place the transportation sales tax measure on the November 8, 2016 general election ballot.
 - Resolution amending the budget to allocate \$163,530 to fund the City of Modesto's

share of the Transportation Expenditure Plan expenses.
*Community & Economic Development; Vickey Dion, 571-5542,
vdion@modestogov.com*

ACTION: Resolution 2016-251 (Kenoyer/Zoslocki; 6/0; Ah You absent) approving the Transportation Expenditure Plan and requesting the Stanislaus County Board of Supervisors place the transportation sales tax measure on the November 8, 2016 general election ballot.

ACTION: Resolution 2016-252 (Kenoyer/Zoslocki; 6/0; Ah You absent) amending the budget to allocate \$163,530 to fund the City of Modesto's share of the Transportation Expenditure Plan expenses.

Councilmember Ah You absent

16. Consider accepting Phase 2 BNR Tertiary Wastewater Treatment Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$103,606,255 to G.S.E. Construction Company, Inc. of Livermore, California. (Funding Source: Wastewater Fund)
- Resolution accepting the Phase 2 BNR Tertiary Wastewater Treatment Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$103,606,255 to G.S.E. Construction Company, Inc. of Livermore, Ca.
Utilities; Collin Yerzy, 571-5860, cyerzy@modestogov.com

ACTION: Resolution 2016-253 (Ridenour/Grewal; 6/0; Ah You absent) accepting the Phase 2 BNR Tertiary Wastewater Treatment Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$103,606,255 to G.S.E. Construction Company, Inc. of Livermore, Ca.

HEARINGS

Published in the Modesto Bee on May 9th, Continued from June 7, 2016– Councilmember Ah You absent

17. Hearing to consider approving the City's Annual Action Plan for Program Year 2016-17 that includes recommended funding allocations for Public Services and Emergency Solutions Grants. (Funding Source: HUD Entitlement Funds)
- Resolution approving the City of Modesto Program Year 2016-2017 U.S. Department of Housing and Urban Development Department (HUD) Annual Action Plan for use of the Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant funds; authorizing submission of an application to HUD pertaining to the Program Year 2016-2017 Annual Action Plan; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to HUD.
 - Resolution approving the estimated allocation of funding in the amount of \$288,200 in Community Development Block Grant Public Service Grants, \$154,000 in Emergency Solutions Grants and any carryover funds from Program Year 2015-2016; and authorizing the City Manager, or his designee, to execute the

required agreement and documents.
*Community & Economic Development; Tina Rocha, 577-5321,
trocha@modestogov.com*

ACTION: Resolution 2016-254 (Madrigan/Ridenour; 6/0; Ah You absent) approving the City of Modesto Program Year 2016-2017 U.S. Department of Housing and Urban Development Department (HUD) Annual Action Plan for use of the Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant funds; authorizing submission of an application to HUD pertaining to the Program Year 2016-2017 Annual Action Plan; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to HUD.

ACTION: Resolution 2016-255 (Madrigan/Ridenour; 6/0; Ah You absent) approving the estimated allocation of funding in the amount of \$288,200 in Community Development Block Grant Public Service Grants, \$154,000 in Emergency Solutions Grants and any carryover funds from Program Year 2015-2016; and authorizing the City Manager, or his designee, to execute the required agreement and documents.

Published in the Modesto Bee on May 30th & June 6th, 2016 – Continued to June 28, 2016 Council meeting

18. Hearing to consider adopting the Joint 2015 Urban Water Management Plan as required by the State's Water Code. (Funding Source: Water Fund)
- Resolution adopting the Joint 2015 Urban Water Management Plan as required by the State's Water Code.
- Utilities; Jack Bond, 577-5424, jbond@modestogov.com*

ACTION: Continued to June 28, 2016 Council meeting

NEW BUSINESS

Removed from Agenda

19. Consider, discuss and provide direction to staff regarding Stanislaus County's proposal to place a county-wide marijuana tax on the November 2016 ballot and enter into a tax sharing agreement. (Funding Source: Not Applicable)
- Consider and discuss Stanislaus County's proposal for tax sharing agreement for county-wide marijuana tax and provide further direction to staff.
- City Attorney; Denise Bazzano, 577-5289, dbazzano@modestogov.com*

ACTION: Removed from Agenda.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

Council Workshop began at 7:37 p.m.

Councilmember Ah You absent

20. COUNCIL WORKSHOP: (i) Long Range Agenda; and (ii) Follow up discussion on the Fiscal Year 2016-2017 Proposed Operating Budget. (Funding Source: Not Applicable)

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

This Council Workshop adjourned at 9:10 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Reed v. COM
Case No. 1:11-CV-01083-AWI-GSA

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

Name of case: Modesto Irrigation District v. COM
Case No. 2001607

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, June 14, 2016, at 11:00 a.m.

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

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider accepting the Final Audit Report from the Federal Transit Administration's Drug and Alcohol Compliance Auditing Program. (Funding Source: Not Applicable)
Public Works; Terry Easley, 577-5317, teasley@modestogov.com

ACTION: Motion (Ridenour/Kenoyer;unan.) accepting the Final Audit Report from the Federal Transit Administration's Drug and Alcohol Compliance Auditing Program.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:16 a.m.

The following draft minutes are scheduled for approval at the next regular City Council meeting.



MODESTO CITY COUNCIL

www.modestogov.com

* Via Conference Call
Councilmember Ridenour
Four Points by Sheraton San Diego –
Seaworld's Business Center
8110 Aero Drive
San Diego, CA 92123

MINUTES

City of Modesto
CITY COUNCIL SPECIAL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 21, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

PUBLIC COMMENT PERIOD

- Rhonda Allen, La Loma Neighborhood, spoke regarding litter, weeds, and the condition of Downtown Modesto.
- Loretta Carhart spoke regarding need for ashtrays in Downtown Modesto.
- Kurt Abell introduced himself to the Council; he lives in Wood Colony, is President of

Golf Club at Dryden Park, and looks forward to working with Council.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEM 1: (Kenoyer/Grewal; unan.)**

CONSENT ITEMS

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

Consent

1. Consider approving the minutes from the June 14, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the June 14, 2016 Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Grewal; 7/0) approving the minutes from the June 14, 2016 Council meeting.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on 6/11/2016

2. Hearing to consider: (i) the Proposed Fiscal Year 2016-2017 Operating Budget and Capital Improvement Program for the City of Modesto; and (ii) an Ordinance adopting the Fiscal Year 2016-2017 Operating Budget and Capital Improvement Program and related Resolutions. (Funding Source: Not Applicable)
 - Motion introducing and adopting an Ordinance approving the FY 2016-2017 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.
 - Resolution approving the Mayor’s Final Budget Modifications, Budget Principles, and Financial Policies as outlined in the Mayor’s Modification Message and recommended by the Effective Government Committee and City Council as part of the Fiscal Year 2016-2017 budget development process and detailed in Attachments 4 and 5 and Exhibit 6.
 - Resolution amending the Position Allocation for Fiscal Year 2016-17 as adopted in the Operating Budget.
 - Resolution amending Exhibit “A” of Resolution No. 2015-434 to revise the class range for General non-sworn classes.
 - Resolution amending Exhibit “A” of Resolution No. 2016-148 to revise the class

- range table for represented management and confidential non-sworn classes.
- Resolution amending the Classification Plan for the City of Modesto to create the classifications of Economic Development Marketing Specialist and Senior Land Surveyor; amend the title of the classifications of Building Inspection Program Coordinator to Building Safety Program Coordinator; to amend the title of the classification of Assistant Land Surveyor to Assistant Surveyor and to combine the Assistant Land Surveyor to create a “Flex” classification; and to delete the classifications of Modesto Regional Fire Authority Information Technology Technician and Modesto Regional Fire Authority Finance Manager.
 - Resolution approving a Letter of Agreement between the City of Modesto and Modesto Confidential Management Association (MCMA) regarding the grandfathering of one (1) incumbent in the allocation of Building Safety Program Coordinator for meeting the minimum qualification requirements prior to the amendment of the classification specification which will now include the Certified Access Specialist (CASp) Program certification.

Finance; Stephan Christensen, 577-5369, schristensen@modestogov.com

ACTION: Motion (Grewal/Madrigan; 7/0) introducing and adopting **Ordinance No. 3652-C.S.** approving the FY 2016-2017 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.

ACTION: Resolution 2016-256 (Grewal/Madrigan; 7/0) approving the Mayor’s Final Budget Modifications, Budget Principles, and Financial Policies as outlined in the Mayor’s Modification Message and recommended by the Effective Government Committee and City Council as part of the Fiscal Year 2016-2017 budget development process and detailed in Attachments 4 and 5 and Exhibit 6.

ACTION: Resolution 2016-257 (Grewal/Madrigan; 7/0) amending the Position Allocation for Fiscal Year 2016-17 as adopted in the Operating Budget (**Revise Item 25: “Freeze one (1) EMS Coordinator in the Administration and Officers Division of the Fire Department.”**)

ACTION: Resolution 2016-258 (Grewal/Madrigan; 7/0) amending Exhibit “A” of Resolution No. 2015-434 to revise the class range for General non-sworn classes.

ACTION: Resolution 2016-259 (Grewal/Madrigan; 7/0) amending Exhibit “A” of Resolution No. 2016-148 to revise the class range table for represented management and confidential non-sworn classes.

ACTION: Resolution 2016-260 (Grewal/Madrigan; 7/0) amending the Classification Plan for the City of Modesto to create the classifications of Economic Development Marketing Specialist and Senior Land Surveyor; amend the title of the classifications of Building Inspection Program Coordinator to Building Safety Program Coordinator; to amend the title of the classification of Assistant Land Surveyor to Assistant Surveyor and to combine the Assistant Land Surveyor to create a “Flex” classification; and to delete the classifications of Modesto Regional Fire Authority Information Technology Technician and Modesto Regional Fire Authority Finance Manager.

ACTION: Resolution 2016-261 (Grewal/Madrigan/ 7/0) approving a Letter of Agreement between the City of Modesto and Modesto Confidential Management Association (MCMA) regarding the grandfathering of one (1) incumbent in the allocation of Building Safety Program Coordinator for meeting the minimum qualification requirements prior to the amendment of the classification specification which will now include the Certified Access Specialist (CASp) Program certification.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:38 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Modesto Irrigation District v. COM
Case No. 2001607

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

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

Property: Property between 9th and 10th Street, and E Street and F Street,
located in Modesto, CA; APN: 106-044-005

Property Owners: Victor Martinez and Iris L. Martinez TRS

Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Larry Killian (Real Estate Broker)

Under Negotiation: Possible acquisition of property and entering into property negotiations

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

Property: 800 N. McClure Rd., Modesto, CA; APN: 079-001-001)

Property Owners: Claus Road Farm Trust

Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto

Adam U. Lindgren, City Attorney for the City of Modesto

For Property Owners: Timothy A. Byrd, Attorney at Law

Under Negotiation: Possible acquisition of property and entering into property negotiations

MINUTES

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

Monday, June 27, 2016, at 5:00 p.m.

Roll Call - Present: Councilmembers Grewal, Alternates Kenoyer and Ridenour
Absent: Councilmembers Ah You, Zoslocki

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. Consider approving an Amendment to the Agreement for Consultant Services with Robert G. Quintella, for projects in the Community and Economic Development Department, in an amount not to exceed \$100,000, and forwarding to Council for approval. (Funding Source: Golf Fund and Community Center Operation Funds) *Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

ACTION: Motion (Ridenour/Kenoyer; unan.) approving an Amendment to the Agreement for Consultant Services with Robert G. Quintella, for projects in the Community and Economic Development Department, **for a two year term** in an amount not to exceed \$100,000, and forwarding to Council for approval.

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

ACTION: Motion (Ridenour/Kenoyer; unan.) accepting an update on the City's Debt Management Policy and forwarding to Council for approval.

3. Consider accepting the City's Investment Policy and forwarding to Council for

approval. (Funding Source: Not Applicable)
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Kenoyer/Ridenour; unan.) accepting the City's Investment Policy and forwarding to Council for approval.

4. Consider accepting the recommended budget adjustments to the FY2015-16 Annual Operating and Capital Improvement Project Budgets and forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Continued to next Effective Government Committee meeting on August 22nd.

5. Consider approving adjustments to the maximum rate schedule for City residential, commercial and industrial solid waste collection services and tip fees at the Modesto Composting Facility, to become effective July 1, 2016, and forwarding to Council for approval. (Funding Source: Solid Waste Maximum Rates)
Public Works; Karin Rodriguez, 577-5453, krodriquez@modestogov.com

ACTION: Motion (Kenoyer/Ridenour) approving adjustments to the maximum rate schedule for City residential, commercial and industrial solid waste collection services and tip fees at the Modesto Composting Facility, to become effective July 1, 2016, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:58 p.m.

Attest: _____
Joe Lopez, Deputy City Manager

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 28, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
Absent: Councilmembers Ah You, Madrigal

Pledge of Allegiance to the Flag

Invocation: Todd Johnson, Revival Center Church

City Clerk's Announcements: Item 15 – continued to July 12, 2016 Council meeting

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificates of Recognition to the Enochs High School Forensic Biotech Club. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented Certificates of Recognition to members of the Enochs High School Forensic Biotech Club.

2. Recognition of the Airport Manager, Operations Manager, and Airport staff for passing the Annual Federal Aviation Administration Certification Inspection. (Funding Source: Not Applicable)
Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com

ACTION: Mayor Brandvold recognized the Airport Manager, Operations Manager, and airport staff for passing the Annual Federal Aviation Administration Certification Inspection.

3. Presentation of Certificate of Recognition honoring Ron Tingley (posthumously) to establish a permanent Memorial at Modesto Junior College East Campus. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Certificate of Recognition honoring Ron Tingley (posthumously).

PUBLIC COMMENT PERIOD

- Louis Levin spoke regarding the recently Fireworks Ordinance and requested it return for reconsideration. Mayor Brandvold referred the item to return to the Safety & Communities Committee.
- Maggie Countryman spoke regarding the City Planning Department.
- Jeremiah Williams spoke regarding the 4th of July Parade on Monday.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-14; 16-17: (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes from the June 21, 2016 Special Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the June 21, 2016 Special Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent) approving the minutes from the June 21, 2016 Special Council Meeting.

Consent

5. Consider final adoption of **Ordinance No. 3652-C.S.** adopting the Fiscal Year 2016-2017 Operating Budget and Capital Improvement Program and related Resolutions. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3652-C.S.** approving the FY 2016-2017 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent) approving final adoption of **Ordinance No. 3652-C.S.** approving the FY 2016-2017 Proposed Operating Budget and Capital Improvement Program Budget for the City of Modesto.

Consent

6. Consider approving the 2016-2017 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation. (Funding Source: Not Applicable)

- Resolution establishing the calculation for the appropriation limit for the Fiscal Year 2016-2017 annual operating budget.

Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com

ACTION: Resolution 2016-262 (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent) establishing the calculation for the appropriation limit for the Fiscal Year 2016-2017 annual operating budget.

Consent

7. Consider approving the Final Map for the Aberdeen Place 2 Subdivision located southeast of the intersection of Woodland Avenue and Shasta Avenue. (Funding Source: General Fund)

- Resolution approving the Final Map of Aberdeen Place 2 Subdivision, accepting the dedications of easements on behalf of the public for public use, and authorizing the City Clerk to certify and record the Final Map with the Stanislaus County Recorder's office.

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

ACTION: Resolution 2016-263 (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent) approving the Final Map of Aberdeen Place 2 Subdivision, accepting the dedications of easements on behalf of the public for public use, and authorizing the City Clerk to certify and record the Final Map with the Stanislaus County Recorder's office.

Consent

8. Consider accepting the Monthly Investment Report for March 2016. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for March 2016.

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

ACTION: Motion (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent) accepting the Monthly Investment Report for March 2016.

Consent

9. Consider approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application for funding in the amount of \$165,937 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program. (Funding Source: Grants - Police)

- Resolution approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Fiscal Year 2016 Local Solicitation authorizing a joint application with the County of Stanislaus; and authorizing the

City Manager, or his designee, to execute the Memorandum of Agreement.
Police; Galen Carroll, 572-9501, carrollg@modestopd.com

ACTION: Resolution 2016-264 (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent)
approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Fiscal Year 2016 Local Solicitation authorizing a joint application with the County of Stanislaus; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement.

Consent

10. Consider approving angled parking along the west side of 8th Street between H Street and I Street. (Funding Source: Surface Transportation Fund - Traffic Operations)
- Resolution approving angled parking along the west side of 8th Street between H Street and I Street, and rescinding Resolution 2011-384.
- Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

ACTION: Resolution 2016-265 (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent)
approving angled parking along the west side of 8th Street between H Street and I Street, and rescinding Resolution 2011-384.

Consent

11. Consider approving the installation of a mid-block crosswalk across Sunnyside Drive near Coffee Road and Lucern Avenue. (Funding Source: Surface Transportation Fund - Traffic Operations)
- Resolution approving the installation of a mid-block crosswalk across Sunnyside Drive near Coffee Road and Lucern Avenue.
- Public Works; Jeffrey Barnes, 577-5468, jbarnes @modestogov.com*

ACTION: Resolution 2016-266 (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent)
approving the installation of a mid-block crosswalk across Sunnyside Drive near Coffee Road and Lucern Avenue.

Consent

12. Consider authorizing the purchase of two replacement Thermo-Lay Hot Patch Trucks for street pavement repair, and awarding the bid to National Auto Fleet Group, Watsonville, CA, for an estimated total cost of \$452,275. (Funding Source: Fleet Replacement Fund)
- Resolution authorizing the award of bid for the purchase of two Thermo-Lay Hot Patch Trucks to National Auto Fleet Group, Watsonville, CA, and authorizing the City Manager, or his designee, to execute the Purchase Agreement for an estimated total cost of \$452,275.
- Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

ACTION: Resolution 2016-267 (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent)

authorizing the award of bid for the purchase of two Thermo-Lay Hot Patch Trucks to National Auto Fleet Group, Watsonville, CA, and authorizing the City Manager, or his designee, to execute the Purchase Agreement for an estimated total cost of \$452,275.

Consent

13. Consider accepting a Federal Aviation Administration Grant in the amount of \$145,287 for completing the Pavement Maintenance Management Plan and the Wildlife Hazard Management Plan at the Modesto City-Stanislaus County Airport. (Funding Source: Federal Aviation Administration Grant Funds 90.66%, City Local Match 9.34% using Stanislaus County Aircraft Tax Funds)

- Resolution accepting a Federal Aviation Administration Grant Offer for \$145,287. *Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

ACTION: Resolution 2016-268 (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent) accepting a Federal Aviation Administration Grant Offer for \$145,287.

Consent

14. Consider approving an Agreement with Stanislaus County for various services relating to the Airport Neighborhood Sewer Improvements Project, in an amount not to exceed \$120,000. (Funding Source: Capital Improvement Support Services Revenue)

- Resolution approving an Agreement with Stanislaus County for engineering design services, engineering support during construction and construction inspection services provided by the City related to construction of the Airport Neighborhood Sewer Improvements Project, in an amount not to exceed \$120,000, and authorizing the City Manager, or his designee, to execute the Agreement. *Utilities; Jesse Franco, 571-5175, jfranco@modestogov.com*

ACTION: Resolution 2016-269 (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent) approving an Agreement with Stanislaus County for engineering design services, engineering support during construction and construction inspection services provided by the City related to construction of the Airport Neighborhood Sewer Improvements Project, in an amount not to exceed \$120,000, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent – *Continued to July 12, 2016 Council Meeting*

15. Consider approving various documents for the Grogan Park Well Project, awarding a contract to Hydro Resources - West, Inc., of Shafter, CA in the amount of \$476,850, authorizing an increase in the Director's authority to issue change orders, and amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$501,069. (Funding Source: Water Fund CIP)

- Resolution finding that the following project is within the scope of the project covered by the Water System Engineers Report and Program Environmental Impact Report (SCH# 2008092095): Grogan Park Well (Tivoli) Project.
- Resolution approving the plans and specifications for the Grogan Park Well (Tivoli) Project, accepting the bid, and approving a contract with Hydro Resources - West, Inc., of Shafter, CA in the amount of \$476,850, and authorizing the City

Manager, or his designee, to execute the contract.

- Resolution authorizing an increase in the Director's Authority to issue change orders for the Grogan Park Well (Tivoli) Project from 10 percent (\$47,685) to 25 percent (\$119,213) of the construction contract price of \$476,850 with Hydro Resources - West, Inc., of Shafter, CA.
- Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program budget in the amount of \$501,069 to be transferred into the project from Water Fund Reserves in order to fully fund construction, contingency, construction administration, and engineering support during construction for the Grogan Park Well (Tivoli) Project.

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

ACTION: Item continued to July 12, 2016 Council meeting.

Consent

16. Consider approving specifications for the destruction of certain water wells, awarding a contract to Howk Systems, of Modesto, CA in the amount of \$413,812, authorizing the increase in the Director's change orders authority from 10% to 25%, and amending the Fiscal Year 2015-2016 Capital Improvement Program Budget in the amount of \$224,832. (Funding Source: Water Fund - CIP)

- Resolution approving the specifications for the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project, accepting the bid, and approving a contract with Howk Systems, of Modesto, CA in the amount of \$413,812, and authorizing the City Manager, or his designee, to execute the contract.
- Resolution authorizing an increase in the Director's Authority to issue change orders for the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project from 10 percent (\$41,381) to 25 percent (\$103,453) of the construction contract price of \$413,812 with Howk Systems, of Modesto, CA.
- Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program budget in the amount of \$224,832 to be transferred into the project from Water Fund Reserves in order to fully fund construction, City construction forces, contingency, construction administration, and engineering support during construction for the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project.

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

ACTION: Resolution 2016-270 (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent) approving the specifications for the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project, accepting the bid, and approving a contract with Howk Systems, of Modesto, CA in the amount of \$413,812, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2016-271 (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent) authorizing an increase in the Director's Authority to issue change orders for the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project from 10 percent (\$41,381) to 25 percent (\$103,453) of the construction contract price of \$413,812 with Howk Systems, of Modesto, CA.

ACTION: Resolution 2016-272 (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent)
amending the Fiscal Year 2015-2016 Capital Improvement Program budget in the amount of \$224,832 to be transferred into the project from Water Fund Reserves in order to fully fund construction, City construction forces, contingency, construction administration, and engineering support during construction for the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project.

Consent

17. Consider approving an Amendment with Krazan & Associates, Inc., of Modesto, CA for On-call Construction Management Testing Services in the amount of \$75,000, and extending the agreement for one year. (Funding Source: Various)
- Resolution approving a First Amendment to Agreement with Krazan & Associates, Inc. of Modesto, CA for On-call Construction Management Testing Services for various Capital Improvement Program projects in the amount of \$75,000, as well as extending the term of the original agreement for a period of one year, at the sole discretion of City, and authorizing the City Manager, or his designee, to execute the first amendment to agreement.

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

ACTION: Resolution 2016-273 (Kenoyer/Ridenour; 5/0; Ah You, Madrigal absent)
approving a First Amendment to Agreement with Krazan & Associates, Inc. of Modesto, CA for On-call Construction Management Testing Services for various Capital Improvement Program projects in the amount of \$75,000, as well as extending the term of the original agreement for a period of one year, at the sole discretion of City, and authorizing the City Manager, or his designee, to execute the first amendment to agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding high voltage street lights; she acknowledged Jeff Barnes and Rodney Nelson.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson spoke regarding the Awesome Spot Playground at Beyer Park and the J Street Workshop on July 19, 2016.

HEARINGS

Published in the Modesto Bee on June 18th and in the Vida Spanish paper on June 22nd

18. Hearing to consider approving grant applications for transit funds in the amount of \$9,871,944 and Congestion Mitigation and Air Quality funds in the amount of \$1,100,000. (Funding Source: Federal Transit Administration Section 5307 & Competitive allocation from StanCOG)
- Resolution approving submittal of a Grant Application to the Federal Transit Administration (FTA) Requesting \$9,871,944 in FTA Section 5307 Funds.

- Resolution approving the submittal of a Grant Application to the Federal Transit Administration Requesting \$1,100,000 in Congestion Mitigation and Air Quality Funds (CMAQ).

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

ACTION: Resolution 2016-274 (Ridenour/Kenoyer; 5/0; Ah You, Madrigal absent) approving submittal of a Grant Application to the Federal Transit Administration (FTA) Requesting \$9,871,944 in FTA Section 5307 Funds.

ACTION: Resolution 2016-275 (Ridenour/Kenoyer; 5/0; Ah You, Madrigal absent) approving the submittal of a Grant Application to the Federal Transit Administration Requesting \$1,100,000 in Congestion Mitigation and Air Quality Funds (CMAQ).

Published in the Modesto Bee on May 30th & June 6th, 2016, Continued from June 14th Council Meeting.

19. Hearing to consider adopting the Joint 2015 Urban Water Management Plan as required by the State's Water Code. (Funding Source: Water Fund)
- Resolution adopting the Joint 2015 Urban Water Management Plan as required by the State's Water Code.

Utilities; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2016-276 (Ridenour/Zoslocki; 5/0; Ah You, Madrigal absent) adopting the Joint 2015 Urban Water Management Plan as required by the State's Water Code **(AS AMENDED: At the end of the paragraph beginning "Now Therefore," in order to allow staff to accurately and completely make the changes discussed by Mr. Parlin and the other two changes I just proposed, please add the phrase "substantially in the form of the revised draft plan before the Council.")**

(AMENDMENTS TO UWMP: (i) revise and delete statement and verbiage in the Plan as necessary to reflect it is a City only plan, although the preparation of the plan was a joint effort; and (ii) Section 6.3 of the UWMP: Suggested additional clarification – Section 6.1 of the ARTDA provides in part that "In designing, constructing, operating and maintaining the First Expansion Facilities, District also shall comply with applicable provisions of the SEIR, the related mitigation monitoring plan, and Urban Water Management Plan." The ARTDA also defines the UWMP to be "as the same may be adopted by the parties from time to time." Notwithstanding any statement directly or arguably to the contrary in this Plan, the 67,204.2 acre-feet per year of water to be provided to the City by MID pursuant to the ARTDA is not altered, reduced or limited by the provisions of this Plan.

NEW BUSINESS

20. Consider reconvening the Comprehensive Fees Task Force to review the City's development-related fees and provide input on a comprehensive Capital Facilities Fees Program update. (Funding Source: Not Applicable)
- Resolution approving the reconvening of the Comprehensive Fees Task Force to review and align development-related fees with the goals and policies of the City's

General Plan and Strategic Commitments, and provide policy direction for a comprehensive Capital Facilities Fees program update.
*Community & Economic Development; Cynthia Birdsill, 341-2938,
cbirdsill@modestogov.com*

ACTION: Resolution 2016-277 (Kenoyer/Zoslocki; 5/0; Ah You, Madrigal absent) approving the reconvening of the Comprehensive Fees Task Force to review and align development-related fees with the goals and policies of the City's General Plan and Strategic Commitments, and provide policy direction for a comprehensive Capital Facilities Fees program update.

21. Consider accepting a \$4,085,000 grant from the California Air Resources Board to purchase four zero-emission electric transit buses and their charging stations and amending the Fiscal Year 2016/2017 operating budget. (Funding Source: Transit Funds)
- Resolution authorizing the acceptance of a grant for \$4,085,000 from the California Air Resources Board (CARB) for the purchase of four Proterra zero-emission electric public transit buses, two fast-chargers, four overnight chargers, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.
 - Resolution amending the Transit Division's Fiscal Year 2016/2017 operating budget in the amount of \$4,637,000 to fund the purchase of four Proterra zero-emission electric public transit buses, and the purchase and installation of two fast-chargers and four overnight chargers.

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

ACTION: Resolution 2016-278 (Ridenour/Kenoyer; 5/0; Ah You, Madrigal absent) authorizing the acceptance of a grant for \$4,085,000 from the California Air Resources Board (CARB) for the purchase of four Proterra zero-emission electric public transit buses, two fast-chargers, four overnight chargers, and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

ACTION: Resolution 2016-279 (Ridenour/Kenoyer; 5/0; Ah You, Madrigal absent) amending the Transit Division's Fiscal Year 2016/2017 operating budget in the amount of \$4,637,000 to fund the purchase of four Proterra zero-emission electric public transit buses, and the purchase and installation of two fast-chargers and four overnight chargers.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:55 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

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

Name of case: Reed v. COM
Case No. 1:11-CV-01083-AWI-GSA

Name of case: Modesto Irrigation District v. COM
Case No. 2001607

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

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

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

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

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

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

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

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

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

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

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: Property between 9th and 10th Street, and E Street and F Street,
located in Modesto, CA; APN: 106-044-005

Property Owners: Victor Martinez and Iris L. Martinez TRS

Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto

Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Larry Killian (Real Estate Broker)

Under Negotiation: Possible acquisition of property and entering into property negotiations

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: 800 N. McClure Rd., Modesto, CA; APN: 079-001-001

Property Owners: Claus Road Farm Trust

Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto

Adam U. Lindgren, City Attorney for the City of Modesto

For Property Owners: Timothy A. Byrd, Attorney at Law

Under Negotiation: Possible acquisition of property and entering into property negotiations

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: APN: 047-011-012 & APN: 047-012-003

Property Owner: El Cafetal, LLC

Negotiating Parties:

For the City: Jon Yuriar, Property Agent for the City of Modesto

Adam U. Lindgren, City Attorney for the City of Modesto

For Owner: Able Jimenez

Under Negotiation: Price of Purchase of Real Property

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

Property: 526 10th Street, Modesto CA
APN: 106-039-001 & APN: 106-039-004
Property Owner: Stanislaus Implement Hardware Company

Negotiating Parties:
For the City: Brent Sinclair, Deputy City Manager for the City of Modesto
Adam U. Lindgren, City Attorney for the City of Modesto

For Owner: Randy Brekke
Under Negotiation: Possible acquisition of property and entering into
property negotiations

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 05, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Shalom Bochner, Congregation Beth Shalom

City Clerk's Announcements: Item 2 - continued to future Council meeting; Item 9 - Removed
from Consent

Declaration of Conflicts of Interest: Ridenour – Item 6; Grewal - Items 11 and 12

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Recognition of staff who have reached 25 year milestones as employees of the City of Modesto. (Funding Source: Not Applicable)
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Mayor Brandvold and Council presented Certificates of Recognition to staff who have reached 25 year milestones as employees of the City of Modesto.

2. Presentation of Plaque from the NAACP in recognition of Modesto Police Chief Galen Carroll for cultural diversity and community commitment. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Continued to future Council meeting date.

3. Presentation of Water Conservation Update by Utilities Director Larry Parlin. (Funding Source: Not Applicable)
Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: City of Modesto Utilities Director Larry Parlin presented a Water Conservation Update.

PUBLIC COMMENT PERIOD

- John Mataka spoke regarding a protest on June 28, 2016 following a trial at the Courthouse and pictures being taken by Modesto Police officers of protestors.
- Miguel Donoso spoke regarding money received from Bank of America and investing money in a gang task force.
- Carmen Sabatino spoke regarding the Frank Carson trial and Modesto Police Department.
- Emerson Drake spoke regarding building fee adjustments and the General Plan.
- Loretta Carhart spoke regarding bus routes in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-5; 7-10: (Kenoyer/Madrigan; unan.)

ACTION CONSENT ITEM 6: (Kenoyer/Grewal; unan.; Ridenour absent)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes from the June 28, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the June 28, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madrigan; 7/0) approving the minutes from the June 28, 2016 Council Meeting.

Consent

5. Consider accepting the May 2016 Union Pacific Railroad Quiet Zone Evaluation prepared by CTC, Inc. for the City of Modesto. (Funding Source: General Fund and Various Funds)
 - Motion accepting the May 2016 UPRR Quiet Zone Evaluation prepared by CTC, Inc. for the City of Modesto.
Community & Economic Development; Cindy van Empel, 577-5280, cvanempel@modestogov.com

ACTION: Motion (Kenoyer/Madrigan; 7/0) accepting the May 2016 UPRR Quiet Zone Evaluation prepared by CTC, Inc. for the City of Modesto.

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

6. Consider foreclosure actions for delinquent special taxes against property owners in Community Facilities District Nos. 2003-1 (Fairview Village) and 2004-1 (Village One #2). (Funding Source: Fairview Village) and 2004-1 (Village One #2) special facilities tax revenues)
- Resolution ordering judicial foreclosure of delinquent annual special facilities taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and ordering that the Stanislaus County Tax Collector be credited with those taxes.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-280 (Kenoyer/Grewal; 6/0; Ridenour absent due to conflict of interest) ordering judicial foreclosure of delinquent annual special facilities taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and ordering that the Stanislaus County Tax Collector be credited with those taxes.

Consent

7. Consider approving a sale of surplus property to Burchell Nursery, Inc., described as an unused portion of a public right-of-way and cul-de-sac of Wells Avenue in Stanislaus County, in the amount of \$7,350. (Funding Source: Streets CFF Revenue)
- Resolution approving the sale of surplus property, consisting of 1,613 square feet (0.04 acre) described as an unused portion of Wells Avenue located next to the Pelandale and McHenry Avenues intersection and authorizing the City Manager, or his designee, to execute the Quit Claim Deed and related documents required to complete the sale.
Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2016-281 (Kenoyer/Madrigan; 7/0) approving the sale of surplus property, consisting of 1,613 square feet (0.04 acre) described as an unused portion of Wells Avenue located next to the Pelandale and McHenry Avenues intersection and authorizing the City Manager, or his designee, to execute the Quit Claim Deed and related documents required to complete the sale.

Consent

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

ACTION: Motion (Kenoyer/Madrigan; 7/0) accepting the Monthly Investment Report for April, 2016.

Removed from Consent

9. Consider adopting an exemption for recreational water play features in City of

Modesto Parks from Stage I, II or IIA Drought Contingency Plan requirements.
(Funding Source: Not Applicable)

- Resolution approving an exemption for recreational water play features in City of Modesto Parks from Stage I, II or IIA Drought Contingency Plan requirements.
Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: Resolution 2016-282 (Ridenour/Kenoyer; 6/1; Ah You no) approving an exemption for recreational water play features in City of Modesto Parks from Stage I, II or IIA Drought Contingency Plan requirements.

Consent

10. Consider authorizing the purchase of one new front loader with a three yard bucket from Volvo Construction Equipment, Turlock, CA, for an estimated total cost of \$125,160.88. (Funding Source: Storm Drainage Fund)
 - Resolution authorizing the award of bid for the purchase of a four wheel drive front loader with a three yard bucket to Volvo Construction Equipment, Turlock, CA, and authorizing the City Manager, or his designee, to issue the purchase order for an estimated total cost of \$125,160.88.
Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Resolution 2016-283 (Kenoyer/Madrigal; 7/0) authorizing the award of bid for the purchase of a four wheel drive front loader with a three yard bucket to Volvo Construction Equipment, Turlock, CA, and authorizing the City Manager, or his designee, to issue the purchase order for an estimated total cost of \$125,160.88.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding the success of the 4th of July Parade and 4th of July Celebration.

Councilmember Madrigal spoke regarding the Second Annual 4th of July Celebration after the 4th of July Parade.

Councilmember Ah You spoke regarding the homeless, the effects in Modesto and implementation of "Laura's Law."

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on June 26, 2016 – Councilmember Grewal absent due to conflict of interest

11. Consider conducting a public hearing on the Fiscal Year 2016-2017 annual assessment

for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions

Nos. 1-6. (Funding Source: Funding Source: Landscape Maintenance Assessment District No. 1))

- Resolution confirming the Fiscal Year 2016-2017 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

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

ACTION: Resolution 2016-284 (Zoslocki/Ridenour; 6/0; Grewal absent due to conflict of interest) confirming the Fiscal Year 2016-2017 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

Published in the Modesto Bee on June 26, 2016 – Councilmember Grewal absent due to conflict of interest

12. Consider conducting a public hearing on the Fiscal Year 2016-17 annual assessment for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 & 2. (Funding Source: Landscape Maintenance Assessment District No. 2)

- Resolution confirming the Fiscal Year 2016-2017 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2.

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

ACTION: Resolution 2016-285 (Zoslocki/Ridenour; 6/0; Grewal absent due to conflict of interest) confirming the Fiscal Year 2016-2017 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2.

Published in the Modesto Bee on June 26, 2016

13. Consider conducting a public hearing on the Fiscal Year 2016-2017 annual assessment for the Shackelford Landscape and Lighting District. (Funding Source: Shackelford Landscape and Lighting District)

- Resolution confirming the Fiscal Year 2016-2017 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

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

ACTION: Resolution 2016-286 (Ridenour/Zoslocki; 7/0) confirming the Fiscal Year 2016-2017 diagram and assessment, and ordering the levy and collection of charges within the Shackelford Landscape and Lighting District.

NEW BUSINESS

14. Presentation and request for City Council adoption of 100 Days Committee Recommendations, and direction to City Manager and Mayor to prepare a plan to implement the Recommendations. (Funding Source: Not Applicable)
- Motion adopting the 100 Days Committee Recommendations, and directing the City Manager and Mayor to prepare a plan to implement the Recommendations for consideration by the City Council within 90 days.
- City Manager; Jim Holgersson, 577-5223, jholgersson@modestgov.com*

Recess at 8:35 p.m.

Reconvened at 8:52 p.m.

ACTION: Motion (Kenoyer/Ridenour; 3/ 4; Ah You, Grewal, Madrigal, Mayor Brandvold no) to receive the 100 Days Committee Recommendations, and directing the City Manager and Council to prepare a plan to implement the Recommendations for consideration by the City Council within 90 days. (MOTION FAILED)

ACTION: Motion (Madrigal/Ah You; 4/3; Kenoyer, Ridenour, Zoslocki no) to receive the 100 Days Committee Recommendations, and adopt the Recommendations, and direct the City Manager and Mayor to prepare a plan to implement the Recommendations for consideration by the City Council within 90 days.

MATTERS TOO LATE FOR THE AGENDA

ACTION: None.

ADJOURNMENT

This meeting adjourned at 9:25 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Modesto Irrigation District v. COM
Case No. 2001607

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Three Cases (Pursuant to Section 54956.9(a) of the Government Code)

Name of case(s): David Serratos v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ4159014, ADJ06490, ADJ7164680, ADJ3295291,
ADJ7164681, and ADJ9015398

Mario Gonzales v. City of Modesto
California Workers Compensation Appeals Board
No. ADJ9511142

Mirl Morse v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ9070231 and ADJ9077212

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

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

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

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

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

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

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

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

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 12, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeremy Thiessen, Shelter Cove Church

City Clerk's Announcements: Items 10 and 11 - Removed from Consent

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition honoring Yvonne Porcella (posthumously) for her work and contributions to the arts and culture. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Certificate of Recognition honoring Yvonne Porcella (posthumously) for her work and contributions to the arts and culture.

2. Presentation of the American Planning Association, Central Section, California Chapter Award for the City of Modesto Downtown Form-Based Zoning Code. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Planning Manager Patrick Kelly accepted the American Planning Association, Central Section, California Chapter Award for the City of Modesto Downtown Form-Based Zoning Code.

3. Presentation on the new public facing technology: the new website launching on July

5th and the new GoModesto! city services mobile app. (Funding Source: Not Applicable)

City Manager; Amy Vickery, 341-2941, avickery@modestogov.com

ACTION: Public Information Officer Amy Vickery gave a presentation on the new public facing technology: the new website which launched on July 5th and the new GoModesto! city services mobile app.

4. Presentation of Proclamation declaring August 2, 2016, as "National Night Out" in the City of Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation declaring August 2, 2016, as "National Night Out" in the City of Modesto.

MISCELLANEOUS

Legislation
Appointments
Other

5. Consider appointing Stella Beratlis as the City of Modesto's Poet Laureate for the 2016-2018 term. (Funding Source: Not Applicable)
- Resolution appointing Stella Beratlis as the City of Modesto Poet Laureate for the 2016-2018 term.
- Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

ACTION: Resolution 2016-287 (Ridenour/Madriral; 7/0) appointing Stella Beratlis as the City of Modesto Poet Laureate for the 2016-2018 term.

PUBLIC COMMENT PERIOD

- Rachel Laredo invited Council to the Second Design Meeting tomorrow night for an inclusive playground at Beyer Community Park.
- Dave Pratt spoke regarding the City of Modesto app.
- Loretta Carhart spoke regarding bike lanes in Modesto.
- Isaiah Pegani (sp) spoke regarding signs for panhandling in the City of Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 6-9, 12-20: (Kenoyer/Madriral; 7/0)

ACTION CONSENT ITEM 10: (Madriral/Grewal; 7/0)

ACTION CONSENT ITEM 11: (Kenoyer/Ridenour; 5/2; Ah You, Mayor Brandvold no)

CONSENT ITEMS

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

Consent

6. Consider approving the minutes from the July 5, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the July 5, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; 7/0) approving the minutes from the July 5, 2016 Council Meeting.

Consent

7. Consider approving the certificate of canvass of votes from the June 7, 2016 Election. (Funding Source: Elections)
 - Resolution of the Council of the City of Modesto confirming the canvass of the General Municipal Election which was held in the City of Modesto and Modesto City Schools District on June 7, 2016 and declaring the results of said election.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2016-288 (Kenoyer/Madrigal; 7/0) of the Council of the City of Modesto confirming the canvass of the General Municipal Election which was held in the City of Modesto and Modesto City Schools District on June 7, 2016 and declaring the results of said election.

Consent

8. Consider appointing a voting delegate and alternates for the 2016 League of California Cities Annual Conference to be held in Long Beach, CA on October 5-7, 2016. (Funding Source: Not Applicable)
 - Motion approving Mayor Ted Brandvold as a voting delegate and Councilmember Tony Madrigal as alternate for the 2016 League of California Cities Annual Conference to be held in Long Beach, CA on October 5-7, 2016.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; 7/0) approving Mayor Ted Brandvold as a voting delegate and Councilmembers Tony Madrigal **and Douglas Ridenour, Sr.** as alternates for the 2016 League of California Cities Annual Conference to be held in Long Beach, CA on October 5-7, 2016.

Consent

9. Consider approving Second Amendments to two Outside Counsel Legal Services Agreements for continued representation of the City of Modesto. (Funding Source: Liability Insurance Fund Claims Payment Account (5330))
 - Resolution approving a Second Amendment to the Legal Services Agreement dated

June 24th, 2014 with Arata, Swingle, and Van Egmond in an amount not to exceed \$210,000 to continue representing the City of Modesto in tort cases.

- Resolution approving a Second Amendment to the Legal Services Agreement dated July 3rd, 2014 with Borton Petrini, LLP in an amount not to exceed \$95,000 to continue representing the City of Modesto in tort cases.

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

ACTION: Resolution 2016-289 (Kenoyer/Madrigal; 7/0) approving a Second Amendment to the Legal Services Agreement dated June 24th, 2014 with Arata, Swingle, and Van Egmond in an amount not to exceed \$210,000 to continue representing the City of Modesto in tort cases.

ACTION: Resolution 2016-290 (Kenoyer/Madrigal; 7/0) approving a Second Amendment to the Legal Services Agreement dated July 3rd, 2014 with Borton Petrini, LLP in an amount not to exceed \$95,000 to continue representing the City of Modesto in tort cases.

Removed from Consent

10. Consider supporting the development of a museum in the City of Modesto highlighting the works of George Lucas and directing staff to work with the appropriate representatives to explore opportunities, options and locations. (Funding Source: General Fund)

- Resolution supporting the development of a museum in the City of Modesto highlighting the works of George Lucas and directing staff to work with the appropriate representatives to explore opportunities, options and locations.

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

ACTION: Resolution 2016-291 (Madrigal/Grewal; 7/0) supporting the development of a museum in the City of Modesto highlighting the works of George Lucas and directing staff to work with the appropriate representatives to explore opportunities, options and locations.

Removed from Consent

11. Consider approving an Amendment to the Agreement for Consultant Services with Robert G. Quintella, for projects in the Community and Economic Development Department, at an hourly rate of \$85 per hour and in an amount not to exceed \$75,000 over two years and raising the spending limit on the original agreement from \$49,999 to \$53,800. (Funding Source: Golf Fund and Community Center Operations Fund)

- Resolution approving an Amendment to the Agreement for Consultant Services with Robert G. Quintella, for projects in the Community and Economic Development Department, at an hourly rate of \$85 per hour and in an amount not to exceed \$75,000 over two years and raising the spending limit on the original agreement from \$49,999 to \$53,800.

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

ACTION: Resolution 2016-292 (Kenoyer/Ridenour; 5/2; Ah You, Mayor Brandvold no)

approving an Amendment to the Agreement for Consultant Services with Robert G. Quintella, for projects in the Community and Economic Development Department, at an hourly rate of \$85 per hour and in an amount not to exceed \$75,000 over two years and raising the spending limit on the original agreement from \$49,999 to \$53,800.

Consent

12. Consider approving a Conditional Will Serve Letter to provide water service to the property located at 4761 McHenry Avenue. (Funding Source: Water Fund, General Fund)

- Resolution approving a Conditional Will Serve Letter for water service for the property located at 4761 McHenry Avenue in Modesto (APN 046-010-020) and authorizing the City Manager or his designee, to approve the Conditional Will Serve Letter

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

ACTION: Resolution 2016-293 (Kenoyer/Madrigal; 7/0) approving a Conditional Will Serve Letter for water service for the property located at 4761 McHenry Avenue in Modesto (APN 046-010-020) and authorizing the City Manager or his designee, to approve the Conditional Will Serve Letter

Consent

13. Consider approving the revised Debt Management Policy. (Funding Source: Not Applicable)

- Resolution to adopt the revised Debt Management Policy.

Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com

ACTION: Resolution 2016-294 (Kenoyer/Madrigal; 7/0) to adopt the revised Debt Management Policy.

Consent

14. Consider approving the Annual Investment Policy. (Funding Source: Not Applicable)

- Resolution to adopt the Annual Investment Policy.

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

ACTION: Resolution 2016-295 (Kenoyer/Madrigal; 7/0) to adopt the Annual Investment Policy.

Consent

15. Consider authorizing an award of proposal and contract with Innovative Claims Solutions, Inc. of Rancho Cordova, CA, for the furnishing of workers' compensation claims management services for an amount not to exceed \$2,954,602 over a five year period, effective September 1, 2016. (Funding Source: Workers' Compensation Fund)

- Resolution authorizing an award of proposal and contract with Innovative Claims Solutions, Inc. of Rancho Cordova, CA, for the furnishing of workers' compensation claims management services and authorizing the City Manager, or

his designee, to negotiate and execute said agreement.
Human Resources; Beverly Jensen, 577-5446, bjensen@modestogov.com

ACTION: Resolution 2016-296 (Kenoyer/Madrigal; 7/0) authorizing an award of proposal and contract with Innovative Claims Solutions, Inc. of Rancho Cordova, CA, for the furnishing of workers' compensation claims management services and authorizing the City Manager, or his designee, to negotiate and execute said agreement.

Consent

16. Consider approving an Operating Agreement for the Veterans Service Center at 3500 Coffee Road (Sylvan Square) between the City of Modesto, County of Stanislaus, the Veterans Foundation of Stanislaus County, and the Stanislaus County Veterans Advisory Commission. (Funding Source: General Fund)
- Resolution approving an Operating Agreement for the Stanislaus Veterans Service Center between the City of Modesto, County of Stanislaus, the Veterans Foundation of Stanislaus County, and the Stanislaus County Veterans Advisory Commission, and authorizing the City Manager, or his designee, to execute the Agreement.
Parks, Recreation & Neighborhoods; Marco Sepulveda, 577-5275, msepulveda@modestogov.com

ACTION: Resolution 2016-297 (Kenoyer/Madrigal; 7/0) approving an Operating Agreement for the Stanislaus Veterans Service Center between the City of Modesto, County of Stanislaus, the Veterans Foundation of Stanislaus County, and the Stanislaus County Veterans Advisory Commission, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving the Transit Services 2016 Title VI Program Update, which ensures the equitable distribution of public transit benefits regardless of race, color or national origin, in compliance with rules established by the Federal Transit Administration. (Funding Source: Transit Funds)
- Resolution approving the City of Modesto Transit Services 2016 Title VI Program Update.
Public Works; Adam Barth, 577-5298, abarth@modestogov.com

ACTION: Resolution 2016-298 (Kenoyer/Madrigal; 7/0) approving the City of Modesto Transit Services 2016 Title VI Program Update.

Consent

18. Consider approving the Protected (Green Left Turn Arrow) - Permissive (Circular Green) Traffic Signals Report for 2015. (Funding Source: Surface Transportation Fund)
- Resolution approving the Protected – Permissive Traffic Signals Report for 2015.
Public Works; Jeffrey Barnes, 577-5468, jbarnes @modestogov.com

ACTION: Resolution 2016-299 (Kenoyer/Madrigal; 7/0) approving the Protected – Permissive Traffic Signals Report for 2015.

Consent

19. Consider authorizing the purchase of cement concrete to Central Valley Concrete Inc., Turlock, CA, as a “primary” contractor, and Allied Concrete of Modesto, CA as the “secondary” contractor for an estimated annual cost of \$178,400, totaling \$892,000 over a five year period. (Funding Source: Surface Transportation Fund)
- Resolution authorizing the award of bid and contract services for the purchase of cement concrete for the Public Works Department to Central Valley Concrete Inc., Turlock, CA, as a “primary” contractor, and Allied Concrete of Modesto, CA as the “secondary” contractor, and authorizing the Purchasing Manager to issue annual purchase agreements for a period of one year, with four one-year extension options at the discretion of the City, for an estimated annual cost of \$178,400, totaling \$892,000 over a five year period.

Public Works; Steve Fischio, 242-2222, sfischio@modestogov.com

ACTION: Resolution 2016-300 (Kenoyer/Madrigal; 7/0) authorizing the award of bid and contract services for the purchase of cement concrete for the Public Works Department to Central Valley Concrete Inc., Turlock, CA, as a “primary” contractor, and Allied Concrete of Modesto, CA as the “secondary” contractor, and authorizing the Purchasing Manager to issue annual purchase agreements for a period of one year, with four one-year extension options at the discretion of the City, for an estimated annual cost of \$178,400, totaling \$892,000 over a five year period.

Consent

20. Consider rejecting bids for the River Trunk Rehabilitation Project (Gallo Section), and authorizing staff to re-advertise the project at a future date with an amended scope of work. (Funding Source: Wastewater Fund)
- Resolution rejecting all bids for the River Trunk Rehabilitation Project and authorizing re-advertisement of the project with an amended scope of work.

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

ACTION: Resolution 2016-301 (Kenoyer/Madrigal; 7/0) rejecting all bids for the River Trunk Rehabilitation Project and authorizing re-advertisement of the project with an amended scope of work.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Family Fun Night at the Apostolic Jubilee Center last Friday night; she also attended the Tzu Chi Foundation Free Health Fair at Maddux Youth Center on Sunday; she also thanked staff for opening of the splash playgrounds in Modesto.

Councilmember Ridenour thanked Patty Hill-Thomas for her assistance with the Veterans Center; he also discussed Focus on Prevention, and a letter to the Modesto Bee from Bill Jacques regarding dumping in Modesto.

Councilmember Madrigal spoke regarding a Unity Event tonight at the King-Kennedy Community Center.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson thanked Patty Hill-Thomas for her assistance with the Veterans Center.

HEARINGS

Published in the Modesto Bee on July 2, 2016

21. Hearing to consider awarding Home Investment Partnership Program Community Housing Development Organization Operating Funds to Great Valley Housing Development Corporation (\$45,000) and Stanislaus County Affordable Housing Corporation (\$60,000) and amending the FY2016-2017 Multi-Year Budgets. (Funding Source: HOME Investment Partnership Program Funds)
- Resolution approving the allocation of \$45,000 in Home Investment Partnership Program Community Housing Development Organization-Operating Funds to Great Valley Housing Development Corporation and authorizing the City Manager, or his designee, to execute the necessary agreements and related documents.
 - Resolution approving the allocation of \$60,000 in Home Investment Partnership Program Community Housing Development Organization-Operating Funds to Stanislaus County Affordable Housing Corporation and authorizing the City Manager, or his designee, to execute the necessary agreements and related documents.
 - Resolution amending the FY 2016-2017 Multi Year Budgets to add \$105,000 in prior year HOME Investment Partnership Program Community Housing Development Organization Operating Funds to Project 100887 and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

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

ACTION: Resolution 2016-302 (Ridenour/Kenoyer; 7/0) approving the allocation of \$45,000 in Home Investment Partnership Program Community Housing Development Organization-Operating Funds to Great Valley Housing Development Corporation and authorizing the City Manager, or his designee, to execute the necessary agreements and related documents.

ACTION: Resolution 2016-303 (Ridenour/Kenoyer; 7/0) approving the allocation of \$60,000 in Home Investment Partnership Program Community Housing Development Organization-Operating Funds to Stanislaus County Affordable Housing Corporation and authorizing the City Manager, or his designee, to execute the necessary agreements and related documents.

ACTION: Resolution 2016-304 (Ridenour/Kenoyer; 7/0) amending the FY 2016-2017

Multi Year Budgets to add \$105,000 in prior year HOME Investment Partnership Program Community Housing Development Organization Operating Funds to Project 100887 and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

Published in the Modesto Bee on July 2, 2016

22. Hearing to consider approving the Second Amendment to the HOME Loan Agreement with Stanislaus County Affordable Housing Corporation, for construction of four permanent supportive units, and increasing the HOME Investment Partnership Program funding from \$540,000 to \$563,383 and amending the FY2016-2017 Multi-Year Budget. (Funding Source: HOME Investment Partnership Program)

- Resolution approving the Second Amendment to the HOME Investment Partnerships Program Loan Agreement with Stanislaus County Affordable Housing Corporation for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities, increasing the HOME Investment Partnership Program entitlement funding from \$490,000 to \$513,383 thereby increasing the overall HOME funding from \$540,000 to \$563,383, and authorizing the City Manager, or his designee, to execute the amendment and related documents.
- Resolution amending the FY 2016-2017 Multi Year Budget to add \$23,383 in HOME Investment Partnership Program Entitlement funds to 522 Granger Housing Project (Project 100918) and authorizing the Finance Director or her designee to take the necessary steps to implement the provisions of this resolution.

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

ACTION: Resolution 2016-305 (Zoslocki/Ah You; 7/0) approving the Second Amendment to the HOME Investment Partnerships Program Loan Agreement with Stanislaus County Affordable Housing Corporation for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities, increasing the HOME Investment Partnership Program entitlement funding from \$490,000 to \$513,383 thereby increasing the overall HOME funding from \$540,000 to \$563,383, and authorizing the City Manager, or his designee, to execute the amendment and related documents.

ACTION: Resolution 2016-306 (Zoslocki/Ah You; 7/0) amending the FY 2016-2017 Multi Year Budget to add \$23,383 in HOME Investment Partnership Program Entitlement funds to 522 Granger Housing Project (Project 100918) and authorizing the Finance Director or her designee to take the necessary steps to implement the provisions of this resolution.

Published in the Modesto Bee on July 2, 2016

23. Hearing to consider approving adjustments to the maximum rate schedule for City residential, commercial and industrial solid waste collection services and tip fees at the Modesto Composting Facility, to become effective July 1, 2016. (Funding Source: Solid Waste Maximum Rates)

- Resolution approving adjustments to the maximum rate schedule for City residential, commercial and industrial solid waste collection services to become

effective July 1, 2016, and rescinding Resolution No. 2015-116.

- Resolution approving the tip fees at the Modesto Composting Facility to become effective July 1, 2016, and rescinding Resolution No. 2008-483.

Public Works; Karin Rodriguez, 577-5453, krodriquez@modestogov.com

ACTION: Resolution 2016-307 (Kenoyer/Ah You; 7/0) approving adjustments to the maximum rate schedule for City residential, commercial and industrial solid waste collection services to become effective July 1, 2016, and rescinding Resolution No. 2015-116.

ACTION: Resolution 2016-308 (Kenoyer/Ah You; 7/0) approving the tip fees at the Modesto Composting Facility to become effective July 1, 2016, and rescinding Resolution No. 2008-483.

NEW BUSINESS

24. Consider approving (i) a proposed agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Confidential and Management Association (MCMA) for a term of March 8, 2016 through June 30, 2019; (ii) a number of salary and benefit changes for Unrepresented Non-Sworn Employees including Charter Officers and Department Directors and certain Unrepresented Sworn Fire and Police Employees for Fiscal Year 2016-2017 through Fiscal Year 2018-2019; and (iii) amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CALPERS) on behalf of Unrepresented Sworn Fire employees and authorizing the City Manager or designee to take the necessary administrative action to implement the agreements. (Funding Source: All Funds) (Funding Source: Not Applicable)
- Resolution approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Confidential and Management Association (MCMA) for a term of March 8, 2016 to June 30, 2019 and authorizing the City Manager or designee to take the necessary administrative action to implement the agreement.
 - Resolution granting salary changes to non-sworn unrepresented management and confidential employees including charter officers and executives and unrepresented sworn fire employees, effective July 12, 2016 and rescinding Resolution No. 2015-446, Resolution No. 2016-53, and Resolution No. 2016-55 and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.
 - Resolution approving changes to benefit offerings for unrepresented non-sworn management and confidential employees and certain sworn fire and police personnel consistent with those in represented units and rescinding Resolution No. 2016-54 and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.
 - Resolution amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CALPERS) on behalf of Unrepresented Sworn Fire employees; and rescinding

Resolution No. 2015-452.

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

ACTION: Resolution 2016-309 (Madrigal/Ah You; 7/0) approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Confidential and Management Association (MCMA) for a term of March 8, 2016 to June 30, 2019 and authorizing the City Manager or designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2016-310 (Madrigal/Ah You; 7/0) granting salary changes to non-sworn unrepresented management and confidential employees including charter officers and executives and unrepresented sworn fire employees, effective July 12, 2016 and rescinding Resolution No. 2015-446, Resolution No. 2016-53, and Resolution No. 2016-55 and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.

ACTION: Resolution 2016-311 (Madrigal/Ah You; 7/0) approving changes to benefit offerings for unrepresented non-sworn management and confidential employees and certain sworn fire and police personnel consistent with those in represented units and rescinding Resolution No. 2016-54 and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.

ACTION: Resolution 2016-312 (Madrigal/Ah You; 7/0) amending a labor policy for paying and reporting the value of employer paid member contributions to the California Public Employees' Retirement System (CALPERS) on behalf of Unrepresented Sworn Fire employees; and rescinding Resolution No. 2015-452.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:47 p.m.
Council Workshop began at 8:00 p.m.

25. **COUNCIL WORKSHOP: Long Range Agenda.**
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

This Council Workshop adjourned at 8:22 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Name of case: Modesto Irrigation District v. COM
Case No. 2001607
Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)
Case No. 667396
Name of case: Souliotes v. COM
Case No. 1:15-CV-00556-LJO-SKO

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

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

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

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

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

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

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

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

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

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

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

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday August 03, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

Absent: None

Pledge of Allegiance to the Flag

Invocation: Lyn Crase, Emmanuel Lutheran Church

City Clerk's Announcements: Items 3 and 8 - Removed from Consent; Item 6 - Agreement has
been revised to delete "out of pocket expenses"

Declaration of Conflicts of Interest: Ridenour - Item 8

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Recognition of the City of Modesto for receiving an Alliance Academy Award at the
Alliance for Innovation Academy Award Presentation. (Funding Source: Not
Applicable)
City Manager; Jim Holgersson, 577-5404, jholgersson@modestogov.com

ACTION: Randy Saffold gave a Presentation in Recognition of the City of Modesto for
receiving an Alliance Academy Award at the Alliance for Innovation Academy Award
Presentation.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2; 4-7; 9-10: (Kenoyer/Madrigal; unan.)

CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the July 12, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the July 12, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Madrigal; 7/0) approving the minutes from the July 12, 2016 Council Meeting.

Removed from Consent

3. Consider approving the City's response to the Findings and Recommendations of the Stanislaus County 2015-2016 Civil Grand Jury Report, Case #16-15GJ, relating to the Stanislaus County Building Study and authorizing the City Manager to submit the City's response to the Presiding Judge Marie Sovey Silveira, Superior Court of California. (Funding Source: Not Applicable)
 - Resolution responding to the Findings and Recommendations of the Stanislaus County 2015-2016 Civil Grand Jury Report, Case #16-15GJ, relating to the Stanislaus County Building Study and authorize the City Manager to forward the City's response to the attention of Presiding Judge Marie Sovey Silveira, Superior Court of California.
City Manager; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Resolution 2016-313 (Ridenour/Kenoyer; 7/0) responding to the Findings and Recommendations of the Stanislaus County 2015-2016 Civil Grand Jury Report, Case #16-15GJ, relating to the Stanislaus County Building Study and authorize the City Manager to forward the City's response to the attention of Presiding Judge Marie Sovey Silveira, Superior Court of California.

Consent

4. Consider approving support for the Stanislaus County Superior Courthouse in Downtown Modesto. (Funding Source: Not Applicable)
 - Resolution approving support for the Stanislaus County Superior Courthouse in Downtown Modesto.
City Manager; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Resolution 2016-314 (Kenoyer/Madrigal; 7/0) approving support for the Stanislaus County Superior Courthouse in Downtown Modesto.

Consent

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

ACTION: Motion (Kenoyer/Madrigal; 7/0) accepting the Monthly Investment Report for May, 2016.

Consent

6. Consider authorizing an Agreement with California Consulting, LLC, of Clovis, CA, for a term of one year at an amount not to exceed \$48,000 to perform grant writing services and give professional advice in the development and administration of the City's Grant program. (Funding Source: Various Funds)
- Resolution authorizing an Agreement with California Consulting, LLC, of Clovis, CA, for a term of one year at an amount not to exceed \$48,000 to perform grant writing services and give professional advice in the development and administration of the City's Grant program, and authorizing the City Manager, or his designee, to execute the Agreement.
- Finance; Cindy Medley, 571-5164, Cmedley@modestogov.com*

ACTION: Resolution 2016-315 (Kenoyer/Madrigal; 7/0) authorizing an Agreement with California Consulting, LLC, of Clovis, CA, for a term of one year at an amount not to exceed \$48,000 to perform grant writing services and give professional advice in the development and administration of the City's Grant program, and authorizing the City Manager, or his designee, to execute the Agreement. **(AS AMENDED)**.

Consent

7. Consider authorizing a Contract for the refurbishment of 14 transit buses to Complete Coach Works, Riverside, CA, for an estimated total cost of \$2,765,913 and amending the Fiscal Year 2016-2017 operating budget in the amount of \$294,526. (Funding Source: Transit Funds)
- Resolution authorizing the Award of Proposal and Contract for the refurbishment of 14 model year 2003 Gillig transit buses for the Public Works Department, to Complete Coach Works, Riverside, CA, and authorizing the City Manager, or his designee, to execute a Contract for an estimated total cost of \$2,765,913.
 - Resolution amending the Fiscal Year 2016-2017 operating budget in the amount of \$294,526 to fund the refurbishment of 14 model year 2003 Gillig transit buses.
- Public Works; Kay Dillon, 571-5122, kdillon@modestogov.com*

ACTION: Resolution 2016-316 (Kenoyer/Madrigal; 7/0) authorizing the Award of Proposal and Contract for the refurbishment of 14 model year 2003 Gillig transit buses for the Public Works Department, to Complete Coach Works, Riverside, CA, and authorizing the City Manager, or his designee, to execute a Contract for an estimated total cost of \$2,765,913.

ACTION: Resolution 2016-317 (Kenoyer/Madrigal; 7/0) amending the Fiscal Year 2016-2017 operating budget in the amount of \$294,526 to fund the refurbishment of 14 model year 2003 Gillig transit buses.

Removed from Consent; Councilmember Ridenour absent due to conflict of interest

8. Consider approving a five (5) year sole source contract with TASER International, Inc.,

Scottsdale, AZ for Axon Flex replacement body-worn cameras, Axon Fleet car-mounted camera systems, unlimited video storage and maintenance for the Modesto Police Department's TASER Axon Flex camera system, in addition to new Conducted Electrical Weapons (CEWs), for a total cost of \$1,798,796. (Funding Source: General Fund)

- Resolution approving a 5 year Contract with TASER International, Inc., Scottsdale, AZ for Axon Flex replacement body-worn cameras, Axon Fleet car-mounted camera systems, unlimited video storage and maintenance for the Modesto Police Department's TASER Axon Flex camera system, in addition to new Electronic Control Devices, for a total cost of \$1,798,796, and authorizing the City Manager, or his designee, to execute the Contract.

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

ACTION: Resolution 2016-318 (Madrigal/Kenoyer; 6/0; Ridenour absent due to conflict of interest) approving a 5 year Contract with TASER International, Inc., Scottsdale, AZ for Axon Flex replacement body-worn cameras, Axon Fleet car-mounted camera systems, unlimited video storage and maintenance for the Modesto Police Department's TASER Axon Flex camera system, in addition to new Electronic Control Devices, for a total cost of \$1,798,796, and authorizing the City Manager, or his designee, to execute the Contract.

Consent

9. Consider approving the expenditure plan for the Fiscal Year 2016-2017 State Supplemental Law Enforcement Services Fund (SLESF) allocation of at least \$100,000 for police overtime, training, technology, and equipment and amending the Fiscal Year 2016-2017 Multi-Year Budget. (Funding Source: 1342 - Grants - Police)
 - Resolution authorizing the City Manager, or his designee, to execute the necessary program documents accepting the State Supplemental Law Enforcement Grant, in the amount of at least \$100,000, from the State Supplemental Law Enforcement Services Fund for police overtime, training, technology, and equipment.
 - Resolution authorizing the Director of Finance, or her designee, to amend the Fiscal Year 2016/2017 Multi-Year Budget to appropriate revenues and expenditures of at least \$100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund.

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

ACTION: Resolution 2016-319 (Kenoyer/Madrigal; 7/0) authorizing the City Manager, or his designee, to execute the necessary program documents accepting the State Supplemental Law Enforcement Grant, in the amount of at least \$100,000, from the State Supplemental Law Enforcement Services Fund for police overtime, training, technology, and equipment.

ACTION: Resolution 2016-320 (Kenoyer/Madrigal; 7/0) authorizing the Director of Finance, or her designee, to amend the Fiscal Year 2016/2017 Multi-Year Budget to appropriate revenues and expenditures of at least \$100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund.

Consent

10. Consider rejecting bids received for the Digester Cleaning Services. (Funding Source: Wastewater Fund)
- Resolution rejecting bids received for RFB No. 1516-28 for Digester Cleaning Services and authorizing the City Manager or his designee to re-release an RFB at a future date with an amended scope of work.
Utilities; Laura Anhalt, 577-6224, lanhalt@modestogov.com

ACTION: Resolution 2016-321 (Kenoyer/Madrigal; 7/0) rejecting bids received for RFB No. 1516-28 for Digester Cleaning Services and authorizing the City Manager or his designee to re-release an RFB at a future date with an amended scope of work.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended events at Marshall Park and Modesto Gospel Mission with free backpacks for students; she also attended Junior Giants end of year event with 76 teams at no cost to the players; she announced 181 National Night Out events on Tuesday evening.

Councilmember Grewal also attended a National Night Event on Tuesday evening and thanked Officer Aaron Tait.

Councilmember Madrigal announced a tour by Council at UC Merced by Council on Friday; he invited members of the public to a free haircuts for kids event on Saturday at 11:00 a.m. at 707 I Street, Modesto; he thanked Lt. Ivan Valencia at National Night Out on Tuesday evening.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson also thanked Modesto Police Department for the National Night Out events on Tuesday evening.

UNFINISHED BUSINESS

11. Consider increasing the Public Works Director's authority to issue change orders to the construction contract with Teichert/MCM, Fowler, CA from 6% (\$1,859,998) to 16.5% for an increase to \$2,800,671 in Construction Contingency and \$2,329,360 in Supplemental Work; and amending the Construction Management Services contract with Mendoza & Associates in an amount not to exceed 10% or \$422,100 for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project. (Funding Source: CIP 100786-CED.Land Development Engineering – State Route 99 Proposition 1B Bond Savings)
- Resolution increasing the authority of the Public Works Director to issue changes in the construction Contract with Teichert/MCM, a Joint Venture, Fowler, California via written change orders in an amount not to exceed budgeted amount of \$2,800,671 in Construction Contingency and \$2,329,360 in Supplemental Work.
 - Resolution authorizing the City Manager to execute amendments to the

Construction Management Services contract with Mendoza & Associates, in a form to be approved by the City Attorney, and in an amount not to exceed 10% of the Service contract or \$422,100 (collectively for all amendments authorized under this resolution) for the State Route 99/ Pelandale Avenue Interchange Reconstruction Project.

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

ACTION: Resolution 2016-322 (Kenoyer/Grewal; 7/0) increasing the authority of the Public Works Director to issue changes in the construction Contract with Teichert/MCM, a Joint Venture, Fowler, California via written change orders in an amount not to exceed budgeted amount of \$2,800,671 in Construction Contingency and \$2,329,360 in Supplemental Work.

ACTION: Resolution 2016-323 (Kenoyer/Grewal; 7/0) authorizing the City Manager to execute amendments to the Construction Management Services contract with Mendoza & Associates, in a form to be approved by the City Attorney, and in an amount not to exceed 10% of the Service contract or \$422,100 (collectively for all amendments authorized under this resolution) for the State Route 99/ Pelandale Avenue Interchange Reconstruction Project.

12. Consider: (i) awarding a Contract to Myers-Rados of Santa Ana, CA in the amount of \$40,896,000; (ii) approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Design Support During Construction in the amount of \$2,181,263; and (iii) amending the Fiscal Year 2016-2017 Capital Improvement Program budget by increasing revenues in the amount of \$48,319,623 and increasing expenditures in the amount of \$46,189,623 for the North Valley Regional Recycled Water Program Project. (Funding Source: Wastewater Fund and Clean Water State Revolving Fund Loan)

- Resolution awarding a contract to Myers-Rados, a Joint Venture, of Santa Ana, CA for the North Valley Regional Recycled Water Program Project in the amount of \$40,896,000.
- Resolution approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Owner's Advisor Construction Services and Design Support During Construction for the North Valley Regional Recycled Water Program Project, in an amount not to exceed \$1,982,966 for the identified scope of services, plus \$198,297 for additional services (if needed), for a maximum total amount of \$2,181,263 and authorizing the City Manager, or his designee to execute the agreement.
- Resolution amending the Fiscal Year 2016-2017 Capital Improvement Program budget by increasing revenues in the amount of \$48,319,623 and increasing expenditures in the amount of \$46,189,623 to be transferred into the project account, as per the executed Financing Agreement with the State Water Resources Control Board, and contingent upon receipt of the executed Financing Agreement with the State Water Resources Control Board, in order to fully fund the design and construction activities for the North Valley Regional Recycled Water Program Project.

Utilities; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2016-324 (Zoslocki/Madrigal; 7/0) awarding a contract to Myers-

Rados, a Joint Venture, of Santa Ana, CA for the North Valley Regional Recycled Water Program Project in the amount of \$40,896,000.

ACTION: Resolution 2016-325 (Zoslocki/Madrigal; 7/0) approving an Agreement with Carollo Engineers, Inc., Walnut Creek, CA for Owner's Advisor Construction Services and Design Support During Construction for the North Valley Regional Recycled Water Program Project, in an amount not to exceed \$1,982,966 for the identified scope of services, plus \$198,297 for additional services (if needed), for a maximum total amount of \$2,181,263 and authorizing the City Manager, or his designee to execute the agreement.

ACTION: Resolution 2016-326 (Zoslocki/Madrigal; 7/0) amending the Fiscal Year 2016-2017 Capital Improvement Program budget by increasing revenues in the amount of \$48,319,623 and increasing expenditures in the amount of \$46,189,623 to be transferred into the project account, as per executed Financing Agreement with the State Water Resources Control Board, and contingent upon receipt of executed Financing Agreement with the State Water Resources Control Board, in order to fully fund the design and construction activities for the North Valley Regional Recycled Water Program Project.

NEW BUSINESS

13. Consider: (i) approving a proposed Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Police Officers Association (MPOA) for a term of July 1, 2016 to June 30, 2019 and (ii) amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employees Retirement System (CalPERS) on behalf of employees represented by the Modesto Police Officers Association (MPOA) and rescinding Resolution No. 2015-32. (Funding Source: General Fund)
- Resolution approving a proposed Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Police Officers Association (MPOA) for a term of July 1, 2016 to June 30, 2019; and authorizing the City Manager or designee to take the necessary administrative action to implement the agreement.
 - Resolution amending a labor policy for paying and reporting the value of Employer Paid Member Contributions to the California Public Employees Retirement System (CalPERS) on behalf of employees represented by the Modesto Police Officers Association (MPOA) and rescinding Resolution No. 2015-32.
- Human Resources; Joe Lopez, 571-5809, joelopez@modestogov.com*

ACTION: Resolution 2016-327 (Ridenour/Ah You; 7/0) approving a proposed Agreement including language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and Modesto Police Officers Association (MPOA) for a term of July 1, 2016 to June 30, 2019; and authorizing the City Manager or designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2016-328 (Ridenour/Ah You; 7/0) amending a labor policy for paying

and reporting the value of Employer Paid Member Contributions to the California Public Employees Retirement System (CalPERS) on behalf of employees represented by the Modesto Police Officers Association (MPOA) and rescinding Resolution No. 2015-32.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:45 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Name of case: Sassafrass 821 LLC v. COM
 Case No. 1:16-CV-01023-DAD-EPG

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
**GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL
WORKSHOP**

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

Monday, August 08, 2016, at 5:00 p.m.

Roll Call: Present: Chair Kenoyer, Members Ah You and Ridenour Sr.

PUBLIC COMMENTS

None.

CONSENT ITEMS – None.

UNFINISHED BUSINESS

1. [Consider receiving an update on an amended Ordinance to the Fire Code which allows law enforcement personnel to issue administrative citations related to illegal fireworks and provide direction to staff on any revisions deemed necessary. \(Funding Source: General Fund Revenue\)](#)
Fire; Mike Payton , 571-5876, mpayton@modestofire.com
ACTION: (Motion: Ridenour/Kenoyer: unan.) to direct Fire Chief and City Attorney to meet with stakeholders and return to the Committee with plausible options and possible draft ordinance at the September 12 meeting.

NEW BUSINESS

2. [Consider accepting an informational update regarding Modesto's "Tag We're On it" anti-tagging program and forwarding to Council for approval the Memorandum of Understanding with Stanislaus County regarding the removal of tagging by the City in areas of Stanislaus County that adjoin the City along Highway 99. \(Funding Source: General Fund and Multi-year Abatement Fund\)](#)
Community & Economic Development; Will Crew, 577-5242, wcrew@modestogov.com
ACTION: (Motion: Ridenour/Ah You: unan.) to accept update and forward to City Council for consideration of approval.
3. [Consider approving funding to restore the Fire Department's EMS Coordinator position and forwarding to Council for approval.](#)

(Funding Source: General Fund/Contributions from Outside Agencies)

Fire; Alan Ernst, 572-9869, aernst@modestofire.com

ACTION: (Motion: Ah You/Ridenour: unan.) to forward position funding to City Council for consideration of approval.

4. Consider accepting an informational report on the creation and implementation of an Unmanned Aerial Vehicle Program for the Modesto Police Department, and forwarding to Council for approval. (Funding Source: General Fund)

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

ACTION: (Motion: Ridenour/Ah You: unan.) to accept report and forward to City Council for consideration of approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:57 p.m.

Attest: _____

Manager

H. Brent Sinclair, Deputy City

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday August 09, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein, College Avenue United Church of Christ

City Clerk's Announcements: Item Nos. 9, 11 and 17 - Removed from Consent; next Council meeting scheduled for September 13, 2016

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Sanchez reported on a Closed Session matter

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Golden Valley Health Centers proclaiming August 7-13, 2016 as National Health Center Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation to Golden Valley Health Centers proclaiming August 7-13, 2016 as National Health Center Week.

2. Presentation of Certificate of Recognition to a former Modesto Administrative Hearing Officer. (Funding Source: Not Applicable)
City Attorney; Adam Lindgren, 577-5288, alindgren@modestogov.com

ACTION: Mayor Brandvold presented a Certificate of Recognition to former Modesto Administrative Hearing Officer Carmen Morad.

3. Presentation of the 2015-2016 Mayor's Top Teens Scholarships and Farewell. (Funding Source: Not Applicable)
City Manager; Jim Holgersson, 577-5224, jholgersson@modestogov.com

ACTION: Mayor Brandvold and Councilmembers presented the 2015-2016 Mayor's Top Teens Scholarships and Farewell.

Recess at 6:00 p.m.

Reconvened at 6:13 p.m.

PUBLIC COMMENT PERIOD

- Adrien Harrell, Modesto Sister Cities, introduced students from Karume, Japan.
- Steven Barbieri, Alzheimer's Association, announced the Alzheimer's Walk on September 10, 2016 at Graceada Park.
- Rhonda Allen spoke regarding native plant gardens project on Encina Avenue by the La Loma Neighborhood Association.
- Loretta Carhart spoke regarding plants and trees in Modesto; she also spoke regarding helping handicapped residents and buses.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-8, 10, 12-16: (Kenoyer/Grewal; 7/0)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes from the August 3, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the August 3, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Grewal; 7/0) approving the minutes from the August 3, 2016 Council Meeting.

Consent

5. Consider approving an amendment to the Emergency Dispatch Services Joint Powers Agreement between the City of Modesto and the County of Stanislaus. (Funding Source: Not Applicable)
 - Resolution approving an amendment to an Emergency Dispatch Services Joint Powers Agreement between the City of Modesto and the County of Stanislaus and authorizing the City Manager or his designee to execute the amendment.
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Resolution 2016-329 (Kenoyer/Grewal; 7/0) approving an amendment to an Emergency Dispatch Services Joint Powers Agreement between the City of Modesto and the

County of Stanislaus and authorizing the City Manager or his designee to execute the amendment.

Consent

6. Consider accepting the 2015 General Plan Annual Report and directing staff to forward it to the State of California Office of Planning and Research and Department of Housing and Community Development. (Funding Source: Not Applicable)
- Motion accepting the 2015 General Plan Annual Report and directing staff to forward it to the State of California Office of Planning and Research and Department of Housing and Community Development.
Community & Economic Development; Brad Wall, 577-5273, bwall@modestogov.com

ACTION: Motion (Kenoyer/Grewal; 7/0) accepting the 2015 General Plan Annual Report and directing staff to forward it to the State of California Office of Planning and Research and Department of Housing and Community Development.

Consent

7. Consider adopting the Mitigated Negative Declaration for the Dennett Dam Removal Project located on Tuolumne River west of Ninth Street. (Funding Source: Not Applicable)
- Resolution adopting the Mitigated Negative Declaration for the Dennett Dam Removal Project located on Tuolumne River west of Ninth Street.
Community & Economic Development; Paul Liu , 577-5282, pliu@modestogov.com

ACTION: Resolution 2016-330 (Kenoyer/Grewal; 7/0) adopting the Mitigated Negative Declaration for the Dennett Dam Removal Project located on Tuolumne River west of Ninth Street.

Consent

8. Consider approving a Will Serve Letter and Outside Service Agreement for water service for the property located at 4201 McHenry Avenue in Modesto. (Funding Source: Water Fund, General Fund)
- Resolution approving a Will Serve Letter and Outside Service Agreement for water service between the City of Modesto and Burchell Nursery, Inc. for the property located at 4201 McHenry Avenue in Modesto (APN 046-005-010 & 014; 046-008-016 & 024) and authorizing the City Manager or his designee, to approve the Will Serve Letter and execute the Outside Service Agreement.
Community & Economic Development; Vickey Dion, 577-5542, vdion@modestogov.com

ACTION: Resolution 2016-331 (Kenoyer/Grewal; 7/0) approving a Will Serve Letter and Outside Service Agreement for water service between the City of Modesto and Burchell Nursery, Inc. for the property located at 4201 McHenry Avenue in Modesto (APN 046-005-010 & 014; 046-008-016 & 024) and authorizing the City Manager or his designee, to approve the Will Serve Letter and execute the Outside Service Agreement.

Removed from Consent

9. Consider approving the Final Map for the Virginia Avenue Subdivision located between Virginia Avenue and Hackberry Avenue and north of Griswold Avenue. (Funding Source: General Fund)
- Resolution approving the Final Map of the Virginia Avenue Subdivision, authorizing the City Manager or his designee to execute the Subdivision Improvement Agreement with Residential Partners LP, a California Limited Partnership and authorizing the City Clerk to certify the Final Map and record it with the Stanislaus County Recorder's office.
- Community & Economic Development; Vickey Dion, 571-5589, vdion@modestogov.com*

ACTION: Resolution 2016-332 (Kenoyer/Ah You; 7/0) approving the Final Map of the Virginia Avenue Subdivision, authorizing the City Manager or his designee to execute the Subdivision Improvement Agreement with Residential Partners LP, a California Limited Partnership and authorizing the City Clerk to certify the Final Map and record it with the Stanislaus County Recorder's office.

Consent

10. Consider amending an agreement with SunGard Public Sector to upgrade existing utility billing and accounts receivable software to a Cloud version Click2Gov Web Pay System resulting in a total cost increase over five years of less than \$10,000 and for a total estimated cost of \$132,101 over a five year period. (Funding Source: Utility Enterprises and General Fund)
- Resolution amending an agreement with SunGard Public Sector to upgrade existing utility billing and accounts receivable software to a Cloud version Click2Gov Web Pay System for an estimated cost of \$132,101 over a five year period and authorizes the City Manager, or his designee, to execute the amendment.
- Finance; Leslie Curtin, 571-5889, lcurtin@modestogov.com*

ACTION: Resolution 2016-333 (Kenoyer/Grewal; 7/0) amending an agreement with SunGard Public Sector to upgrade existing utility billing and accounts receivable software to a Cloud version Click2Gov Web Pay System for an estimated cost of \$132,101 over a five year period and authorizes the City Manager, or his designee, to execute the amendment.

Removed from Consent

11. Consider approving a contract with Kimley-Horn and Associates of Oakland, CA to develop a Fiber Network Infrastructure Design and Services Master Plan at a cost of \$167,365 over a term of 6 months. (Funding Source: Information Technology Fund)
- Resolution approving a contract with Kimley-Horn and Associates of Oakland, CA to develop a Fiber Network Infrastructure Design and Services Master Plan at a cost of \$167,365 over a term of six months, in a form to be approved by the City Attorney, and authorizing the City Manager, or his designee, to execute the agreement.
- Information Technology; John Dickey, 577-5229, jdickey@modestogov.com*

ACTION: Resolution 2016-334 (Zoslocki/Madrigan; 7/0) approving a contract with Kimley-Horn and Associates of Oakland, CA to develop a Fiber Network Infrastructure Design and Services Master Plan at a cost of \$167,365 over a term of six months, in a form to be approved by the City Attorney, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

12. Consider approving Amendment No. 3 for a one-year extension to an agreement with the County of Stanislaus for Government and Educational Programming on AccessModesto Community Television in the amount of \$142,360. (Funding Source: Education & Government Cable Fund)
- Resolution approving Amendment No. 3 to an Agreement with Stanislaus County for the Operation of Government and Educational Programming on AccessModesto Community Television in the amount of \$142,360.
Information Technology; John Dickey, 577-5229, jdickey@modestogov.com

ACTION: Resolution 2016-335 (Kenoyer/Grewal; 7/0) approving Amendment No. 3 to an Agreement with Stanislaus County for the Operation of Government and Educational Programming on AccessModesto Community Television in the amount of \$142,360.

Consent

13. Consider authorizing the Modesto Police Department to acquire a repurposed United States Air Force Armored Personnel Carrier vehicle through the California Public Safety Procurement Program, to be used as an additional "Armadillo" throughout the community. (Funding Source: General Fund)
- Resolution authorizing the Modesto Police Department to acquire a repurposed United States Air Force Armored Personnel Carrier vehicle through the California Public Safety Procurement Program.
Police; Galen Carroll, 572-9501, carrollg@modestopd.com

ACTION: Resolution 2016-336 (Kenoyer/Grewal; 7/0) authorizing the Modesto Police Department to acquire a repurposed United States Air Force Armored Personnel Carrier vehicle through the California Public Safety Procurement Program.

Consent

14. Consider approving the Airport Wildlife Hazard Management Plan Agreement with Coffman Associates for an amount not to exceed \$57,673 as well as creating an Airport capital project and amending Fiscal Year 2016-2017 Capital Improvement Budget for an amount not to exceed \$60,556. (Funding Source: Federal Aviation Administration Grant Funds 90.66%, with City Local Match of 9.34% using Stanislaus County Aircraft Tax Funds)
- Resolution approving a Wildlife Hazard Management Plan (WHMP) Agreement with Coffman Associates and authorizing the City Manager, or his designee, to execute the Agreement in an amount not to exceed \$57,673.
 - Resolution authorizing the creation of Airport capital project #100961 for the

Federal Aviation Administration (FAA) Grant 3-06-0153-040-2016 (AIP 40), and amending the Fiscal Year 2016-2017 Capital Improvement Budget to establish a budget in an amount not to exceed \$60,556.

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

ACTION: Resolution 2016-337 (Kenoyer/Grewal; 7/0) approving a Wildlife Hazard Management Plan (WHMP) Agreement with Coffman Associates and authorizing the City Manager, or his designee, to execute the Agreement in an amount not to exceed \$57,673.

ACTION: Resolution 2016-338 (Kenoyer/Grewal; 7/0) authorizing the creation of Airport capital project #100961 for the Federal Aviation Administration (FAA) Grant 3-06-0153-040-2016 (AIP 40), and amending the Fiscal Year 2016-2017 Capital Improvement Budget to establish a budget in an amount not to exceed \$60,556.

Consent

15. Consider approving an Agreement to develop an Airport Pavement Management Maintenance Plan with Kimley-Horn & Associates in an amount not to exceed \$87,614 and amending the Fiscal Year 2016-2017 Capital Improvement Budget not to exceed \$91,995. (Funding Source: Federal Aviation Administration Grant Funds 90.66%, with City Local Match of 9.34% using Stanislaus County Aircraft Tax Funds)

- Resolution approving an Airport Pavement Maintenance Management Plan (PMMP) agreement with Kimley-Horn & Associates and authorizing the City Manager, or his designee, to execute the Agreement in an amount not to exceed \$87,614.
- Resolution authorizing the creation of Airport capital project #100962 for the Federal Aviation Administration (FAA) Grant 3-06-0153-040-2016 (AIP 40), and amending the Fiscal Year 2016-2017 Capital Improvement Budget in an amount not to exceed \$91,995.

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

ACTION: Resolution 2016-339 (Kenoyer/Grewal; 7/0) approving an Airport Pavement Maintenance Management Plan (PMMP) agreement with Kimley-Horn & Associates and authorizing the City Manager, or his designee, to execute the Agreement in an amount not to exceed \$87,614.

ACTION: Resolution 2016-340 (Kenoyer/Grewal; 7/0) authorizing the creation of Airport capital project #100962 for the Federal Aviation Administration (FAA) Grant 3-06-0153-040-2016 (AIP 40), and amending the Fiscal Year 2016-2017 Capital Improvement Budget in an amount not to exceed \$91,995.

Consent

16. Consider approving the Amendment to the Shared Electrical Agreement between the City and the California Department of Transportation, District 10 for traffic signal and street lighting maintenance including electrical power expense. (Funding Source: Surface Transportation Fund)

- Resolution approving the Amendment to Exhibit “A” of the Shared Electrical Maintenance Agreement between the City of Modesto and California Department

of Transportation (Caltrans), District 10, and authorizing the City Manager, or his designee, to execute the amendment to the Shared Electrical Maintenance Agreement.

Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2016-341 (Kenoyer/Grewal; 7/0) approving the Amendment to Exhibit “A” of the Shared Electrical Maintenance Agreement between the City of Modesto and California Department of Transportation (Caltrans), District 10, and authorizing the City Manager, or his designee, to execute the amendment to the Shared Electrical Maintenance Agreement.

Removed from Consent

17. Consider approving the Modesto LED Street Light Conversion Project as complete, and authorizing all necessary steps for the closure of the project. (Funding Source: Surface Transportation Fund)

- Resolution accepting the LED Street Light Upgrade project as complete, and authorizing all necessary steps to close the project account.

Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2016-342 (Kenoyer/Zoslocki; 7/0) accepting the LED Street Light Upgrade project as complete, and authorizing all necessary steps to close the project account.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding Virginia Corridor area between Standiford and Union homeless camps, the Briggsmore Fountain and UC Merced tour.

Councilmember Madrigal spoke regarding the Free Haircuts for Kids event last Saturday for nearly 200 students; he also spoke regarding the Modesto Police Clergy Council event this morning.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Hearing Notice mailed to all ratepayers on June 24, 2016

18. Hearing to consider proposed water rate increase for Fiscal Years 2016-17 through 2020-21. (Funding Source: Water Fund)
- Conduct a hearing to consider proposed water rate increase for Fiscal Years 2016-17 through 2020-21.
 - At the close of the public hearing, determine whether there has been a majority protest by either property owners or customers.
 - If a majority protest has not occurred, adopt Resolution adopting water service

rates, effective September 1, 2016, for Fiscal Years 2016-17 through 2020-21 in accordance with Proposition 218 and amending Resolution No. 2004-627.
Utilities; William Wong, 571-5801, wwong@modestogov.com

Recess at 9:01 p.m.

Reconvened at 9:20 p.m.

ACTION: Hearing conducted to consider proposed water rate increase for Fiscal Years 2016-17 through 2020-21.

ACTION: There was no majority protest by either property owners or customers. **(1,492 protest votes; - 2%)**

ACTION: Resolution 2016-343 (Madrigal/Ah You; 6/1; Zoslocki no) adopting water service rates, effective September 1, 2016, for Fiscal Years 2016-17 through 2020-21 in accordance with Proposition 218 and amending Resolution No. 2004-627. **(AS AMENDED: Amending Section 5 of Resolution to delete 60 days and replace with 90 days to allow for a 90 day review process; (ii) directing staff to bring back a discount water rate program for low income seniors and families; (iii) directing staff to explore the possibility of transferring the water system that serves the Del Rio community to the appropriate Del Rio community agency and return to Council for action.)**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:12 p.m.

19. **COUNCIL WORKSHOP: Long Range Agenda.**
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

This Council workshop adjourned at 11:45 p.m.

CLOSED SESSION

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

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Wednesday, August 10, 2016, at 2:00 p.m.

Roll Call: Present: Chair Zoslocki, Members Ridenour Sr. and Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS – None.

NEW BUSINESS

1. [Consider accepting the Culture Commission Annual Report for Fiscal Year 2015-2016 and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com
ACTION: (Motion: Ridenour/Kenoyer: unan.) to accept report and forward to City Council for consideration of approval.
2. [Consider approving the City of Modesto Culture Commission's proposal to sponsor a design contest for an official flag for the City of Modesto and forwarding to Council for approval. \(Funding Source: General Fund\)](#)
Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com
ACTION: (Motion: Kenoyer/Ridenour: unan.) to forward proposal to City Council for consideration of approval.
3. [Consider approving the installation of a Speed Hump or Speed Cushion on Sheffield Lane between Rumble Road and Sunrise Avenue and forwarding to Council for approval. \(Funding Source: Private Funding\)](#)
Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com
ACTION: (Motion: Kenoyer/Zoslocki: unan.) to forward this item to City Council for consideration of approval. (Member Ridenour dismissed himself from meeting)
4. [Consider approving the Modesto City-County Airport Commercial Service Market Study and forwarding to Council for approval. \(Funding Source: County Aircraft Tax Funds and Airport Fund\)](#)
Public Works; Steve Fishio, 342-2222, sfishio@modestogov.com
ACTION: (Motion: Kenoyer/Zoslocki: unan.) to forward Study

to City Council for consideration of approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:17 p.m.

Attest: _____

Manager

H. Brent Sinclair, Deputy City

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday, August 10, 2016, at 11:00 a.m.

Roll Call Present: Councilmembers Zoslocki, Ridenour, Grewal
Absent: None
Also Present: Councilmember Kenoyer

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider approving the Internal Audit Status Report thru July 31, 2016, dated August 10, 2016 prepared by Moss Adams, LLP. (Funding Source: General Fund)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Grewal/Ridenour; unan.) approving the Internal Audit Status Report thru July 31, 2016, dated August 10, 2016 prepared by Moss Adams, LLP.

2. Consider approving the Water and Wastewater Efficiency Study Update Final Report, dated July 8, 2016 prepared by Moss Adams, LLP and forwarding to Council for approval. (Funding Source: Water / Wastewater Funds)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Ridenour/Grewal; unan.) approving the Water and Wastewater Efficiency Study Update Final Report, dated July 8, 2016 prepared by Moss Adams, LLP and forwarding to Council for approval.

3. Consider approving a Solid Waste Division Efficiency Study Final Report, dated August 2, 2016 prepared by Moss Adams, LLP and forwarding to Council for approval. (Funding Source: Solid Waste Funds)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Ridenour/Grewal; unan.) accepting a Solid Waste Division Efficiency Study Final Report, dated August 2, 2016 prepared by Moss Adams, LLP; City Auditor Moss

Adams LLP directed to return to Audit Committee with updated information requested for the Report.

4. Consider approving (i) a Policy Review Study and Proposed Policy Framework and (ii) a Proposed Table of Contents for Council Policy Manual and Administrative Directives dated June 20, 2016 prepared by Moss Adams, LLP and forwarding to Council for approval. (Funding Source: General Fund)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Ridenour/Grewal; unan.) approving (i) a Policy Review Study and Proposed Policy Framework and (ii) a Proposed Table of Contents for Council Policy Manual and Administrative Directives dated June 20, 2016 prepared by Moss Adams, LLP and forwarding to Council for approval.

5. Consider approving City Auditor Moss Adams, LLP Fiscal Year 2016-2017 Internal Audit Program Plan in the amount of \$200,000 and forwarding to Council for approval. (Funding Source: General Fund)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Ridenour/Grewal; unan.) approving City Auditor Moss Adams, LLP Fiscal Year 2016-2017 Internal Audit Program Plan in the amount of \$200,000 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:32 p.m.

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

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

Monday, August 22, 2016, at 2:02 p.m.

Roll Call - Present: Councilmembers Grewal, Ah You and Zoslocki

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. Consider accepting an informational report on proposed implementation of recommendations from the Mayor's 100 Day Committee, accepting the corresponding action plans for each recommendation, and forwarding to Council for approval.
(Funding Source: Various)
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Motion (Zoslocki/Ah You; unan.) accepting an informational report on proposed implementation of recommendations from the Mayor's 100 Day Committee, accepting the corresponding action plans for each recommendation, and forwarding to Council for approval.

2. Consider approving the recommended budget adjustments to the Fiscal Year 2015-16 and Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budgets and forward to Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com

ACTION: Motion (Zoslocki/Ah You; unan.) approving the recommended budget adjustments to the Fiscal Year 2015-16 and Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budgets and forward to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:02 p.m.

Attest: _____
Joe Lopez, Deputy City Manager

MINUTES

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

2nd Floor Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California

Wednesday August 24, 2016, at 5:00 p.m.

Roll Call: Present: Chair Brandvold, and Alternate Kenoyer. Member Madrigal arrived at 5:29 p.m.

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. [Consider recommending appointment for three \(3\) vacancies to the Equal Opportunity/Disability and Human Relations Commission and forward to Council for approval. \(Funding Source: Not Applicable\)](#)
Human Resources; Joseph Lopez, 571-5809, joelopez@modestogov.com
ACTION: (Motion: Kenoyer/Brandvold: unan.) to forward Douglass Parman to City Council for consideration of appointment to fill one of the vacancies.
2. [Consider recommending the appointments of Susan Williams and Maria Arevalo to fill current vacancies on the City of Modesto Golf Course Advisory Committee and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com
ACTION: (Motion: Kenoyer/Brandvold: unan.) to forward Susan Williams and Maria Arevalo to City Council for consideration of appointment.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:29 p.m.

Attest:

Manager

H. Brent Sinclair, Deputy City

MINUTES

City of Modesto

GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL WORKSHOP

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

Monday, September 12, 2016, at 5:00 p.m.

Roll Call: Present: Chair Kenoyer, Members Ah You and Ridenour Sr.

PUBLIC COMMENTS

Fire Chief Slamon informed the Committee he met with stakeholders regarding the fireworks ordinance, had a productive meeting and will bring back recommendations to the October committee meeting.

CONSENT ITEMS

None.

NEW BUSINESS

1. [Presentation of information for City staff to explore prohibiting single use plastic bags. \(Funding Source: Not Applicable\)](#)
Public Works; Vicki Rice, 577-5495, vrice@modestogov.com
ACTION: (Motion: Ridenour/Ah You: unan.) to return to the next committee meeting for further information.
2. [Consider accepting an informational report on proposed implementation of recommendations from the Mayor's 100 Days Committee, accepting the corresponding action plans for each recommendation, and forwarding to Council for approval. \(Funding Source: Various\)](#)
City Manager; Joseph Lopez, 571-5809, joelopez@modestogov.com
ACTION: (Motion: Ridenour/Ah You: unan.) to accept report and forward to City Council for consideration of approval.
3. [Consider accepting an informational report regarding Modesto's Crime Statistics for January through June 2016, as compared to January through June 2015. \(Funding Source: Not Applicable\)](#)
Police; Galen Carroll, 572-9501, carrollg@modestopd.com
ACTION: (Motion: Ah You/Ridenour: unan.) to accept the report.
4. [Consider approving an Agreement for landscape maintenance services with Grover Landscape Services, Inc. for an estimated](#)

annual cost of \$1,670,000, totaling \$8,363,000 over a period of five years, and forwarding to Council for approval. (Funding Source: General Fund, Community Facility Districts, Enterprise Fund, and Tuolumne River Regional Park JPA)

*Public Works; Kelly Gallagher, 342-2270,
kgallgher@modestogov.com*

ACTION: (Motion: Ah You/Ridenour: unan.) to forward this item to City Council for consideration of approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:12 p.m.

Attest:

Manager

H. Brent Sinclair, Deputy City

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 13, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Rabbi Shalom Bochner, Congregation Beth Shalom

City Clerk's Announcements: Item 6 – Resolution amended

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Memorial Medical Center in Honor of Sutter Health for being named among the Top U.S. Health Systems. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation to Memorial Medical Center in Honor of Sutter Health for being named among the Top U.S. Health Systems.

2. Presentation of Proclamation declaring September as National Senior Center Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation declaring September as National Senior Center Month.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider appointing Susan Williams and Maria Arevalo as members chosen at-large to the Golf Courses Advisory Committee. (Funding Source: Not Applicable)
 - Resolution appointing Susan Williams and Maria Arevalo as members chosen at large to the City of Modesto Golf Courses Advisory Committee.
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2016-344 (Madrigal/Kenoyer; 7/0) appointing Susan Williams and Maria Arevalo as members chosen at large to the City of Modesto Golf Courses Advisory Committee.

PUBLIC COMMENT PERIOD

- Susan Beasley spoke regarding the International Heritage Festival on October 1, 2016 at Modesto Junior College East Campus.
- Ray Pefferini spoke regarding trees in Modesto.
- Major Domke, Civil Air Patrol, spoke regarding a lease at the Modesto Airport.
- Loretta Carhart spoke regarding traffic on Carpenter Road and taxes for roads.
- Dave Pratt spoke regarding low income housing in the Airport District.
- Cecil Russell, Chamber of Commerce, announced the 55th Annual Harvest Lunch on Friday at Modesto Junior College and F&M Bank celebration.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-22: (Kenoyer/Ah You; unan.)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes from the August 9, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the August 9, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Ah You; 7/0) approving the minutes from the August 9, 2016 Council Meeting.

Consent

5. Consider approving annexation of 1303 Mable Avenue to City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2). (Funding Source: CFD No. 2007-1 (North Beyer Park #2))
 - Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2) and to Authorize the Levy of a Special Tax Within the Territory Proposed to be Annexed (Annexation #1).
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-345 (Kenoyer/Ah You; 7/0) of Intention to Annex Territory to City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2) and to Authorize the Levy of a Special Tax Within the Territory Proposed to be Annexed (Annexation #1).

Consent

6. Consider approving the "First Amendment to NSP3 Loan Agreement" with Habitat for Humanity Stanislaus County to revise repayment obligations and revise project timelines for the completion of 21 affordable for-sale housing units commonly known as River Vista. (Funding Source: Neighborhood Stabilization Program 3)
 - Resolution approving the First Amendment to the NSP3 Loan Agreement with Habitat for Humanity Stanislaus County and authorizing the City Manager, or his designee, to execute the amendment and related documents.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-346 (Kenoyer/Ah You; 7/0) approving the First Amendment to the NSP3 Loan Agreement with Habitat for Humanity Stanislaus County and authorizing the City Manager, or his designee, to execute the amendment and related documents.

Consent

7. Consider approving the Third Amendment to the HOME Loan Agreement with Stanislaus County Affordable Housing Corporation (STANCO) to include the acquisition of property to provide four (4) permanent supportive housing units. (Funding Source: HOME Investment Partnership Program)
 - Resolution approving the Third Amendment to the HOME Investment Partnerships Program Loan Agreement with Stanislaus County Affordable Housing Corporation to include the acquisition of the property for four (4) one-bedroom permanent supportive units for persons with mental health disabilities, the HOME Investment Partnership Program entitlement funding of \$563,383, and authorize the City Manager, or his designee, to execute the amendment and related documents.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-347 (Kenoyer/Ah You; 7/0) approving the Third Amendment to

the HOME Investment Partnerships Program Loan Agreement with Stanislaus County Affordable Housing Corporation to include the acquisition of the property for four (4) one-bedroom permanent supportive units for persons with mental health disabilities, the HOME Investment Partnership Program entitlement funding of \$563,383, and authorize the City Manager, or his designee, to execute the amendment and related documents.

Consent

8. Consider accepting the Monthly Budget Adjustments Report for May, June & July 2016 and amending Fiscal Years 2015-16, and 2016-17, Annual Operating and Capital Improvement Budgets. (Funding Source: Various Funds)
- Resolution amending the Fiscal Years 2015-16 and 2016-17 Annual Operating and Capital Improvement Budgets.
- Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com*

ACTION: Resolution 2016-348 (Kenoyer/Ah You; 7/0) amending the Fiscal Years 2015-16 and 2016-17 Annual Operating and Capital Improvement Budgets.

Consent

9. Consider approving unfreezing the allocation for the EMS Coordinator position and amending the Fiscal Year 2016-17 Operating Budget for the Fire Department. (Funding Source: General Fund/Contributions from Outside Agencies)
- Resolution approving unfreezing the EMS Coordinator allocation and amending the Fiscal Year 2016-17 Operating Budget for the Fire Department.
- Fire; Alan Ernst, 572-9590, aernst@modestofire.com*

ACTION: Resolution 2016-349 (Kenoyer/Ah You; 7/0) approving unfreezing the EMS Coordinator allocation and amending the Fiscal Year 2016-17 Operating Budget for the Fire Department.

Consent

10. Consider accepting an updated Delegation of Authority Resolution to bring the City into compliance with CalPERS' request to add the Mayor's signature and update the City's Procedures for Local Safety Members for the Initiation of a Disability Retirement Application, Dispute Resolution of Disability Retirements, and Reinstatement from Disability Retirement and rescind Resolution No. 2008-366. (Funding Source: Not Applicable)
- Resolution accepting an updated Delegation of Authority Resolution to bring the City into compliance with CalPERS' request to add the Mayor's signature, update the City's Procedures for Local Safety Members for the Initiation of a Disability Retirement Application, Dispute Resolution of Disability Retirements, and Reinstatement from Disability Retirement and rescind Resolution No. 2008-366.
- Human Resources; Joe Lopez, 571-5809, joelopez@modestogov.com*

ACTION: Resolution 2016-350 (Kenoyer/Ah You; 7/0) accepting an updated Delegation of Authority Resolution to bring the City into compliance with CalPERS' request to add the Mayor's signature, update the City's Procedures for Local Safety Members for the Initiation of

a Disability Retirement Application, Dispute Resolution of Disability Retirements, and Reinstatement from Disability Retirement and rescind Resolution No. 2008-366.

Consent

11. Consider approving a continued Agreement with Final Cut Media on a month to month basis for a period of 1 year in the annual sum of \$202,070 for the management of the Education and Government television master control room. (Funding Source: Education and Government Cable Fund)

- Resolution approving a continued Agreement with Final Cut Media administered on a month to month basis for a period of one (1) year in the sum of \$202,070 for the management of the Education and Government (EG) television master control room. (Funding Source: Education & Government Cable Funds)

Information Technology; John Dickey, 577-5229, jdickey@modestogov.com

ACTION: Resolution 2016-351 (Kenoyer/Ah You; 7/0) approving a continued Agreement with Final Cut Media administered on a month to month basis for a period of one (1) year in the sum of \$202,070 for the management of the Education and Government (EG) television master control room. (Funding Source: Education & Government Cable Funds)

Consent

12. Consider accepting an informational report on the creation and implementation of an Unmanned Aerial Vehicle Program for the Modesto Police Department. (Funding Source: General Fund)

- Motion accepting an informational report by staff on the creation and implementation of an Unmanned Aerial Vehicle Program for the Modesto Police Department.

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

ACTION: Motion (Kenoyer/Ah You; 7/0) accepting an informational report by staff on the creation and implementation of an Unmanned Aerial Vehicle Program for the Modesto Police Department.

Consent

13. Consider accepting the Office of Traffic Safety 2017 Selective Traffic Enforcement Program (STEP) Grant in the amount of approximately \$426,064 and amending the Fiscal Year 2016/17 Operating and Multi-Year Budget. (Funding Source: Grants - Police)

- Resolution accepting the 2017 Selective Traffic Enforcement Program Grant in the amount of approximately \$426,064 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations; and authorizing the City Manager, or his authorized designee to execute the necessary documents.
- Resolution amending the Fiscal Year 2016/17 Operating and Multi-Year Budget, estimating revenue in the amount of \$426,064 for the STEP Grant.

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

ACTION: Resolution 2016-352 (Kenoyer/Ah You; 7/0) accepting the 2017 Selective Traffic

Enforcement Program Grant in the amount of approximately \$426,064 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations; and authorizing the City Manager, or his authorized designee to execute the necessary documents.

ACTION: Resolution 2016-353 (Kenoyer/Ah You; 7/0) amending the Fiscal Year 2016/17 Operating and Multi-Year Budget, estimating revenue in the amount of \$426,064 for the STEP Grant.

Consent

14. Consider approving the installation of a Speed Hump on Sheffield Lane between Rumble Road and Sunrise Avenue. (Funding Source: Private Funding)
- Resolution approving the installation of a Speed Hump on Sheffield Lane between Rumble Road and Sunrise Avenue.
- Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

ACTION: Resolution 2016-354 (Kenoyer/Ah You; 7/0) approving the installation of a Speed Hump on Sheffield Lane between Rumble Road and Sunrise Avenue.

Consent

15. Consider authorizing the purchase of 3 three-quarter ton extended cab utility trucks from Albany Ford, Albany, CA, for an estimated total cost of \$111,748. (Funding Source: Fleet Replacement Fund)
- Resolution authorizing the award of bid for the purchase of three three-quarter ton extended cab utility trucks to Albany Ford, Albany, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$111,748.
- Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com*

ACTION: Resolution 2016-355 (Kenoyer/Ah You; 7/0) authorizing the award of bid for the purchase of three three-quarter ton extended cab utility trucks to Albany Ford, Albany, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$111,748.

Consent

16. Consider approving the 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 Department Director. (Funding Source: Various CIPs)
- Resolution approving the prequalified local consultant list, consisting of DF Engineering, Inc., North Star Engineering Group, Inc., O'Dell Engineering, and Provost & Pritchard Consulting Group for Civil Engineering Services for various Capital Improvement Program (CIP) projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Department Director.
- Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

ACTION: Resolution 2016-356 (Kenoyer/Ah You; 7/0) approving the prequalified local consultant list, consisting of DF Engineering, Inc., North Star Engineering Group, Inc., O'Dell Engineering, and Provost & Pritchard Consulting Group for Civil Engineering Services for various Capital Improvement Program (CIP) projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Department Director.

Consent

17. Consider: (i) awarding a contract to Mountain Cascade Inc., of Livermore, CA, in the amount of \$2,944,000 for the Hahn and Rumble Lift Station Replacement Project; (ii) approving an increase to the Director's change orders authority; and (iii) amending the Fiscal Year 2016-2017 Capital Improvement Program Budget in the amount of \$500,000. (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the Hahn and Rumble Lift Station Replacement Project, accepting the bid, and approving a contract with Mountain Cascade Inc., of Livermore, CA in the amount of \$2,944,000, and authorizing the City Manager, or his designee, to execute the contract.
 - Resolution authorizing an increase in the Director's Authority to issue change orders for the Hahn and Rumble Lift Station Replacement Project from 10 percent (\$294,400) to 15 percent (\$441,600) of the construction contract price of \$2,944,000 with Mountain Cascade, Inc., of Livermore, CA.
 - Resolution amending the Fiscal Year 2016-2017 Capital Improvement Program Budget in the amount of \$500,000 to be transferred into Project 100523 from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for Hahn and Rumble Lift Station Replacement Project.

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

ACTION: Resolution 2016-357 (Kenoyer/Ah You; 7/0) approving the plans and specifications for the Hahn and Rumble Lift Station Replacement Project, accepting the bid, and approving a contract with Mountain Cascade Inc., of Livermore, CA in the amount of \$2,944,000, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2016-358 (Kenoyer/Ah You; 7/0) authorizing an increase in the Director's Authority to issue change orders for the Hahn and Rumble Lift Station Replacement Project from 10 percent (\$294,400) to 15 percent (\$441,600) of the construction contract price of \$2,944,000 with Mountain Cascade, Inc., of Livermore, CA

ACTION: Resolution 2016-359 (Kenoyer/Ah You; 7/0) amending the Fiscal Year 2016-2017 Capital Improvement Program Budget in the amount of \$500,000 to be transferred into Project 100523 from Wastewater Fund Reserves in order to fully fund the construction, contingency, construction administration, and design support during construction for Hahn and Rumble Lift Station Replacement Project.

Consent

18. Consider declaring an unused portion of a storm drainage basin as exempt surplus property and approving a sale of this property in the amount of \$2,320. (Funding

Source: Wastewater Sales of Fixed Assets 4480-44222-49001))

- Resolution declaring an unused portion of the Snyder West Drainage Basin as exempt surplus property pursuant to Government Code Section 54221.
- Resolution approving the sale of surplus property, consisting of 928 square feet (0.02 acre) described as an unused portion of the Snyder West Drainage Basin, and authorizing the City Manager, or his designee, to execute the Grant Deed and all related documents required to complete the sale and close escrow.

Utilities; Jon Yurjar, 577-5399, jyurjar@modestogov.com

ACTION: Resolution 2016-360 (Kenoyer/Ah You; 7/0) declaring an unused portion of the Snyder West Drainage Basin as exempt surplus property pursuant to Government Code Section 54221.

ACTION: Resolution 2016-361 (Kenoyer/Ah You; 7/0) approving the sale of surplus property, consisting of 928 square feet (0.02 acre) described as an unused portion of the Snyder West Drainage Basin, and authorizing the City Manager, or his designee, to execute the Grant Deed and all related documents required to complete the sale and close escrow.

Consent

19. Consider accepting the Tank 7 Recoat Project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling \$169,623 to Utility Service Co., Inc. of Perry, Georgia. (Funding Source: Water Fund - CIP)
- Resolution accepting the Tank 7 Recoat project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling \$169,623 to Utility Service Co., Inc. of Perry, Georgia.

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

ACTION: Resolution 2016-362 (Kenoyer/Ah You; 7/0) accepting the Tank 7 Recoat project as complete, authorizing all necessary steps to file with the County Recorder, and releasing securities and payments totaling \$169,623 to Utility Service Co., Inc. of Perry, Georgia.

Consent

20. Consider authorizing the submittal of grant applications to the California Department of Water Resources, the State Water Resources Control Board, and other agencies for the 2016 Integrated Regional Water Management Planning Grant, the Groundwater Quality Funding Program Grant, and other Proposition 1 funding. (Funding Source: Water Fund)
- Resolution authorizing the submittal of an application to the California Department of Water Resources for the 2016 Integrated Regional Water Management Planning Grant pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Water Code Section 79700 et seq.), to receive a grant for the East Stanislaus Integrated Regional Water Management Plan Update, authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive grant funds, if awarded, and authorizing the Director of Finance to be the signatory of grant invoice forms during requests for reimbursements.

- Resolution authorizing the submittal of applications to the State Water Resources Control Board, California Department of Water Resources, and other agencies, for the Groundwater Quality Funding Program Grant and other Proposition 1 Funding, authorizing the City Manager, or his designee to execute all grant-related documents and enter into agreements to receive grant funds, if awarded, and authorizing the City Manager or his designee to be the signatory of grant invoice forms during requests for reimbursements.

Utilities; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2016-363 (Kenoyer/Ah You; 7/0) authorizing the submittal of an application to the California Department of Water Resources for the 2016 Integrated Regional Water Management Planning Grant pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Water Code Section 79700 et seq.), to receive a grant for the East Stanislaus Integrated Regional Water Management Plan Update, authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive grant funds, if awarded, and authorizing the Director of Finance to be the signatory of grant invoice forms during requests for reimbursements.

ACTION: Resolution 2016-364 (Kenoyer/Ah You; 7/0) authorizing the submittal of applications to the State Water Resources Control Board, California Department of Water Resources, and other agencies, for the Groundwater Quality Funding Program Grant and other Proposition 1 Funding, authorizing the City Manager, or his designee to execute all grant-related documents and enter into agreements to receive grant funds, if awarded, and authorizing the City Manager or his designee to be the signatory of grant invoice forms during requests for reimbursements.

Consent

21. Consider accepting roundabout improvements at the Intersection of Kodiak Drive at Lincoln Oak Drive Project as complete, authorizing all necessary steps to file with the County Recorder, and release securities and payments totaling \$287,284.61 to McFadden Construction, Inc., of Stockton, CA. (Funding Source: Congestion Mitigation and Air Quality (CMAQ) 88.53% / Surface Transportation Fund (STF) 11.47%))

- Resolution accepting the Roundabout Improvements at the Intersection of Kodiak Drive at Lincoln Oak Drive Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$287,284.61 to McFadden Construction, Inc., of Stockton, CA..

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

ACTION: Resolution 2016-365 (Kenoyer/Ah You; 7/0) accepting the Roundabout Improvements at the Intersection of Kodiak Drive at Lincoln Oak Drive Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$287,284.61 to McFadden Construction, Inc., of Stockton, CA..

Consent

22. Consider approving various documents for the Grogan Park Well Project, awarding a contract to Hydro Resources - West, Inc., of Shafter, CA in the amount of \$476,850,

authorizing an increase in the Director's authority to issue change orders, and amending the Multi-Year Capital Improvement Program Budget in the amount of \$501,069. (Funding Source: Water Fund - CIP)

- Resolution finding that the following project is within the scope of the project covered by the Water System Engineers Report and Program Environmental Impact Report (SCH# 2008092095): Grogan Park Well (Tivoli) Project.
- Resolution approving the plans and specifications for the Grogan Park Well (Tivoli) Project, accepting the bid, and approving a contract with Hydro Resources - West, Inc., of Shafter, CA in the amount of \$476,850.
- Resolution authorizing an increase in the Director's authority to issue change orders.
- Resolution amending the Fiscal Year 2015-2016 Capital Improvement Program budget in the amount of \$501,069 to be transferred from Water Fund Reserves. *Utilities; Tamorah Bryant, 577-5205, tbryant@modestogov.com*

ACTION: Resolution 2016-366 (Kenoyer/Ah You; 7/0) finding that the following project is within the scope of the project covered by the Water System Engineers Report and Program Environmental Impact Report (SCH# 2008092095): Grogan Park Well (Tivoli) Project.

ACTION: Resolution 2016-367 (Kenoyer/Ah You; 7/0) approving the plans and specifications for the Grogan Park Well (Tivoli) Project, accepting the bid, and approving a contract with Hydro Resources - West, Inc., of Shafter, CA in the amount of \$476,850.

ACTION: Resolution 2016-368 (Kenoyer/Ah You; 7/0) authorizing an increase in the Director's authority to issue change orders.

ACTION: Resolution 2016-369 (Kenoyer/Ah You; 7/0) amending the Fiscal Year 2015-2016 Capital Improvement Program budget in the amount of \$501,069 to be transferred from Water Fund Reserves.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding events she attended: Assyrian Festival, Alzheimer's Walk and speaking at a local elementary school.

Councilmember Madrigal spoke regarding Trunk or Treat Classic Car fundraiser on Friday, October 28, 2016 at Tenth Street Place.

Councilmember Ah You spoke regarding College Neighborhood Association meeting last week.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

23. Accept a written communication from Henry L. Petrino concerning safety on Claratina Avenue between McHenry Avenue and Coffee Road. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: No reportable action.

Recess at 6:23 p.m.

Reconvened at 6:30 p.m.

NEW BUSINESS

24. Consider approving a Letter of Intent with AEG Cycling, LLC, and authorizing negotiation of an agreement to host the Stage Start of the 2017 Amgen Tour of California and amending the Fiscal Year 16/17 Budget to allocate \$125,000 for host city commitments. (Funding Source: General Fund, Sponsorships)
- Resolution approving the Letter of Intent with AEG Cycling, LLC for the City of Modesto to be a Host City for the Stage Start of the 2017 Amgen Tour of California, and authorizing the City Manager, or his designee, to execute the Agreement.
 - Resolution amending the Fiscal Year 16/17 Budget for Project 100958 to allocate \$125,000 in funding for Host City commitments for the Stage Start of the 2017 Amgen Tour of California and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this Resolution.
 - Resolution authorizing the City Manager, or his designee, to negotiate and execute an Agreement with AEG Cycling, LLC to host a Stage Start of the 2017 Amgen Tour of California.

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

ACTION: Resolution 2016-370 (Madrigal/Ah You; 5/2; Kenoyer, Mayor Brandvold no) amending the Fiscal Year 16/17 Budget for Project 100958 to allocate \$125,000 in funding **from the excess TOT (Transient Occupancy Tax) revenues from the Fiscal Year 15/16** for the Host City Requirements for the Stage Start of the 2017 Amgen Tour of California; **and directing the City Manager and Finance Department to return to the City Council with monthly proposed reductions to this budget appropriation to reflect amounts generated as a result of the fundraising activities for this event. (AS AMENDED)**

ACTION: Resolution 2016-371 (Zoslocki/Madrigal; 5/2; Grewal, Mayor Brandvold no) approving the Letter of Intent with AEG Cycling, LLC for the City of Modesto to be a Host City for the Stage Start of the 2017 Amgen Tour of California, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2016-372 (Zoslocki/Madrigal; 5/2; Grewal, Mayor Brandvold no)

authorizing the City Manager, or his designee, to negotiate and execute an Agreement with AEG Cycling, LLC to host a Stage Start of the 2017 Amgen Tour of California.

ACTION: Motion (Zoslocki/Madriral/5/2; Grewal, Mayor Brandvold no) directing staff to negotiate with AEG Cycling, LLC for 2018 Amgen Tour of California.

Recess at 8:51 p.m.

Reconvened at 9:00 p.m.

25. Consider approving a proposed Agreement including language changes for a successor Memorandum of Understanding between the City and Modesto City Employees Association for a term of March 8, 2016 through March 9, 2019, and a proposed agreement including language changes for a successor Memorandum of Understanding between the City and Modesto Police Non-Sworn Association for a term of March 24, 2016 through June 30, 2019. (Funding Source: All Funds)
- Resolution approving a proposed Agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association (MCEA) for a term of March 8, 2016 to March 9, 2019 and authorizing the City Manager or designee to take the necessary administrative action to implement the agreement.
 - Resolution approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Police and Fire Non-Sworn Association (MPNSA) for a term of March 24, 2016 to June 30, 2019 and authorizing the City Manager or designee to take the necessary administrative action to implement the agreement.

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

ACTION: Resolution 2016-373 (Kenoyer/Madriral; 7/0) approving a proposed Agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association (MCEA) for a term of March 8, 2016 to March 9, 2019 and authorizing the City Manager or designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2016-374 (Kenoyer/Madriral; 7/0) approving a proposed agreement including language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Police and Fire Non-Sworn Association (MPNSA) for a term of March 24, 2016 to June 30, 2019 and authorizing the City Manager or designee to take the necessary administrative action to implement the agreement.

26. Consider approving a Letter of Agreement between the City of Modesto and Modesto Police Management Association and amending the Memorandum of Understanding for the period of December 31, 2015 to December 31, 2016 to change terms related to salary and special compensation; rescinding Resolution No. 2016-311; and granting salary and benefit changes for Unrepresented Sworn Police Employees. (Funding Source: General Fund)

- Resolution approving a Letter of Agreement between the City of Modesto and Modesto Police Management Association (MPMA); amending the Memorandum of Understanding (MOU) for the period of December 31, 2015 to December 31, 2016 to change language in Section 4, Salary and Section 5, Special Compensation; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.
- Resolution rescinding Resolution No. 2016-311 to update benefit offerings for Unrepresented Management Sworn Police Captains; and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.
- Resolution granting salary changes to Non-Sworn Unrepresented Management And Confidential employees including charter officers and executives and Unrepresented Sworn Police employees, effective September 6, 2016 and rescinding Resolution No. 2016-310, and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.

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

ACTION: Resolution 2016-375 (Ah You/Madrigan; 7/0) approving a Letter of Agreement between the City of Modesto and Modesto Police Management Association (MPMA); amending the Memorandum of Understanding (MOU) for the period of December 31, 2015 to December 31, 2016 to change language in Section 4, Salary and Section 5, Special Compensation; and authorizing the City Manager or his designee to take the necessary administrative action to implement the agreement.

ACTION: Resolution 2016-376 (Ah You/Madrigan; 7/0) rescinding Resolution No. 2016-311 to update benefit offerings for Unrepresented Management Sworn Police Captains; and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.

ACTION: Resolution 2016-377 (Ah You/Madrigan; 7/0) granting salary changes to Non-Sworn Unrepresented Management And Confidential employees including charter officers and executives and Unrepresented Sworn Police employees, effective September 6, 2016 and rescinding Resolution No. 2016-310, and authorizing the City Manager or designee to take the necessary administrative action to implement the changes.

27. Consider approving the Lateral Police Officer Hiring Incentive Proposal for the Modesto Police Department. (Funding Source: General Fund)
- Resolution approving the updated Lateral Police Officer Hiring Incentive Program for the Modesto Police Department.

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

ACTION: Resolution 2016-378 (Ridenour/Grewal; 7/0) approving the updated Lateral Police Officer Hiring Incentive Program for the Modesto Police Department.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:15 p.m.

Councilmember Grewal left meeting at 10:15 p.m.

28. COUNCIL WORKSHOP: (i) Long Range Agenda, (ii) 100 Day Action Plans.
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Motion (Zoslocki/KENOYER; 6/1; Grewal absent) continuing Council Workshop to September 27, 2016.

This Council Workshop adjourned at 10:17 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Name of case: Patrick Green v. COM
Case No. 2020908

Name of case: Sassafrass 821, LLC v. City of Modesto
Case No. 1:16-CV-01023-DAD-EPG

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

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

Wednesday, September 14, 2016, at 2:00 p.m.

Roll Call: Present: Chair Zoslocki and Members Ridenour Sr. and Kenoyer

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. [Consider appointing a member of the Healthy Economy Committee to the Comprehensive Fees Task Force. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com
ACTION: (Motion: Kenoyer/Ridenour: unan.) to postpone action until after the next Effective Government Committee and return to Healthy Economy Committee.
2. [Consider receiving the quarterly status report of the development projects processed by the Community and Economic Development Department during the fourth quarter of Fiscal Year 2015-2016. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com
ACTION: (Motion: Ridenour/Kenoyer: unan.) to receive the report with suggestions to simplify future project status reports in a condensed spreadsheet format.
3. [Consider approving changes to the parking fee structure for single space vehicles to \\$1 per hour, 24 hours per day, as a pilot program to determine the impact on evening patronage of the downtown businesses and forwarding to Council for approval. \(Funding Source: Parking Services Enterprise Fund\)](#)
Public Works; Bill Sandhu, 341-2906, bsandhu@modestogov.com
ACTION: (Motion: Ridenour/Kenoyer: unan.) to forward this item to City Council for consideration of approval.

4. [Consider approving the Modesto Area Express policies and improvement plan and forwarding to Council for approval. \(Funding Source: Transit Funds\)](#)
Public Works; Adam Barth, 577-5298, abarth@modestogov.com
ACTION: (Motion: Kenoyer/Ridenour: unan.) to forward the policies and plan to City Council for consideration of approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:35 p.m.

Attest: _____
H. Brent Sinclair, Deputy City Manager

MINUTES

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

Monday, September 26, 2016, at 5:00 p.m.

Roll Call - Present: Councilmembers Grewal, Ah You and Zoslocki

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. Consider accepting an informational report on proposed implementation of recommendations from the Mayor's 100 Day Committee, accepting the corresponding action plans for each recommendation, and forwarding to Council for approval.
(Funding Source: Various)
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Motion (Zoslocki/Ah You; unan.) accepting an informational report on proposed implementation of recommendations from the Mayor's 100 Day Committee, accepting the corresponding action plans for each recommendation, and forwarding to Council for approval.

2. Consider approving the recommended budget adjustments to the Fiscal Year 2015-16 and Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budgets and forward to Council for approval. (Funding Source: Various)
Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com

ACTION: Motion (Zoslocki/Ah You; unan.) approving the recommended budget adjustments to the Fiscal Year 2015-16 and Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budgets and forward to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:02 p.m.

Attest: _____
Joe Lopez, Deputy City Manager

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 27, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein, College Avenue United Church of Christ

Poem read by Stella Beratlis, Modesto's Poet Laureate

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Grewal - Items 9 and 10

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada for the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2015.
(Funding Source: Not Applicable)
Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: Presentation was given by the City Manager's Office to the Finance Department awarding the Government Finance Officers Association of the United States and Canada Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2015.

2. Presentation of Certificates of Recognition to the Modesto Kiwanis Club and North Modesto Kiwanis Club for their contributions to our community. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented Certificates of Recognition to the Modesto Kiwanis

Club and North Modesto Kiwanis Club for their contributions to our community.

- 3. Recognition of staff who have reached 20, 25, 30 and 35 year milestones as employees of the City of Modesto. (Funding Source: Not Applicable)
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Mayor Brandvold presented Certificates of Recognition to staff who have reached 20, 25, 30 and 35 year milestones as employees of the City of Modesto.

MISCELLANEOUS

- Legislation
- Appointments
- Other

- 4. Consider accepting the resignation of Bob Barzan and David Burkett from the City of Modesto Culture Commission. (Funding Source: Not Applicable)
 - Resolution accepting the resignations of Bob Barzan and David Burkett from the City of Modesto Culture Commission.
Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com

ACTION: Resolution 2016-379 (Madrigal/Kenoyer; 7/0) accepting the resignations of Bob Barzan and David Burkett from the City of Modesto Culture Commission.

PUBLIC COMMENT PERIOD

- Greg Salyer, General Manager for Modesto Irrigation District, spoke regarding the California Water Quality Resources Control Board’s Bay Delta Plan and impacts on our region.
- Mike Clark spoke regarding the 2015 Assistance to Firefighters Grant Award for the City of Modesto Fire Department.
- Gay Ramsey spoke regarding children going to school without curbs and sidewalks in her neighborhood. Mayor Brandvold referred her to Public Works Director Bill Sandhu.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 5-8; 11-14: (Kenoyer/Madrigal; 7/0)

ACTION CONSENT ITEMS 9, 10: (Kenoyer/Ah You; 6/0; Grewal absent due to conflict of interest)

CONSENT ITEMS

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

Councilmember.

Consent

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

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

Consent

6. Consider: (i) updating the 2016 Biennial Conflict of Interest Code for the City of Modesto City Departments and various City Boards, Commissions and Committees and rescinding Resolution 2014-502; and (ii) adding a Conflict of Interest Code for the Safer Neighborhoods Community Advisory Board. (Funding Source: Not Applicable)
 - Resolution of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the City of Modesto; and Rescinding Resolution No. 2014-502.
 - Resolution of the Council of the City of Modesto adopting a Conflict of Interest Code for the Safer Neighborhoods Community Advisory Board.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2016-380 (Kenoyer/Madrigal; 7/0) of the Council of the City of Modesto adopting an amended Conflict of Interest Code for the City of Modesto; and Rescinding Resolution No. 2014-502.

ACTION: Resolution 2016-381 (Kenoyer/Madrigal; 7/0) of the Council of the City of Modesto adopting a Conflict of Interest Code for the Safer Neighborhoods Community Advisory Board.

Consent

7. Consider approving Amendment Number Five to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP in an amount not to exceed \$200,000. (Funding Source: General Fund)
 - Resolution approving a Fifth Amendment to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP in an amount not to exceed \$200,000; and authorizing the Mayor, or his designee, to execute the amendment to the agreement.
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Resolution 2016-382 (Kenoyer/Madrigal; 7/0) approving a Fifth Amendment to the Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP in an amount not to exceed \$200,000; and authorizing the Mayor, or his designee, to execute the amendment to the agreement.

Consent

8. Consider accepting the Destination Modesto Report for the Fourth Quarter – Fiscal

Year 2015-16. (Funding Source: Transient Occupancy Tax)

- Resolution accepting the Destination Modesto Report for the Fourth Quarter – Fiscal Year 2015-16.

*Community & Economic Development; Laurie Smith, 571-5347,
lsmith@modestogov.com*

ACTION: Resolution 2016-383 (Kenoyer/Madrigal; 7/0) accepting the Destination Modesto Report for the Fourth Quarter – Fiscal Year 2015-16.

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

9. Consider approving an Ordinance to establish an expedited, streamlined permitting process for electric vehicle charging stations. (Funding Source: Not applicable)
- Motion introducing and waiving the first reading of an Ordinance amending Chapter 1, “Building Code” of Title 9, “Building Regulations,” of the Modesto Municipal Code to add Article 19, “Expedited Electric Vehicle Charging Station Permitting.”

*Community & Economic Development; William Crew, 577-5242,
wcrew@modestogov.com*

ACTION: Motion (Kenoyer/Ah You; 6/0; Grewal absent due to conflict of interest) introducing and waiving the first reading of **Ordinance No. 3653-C.S.** amending Chapter 1, “Building Code” of Title 9, “Building Regulations,” of the Modesto Municipal Code to add Article 19, “Expedited Electric Vehicle Charging Station Permitting.”

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

10. Consider the annexation of Assessor Parcel No. 078-014-042 (Pelandale east of Chapman) to City of Modesto Community Facilities District No. 2002-1 (NorthPointe). (Funding Source: CFD No. 2002-1 (NorthPointe))
- Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2002-1 (NorthPointe) and to Authorize the Levy of a Special Tax Within the Territory Proposed to be Annexed (Annexation #1).

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

ACTION: Resolution 2016-384 (Kenoyer/Ah You; 6/0; Grewal absent due to conflict of interest) of Intention to Annex Territory to City of Modesto Community Facilities District No. 2002-1 (NorthPointe) and to Authorize the Levy of a Special Tax Within the Territory Proposed to be Annexed (Annexation #1).

Consent

11. Consider approving an agreement for the purchase of retired City of Modesto Police canine, Stryker, by its handler, Officer Mark Ulrich. (Funding Source: General Fund Revenue)
- Resolution approving an Agreement between the City of Modesto and Officer Mark Ulrich for the purchase of retired City of Modesto Police canine, Stryker, and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: Resolution 2016-385 (Kenoyer/Madrigal; 7/0) approving an Agreement between the City of Modesto and Officer Mark Ulrich for the purchase of retired City of Modesto Police canine, Stryker, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving the quarterly fuel adjustments and correction to the Maximum Charges for Garbage Service rate schedule for the City's residential, commercial and industrial solid waste collection services to become effective October 1, 2016, resulting in a \$.12 reduction of the residential garbage rate and a \$.07 reduction of the commercial garbage rate, and approving corrections to the Maximum Charges for Garbage Service, dated July, 1, 2016, with certain rates to become effective retroactive to July 1, 2016, and rescinding Resolution No. 2016-307. (Funding Source: Solid Waste Fund)

- Resolution approving the quarterly fuel adjustments to the Maximum Charges for Garbage Service rate schedule for City residential and commercial solid waste collection services to become effective October 1, 2016, and Approving Corrections to the Maximum Charges for Garbage Service, Attachment A, dated July 1, 2016, to become effective retroactive to July 1, 2016, and rescinding Resolution No. 2016-307.

Public Works; Karin Rodriguez, 577-5453, krodriquez@modestogov.com

ACTION: Resolution 2016-386 (Kenoyer/Madrigal; 7/0) approving the quarterly fuel adjustments to the Maximum Charges for Garbage Service rate schedule for City residential and commercial solid waste collection services to become effective October 1, 2016, and Approving Corrections to the Maximum Charges for Garbage Service, Attachment A, dated July 1, 2016, to become effective retroactive to July 1, 2016, and rescinding Resolution No. 2016-307.

Consent

13. Consider awarding a contract to Con-Quest Ebert, a Joint Venture of San Francisco, CA, in the amount of \$1,588,225, for the River Trunk Rehabilitation Project (Gallo Section). (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the River Trunk Rehabilitation Project (Gallo Section), accepting the bid, and approving a contract with Con-Quest Ebert, a Joint Venture of San Francisco, CA, in the amount of \$1,588,225, and authorizing the City Manager, or his designee, to execute the contract.

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

ACTION: Resolution 2016-387 (Kenoyer/Madrigal; 7/0) approving the plans and specifications for the River Trunk Rehabilitation Project (Gallo Section), accepting the bid, and approving a contract with Con-Quest Ebert, a Joint Venture of San Francisco, CA, in the amount of \$1,588,225, and authorizing the City Manager, or his designee, to execute the contract.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding staffing cuts in the City of Modesto.

Councilmember Ah You requested the 2015 Assistance to Firefighters Grant Award (AFG) item be brought to next week's Council meeting for consideration.

ACTION: Motion (Ah You/Madrigal; 6/1; Ridenour no) requesting the 2015 Assistance to Firefighters Grant Award (AFG) item be brought to next week's Council meeting.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on September 6, 2016

14. Consider an Ordinance amending the Tivoli Specific Plan Amendment No. 1 for property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance approving Tivoli Specific Plan Amendment No. 1 to include minor land use adjustments regarding the relocation of the school site with the overall density and intensity remaining essentially the same, minor internal street alignment adjustments, removal of four roundabouts, and various clean-up and technical changes, property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue.

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

ACTION: Motion (Ridenour/Kenoyer; 7/0) introducing and waiving the first reading of **Ordinance No. 3654-C.S.** approving Tivoli Specific Plan Amendment No. 1 to include minor land use adjustments regarding the relocation of the school site with the overall density and intensity remaining essentially the same, minor internal street alignment adjustments, removal of four roundabouts, and various clean-up and technical changes, property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue.

Published in the Modesto Bee on September 11, 2016 and Vida en el Valle on September 7, 2016

15. Consider approving the Consolidated Annual Performance Evaluation Report (CAPER) a summary of the Housing and Urban Development funds spent by the City of Modesto on projects and programs during Fiscal Year 2015-16. (Funding Source: Community Development Block Grant, the HOME Investment Partnership and the Emergency Solutions Grant programs funds)
- Resolution approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2015-2016 reflecting the use of Community

Development Block Grant, HOME Investment Partnership Grant, and Emergency Solutions Grant Funds; 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.

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

ACTION: Resolution 2016-388 (Madrigal/Ah You; 7/0) approving the City of Modesto's Consolidated Annual Performance Evaluation Report for Program Year 2015-2016 reflecting the use of Community Development Block Grant, HOME Investment Partnership Grant, and Emergency Solutions Grant Funds; 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.

NEW BUSINESS

16. Consider accepting the Culture Commission Annual Report for Fiscal Year 2015-2016. (Funding Source: Not Applicable)

- Motion accepting the Culture Commission Annual Report for Fiscal Year 2015-2016.

*Community & Economic Development; Cynthia Birdsill, 341-2938,
cbirdsill@modestogov.com*

ACTION: Motion (Zoslocki/Grewal; 7/0) accepting the Culture Commission Annual Report for Fiscal Year 2015-2016.

17. Consider accepting the 2015 Staffing for Adequate Fire and Emergency Response (SAFER) grant award in the amount of \$2,222,649 to hire nine (9) firefighters and amending the budget for Fiscal Year 2016-2017. (Funding Source: State Grant Funds/General Fund)

- Resolution approving the acceptance of the 2015 SAFER Grant for the addition of (9) Firefighter positions and authorizing the Fire Chief, or his designee, to execute all grant-related documents.
- Resolution authorizing the creation of 2015 SAFER-E11 Staffing project #100976 and approving a budget adjustment in the amount of \$132,985 and transferring said funds to the Modesto Fire Department's FY 16-17 Operating budget.
- Resolution amending the position allocation for fiscal year 2016-17 as adopted in the Operating budget.

Fire; Sean Slamon, 572-9590, sslamon@modestofire.com

ACTION: Resolution 2016-389 (Ah You/Zoslocki; 7/0) approving the acceptance of the 2015 SAFER Grant for the addition of (9) Firefighter positions and authorizing the Fire Chief, or his designee, to execute all grant-related documents.

ACTION: Resolution 2016-390 (Ah You/Zoslocki; 7/0) authorizing the creation of 2015 SAFER-E11 Staffing project #100976 and approving a budget adjustment in the amount of \$132,985 and transferring said funds to the Modesto Fire Department's FY 16-17 Operating

budget.

ACTION: Resolution 2016-391 (Ah You/Zoslocki; 7/0) amending the position allocation for fiscal year 2016-17 as adopted in the Operating budget.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:42 p.m.

Recess at 7:43 p.m.

Councilmember Grewal left meeting at 7:55 p.m.

Reconvened at 7:55 p.m.

18. COUNCIL WORKSHOP (*Continued from September 13th City Council Meeting*): (i) Long Range Agenda, (ii) 100 Day Action Plans.
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

This Council Workshop adjourned at 8:20 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Two Cases (Pursuant to Section 54956.9(d)(2) of the Government Code)

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 04, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk’s Announcements: Item 19 - continued to October 25, 2016 Council meeting
Item 20 - will be moved to first item under New Business

Declaration of Conflicts of Interest: Grewal - Item 7

Reports from Closed Session: City Attorney Lindgren reported on the Closed Session matter

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to Alice and Tony Quayle for their service with the American Foundation for Suicide Prevention and Out of the Darkness programs in Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold and Councilmember Ridenour presented a Certificate of Recognition to Alice and Tony Quayle for their service with the American Foundation for Suicide Prevention and Out of the Darkness programs in Modesto.

2. Presentation of Proclamation honoring Dave Lopez for his work with Partners in Paint. (Funding Source: Not Applicable)
Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation honoring Dave Lopez for his work with Partners in Paint.

3. Presentation of Proclamation to the Manufacturer's Council of the Central Valley Proclaiming October 2016 Manufacturing Awareness Month. (Funding Source: Not

Applicable)

City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation to the Manufacturer's Council of the Central Valley Proclaiming October 2016 Manufacturing Awareness Month.

- 4. Presentation by StanCOG regarding Fiscal Year 2017-18 Unmet Transit Needs Public Hearing Schedule. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Presentation was given by StanCOG regarding Fiscal Year 2017-18 Unmet Transit Needs Public Hearing Schedule.

- 5. Presentation of the Quarterly Economic Development Report. (Funding Source: Not Applicable)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Laurie Smith, Community & Economic Development Department, presented the Quarterly Economic Development Report.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding trees in Modesto.
- Loretta Carhart spoke regarding City buses.
- Chris Virrones (sp?) spoke regarding the needs of young people in Modesto.
- Cecil Russell announced the opening of the West Boys and Girls Club on Martin Luther King Drive this Friday.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 6; 8-15: (Kenoyer/Grewal; 7/0)

ACTION CONSENT ITEM 7: (Kenoyer/Ah You; 6/0; Grewal absent due to conflict of interest)

CONSENT ITEMS

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

Consent

- 6. Consider approving the minutes from the September 27, 2016 Council Meeting. (Funding Source: Not Applicable)

- Motion approving the minutes from the September 27, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Grewal; 7/0) approving the minutes from the September 27, 2016 Council Meeting.

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

7. Consider final adoption of **Ordinance No. 3653-C.S.** to establish an expedited, streamlined permitting process for electric vehicle charging stations. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3653-C.S.** amending Chapter 1, “Building Code” of Title 9, “Building Regulations,” of the Modesto Municipal Code to add Article 19, “Expedited Electric Vehicle Charging Station Permitting.”
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Ah You; 6/0; Grewal absent due to conflict of interest) approving final adoption of **Ordinance No. 3653-C.S.** amending Chapter 1, “Building Code” of Title 9, “Building Regulations,” of the Modesto Municipal Code to add Article 19, “Expedited Electric Vehicle Charging Station Permitting.”

Consent

8. Consider final adoption of **Ordinance No. 3654-C.S.** amending the Tivoli Specific Plan Amendment No. 1 for property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3654-C.S.** approving Tivoli Specific Plan Amendment No. 1 to include minor land use adjustments regarding the relocation of the school site with the overall density and intensity remaining essentially the same, minor internal street alignment adjustments, removal of four roundabouts, and various clean-up and technical changes, property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Grewal; 7/0) approving final adoption of **Ordinance No. 3654-C.S.** approving Tivoli Specific Plan Amendment No. 1 to include minor land use adjustments regarding the relocation of the school site with the overall density and intensity remaining essentially the same, minor internal street alignment adjustments, removal of four roundabouts, and various clean-up and technical changes, property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue.

Consent

9. Consider approving the Memorandum of Understanding with Stanislaus County regarding the removal of tagging in areas of the County that adjoin the City along Highway 99. (Funding Source: General Fund and Multi-year Abatement Fund)
 - Resolution approving the Anti-Tagging Memorandum of Understanding with

Stanislaus County regarding the removal of tagging by City in areas of the County that adjoin the City along Highway 99.

Community & Economic Development; William Crew, 577-5242, wcrew@modestogov.com

ACTION: Resolution 2016-392 (Kenoyer/Grewal; 7/0) approving the Anti-Tagging Memorandum of Understanding with Stanislaus County regarding the removal of tagging by City in areas of the County that adjoin the City along Highway 99.

Consent

10. Consider accepting the Annual Investment Report for Fiscal Year 2015-16. (Funding Source: Various Funds)
- Motion accepting the Annual Investment Report for the 2015-16 fiscal years.
Finance; Gloria Garza, 577-5219, ggarza@modestogov.com

ACTION: Motion (Kenoyer/Grewal; 7/0) accepting the Annual Investment Report for the 2015-16 fiscal years.

Consent

11. Consider award of bid to Sonsray Machinery of Stockton, California and authorizing the purchase of an off-road forklift for an estimated total cost of \$91,481. (Funding Source: Fleet Replacement Funds)
- Resolution authorizing the award of the bid for the purchase of a telescoping material handler off-road forklift to Sonsray Machinery, Stockton, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$91,481.
Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Resolution 2016-393 (Kenoyer/Grewal; 7/0) authorizing the award of the bid for the purchase of a telescoping material handler off-road forklift to Sonsray Machinery, Stockton, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$91,481.

Consent

12. Consider approving the Modesto Area Express Transit Policy and Improvement Plan. (Funding Source: Transit Funds)
- Resolution approving the Transit Policy and Improvement Plan (August, 2016) and authorizing staff to begin implementation.
Public Works; Adam Barth, 577-5298, abarth@modestogov.com

ACTION: Resolution 2016-394 (Kenoyer/Grewal; 7/0) approving the Transit Policy and Improvement Plan (August, 2016) and authorizing staff to begin implementation.

Consent

13. Consider reinstating Stage IIA requirements, of the City of Modesto Drought Contingency Plan, to restrict outdoor watering to one day a week, effective November

1, 2016 through March 31, 2017, and revising the phasing criteria of the plan to be consistent with the U.S. Drought Monitor. (Funding Source: Water Fund)

- Resolution approving reinstating Stage IIA requirements of the City of Modesto Drought Contingency Plan to restrict outdoor watering to one day a week, effective November 1, 2016 through March 31, 2017, and revising the phasing criteria of the Plan to be consistent with the U.S. Drought Monitor.

Utilities; David Savidge, 342-2217, dsavidge@modestogov.com

ACTION: Resolution 2016-395 (Kenoyer/Grewal; 7/0) approving reinstating Stage IIA requirements of the City of Modesto Drought Contingency Plan to restrict outdoor watering to one day a week, effective November 1, 2016 through March 31, 2017, and revising the phasing criteria of the Plan to be consistent with the U.S. Drought Monitor.

Consent

14. Consider approving Prequalified Consultant Lists for Architectural and Geotechnical Engineering Services; and approving two On-Call Service Agreements for Mechanical & Structural Engineering Services for one year not to exceed amount of \$45,000 each, for a total maximum annual expenditure of \$90,000 for all services, and approving two On-Call Service Agreements for Geotechnical & Electrical Engineering Services for one year not to exceed amount of \$75,000 each, for a total maximum annual expenditure of \$150,000 for all services, all four agreements with two one-year extension options at the sole discretion of the City. (Funding Source: Various Capital Improvement Program Projects)

- Resolution approving the prequalified consultant list, consisting of Architectural Plus, Inc., Pires, Lipomi & Navarro Architects and HMR Architects, Inc. for Architectural Services for various Capital Improvement Program (CIP) projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Department Director.
- Resolution approving the prequalified local consultant list, consisting of Kleinfelder, Inc., Crawford & Associates, and CTE Cal Inc. for Geotechnical Engineering Services for various Capital Improvement Program (CIP) projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Department Director.
- Resolution approving an agreement with Axiom Structural Design, Inc., Hughson, CA for On-call Structural Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.
- Resolution approving an agreement with Nexus Engineering, Modesto, CA for On-call Mechanical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.
- Resolution approving an agreement with Kleinfelder, Inc., Modesto, CA for On-call Geotechnical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not

to exceed \$75,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

- Resolution approving an agreement with Miller-Pezzoni & Associates, Inc., Modesto, CA for On-call Electrical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$75,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

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

ACTION: Resolution 2016-396 (Kenoyer/Grewal; 7/0) approving the prequalified consultant list, consisting of Architectural Plus, Inc., Pires, Lipomi & Navarro Architects and HMR Architects, Inc. for Architectural Services for various Capital Improvement Program (CIP) projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Department Director.

ACTION: Resolution 2016-397 (Kenoyer/Grewal; 7/0) approving the prequalified local consultant list, consisting of Kleinfelder, Inc., Crawford & Associates, and CTE Cal Inc. for Geotechnical Engineering Services for various Capital Improvement Program (CIP) projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Department Director.

ACTION: Resolution 2016-398 (Kenoyer/Grewal; 7/0) approving an agreement with Axiom Structural Design, Inc., Hughson, CA for On-call Structural Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

ACTION: Resolution 2016-399 (Kenoyer/Grewal; 7/0) approving an agreement with Nexus Engineering, Modesto, CA for On-call Mechanical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$45,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

ACTION: Resolution 2016-400 (Kenoyer/Grewal; 7/0) approving an agreement with to Kleinfelder, Inc., Modesto, CA for On-call Geotechnical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$75,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

ACTION: Resolution 2016-401 (Kenoyer/Grewal; 7/0) approving an agreement with Miller-Pezzoni & Associates, Inc., Modesto, CA for On-call Electrical Engineering Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$75,000 per year, and authorizing the City Manager, or his designee, to execute the agreement, and up to two one-year extension options.

Consent

15. Consider approving Prequalified Consultant Lists for Land Surveying Services and

Water, Wastewater, and Storm Drain Engineering Design Services for various capital improvement projects for a period of one year, with the possibility of two additional one-year extensions. (Funding Source: Various Capital Improvement Program Projects)

- Resolution approving a prequalified local consultant list consisting of DF Engineering, Inc., Modesto, CA, North Star Engineering Group, Inc., Modesto, CA, and Hawkins & Associates Engineering, Inc., Modesto, CA for land surveying 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 Department Director.
- Resolution approving a prequalified consultant list consisting of Kennedy Jenks Consultants, Rancho Cordova, CA, HydroScience Engineers, Inc., Sacramento, CA, West Yost Associates, Inc., Pleasanton, CA, Stantec Consulting Services, Rocklin, CA, and Hazen Sawyer, San Francisco, CA for water engineering design services for various Capital Improvement Program projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Department Director.
- Resolution approving a prequalified consultant list consisting of Carollo Engineers, Walnut Creek, CA, Brown & Caldwell, Walnut Creek, CA, Hazen Sawyer, San Francisco, CA, HydroScience Engineers, Inc., Sacramento, CA, RMC, Walnut Creek, CA, and West Yost Associates, Davis, CA for wastewater and storm drain engineering design services for various Capital Improvement Program projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Department Director.

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

ACTION: Resolution 2016-402 (Kenoyer/Grewal; 7/0) approving a prequalified local consultant list consisting of DF Engineering, Inc., Modesto, CA, North Star Engineering Group, Inc., Modesto, CA, and Hawkins & Associates Engineering, Inc., Modesto, CA for land surveying 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 Department Director.

ACTION: Resolution 2016-403 (Kenoyer/Grewal; 7/0) approving a prequalified consultant list consisting of Kennedy Jenks Consultants, Rancho Cordova, CA, HydroScience Engineers, Inc., Sacramento, CA, West Yost Associates, Inc., Pleasanton, CA, Stantec Consulting Services, Rocklin, CA, and Hazen Sawyer, San Francisco, CA for water engineering design services for various Capital Improvement Program projects for a period of one year, with the possibility of two additional one-year extensions at the written approval of the Department Director.

ACTION: Resolution 2016-404 (Kenoyer/Grewal; 7/0) approving a prequalified consultant list consisting of Carollo Engineers, Walnut Creek, CA, Brown & Caldwell, Walnut Creek, CA, Hazen Sawyer, San Francisco, CA, HydroScience Engineers, Inc., Sacramento, CA, RMC, Walnut Creek, CA, and West Yost Associates, Davis, CA for wastewater and storm drain engineering design services for various Capital Improvement Program projects for a period of one year, with the possibility of two additional one-year extensions at the written

approval of the Department Director.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the International Heritage Festival last Saturday and LGBT Festival at Graceada Park events last Saturday and a Health Fair at Hanshaw Middle School on Sunday; she announced that Modesto is ranked No. 6 in California as a Fun City.

Councilmember Madrigal announced Trunk or Treat and Car Show event on Friday, October 28, 2016 at 10th Street Place; he also attended the re-opening of Baskin and Robbins on McHenry Avenue in Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on August 21, 2016

16. Hearing to consider approving Amendment No. 1 to City of Modesto Program Year 2016-2017 Annual Action Plan to allocate \$250,000 in funding for Acquisition, Public Facility Improvement, and Clearance and Remediation Activities related to a Homeless Access Center. (Funding Source: Community Development Block Grant)

- Resolution approving Amendment No. 1 to City of Modesto Program Year 2016-2017 U.S. Department of Housing and Urban Development Department (HUD) Annual Action Plan for use of the Community Development Block Grant funds for eligible homeless related activities; authorizing submission of an application to HUD pertaining to Amendment No. 1 to City of Modesto Program Year 2016-2017 Annual Action Plan; and authorizing the City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation required for implementation of Amendment No. 1 to City of Modesto Program year 2016-17 Annual Action Plan.
- Resolution amending the Fiscal Year 2016-2017 Capital Improvement Project Budget to include Project 100980 for \$250,000 in Community Development Block Grant funds and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provision of this resolution.

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

ACTION: Resolution 2016-405 (Kenoyer/Ah You; 7/0) approving Amendment No. 1 to City of Modesto Program Year 2016-2017 U.S. Department of Housing and Urban Development Department (HUD) Annual Action Plan for use of the Community Development Block Grant funds for eligible homeless related activities; authorizing submission of an application to HUD pertaining to Amendment No. 1 to City of Modesto Program Year 2016-2017 Annual Action Plan; and authorizing the City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation required for implementation of Amendment No. 1 to City of Modesto Program year 2016-17 Annual

Action Plan.

ACTION: Resolution 2016-406 (Kenoyer/Ah You; 7/0) amending the Fiscal Year 2016-2017 Capital Improvement Project Budget to include Project 100980 for \$250,000 in Community Development Block Grant funds and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provision of this resolution.

Published in the Modesto Bee on September 23, 2016.

- 17. Hearing to consider 2016 Public Health Goals Report, in compliance with Title 22 of the California Health and Safety Code. (Funding Source: Not Applicable)
 - Resolution accepting the 2016 Public Health Goals Report in compliance with Title 22 of the California Health and Safety Code.

Utilities; David Savidge, 342-2217, dsavidge@modestogov.com

ACTION: Resolution 2016-407 (Zoslocki/Ridenour; 7/0) accepting the 2016 Public Health Goals Report in compliance with Title 22 of the California Health and Safety Code.

Recess at 7:00 p.m.

Reconvened at 7:15 p.m.

NEW BUSINESS

- 18. Consider the 2015 Assistance to Firefighters Grant Award in the amount of \$1,084,446 with a local match of 10% (\$108,444) for funding to train 12 current Firefighter EMTs to the Paramedic level and to pay for Advanced Life Support equipment and overtime costs. (Funding Source: Grant Funds and General Fund)
 - Resolution regarding the 2015 Assistance to Firefighters Grant Award for the funding to train 12 current firefighter EMT’s to the Paramedic level, ALS equipment, overtime costs in the amount of \$1,084,446 and authorizing the Fire Chief, or his designee, to execute all grant-related documents if approved by Council.
 - Resolution authorizing the creation of 2015 AFG-Paramedic School Project #100975 and amending the Fiscal Year 2016-2017 Operating Budget by transferring \$108,444 to the new Multi-Year Operations Grant fund budget established for the 2015 Assistance to Firefighters Grant if approved by Council.

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

ACTION: Motion (Ah You/Madrigal; 2/5; Zoslocki, Kenoyer, Ridenour, Grewal, Mayor Brandvold no) approving the 2015 Assistance to Firefighters Grant Award for the funding to train 12 current firefighter EMT’s to the Paramedic level, ALS equipment, overtime costs in the amount of \$1,084,446 and authorizing the Fire Chief, or his designee, to execute all grant-related documents. **(MOTION FAILED)**

ACTION: Motion (Ah You/Madrigal; 2/5; Zoslocki, Kenoyer, Ridenour, Grewal, Mayor Brandvold no) authorizing the creation of 2015 AFG-Paramedic School Project #100975 and amending the Fiscal Year 2016-2017 Operating Budget by transferring \$108,444 to the new Multi-Year Operations Grant fund budget established for the 2015 Assistance to Firefighters

Grant. **(MOTION FAILED)**

Continued to October 25, 2016 Council meeting

19. Consider approving an Agreement for landscape maintenance services with Grover Landscape Services, Inc. for an estimated annual cost of \$1,670,587, totaling \$8,352,935 over a period of five years. (Funding Source: General Fund, Community Facility Districts, Enterprise Fund and Tuolumne River Regional Park Joint Powers of Authority)

- Resolution authorizing the award of bid, and approving a five year agreement for landscape maintenance services to Grover Landscape Services, Inc. for parks, right of ways, and public landscaping owned and/or maintained by the City of Modesto for an estimated annual cost of \$1,670,587, totaling \$8,352,935 over the five year period.

Public Works; Kelly Gallagher, 342-2270, kgallagher@modestogov.com

ACTION: Item continued to October 25, 2016 Council meeting

20. Consider an Ordinance amending Article 9 of Chapter 6 of Title 5 of the City of Modesto Municipal Code, “Wastewater Permitted Capacity Banking and Transfer,” to add provisions related to allocation of wastewater capacity, particularly to industrial users; revise existing provisions related to the transfer of wastewater capacity; and eliminate the capacity bank. (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance Amending Provisions of Title 5, Chapter 6, Article 9, “Wastewater Collection And Disposal,” of the Modesto Municipal Code Regarding Transfer of Wastewater Discharge Capacity.

Utilities; Larry Parlin, 577-5213, lparlin@modestogov.com

ACTION: Motion (Madrigal/Zoslocki; 7/0) introducing and waiving the first reading of **Ordinance No. 3655-C.S.** amending Provisions of Title 5, Chapter 6, Article 9, “Wastewater Collection And Disposal,” of the Modesto Municipal Code Regarding Transfer of Wastewater Discharge Capacity.

21. Consider approving an Ordinance adding Chapter 10 to Title 8 of the Modesto Municipal Code to establish a Citizens’ Transportation Sales Tax Commission. (Funding Source: Not Applicable)

- Motion introducing and waiving the first reading of an Ordinance adding Chapter 10 “Citizens’ Transportation Sales Tax Commission” to Title 8 of the Modesto Municipal Code to establish a Citizens’ Transportation Sales Tax Commission.

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

ACTION: Motion (Zoslocki/Ridenour; 2/5; Kenoyer, Grewal, Madrigal, Ah You, Mayor Brandvold no) introducing and waiving the first reading of an Ordinance adding Chapter 10 “Citizens’ Transportation Sales Tax Commission” to Title 8 of the Modesto Municipal Code to

establish a Citizens' Transportation Sales Tax Commission (**AS AMENDED – MOTION FAILED**)

ACTION: Motion (Grewal/Madrigan; 7/0) introducing and waiving the first reading of **Ordinance No. 3656-C.S.** adding Chapter 10 "Citizens' Transportation Sales Tax Commission" to Title 8 of the Modesto Municipal Code to establish a Citizens' Transportation Sales Tax Commission.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:45 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 11, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, City Ministry Network

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the Stanislaus Animal Services Agency Annual Report. (Funding Source: Not Applicable)
Police; Brian Findlen, 342-6158, findlenb@modestopd.com

ACTION: Annette Patton, Executive Director, presented the Stanislaus Animal Services Agency Annual Report.

PUBLIC COMMENT PERIOD

- Mark Stone spoke regarding an item for paramedic training grant from last week's Council meeting.
- Dave Pratt spoke regarding the Pelandale/99 Project.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-10: (Kenoyer/Zoslocki; 7/0)

CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the October 4, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the October 4, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki; 7/0) approving the minutes from the October 4, 2016 Council Meeting.

Consent

3. Consider final adoption of **Ordinance No. 3655-C.S.** amending Article 9 of Chapter 6 of Title 5 of the City of Modesto Municipal Code, “Wastewater Permitted Capacity Banking and Transfer,” to add provisions related to allocation of wastewater capacity, particularly to industrial users; revise existing provisions related to the transfer of wastewater capacity; and eliminate the capacity bank. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3655-C.S.** amending Provisions of Title 5, Chapter 6, Article 9, “Wastewater Collection And Disposal,” of the Modesto Municipal Code Regarding Transfer of Wastewater Discharge Capacity.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki; 7/0) approving final adoption of **Ordinance No. 3655-C.S.** amending Provisions of Title 5, Chapter 6, Article 9, “Wastewater Collection And Disposal,” of the Modesto Municipal Code Regarding Transfer of Wastewater Discharge Capacity.

Consent

4. Consider final adoption of **Ordinance No. 3656-C.S.** adding Chapter 10 to Title 8 of the Modesto Municipal Code to establish a Citizens’ Transportation Sales Tax Commission. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3656-C.S.** adding Chapter 10 “Citizens’ Transportation Sales Tax Commission” to Title 8 of the Modesto Municipal Code to establish a Citizens’ Transportation Sales Tax Commission.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Zoslocki; 7/0) approving final adoption of **Ordinance No. 3656-C.S.** adding Chapter 10 “Citizens’ Transportation Sales Tax Commission” to Title 8 of the Modesto Municipal Code to establish a Citizens’ Transportation Sales Tax Commission.

Consent

5. Consider approving the Final Map of Rose Villas Two Subdivision located north-west of the intersection of Mable Avenue and Oakdale Road, at 2101 Mable Avenue. (Funding Source: Not Applicable)
- Resolution approving the Final Map of Rose Villas Two Subdivision, authorizing the City Manager or his designee to execute a subdivision agreement with Modesto Mable, LLC, a California Limited Liability Company and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's office.
- Community & Economic Development; Daniel England, 571-5589, denland@modestogov.com*

ACTION: Resolution 2016-408 (Kenoyer/Zoslocki; 7/0) approving the Final Map of Rose Villas Two Subdivision, authorizing the City Manager or his designee to execute a subdivision agreement with Modesto Mable, LLC, a California Limited Liability Company and authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's office.

Consent

6. Consider accepting the Monthly Budget Adjustments Report for August 2016 and amending Fiscal Years 2015-16, and 2016-17, Annual Operating and Capital Improvement Budgets (Funding Source: Various Funds)
- Resolution amending the Fiscal Years 2015-16 and 2016-17 Annual Operating and Capital Improvement Budgets.
- Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

ACTION: Resolution 2016-409 (Kenoyer/Zoslocki; 7/0) amending the Fiscal Years 2015-16 and 2016-17 Annual Operating and Capital Improvement Budgets.

Consent

7. Consider approving findings that the Carpenter Road Planning Area Soccer Complex is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023); and authorizing the submittal of an application for grant funds from the Youth Soccer and Recreation Development Program in an amount of \$1,000,000 to fund development and construction of a portion of the Carpenter Road Planning Area Soccer Complex. (Funding Source: General Fund – Park Planning and Development Division/Youth Soccer and Recreation Development Grant Funds)
- Resolution making findings that the Carpenter Road Planning Area Soccer Complex is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023).
 - Resolution authorizing the submittal of an application for grant funds from the Youth Soccer and Recreation Development Program in an amount of \$1,000,000 to fund development and construction of a portion of the Carpenter Road Planning Area Soccer Complex and authorizing the City Manager, or his designee, to

execute all documents relating to the grant.
*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526,
nhoux@modestogov.com*

ACTION: Resolution 2016-410 (Kenoyer/Zoslocki; 7/0) making findings that the Carpenter Road Planning Area Soccer Complex is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023).

ACTION: Resolution 2016-411 (Kenoyer/Zoslocki; 7/0) authorizing the submittal of an application for grant funds from the Youth Soccer and Recreation Development Program in an amount of \$1,000,000 to fund development and construction of a portion of the Carpenter Road Planning Area Soccer Complex and authorizing the City Manager, or his designee, to execute all documents relating to the grant.

Consent

8. Consider approving an Equipment Lease to Purchase Agreement with Envirogen Technologies, Inc., for Well #274 and Well #295 within the Grayson Community Water System, in an amount not to exceed a total of \$180,000 for three (3) years, at the sole discretion of the City. (Funding Source: Water Fund)
- Resolution accepting an Equipment Lease to Purchase Agreement with Envirogen Technologies, Inc., for Well #274 and Well #295 within the Grayson Community Water System, in an amount not to exceed \$180,000 for three (3) years, with option to purchase at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement.
- Utilities; David Savidge, 342-2217, dsavidge@modestogov.com*

ACTION: Resolution 2016-412 (Kenoyer/Zoslocki; 7/0) accepting an Equipment Lease to Purchase Agreement with Envirogen Technologies, Inc., for Well #274 and Well #295 within the Grayson Community Water System, in an amount not to exceed \$180,000 for three (3) years, with option to purchase at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider approving a Purchase and Sale Agreement with El Cafetal, LLC, a California Limited Liability Company, in the amount of \$4,400, to acquire a permanent recycled water line easement and a temporary construction easement for the North Valley Regional Recycled Water Project. (Funding Source: CIP)
- Resolution approving a Purchase and Sale Agreement with El Cafetal, LLC, for acquisition of 23,226 square feet (0.53 acres) for a Permanent Water Line Easement and 92,902 square feet (2.13 acres) for a Temporary Construction Easement, located at 2601 Lemon Ave, in Patterson, (APN: 047-011-012 & 047-012-003), in the amount of \$4,400, for the North Valley Regional Recycled Water Project and authorizing the City Manager, or his Designee, to execute the agreement and all related documents required to close escrow.

- Resolution approving the Grant Deed from El Cafetal, LLC and authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the permanent water line easement, consisting of 23,226 square feet (0.53 acres) and Temporary Construction Easement, consisting of 92,902 square feet (2.13 acres), located at 2601 Lemon Avenue, in Patterson, (APN 047-011-012 & 047-012-003), for the North Valley Regional Recycled Water Project.

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

ACTION: Resolution 2016-413 (Kenoyer/Zoslocki; 7/0) approving a Purchase and Sale Agreement with El Cafetal, LLC, for acquisition of 23,226 square feet (0.53 acres) for a Permanent Water Line Easement and 92,902 square feet (2.13 acres) for a Temporary Construction Easement, located at 2601 Lemon Ave, in Patterson, (APN: 047-011-012 & 047-012-003), in the amount of \$4,400, for the North Valley Regional Recycled Water Project and authorizing the City Manager, or his Designee, to execute the agreement and all related documents required to close escrow.

ACTION: Resolution 2016-414 (Kenoyer/Zoslocki; 7/0) approving the Grant Deed from El Cafetal, LLC and authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the permanent water line easement, consisting of 23,226 square feet (0.53 acres) and Temporary Construction Easement, consisting of 92,902 square feet (2.13 acres), located at 2601 Lemon Avenue, in Patterson, (APN 047-011-012 & 047-012-003), for the North Valley Regional Recycled Water Project.

Consent

10. Consider approving various documents for the Mark Randy & Torrid/Diablo Lift Station Improvements Project and a contract with Mountain Cascade Inc., of Livermore, CA, in the amount of \$1,507,000, as well as increasing the Director's change order authority, and amending the Fiscal Year 2016-2017 Capital Improvement Program Budget in the amount of \$314,000 for Project Account 100843, and \$135,000 for Project Account 100848. (Funding Source: Wastewater Fund)
 - Resolution approving the plans and specifications for the Mark Randy & Torrid/Diablo Lift Stations Improvements Project, accepting the bid, and approving a contract with Mountain Cascade Inc., of Livermore, CA, in the amount of \$1,944,030, and authorizing the City Manager, or his designee, to execute the contract.
 - Resolution authorizing an increase in the Director's authority to issue change orders for the Mark Randy & Torrid/Diablo Lift Station Improvements Projects from 10% (\$150,700) to 15% (\$226,050) of the construction contract price of \$1,944,030 with Mountain Cascade Inc., of Livermore, CA.
 - Resolution amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$314,000 for Project Account 100843, and \$135,000 for Project Account 100848 to be transferred into the projects from Wastewater Fund Reserves to fully fund the construction, contingency, construction administration, and design support during construction for Mark Randy & Torrid/Diablo Lift Station Improvements Projects.

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

ACTION: Resolution 2016-415 (Kenoyer/Zoslocki; 7/0) approving the plans and specifications for the Mark Randy & Torrid/Diablo Lift Stations Improvements Project, accepting the bid, and approving a contract with Mountain Cascade Inc., of Livermore, CA, in the amount of \$1,944,030, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2016-416 (Kenoyer/Zoslocki; 7/0) authorizing an increase in the Director's authority to issue change orders for the Mark Randy & Torrid/Diablo Lift Station Improvements Projects from 10% (\$150,700) to 15% (\$226,050) of the construction contract price of \$1,944,030 with Mountain Cascade Inc., of Livermore, CA.

ACTION: Resolution 2016-417 (Kenoyer/Zoslocki; 7/0) amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$314,000 for Project Account 100843, and \$135,000 for Project Account 100848 to be transferred into the projects from Wastewater Fund Reserves to fully fund the construction, contingency, construction administration, and design support during construction for Mark Randy & Torrid/Diablo Lift Station Improvements Projects.

COUNCIL COMMENTS & REPORTS

Councilmember Ridenour attended the League of California Cities Conference last week.

Councilmember Kenoyer helped with the clean-up along the Tuolumne River last weekend; she also attended Fire Station open house on Blue Gum.

Councilmember Madrigal announced the Trunk or Treat Classic Car Show fundraiser on Friday, October 28, 2016 at Tenth Street Place; he also assisted with the clean up along the Tuolumne River last weekend and attended El Concilio Gala on Friday night.

Councilmember Ah You announced the Day of the Dead event on October 29, 2016 at Tenth Street Place; she also attended the Fire Station open house last weekend.

Mayor Brandvold also attended the League of California Cities conference last week.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

11. Consider approving an update to the 2015-2018 Strategic Plan to incorporate strategies arising from the Mayor's 100 Day Committee recommendations. (Funding Source: All Funds)
 - Resolution adopting the 2015-2018 Updated Strategic Plan.
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Resolution 2016-418 (Kenoyer/Grewal; 7/0) adopting the 2015-2018 Updated Strategic Plan.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:20 p.m.

CLOSED SESSION

All Closed Session Matters heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Sassafrass 821, LLC v. City of Modesto
Case No. 1:16-CV-01023-DAD-EPG

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Two Cases (Pursuant to Section 54956.9(a) of the Government Code)

Name of case(s): Lee Parker v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ7730756 and ADJ5828643

John Sanchez v. City of Modesto
California Workers Compensation Appeals Board
No. ADJ6502203 and ADJ8455926

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
**GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL
WORKSHOP**

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

Monday, October 10, 2016, at 5:00 p.m.

Roll Call: Present: Chair Kenoyer, Members Ah You and Ridenour Sr.

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider recommending to Council adoption of an ordinance amending the City's Fire Code to adopt the 2016 California Fire Code and Amending Administrative Dangerous Fireworks Citation Program. (Funding Source: General Fund Revenue)
Fire; Mike Payton, 571-5876, mpayton@modestofire.com
ACTION: (Motion: Ridenour/Ah You: unan.) to forward the proposed amendment to the City Council for consideration of approval.

NEW BUSINESS

2. Consider accepting an informational report on the City's procurement and installation of anti-tagging surveillance equipment and approving a sole source agreement with CelPlan Technologies, Inc. Reston, VA, for an estimated cost of \$267,707 and forwarding to Council for approval. (Funding Source: Not Applicable)
Information Technology; John Dickey, 577-5229, jdickey@modestogov.com
ACTION: (Motion: Ridenour/Ah You: unan.) to accept report and to forward agreement to City Council for consideration of approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:34 p.m.

Attest: _____
H. Brent Sinclair, Deputy City Manager

MINUTES

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

Wednesday, October 12, 2016, at 2:00 p.m.

Roll Call: Present: Vice-Chair Ridenour Sr. and Member Kenoyer
Absent: Chair Zoslocki

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. [Consider appointing a member of the Healthy Economy Committee to the Comprehensive Fees Task Force. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com
ACTION: Motion: Kenoyer/Ridenour: unan.) to appoint Bill Zoslocki to the Comprehensive Fees Task Force.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 2:07 p.m.

Attest: _____
H. Brent Sinclair, Deputy City Manager

MINUTES

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

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

Thursday, October 13, 2016, at 5:00 p.m.

Roll Call: Present: Chair Brandvold and Member Grewal
Member Madrigal arrived at 5:28 p.m.

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. [Consider recommending prospective candidates for appointment to fill: \(i\) one current vacancy and one pending vacancy occurring in January of 2017 on the Planning Commission; \(ii\) two current vacancies, one pending vacancy occurring in January 2017 and one reappointment on the Board of Zoning Adjustment \(BZA\); and \(iii\) three current vacancies on the Landmark Preservation Commission and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)

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

ACTION: (Motion: Grewal/ Brandvold: unan.) to recommend Hank Pollard to fill one vacancy on the Planning Commission and forward to City Council for consideration of approval.

ACTION: (Motion: Grewal/Brandvold: unan.) to recommend the reappointment of Robert Selover to the Board of Zoning Adjustment and forward to City Council for consideration of approval.

ACTION: (Motion: Grewal/Brandvold: unan.) to recommend Gary Blom and Mike Moradian to fill vacancies on the Board of Zoning Adjustment and forward to City Council for consideration of approval.

ACTION: (Motion: Grewal/Brandvold: unan.) to recommend Samuel Gonzalez, David Roddick and Jonathan Bruno to fill three vacancies on the Landmark Preservation Commission and forward to City Council for consideration of approval.

2. [Consider recommending the appointments of Karlha Davies and Vickie Higginbotham to fill two vacancies on the City of Modesto Culture Commission and forwarding to Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com
ACTION: (Motion: Grewal/Brandvold: unan.) to recommend Karlha Davies, Vickie Higginbotham and Rosie Arce to fill vacancies on the Culture Commission and forward to City Council for consideration of approval.

3. [Consider recommending the appointment of Ms. Sandy Dieker to serve on the City of Modesto Golf Courses Advisory Committee on behalf of the “Muni Niners Women’s Golf Club”, and forwarding to the City Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com
ACTION: (Motion: Grewal/Brandvold: unan.) to recommend Sandy Dieker as a “Muni Niners Women’s Golf Club representative to City Council for consideration of approval.

4. [Consider recommending appointments to the Comprehensive Fees Task Force to fill four Citizens-at-Large, one Commercial Broker, and one Affordable Housing Representative vacancies and forwarding a recommendation to the City Council for approval. \(Funding Source: Not Applicable\)](#)
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com
ACTION: (Motion: Brandvold/Madrigal: approved. Grewal abstained) to recommend Brian Veltheon as commercial broker representative and forward to City Council for consideration of approval.
ACTION: Motion: Brandvold/Grewal: unan.) to recommend Joe Duran, David Wright, David White and Sandra Lucas as the Citizens-at-Large representatives and Steve Madison as the Affordable Housing representative; forward all recommendations to the City Council for consideration of approval.

5. [Consider applications of Tim Fisher, John Krukar, Joseph Sanchez, Mark Cacioppo, and TJ Scherer for the Airport Advisory Committee’s vacant Public at Large position, recommend a candidate, and forward to Council for approval. \(Funding Source: Not Applicable\)](#)
Public Works; Steven Fischio, 342-2222, sfischio@modestogov.com
ACTION: (Motion: Brandvold/Grewal: unan.) to recommend

Tim Fisher to fill the Public at Large position and forward to City Council for consideration of approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:44 p.m.

Attest:

H. Brent Sinclair, Deputy City Manager

MINUTES

City of Modesto

HEALTHY ECONOMY COMMITTEE / COUNCIL WORKSHOP SPECIAL JOINT MEETING WITH AIRPORT ADVISORY COMMITTEE

Sixth Floor, Room 6825
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, October 17, 2016, at 2:00 p.m.

Roll Call - Present: Healthy Economy Committee Chair Bill Zoslocki and Members Doug Ridenour Sr. and Jenny Kenoyer (arrived at 2:25 p.m.); Airport Advisory Committee Members Jim DeMartini, Alan Ramsey, and Ray Ratto

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. Discussion of Modesto City-County Airport Budget. (Funding Source: Not Applicable)

Public Works; Mark Germanowski, 577-5319, mgermanowski@modestogov.com

ACTION: Motion (Ridenour/Kenoyer; 6/0) directing staff to evaluate TRRP Memorandum of Understanding to consider property control and potential transfer of property rights as it relates to options for grant funding and the Airport Budget.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:19 p.m.

Attest: _____
Joseph Lopez, Deputy City Manager

MINUTES

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

Monday, October 24, 2016, at 5:00 p.m.

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

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. Consider approving a Memorandum of Understanding with Opportunity Stanislaus (Stanislaus Business Alliance) for Fiscal Years 2015-2016 through 2020-2021 and forwarding to the City Council for approval. (Funding Source: General Fund)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Zoslocki/Ah You; unan.) approving a Memorandum of Understanding with Opportunity Stanislaus (Stanislaus Business Alliance) for Fiscal Years 2015-2016 through 2020-2021 and forwarding to the City Council for approval.

2. Consider accepting Fiscal Year 2015-2016 unclaimed funds of \$63,085 that can be transferred to the General Fund and forwarding to Council for approval. (Funding Source: General Fund)
Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: Motion (Zoslocki/Ah You; unan.) accepting Fiscal Year 2015-2016 unclaimed funds of \$63,085 that can be transferred to the General Fund and forwarding to Council for approval.

3. Consider accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2015-16 and forwarding to Council for approval. (Funding Source: Various Funds)

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

ACTION: Motion (Ah You/Zoslocki; unan.) accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2015-16 and forwarding to Council for approval.

4. Consider approving the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budgets and forwarding to Council for approval. (Funding Source: Various Funds)

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

ACTION: Motion (Zoslocki/Ah You; unan.) approving the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budgets and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:13 p.m.

Attest: _____
Joseph Lopez, Deputy City Manager

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 25, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Mark Krieger, Modesto Covenant Church

City Clerk’s Announcements: Item 6 - Removed from Agenda; Item 14 - Removed from
Consent; Item 17 - Continued to November 1, 2016 Council meeting

Declaration of Conflicts of Interest: None

Reports from Closed Session: Deputy City Attorney Kate Cook reported on Closed Session
matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring November 1, 2016 Extra Mile Day in the City of Modesto.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: No reportable action.

2. Proclamation commending the Modesto Police-Clergy Council for their outstanding
hard work, dedication and commitment to building lasting relationships with the
Modesto Police Department, the City of Modesto and its citizens. (Funding Source:
Not Applicable)
Police; Galen Carroll, 342-2297, carrollg@modestopd.com

ACTION: Mayor Brandvold and Police Chief Carroll presented a Proclamation commending
the Modesto Police-Clergy Council for their outstanding hard work, dedication and
commitment to building lasting relationships with the Modesto Police Department, the City of
Modesto and its citizens.

3. Recognition of staff who have reached 20, 25, 30 and 35 year milestones as employees

of the City of Modesto. (Funding Source: Not Applicable)
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Mayor Brandvold and Councilmembers presented Certificates in recognition of staff who have reached 20, 25, 30 and 35 year milestones as employees of the City of Modesto.

MISCELLANEOUS

Legislation
Appointments
Other

- 4. Consider accepting the resignation of Sue Richardson from the City of Modesto Culture Commission. (Funding Source: Not Applicable)
 - Resolution accepting the resignation of Sue Richardson from the City of Modesto Culture Commission.*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

ACTION: Resolution 2016-419 (Ridenour/Zoslocki; 7/0) accepting the resignation of Sue Richardson from the City of Modesto Culture Commission.

- 5. Consider appointing Karlha Davies, Rosie Arce, and Vickie Higginbotham to fill three vacancies on the City of Modesto Culture Commission. (Funding Source: Not Applicable)
 - Resolution appointing Karlha Davies, Rosie Arce and Vickie Higginbotham to the Culture Commission.*Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com*

ACTION: Resolution 2016-420 (Zoslocki/Madrigal; 7/0) appointing Karlha Davies, Rosie Arce and Vickie Higginbotham to the Culture Commission.

Removed from Agenda

- 6. Consider appointing Sandy Dieker as the member representing the Muni Niners Golf Organization to the Golf Courses Advisory Committee. (Funding Source: Not Applicable)
 - Resolution appointing Sandy Dieker, representing the Muni Niners Golf Club, to the City of Modesto Golf Courses Advisory Committee.*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

ACTION: Removed from Agenda.

PUBLIC COMMENT PERIOD

- Maggie Countryman spoke regarding a permit issued by the City Planning Department; she requested a name from City Attorney's Office.
- Adrian Harrell spoke regarding Modesto Sister Cities and recognized John and Julia Mensinger.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 7-13; 15-16: (Grewal/Ridenour; 7/0)

CONSENT ITEMS

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

Consent

7. Consider approving the minutes from the October 11, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the October 11, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Grewal/Ridenour; 7/0) approving the minutes from the October 11, 2016 Council Meeting.

Consent

8. Consider approving the 2017 Calendar of regularly scheduled City Council and Council Standing Committee meetings. (Funding Source: Not Applicable)
 - Resolution approving the 2017 City Calendar of regularly scheduled City Council and Council Standing Committee meetings.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2016-421 (Grewal/Ridenour; 7/0) approving the 2017 City Calendar of regularly scheduled City Council and Council Standing Committee meetings.

Consent

9. Consider the annexation of 2500 Sylvan Avenue to City of Modesto Community Facilities District No. 2004-1 (Village One #2). (Funding Source: CFD No. 2004-1 (Village One #2))
 - Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of a Special Tax Within the Territory Proposed to be Annexed (Annexation #15).
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution of Intention 2016-422 (Grewal/Ridenour; 7/0) to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and to Authorize

the Levy of a Special Tax Within the Territory Proposed to be Annexed (Annexation #15).

Consent

10. Consider approving submittal of a grant application to the State of California Department of Transportation (Caltrans), in the amount of \$500,000 and committing a local match of \$57,350 to update the City of Modesto's Non-Motorized Transportation Plan. (Funding Source: State Grant; General Fund match of \$57,350)

- Resolution approving submittal of a grant application for an update to the Non-Motorized Transportation Plan to the California Department of Transportation, in the amount of \$500,000 and authorizing the City Manager, or his designee, to execute all necessary grant documents.

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

ACTION: Resolution 2016-423 (Grewal/Ridenour; 7/0) approving submittal of a grant application for an update to the Non-Motorized Transportation Plan to the California Department of Transportation, in the amount of \$500,000 and authorizing the City Manager, or his designee, to execute all necessary grant documents.

Consent

11. Consider amending the Bylaws for the Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)

- Resolution amending the Bylaws for the Housing Rehabilitation Loan Committee and rescinding City Council Resolution No. 2015-457.

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

ACTION: Resolution 2016-424 (Grewal/Ridenour; 7/0) amending the Bylaws for the Housing Rehabilitation Loan Committee and rescinding City Council Resolution No. 2015-457.

Consent

12. Consider approving a Housing and Urban Development Policies & Procedure Manual. (Funding Source: Not Applicable)

- Resolution approving a Housing and Urban Development Policies & Procedures Manual.

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

ACTION: Resolution 2016-425 (Grewal/Ridenour; 7/0) approving a Housing and Urban Development Policies & Procedures Manual.

Consent

13. Consider acknowledging and approving the early termination of a three-year agreement between the City of Modesto and the San Joaquin Insurance Authority (SJVIA) for participation in group medical insurance coverage; and approving an agreement between the City of Modesto and Peter C. Foy & Associates Insurance Services, Inc.

for participation in group medical insurance coverage for an initial one-year period, with option for rate guarantees in years two and three, starting plan year 2017; continue dental and vision coverage through the City's self-insured program for plan year 2017. (Funding Source: Not Applicable)

- Resolution acknowledging and approving the early termination of a three-year agreement between the City of Modesto and the San Joaquin Insurance Authority (SJVIA) for participation in group medical insurance coverage.
- Resolution approving an agreement between the City of Modesto and Peter C. Foy & Associates Insurance Services, Inc. for participation in group medical insurance coverage for an initial one-year period, with option for rate guarantees in years two and three, starting plan year 2017; continue dental and vision coverage through the City's self-insured program for plan year 2017; authorizing the Deputy City Manager to serve as the coordinator for the various plans; and authorizing the City Manager, or his designee, to execute the necessary agreements, in a form approved by the City Attorney.

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

ACTION: Resolution 2016-426 (Grewal/Ridenour; 7/0) acknowledging and approving the early termination of a three-year agreement between the City of Modesto and the San Joaquin Insurance Authority (SJVIA) for participation in group medical insurance coverage.

ACTION: Resolution 2016-427 (Grewal/Ridenour; 7/0) approving an agreement between the City of Modesto and Peter C. Foy & Associates Insurance Services, Inc. for participation in group medical insurance coverage for an initial one-year period, with option for rate guarantees in years two and three, starting plan year 2017; continue dental and vision coverage through the City's self-insured program for plan year 2017; authorizing the Deputy City Manager to serve as the coordinator for the various plans; and authorizing the City Manager, or his designee, to execute the necessary agreements, in a form approved by the City Attorney.

Removed from Consent

14. Consider accepting the 2016 COPS Hiring Program Grant in the amount of \$1,500,000 from the U.S. Department of Justice, Office of Community Oriented Policing, for twelve (12) additional Police Officer positions for 3 years, amending the 2016-2017 Operating Budget estimating revenue of \$1,418,182, and amending the Position Allocation to increase the allocation of sworn Police Officers by twelve (12). (Funding Source: Grants - Police)

- Resolution accepting the COPS Hiring Program (CHPS) Grant in the amount of \$1,500,000, from the U.S. Department of Justice, Office of Community Oriented Policing, for 12 Police Officers for three years; and authorizing the City Manager, or his designee, to execute the necessary award documents.
- Resolution amending the Fiscal Year 2016/17 Operating Budget, estimating revenue in the amount of \$4,495,753, for the COPS Hiring Program Grant.
- Resolution amending the Position Allocation to allocate twelve Police Officer positions, bringing the total sworn Police Officer allocations for Modesto Police Department from 153 to 165.

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

ACTION: Resolution 2016-428 (Ridenour/Grewal; 7/0) accepting the COPS Hiring Program (CHPS) Grant in the amount of \$1,500,000, from the U.S. Department of Justice, Office of Community Oriented Policing, for 12 Police Officers for three years; and authorizing the City Manager, or his designee, to execute the necessary award documents.

ACTION: Resolution 2016-429 (Ridenour/ Grewal; 7/0) amending the Fiscal Year 2016/17 Operating Budget, estimating revenue in the amount of \$4,495,753, for the COPS Hiring Program Grant.

ACTION: Resolution 2016-430 (Ridenour/Grewal; 7/0) amending the Position Allocation to allocate twelve Police Officer positions, bringing the total sworn Police Officer allocations for Modesto Police Department from 153 to 165.

Consent

15. Consider amending the Position Allocation for the City of Modesto Police Department. (Funding Source: General Fund)
- Resolution amending the Position Allocation for fiscal year 2016-17 as adopted in the Police Department Operating Budget.
- Police; Galen Carroll, 572-9501, carrollg@modestopd.com*

ACTION: Resolution 2016-431 (Grewal/Ridenour; 7/0) amending the Position Allocation for fiscal year 2016-17 as adopted in the Police Department Operating Budget.

Consent

16. Consider amending the parking fee structure for single space vehicles to \$1 per hour, 24 hours per day, as a pilot program to determine the impact on evening patronage of downtown businesses, and rescinding Resolution No. 2007-359. (Funding Source: Parking Services Enterprise Fund)
- Resolution amending the parking fee structure for single space vehicles to \$1 per hour, 24 hours per day, as a pilot program to determine the impact on evening patronage of the downtown businesses, and rescinding Resolution No. 2007-359.
- Public Works; Patricia Morrison, 652-9882, pmorrison@modestogov.com*

ACTION: Resolution 2016-432 (Grewal/Ridenour; 7/0) amending the parking fee structure for single space vehicles to \$1 per hour, 24 hours per day, as a pilot program to determine the impact on evening patronage of the downtown businesses, and rescinding Resolution No. 2007-359.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the Healthy Aging Summit event last weekend; she will be attending a Community Hospice fundraiser in Stockton on Friday afternoon.

Councilmember Ridenour spoke in support of Fire Chief Slamon and City Manager Holgersson.

Councilmember Madrigal spoke regarding Trunk or Treat Classic Car Show on Friday, October 28, 2016 at Tenth Street Place; he attended the Central Valley Business & Expo this afternoon.

Councilmember Ah You also spoke regarding the Community Hospice event in Stockton; she also announced the Dia de Los Muertes (Day of the Dead) event in Modesto on October 29, 2016.

Councilmember Zoslocki will also be attending the Community Hospice fundraiser in Stockton on Friday afternoon

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on October 17, 2016 – Continued to November 1, 2016 Council meeting

17. Hearing to consider annexing 1303 Mable Avenue to City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2), authorizing the levy of special taxes; calling a special election; and declaring the results of the October 25, 2016 special election. (Funding Source: CFD No. 2007-1 (North Beyer Park #2))
- Resolution calling a special election for the City of Modesto to Annex Territory to City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2).
 - Resolution declaring the results of the October 25, 2016 special election and ordering the annexation of the additional territory to City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2)
- Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

ACTION: Continued to November 1, 2016 Council meeting.

Published in the Modesto Bee on October 5th & October 12th, 2016

18. Hearing to consider abandonment of Sydney Street south of Jennie Street. (Funding Source: Not Applicable)
- Resolution abandoning Sydney Street south of Jennie Street (E & J Gallo Winery)
 - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Abandonment of Sydney Street, south of Jennie Street (E & J Gallo Winery)
- Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com*

ACTION: Resolution 2016-433 (Ridenour/Zoslocki; 7/0) abandoning Sydney Street south

of Jennie Street (E & J Gallo Winery.)

ACTION: Resolution 2016-434 (Ridenour/Zoslocki; 7/0) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Abandonment of Sydney Street, south of Jennie Street (E & J Gallo Winery)

NEW BUSINESS

19. Consider opposing Proposition 57, the Public Safety and Rehabilitation Act of 2016. (Funding Source: Not Applicable)

- Resolution in opposition of Proposition 57, the Public Safety and Rehabilitation Act of 2016.

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

ACTION: Resolution 2016-435 (Madrigal/Ah You; 7/0) in opposition of Proposition 57, the Public Safety and Rehabilitation Act of 2016.

20. Consider approving an Agreement for landscape maintenance services with Grover Landscape Services, Inc. for an estimated annual cost of \$1,670,587, totaling \$8,352,935 over a period of five years. (Funding Source: General Fund, Community Facility Districts, Enterprise Fund and Tuolumne River Regional Park Joint Powers of Authority)

- Resolution authorizing the award of bid, and approving a five year agreement for landscape maintenance services to Grover Landscape Services, Inc. for parks, right of ways, and public landscaping owned and/or maintained by the City of Modesto for an estimated annual cost of \$1,670,587, totaling \$8,352,935 over the five year period and authorizing the City Manager, or his designee, to execute the Agreement, in a form approved by the City Attorney.

Public Works; Kelly Gallagher, 342-2270, kgallagher@modestogov.com

ACTION: Resolution 2016-436 (Ridenour/Kenoyer; 7/0) authorizing the award of bid, and approving a five year agreement for landscape maintenance services to Grover Landscape Services, Inc. for parks, right of ways, and public landscaping owned and/or maintained by the City of Modesto for an estimated annual cost of \$1,670,587, totaling \$8,352,935 over the five year period and authorizing the City Manager, or his designee, to execute the Agreement, in a form approved by the City Attorney.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:20 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Name of case: Sassafrass 821, LLC v. City of Modesto
 Case No. 1:16-CV-01023-DAD-EPG

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
One Case (Pursuant to Section 54956.9(d)(4) of the Government Code)**

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

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

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

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

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

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

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

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

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

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

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

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

Negotiator: Joe Lopez
Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

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

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

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

Property: 800 N. McClure Rd., Modesto, CA; APN: 079-001-001
Property Owners: Claus Road Farm Trust
Negotiating Parties:
 For City: Brent Sinclair, Deputy City Manager for City of Modesto
 Adam U. Lindgren, City Attorney for City of Modesto
 For Property Owners: Timothy A. Byrd, Attorney at Law
Under Negotiation: Possible acquisition of property and entering into property negotiations

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday November 01, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Cheryl Birch, Cheryl Birch Ministries

City Clerk’s Announcements: Item 12 - Removed from Agenda

Declaration of Conflicts of Interest: Councilmember Grewal – Item 11

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the 1st Year for the Popular Annual Financial Reporting Award received by the Government Finance Officers Association of the United States and Canada for Fiscal Year ending June 30, 2015. (Funding Source: Not Applicable)
Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: City Manager Jim Holgersson presented the 1st Year for the Popular Annual Financial Reporting Award received by the Government Finance Officers Association of the United States and Canada for Fiscal Year ending June 30, 2015.

2. Presentation of the City of Modesto's 2nd Chance Week Baby Clothes Collection for local charities in partnership with Stanislaus County. (Funding Source: Not Applicable)
Public Works; Vicki Rice, 577-5495, vrice@modestogov.com

ACTION: Vicki Rice, City Recycling Program Coordinator, presented the City of Modesto's 2nd Chance Week Baby Clothes Collection for local charities in partnership with Stanislaus County.

MISCELLANEOUS

Legislation
Appointments

Other

3. Consider accepting the resignation of Greg Matas from the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)
 - Resolution accepting the resignation of Greg Matas from the City of Modesto Board of Zoning Adjustment.
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Resolution 2016-437 (Ridenour/Kenoyer; 6/0; Madrigal absent) accepting the resignation of Greg Matas from the City of Modesto Board of Zoning Adjustment.

4. Consider accepting the resignation of Helen Mihalopoulos from the City of Modesto Citizen's Housing and Community Development Committee. (Funding Source: Not Applicable)
 - Resolution accepting the resignation of Helen Mihalopoulos from the City of Modesto's Citizen's Housing and Community Development Committee.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-438 (Ridenour/Zoslocki; 6/0; Madrigal absent) accepting the resignation of Helen Mihalopoulos from the City of Modesto's Citizen's Housing and Community Development Committee.

5. Consider approving appointments to the Comprehensive Fees Task Force to fill four Citizens-at-Large, one Commercial Broker, and one Affordable Housing Representative vacancies. (Funding Source: Not Applicable)
 - Resolution appointing Brian Velthoen (Commercial Broker), Joe Duran, David Wright, David White and Sandra Lucas (Citizens-at-Large) and Steve Madison (Affordable Housing Representative) to the Comprehensive Fees Task Force.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-439 (Kenoyer/Zoslocki; 6/0; Madrigal absent) appointing Joe Duran, David Wright, David White and Sandra Lucas (Citizens-at-Large) and Steve Madison (Affordable Housing Representative) to the Comprehensive Fees Task Force.

ACTION: Resolution 2016-440 (Kenoyer/Zoslocki; 6/0; Grewal absent due to conflict of interest) appointing Brian Velthoen (Commercial Broker) to the Comprehensive Fees Task Force.

6. Consider accepting the resignation of Liduvina Gonzalez from the City of Modesto Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
 - Resolution accepting the resignation of Liduvina Gonzalez from the City of Modesto Housing Rehabilitation Loan Committee.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-441 (Kenoyer/Ridenour; 7/0) accepting the resignation of Liduvina Gonzalez from the City of Modesto Housing Rehabilitation Loan Committee.

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

ACTION: Resolution 2016-442 (Kenoyer/Madrigal; 7/0) appointing Hank Pollard to the City of Modesto Planning Commission.

PUBLIC COMMENT PERIOD

- Adrien Harrell, Modesto Sister Cities, introduced the delegation from Karume, Japan.
- Loretta Carhart spoke regarding Measure L.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 8-10: (Kenoyer/Madrigal; 7/0)

CONSENT ITEMS

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

Consent

8. Consider approving the minutes from the October 25, 2016 Council Meeting. (Funding Source: Not Applicable)
- Motion approving the minutes from the October 25, 2016 Council Meeting. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Kenoyer/Madrigal; 7/0) approving the minutes from the October 25, 2016 Council Meeting.

Consent

9. Consider authorizing the procurement and installation of anti-tagging surveillance equipment and approving a sole source agreement with CelPlan Technologies, Inc. Reston, VA, for an estimated cost of \$267,707. (Funding Source: Utilities Fund and Pelandale Overpass Project Fund)
- Resolution authorizing the procurement and installation of anti-tagging surveillance equipment and approving a sole source agreement with CelPlan Technologies, Inc. Reston, VA, for an estimated cost of \$267,707. *Information Technology; John Dickey, 577-5229, jdickey@modestogov.com*

ACTION: Resolution 2016-443 (Kenoyer/Madrigal; 7/0) authorizing the procurement and installation of anti-tagging surveillance equipment and approving a sole source agreement with CelPlan Technologies, Inc. Reston, VA, for an estimated cost of \$267,707.

Consent

10. Consider approving various documents for the Codoni Transmission Mains Project and a contract with D.A. Wood Construction, Inc., of Modesto, CA, in the amount of \$2,432,695, as well as increasing the Director's change order authority, and amending the Fiscal Year 2016-2017 Capital Improvement Program Budget in the amount of \$268,000. (Funding Source: Water Fund - CIP)

- Resolution approving the plans and specifications for the Codoni Transmission Mains Project, accepting the bid, and approving a contract with D.A. Wood Construction, Inc., of Modesto, CA, in the amount of \$2,432,695, and authorizing the City Manager, or his designee, to execute the contract.
- Resolution authorizing an increase in the Director's authority to issue change orders for the Codoni Transmission Mains Project from 8% (\$194,616) to 13% (\$316,250) of the construction contract price of \$2,432,695 with D.A. Wood Construction, Inc., of Modesto, CA.
- Resolution amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$268,000 to be transferred into the project from Water Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the Codoni Transmission Mains Project.

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

ACTION: Resolution 2016-444 (Kenoyer/Madrigal; 7/0) approving the plans and specifications for the Codoni Transmission Mains Project, accepting the bid, and approving a contract with D.A. Wood Construction, Inc., of Modesto, CA, in the amount of \$2,432,695, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2016-445 (Kenoyer/Madrigal; 7/0) authorizing an increase in the Director's authority to issue change orders for the Codoni Transmission Mains Project from 8% (\$194,616) to 13% (\$316,250) of the construction contract price of \$2,432,695 with D.A. Wood Construction, Inc., of Modesto, CA.

ACTION: Resolution 2016-446 (Kenoyer/Madrigal; 7/0) amending the Fiscal Year 2016-17 Capital Improvement Program Budget in the amount of \$268,000 to be transferred into the project from Water Fund Reserves in order to fully fund the construction, contingency, construction administration, City construction forces, and design support during construction for the Codoni Transmission Mains Project.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer participated in the Over the Edge fundraiser for Community Hospice last weekend; she also attended opening of Assyrian preschool on Mable Avenue and Day of the Dead event in Modesto.

Councilmember Zoslocki also participated in Over the Edge fundraiser that raised \$138,000 for Community Hospice last weekend; he also spoke regarding opposition to Proposition 57.

Councilmember Ridenour thanked Chief Slamon for his work as Fire Chief.

Councilmember Madrigal spoke regarding Trunk or Treat Classic Car Show event last Friday and thanked 48 car show participants and sponsors; he also attended Dia de Los Muertos event on Saturday in Downtown Modesto.

CITY MANAGER COMMENTS & REPORTS

ACTION: None

HEARINGS

Published in the Modesto Bee on October 24, 2016; Councilmember Grewal absent due to conflict of interest

11. Hearing to consider the annexation of Assessor Parcel No. 078-014-042, a parcel on the north side of Pelandale Avenue and east of Chapman Road, to City of Modesto Community Facilities District No. 2002-1 (NorthPointe), authorizing the levy of special taxes therein; calling a special election; and declaring the results of the November 1, 2016 special election. (Funding Source: CFD No. 2002-1 (NorthPointe))
- Resolution calling a special election for the City of Modesto to Annex Territory to City of Modesto Community Facilities District No. 2002-1 (NorthPointe).
 - Resolution declaring the results of the November 1, 2016 special election and ordering the annexation of the additional territory to City of Modesto Community Facilities District No. 2002-1 (NorthPointe)

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

ACTION: Resolution 2016-447 (Madrigal/Ridenour; 6/0; Grewal absent due to conflict of interest) calling a special election for the City of Modesto to Annex Territory to City of Modesto Community Facilities District No. 2002-1 (NorthPointe).

ACTION: Resolution 2016-448 (Madrigal/Ridenour; 6/0; Grewal absent due to conflict of interest) declaring the results of the November 1, 2016 special election and ordering the annexation of the additional territory to City of Modesto Community Facilities District No. 2002-1 (NorthPointe)

Published in the Modesto Bee on October 17, 2016. Item Removed from the Agenda

12. Hearing to consider annexing 1303 Mable Avenue to City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2), authorizing the levy of special taxes; calling a special election; and declaring the results of the November 1, 2016 special election. (Funding Source: CFD No. 2007-1 (North Beyer Park #2))

- Item Removed from the Agenda.

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

ACTION: Item Removed from the Agenda.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:25 p.m.

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

This Council Workshop adjourned at 6:45 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

Attest: _____
Stephanie Lopez, City Clerk

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2008
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, November 8, 2016, at 9:00 a.m.

Roll Call Present: Councilmembers Zoslocki, Ridenour, Grewal (arrived at 9:22 a.m.),
Kenoyer (alternate)
Also Present: Mayor Brandvold

PUBLIC COMMENTS

None.

CONSENT

None.

NEW BUSINESS

1. Consider accepting the Auditor's Internal Status Report through October 31, 2016 prepared by Moss Adams, LLP. (Funding Source: General Fund)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Ridenour/Kenoyer; unan.) accepting the Auditor's Internal Status Report through October 31, 2016 prepared by Moss Adams, LLP.

2. Consider accepting the Revenue Manual Overview presented by Moss Adams, LLP dated November 8, 2016. (Funding Source: Various Funds)
City Auditor; Mark Steranka, (206) 302-6409, Mark.Steranka@mossadams.com

ACTION: Motion (Ridenour/Grewal; unan.) accepting the Revenue Manual Overview presented by Moss Adams, LLP dated November 8, 2016.

3. Consider accepting the Modesto Convention and Visitors Bureau audit report prepared by external auditors Macias, Gini & O'Connell, LLP, for fiscal year ended June 30, 2015 and forwarding to Council for approval (Funding Source: Not Applicable)
Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: Motion (Grewal/Ridenour; unan.) accepting the Modesto Convention and Visitors Bureau audit report prepared by external auditors Macias, Gini & O'Connell, LLP, for fiscal year ended June 30, 2015 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:42 a.m.

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday November 08, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal (arrived at 5:38 p.m.), Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein, College Avenue United Church of Christ

City Clerk’s Announcements: Item 1 – Removed from Agenda

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Father Jon E. Magoulias in honor and recognition of his 30 years of dedication and leadership to the Greek Orthodox Church of the Annunciation and our community. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Removed from Agenda.

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

ACTION: Director of Utilities Larry Parlin presented the Water / Wastewater Funds Update for the First Quarter of Fiscal Year 2016-17.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider accepting the resignation of Kent Faulkner from the City of Modesto Landmark Preservation Commission (Funding Source: Not Applicable)
 - Resolution accepting the resignation of Kent Faulkner from the City of Modesto Landmark Preservation Commission.

Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com

ACTION: Resolution 2016-449 (Kenoyer/Ah You; 7/0) accepting the resignation of Kent Faulkner from the City of Modesto Landmark Preservation Commission.

4. Consider appointing Samuel Gonzalez, David Roddick and Jonathon Bruno to the City of Modesto Landmark Preservation Commission. (Funding Source: Not Applicable)
 - Resolution appointing Samuel Gonzalez to the City of Modesto Landmark Preservation Commission.
 - Resolution appointing David Roddick to the City of Modesto Landmark Preservation Commission.
 - Resolution appointing Jonathon Bruno to the City of Modesto Landmark Preservation Commission.

Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com

ACTION: Resolution 2016-450 (Kenoyer/Grewal; 7/0) appointing Samuel Gonzalez to the City of Modesto Landmark Preservation Commission.

ACTION: Resolution 2016-451 (Kenoyer/Grewal; 7/0) appointing David Roddick to the City of Modesto Landmark Preservation Commission.

ACTION: Resolution 2016-452 (Kenoyer/Grewal; 7/0) appointing Jonathon Bruno to the City of Modesto Landmark Preservation Commission.

5. Consider appointing Gary Blom and Mike Moradian and reappointing Robert Selover to the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)
 - Resolution appointing Gary Blom to the City of Modesto Board of Zoning Adjustment.
 - Resolution appointing Mike Moradian to the City of Modesto Board of Zoning Adjustment.
 - Resolution reappointing Robert Selover to the City of Modesto Board of Zoning Adjustment.

Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com

ACTION: Resolution 2016-453 (Grewal/Madriral; 7/0) appointing Gary Blom to the City of Modesto Board of Zoning Adjustment.

ACTION: Resolution 2016-454 (Grewal/Madriral; 7/0) appointing Mike Moradian to the City of Modesto Board of Zoning Adjustment.

ACTION: Resolution 2016-455 (Grewal/Madriral; 7/0) reappointing Robert Selover to the City of Modesto Board of Zoning Adjustment.

6. Consider approving the appointment of Tim Fisher to the City–County Airport Advisory Committee position vacancy, as a Public at Large member for a two year term. (Funding Source: Not Applicable)
 - Resolution approving the appointment of Tim Fisher to the Modesto City-County Airport Advisory Committee (AAC) as a Public At Large member for a two year term.
Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Resolution 2016-456 (Ridenour/Kenoyer; 7/0) approving the appointment of Tim Fisher to the Modesto City-County Airport Advisory Committee (AAC) as a Public At Large member for a two year term.

PUBLIC COMMENT PERIOD

- Debra Harper spoke regarding the Stanislaus County Library.
- Barbara Hayes spoke regarding homeless in bathrooms at parks in Modesto and shopping carts.
- Loretta Carhart spoke regarding watering days in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 7-12: (Madriral/Ridenour; 7/0)

CONSENT ITEMS

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

Consent

7. Consider approving the minutes from the November 1, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the November 1, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Madriral/Ridenour; 7/0) approving the minutes from the November 1, 2016 Council Meeting.

Consent

8. Consider approving an increase in the Minor Home Repair Grant for Richard & Marcella Barrows, for property located at 1914 Klemm, Modesto, California, in the amount of \$2,960 to cover change orders incurred during the repair of work related to the HVAC unit and amending the Fiscal Year 2016-17 Operating Budget. (Funding

Source: Community Development Block Grant Funds)

- Resolution approving an increase in the Minor Home Repair Grant for Richard & Marcella Barrows, for property located at 1914 Klemm, Modesto, California, in the amount of \$2,960, to cover change orders expenses incurred.
- Resolution amending the Fiscal Year 2016-17 Operating Budget to reflect an increase in the Minor Home Repair Grant for Richard & Marcella Barrows, for property located at 1914 Klemm, Modesto, California, in the amount of \$2,960, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

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

ACTION: Resolution 2016-457 (Madrigal/Ridenour; 7/0) approving an increase in the Minor Home Repair Grant for Richard & Marcella Barrows, for property located at 1914 Klemm, Modesto, California, in the amount of \$2,960, to cover change orders expenses incurred.

ACTION: Resolution 2016-458 (Madrigal/Ridenour; 7/0) amending the Fiscal Year 2016-17 Operating Budget to reflect an increase in the Minor Home Repair Grant for Richard & Marcella Barrows, for property located at 1914 Klemm, Modesto, California, in the amount of \$2,960, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

Consent

9. Consider accepting a report detailing City personal property sold, donated, or disposed of during Fiscal Year 2015-16. (Funding Source: Various Funds)
 - Motion accepting a report detailing all personal property sold, donated, or disposed of during Fiscal Year 2015-16.

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

ACTION: Motion (Madrigal/Ridenour; 7/0) accepting a report detailing all personal property sold, donated, or disposed of during Fiscal Year 2015-16.

Consent

10. Consider authorizing the transfer of Fiscal Year 2015-2016 unclaimed funds in the amount of \$63,085 to the General Fund. (Funding Source: General Fund)
 - Resolution claiming Fiscal Year 2015-2016 unclaimed funds held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.

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

ACTION: Resolution 2016-459 (Madrigal/Ridenour; 7/0) claiming Fiscal Year 2015-2016 unclaimed funds held in the City's Trust Fund for more than three years and authorizing the transfer to the General Fund.

Consent

11. Consider authorizing the transfer of Fiscal Year 2014-2015 unclaimed funds in the amount of \$15,081.20 to the General Fund. (Funding Source: General Fund)
- Resolution to claim Fiscal Year 2014-2015 unclaimed funds held in the City's Trust fund for more than three years and authorizing the transfer to the City's General Fund.

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

ACTION: Resolution 2016-460 (Madrigal/Ridenour; 7/0) to claim Fiscal Year 2014-2015 unclaimed funds held in the City's Trust fund for more than three years and authorizing the transfer to the City's General Fund.

Consent

12. Consider approving the submittal of an application for the Fiscal Year 2016 Assistance to Firefighters Grant in the amount of \$95,000 for the procurement of personal protective equipment extractors (washers) and dryers as well as the facility improvements necessary to accommodate the equipment. (Funding Source: General Fund)

- Resolution approving the approving the submittal of an application for the Fiscal Year 2016 Assistance to Firefighters Grant in the amount of \$95,000 for the procurement of personal protective equipment extractors (washers) and dryers as well as the facility improvements necessary to accommodate the equipment and authorizing the City Manager, or his designee, to execute all grant-related documents.

Fire; Sean Slamon, 572-9590, sslamon@modestofire.com

ACTION: Resolution 2016-461 (Madrigal/Ridenour; 7/0) approving the approving the submittal of an application for the Fiscal Year 2016 Assistance to Firefighters Grant in the amount of \$95,000 for the procurement of personal protective equipment extractors (washers) and dryers as well as the facility improvements necessary to accommodate the equipment and authorizing the City Manager, or his designee, to execute all grant-related documents.

COUNCIL COMMENTS & REPORTS

Councilmember Madrigal spoke regarding the Awesome Spot Playground design unveiling on Wednesday, November 16, at 6:00 pm at the Century Event Center.

Councilmember Kenoyer announced that she and Mayor Brandvold attended the opening of Fairview Park's new playground.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

13. Consider approving a Water Rate Assistance Program for water customers based on annual customer income level. (Funding Source: Water Fund)
- Resolution approving a Water Rate Assistance Program for water customers, in an amount of up to \$1,000,000 annual funding level, for up to 8,333 income-qualified accounts, funded by delinquency charges for water service.
Utilities; Larry Parlin, 577-5261, lparlin@modestogov.com

ACTION: Resolution 2016-462 (Kenoyer/Zoslocki; 7/0) approving a Water Rate Assistance Program for water customers, in an amount of up to \$1,000,000 annual funding level, for up to 8,333 income-qualified accounts, funded by delinquency charges for water service.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:10 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Dias v. COM
Case No. 2013360

Doe v. COM
Case No. F071675

CONFERENCE WITH LABOR NEGOTIATOR:

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

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

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

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

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

Wednesday, November 09, 2016, at 2:00 p.m.

Roll Call: Present: Chair Zoslocki, Member Kenoyer and Alternate Mayor Brandvold
Absent: Member Ridenour, Sr.

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. Consider receiving an informational report on free public Wi-Fi and vendor specific Master License Agreements. (Funding Source: General Fund and Surface Transportation Fund)
Informational Technology; John Dickey, 577-5229, jdickey@modestogov.com
ACTION: (Motion: Kenoyer/Brandvold; unan.) to accept report and forward item to City Council for consideration of approval.

2. Consider accepting the addition of Article 11, Dental Amalgam, to Chapter 6 of Title 5 of the Modesto Municipal Code (to eliminate mercury in the discharge of wastewater) and forwarding to Council for approval. (Funding Source: Not Applicable)
Utilities; Thomas Sinclair, 577-6240, tsinclair@modestogov.com
ACTION: (Motion: Brandvold/Kenoyer: unan.) to forward the item to City Council for consideration of approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 2:18 p.m.

Attest: _____

H. Brent Sinclair, Deputy City

Manager

MINUTES

City of Modesto GREAT SAFE NEIGHBORHOODS COMMITTEE / COUNCIL WORKSHOP

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

Monday, November 14, 2016, at 5:00 p.m.

Roll Call: Present: Chair Kenoyer, Vice-Chair Ah You and Member Ridenour Sr.

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. [Consider accepting Plumbing, Electrical, and Mechanical Ordinances by reference of the 2016 California Building Code and consider amending, adding, and repealing various sections of Articles 1, 2, 8, and 16 of Chapter 1, Title 9; and adding Chapters 11 and 12 to Title 9 of the Modesto Municipal Code and forwarding to Council for approval. \(Funding Source: General Fund\)](#)
Community & Economic Development; William Crew, 577-5242, wcrew@modestogov.com
ACTION: (Motion: Ah you/Ridenour; unan.) to forward this item to the City Council for consideration of approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:27 p.m.

Attest: _____

Manager

H. Brent Sinclair, Deputy City

MINUTES

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

Monday, November 21, 2016, at 5:00 p.m.

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

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. Consider accepting information on the What Works Cities Initiative and forwarding to Council for approval of the OpenGov Technology platform. (Funding Source: Information Technology Fund)
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Motion (Zoslocki/Ah You; unan.) accepting information on the What Works Cities Initiative and forwarding to Council for approval of the OpenGov Technology platform.

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

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

3. Consider receiving an informational report related to Modesto Fire Fleet replacement; approving terms set forth by PNC Equipment Finance to lease with the option to

purchase five Velocity Pumpers and two Velocity Tillers for a total cost of \$5,883,756 from Pierce Manufacturing Inc.; and forwarding to Council for approval. (Funding Source: General Fund)

Fire; Alan Ernst, 372-9590, aernst@modestofire.com

ACTION: Motion (Zoslocki/Ah You; unan.) receiving an informational report related to Modesto Fire Fleet replacement; approving terms set forth by PNC Equipment Finance to lease with the option to purchase five Velocity Pumpers and two Velocity Tillers for a total cost of \$5,883,756 from Pierce Manufacturing Inc.; and forwarding to Council for approval.

4. Consider accepting a mid-year budget adjustment of \$54,231 to increase the City's contribution to the Tuolumne River Regional Park Joint Powers Authority and forwarding to the Council for approval. (Funding Source: General Fund)

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

ACTION: Motion (Ah You/Zoslocki; unan.) accepting a mid-year budget adjustment of \$54,231 to increase the City's contribution to the Tuolumne River Regional Park Joint Powers Authority and forwarding to the Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:42 p.m.

Attest: _____
Joseph Lopez, Deputy City Manager

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, November 22, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Absent: Councilmember Grewal

Pledge of Allegiance to the Flag

Invocation: Cheryl Birch, Cheryl Birch Ministries

City Clerk’s Announcements: Item 5 – Removed from Consent

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring November 26th, 2016, as "Small Business Saturday". (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation declaring November 26th, 2016, as “Small Business Saturday.”

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS: 2-4; 6-9: (Kenoyer/Ah You; 6/0; Grewal absent)

ACTION CONSENT ITEM 5: (Madrigal/Kenoyer/6/0; Grewal absent)

CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the November 8, 2016 Council Meeting.
(Funding Source: Not Applicable)

Staff Recommendations:

- Motion approving the minutes from the November 8, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Ah You; 6/0; Grewal absent) approving the minutes from the November 8, 2016 Council Meeting.

Consent

3. Consider accepting the Monthly Budget Adjustments Report for September 2016 and amending Fiscal Year 2016-17, Annual Operating and Capital Improvement Budgets.
(Funding Source: Various Funds)

Staff Recommendations:

- Resolution amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement Budgets.
Finance and City Manager; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2016-463 (Kenoyer/Ah You; 6/0; Grewal absent) amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement Budgets.

Consent

4. Consider establishing the budget for the first annual payment to the Clean Water State Revolving Fund (SRF) for the completed Phase 2 BNR Tertiary Wastewater Treatment Project. (Funding Source: Wastewater Fund)

Staff Recommendations:

- Resolution amending the Fiscal Year 2016-17 Wastewater Operating Budget in the amount of \$8,409,145 in order to fund the initial payment of the California State Water Resources Control Board State Revolving Fund Loan.
Finance and City Manager; Thomas Hedegard, 571-5855, thedegard@modestogov.com

ACTION: Resolution 2016-464 (Kenoyer/Ah You; 6/0; Grewal absent) amending the Fiscal Year 2016-17 Wastewater Operating Budget in the amount of \$8,409,145 in order to fund the initial payment of the California State Water Resources Control Board State Revolving Fund Loan.

Removed from Consent

5. Consider: (i) approving a revised Small Cell Master License Agreement; (ii) adopting a free Public Wi-Fi Master License Agreement for Public Wi-Fi antenna installations; and (iii) rescinding Resolution 2016-185. (Funding Source: General Fund and Surface Transportation Fund)

Staff Recommendations:

- Resolution approving a Small Cell Master License Agreement (MLA) together

with its fee schedule for the LinkModesto Project Phase One (1), to be used by the Informational Technology and Public Works Departments for deployment of future small cell technology on the City's vertical assets, rescinding Resolution 2016-185 and authorizing the City Manager, or his designee, to execute all documents relating to the MLA.

- Resolution approving a free public Wi-Fi Specific Master License Agreement (MLA) together with partnership fee waivers for the LinkModesto Project Phase One (1), being used by the Information Technology and Public Works Departments for deployment of future free public Wi-Fi Technology on the City's vertical assets and authorizing the City Manager, or his designee, to execute all documents relating to the MLA.

Finance and Information Technology; John Dickey, 577-5229, jdickey@modestogov.com

ACTION: Resolution 2016-465 (Madrigal/Kenoyer; 6/0; Grewal absent) approving a Small Cell Master License Agreement (MLA) together with its fee schedule for the LinkModesto Project Phase One (1), to be used by the Informational Technology and Public Works Departments for deployment of future small cell technology on the City's vertical assets, rescinding Resolution 2016-185 and authorizing the City Manager, or his designee, to execute all documents relating to the MLA.

ACTION: Resolution 2016-466 (Madrigal/Kenoyer; 6/0; Grewal absent) approving a free public Wi-Fi Specific Master License Agreement (MLA) together with partnership fee waivers for the LinkModesto Project Phase One (1), being used by the Information Technology and Public Works Departments for deployment of future free public Wi-Fi Technology on the City's vertical assets and authorizing the City Manager, or his designee, to execute all documents relating to the MLA.

Consent

6. Consider accepting the Edward Byrne Memorial Justice Assistance Grant (JAG), for a joint award with the County of Stanislaus and the City of Modesto, in the amount of \$165,937. (Funding Source: Grants - Police)

Staff Recommendations:

- Resolution accepting the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of \$165,937; and authorizing the City Manager, or his designee, to execute the necessary program documents.
- Resolution amending the Multi-Year 2016-2017 Operating Budget, estimating revenue of \$131,252 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds.

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

ACTION: Resolution 2016-467 (Kenoyer/Ah You; 6/0; Grewal absent) accepting the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of

Stanislaus and the City of Modesto in the amount of \$165,937; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2016-468 (Kenoyer/Ah You; 6/0; Grewal absent) amending the Multi-Year 2016-2017 Operating Budget, estimating revenue of \$131,252 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds.

Consent

7. Consider authorizing the purchase of a Cyclone Riding Surface Cleaner from Terry Equipment, Sacramento, CA, for an estimated total cost of \$177,114. (Funding Source: Parking Fund)

Staff Recommendations:

- Resolution authorizing the award of bid for the purchase of Cyclone Riding Surface Cleaner to Terry Equipment, Sacramento, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$177,114.
Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Resolution 2016-469 (Kenoyer/Ah You; 6/0; Grewal absent) authorizing the award of bid for the purchase of Cyclone Riding Surface Cleaner to Terry Equipment, Sacramento, CA, and authorizing the City Manager, or his designee, to issue a purchase order for an estimated total cost of \$177,114.

Consent

8. Consider approving a Grant Agreement for \$5,005,829 with the California Department of Water Resources for the Cross Connection Removal-Roosevelt Park and North Valley Regional Recycled Water Projects; approving an Agreement with RRM Design Group, Inc., San Juan Capistrano, CA, for final design services in an amount not to exceed \$577,800; and amending the Fiscal Year 2016-2017 Capital Improvement Program Budget. (Funding Source: Wastewater Fund and State Dept. of Water Resources)

Staff Recommendations:

- Resolution approving a grant agreement with California Department of Water Resources to receive the 2015 Proposition 84 Integrated Regional Water Management Implementation Grant for the Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park and partially funding the final design of the North Valley Regional Recycled Water Program Project; authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive the grant funds, if awarded; and authorizing the Director of Finance to be the signatory of grant invoice forms during requests for reimbursements.
- Resolution approving an Agreement with RRM Design Group, Inc., San Juan Capistrano, CA for Final Design Services for the Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park Project in an amount not to exceed \$525,273, plus \$52,527 for additional services (if needed), for a maximum total amount of \$577,800, and authorizing the City Manager, or his designee to execute the agreement.
- Resolution amending the Fiscal Year 2016-2017 Capital Improvement Program budget by increasing revenues in the amount of \$5,005,829, transferring

\$1,362,864 from Wastewater Fund Reserves, increasing expenditures in the amount of \$5,982,154 to be transferred into the Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park Project account, and increasing expenditures in the amount of \$386,539 to be transferred into the North Valley Regional Recycled Water Program Project account, as per the executed Grant Agreement with California Department of Water Resources to fund construction activities for the projects.

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

ACTION: Resolution 2016-470 (Kenoyer/Ah You; 6/0; Grewal absent) approving a grant agreement with California Department of Water Resources to receive the 2015 Proposition 84 Integrated Regional Water Management Implementation Grant for the Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park and partially funding the final design of the North Valley Regional Recycled Water Program Project; authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive the grant funds, if awarded; and authorizing the Director of Finance to be the signatory of grant invoice forms during requests for reimbursements.

ACTION: Resolution 2016-471 (Kenoyer/Ah You; 6/0; Grewal absent) approving an Agreement with RRM Design Group, Inc., San Juan Capistrano, CA for Final Design Services for the Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park Project in an amount not to exceed \$525,273, plus \$52,527 for additional services (if needed), for a maximum total amount of \$577,800, and authorizing the City Manager, or his designee to execute the agreement.

ACTION: Resolution 2016-472 (Kenoyer/Ah You; 6/0; Grewal absent) amending the Fiscal Year 2016-2017 Capital Improvement Program budget by increasing revenues in the amount of \$5,005,829, transferring \$1,362,864 from Wastewater Fund Reserves, increasing expenditures in the amount of \$5,982,154 to be transferred into the Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park Project account, and increasing expenditures in the amount of \$386,539 to be transferred into the North Valley Regional Recycled Water Program Project account, as per the executed Grant Agreement with California Department of Water Resources to fund construction activities for the projects.

Consent

9. Consider approving a Recycled Water Conveyance Agreement between the City of Modesto and the City of Turlock for the North Valley Regional Recycled Water Program. (Funding Source: Wastewater Fund)

Staff Recommendations:

- Resolution approving a Recycled Water Conveyance Agreement between the City of Modesto and the City of Turlock for the North Valley Regional Recycled Water Program.

Utilities; Will Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2016-473 (Kenoyer/Ah You; 6/0; Grewal absent) approving a Recycled Water Conveyance Agreement between the City of Modesto and the City of Turlock for the North Valley Regional Recycled Water Program.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer attended the opening of the Modesto On Ice skating rink in downtown Modesto on Saturday and helped with the 9-2-99 river clean-up during the weekend.

Councilmember Madrigal also attended the opening of the Modesto On Ice skating rink in downtown Modesto on Saturday and also helped with the 9-2-99 river clean-up during the weekend; he also attended the funeral service for Deputy Wallace this morning.

Councilmember Ah You spoke regarding Laura's Law.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on November 2, 2016.

10. Consider adopting an Ordinance rezoning 0.69 acres of property located at 332 and 336 Standiford Avenue from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone and finding that the project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report. (Funding Source: Not Applicable)

Staff Recommendations:

- Motion introducing and waiving the first reading of an Ordinance amending Section 8-3-9 of the City of Modesto Zoning Map to rezone property located at 332 and 336 Standiford Avenue from Low Density Residential Zone, R-1, to Professional Office Zone, P-O.
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 8-3-9 of the Zoning Map of the City of Modesto to rezone from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone, property located at 332 and 336 Standiford Avenue (L Street Architects)

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

ACTION: Motion (Ridenour/Zoslocki; 6/0; Grewal absent) introducing and waiving the first reading of **Ordinance No. 3657-C.S.** amending Section 8-3-9 of the City of Modesto Zoning Map to rezone property located at 332 and 336 Standiford Avenue from Low Density Residential Zone, R-1, to Professional Office Zone, P-O.

ACTION: Resolution 2016-474 (Ridenour/Zoslocki; 6/0; Grewal absent) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment to Section 8-3-9 of the Zoning Map of the City of Modesto to rezone from Low

Density Residential (R-1) Zone to Professional Office (P-O) Zone, property located at 332 and 336 Standiford Avenue (L Street Architects)

Published in the Modesto Bee on November 11th and November 18th, 2016.

11. Consider: (i) adopting Plumbing, Electrical, and Mechanical Ordinances by reference to the 2016 California Building Code; (ii) amending, adding, and repealing various sections of Articles 1, 2, 8, and 16 of Chapter 1, Title 9; and (iii) adding Chapters 11 and 12 of Title 9 of the Modesto Municipal Code. (Funding Source: General Fund)

Staff Recommendations:

- Motion introducing and waiving the first reading of an Ordinance Amending Articles 1, 2, 8, and 16 of Chapter 1 of Title 9 of the Modesto Municipal Code to adopt by reference California Code of Regulations, Title 24 Part 2, Volumes 1 & 2 and adding Chapter 12, “Post Disaster Assessment,” to Title 9 relating to building regulations.
- Motion introducing and waiving the first reading of an Ordinance amending Chapter 3, “Electrical Code” of Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of Regulations, Title 24, Part 3 “Electrical Code.”
- Motion introducing and waiving the first reading of an Ordinance amending Chapter 7, “Mechanical Code” of Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of regulations, Title 24, Part 4 “Mechanical Code.”
- Motion introducing and waiving the first reading of an Ordinance repealing and replacing, Sections 9-2.101, 9-2.201 And 9-2.204 Of Chapter 2, “Plumbing Code” to Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of Regulations, Title 24, part 5 “Plumbing Code.”
- Motion introducing and waiving the first reading of an Ordinance adding Chapter 11, “Existing Building Code” to Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of Regulations, Title 24, Part 10 “Existing Building Code.”

*Community & Economic Development; William Crew, 577-5242,
wcrew@modestogov.com*

ACTION: Motion (Kenoyer/Ridenour; 6/0; Grewal absent) introducing and waiving the first reading of **Ordinance No. 3658-C.S.** Amending Articles 1, 2, 8, and 16 of Chapter 1 of Title 9 of the Modesto Municipal Code to adopt by reference California Code of Regulations, Title 24 Part 2, Volumes 1 & 2 and adding Chapter 12, “Post Disaster Assessment,” to Title 9 relating to building regulations.

ACTION: Motion (Kenoyer/Ridenour; 6/0; Grewal absent) introducing and waiving the first reading of **Ordinance No. 3659-C.S.** amending Chapter 3, “Electrical Code” of Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of Regulations, Title 24, Part 3 “Electrical Code.”

ACTION: Motion (Kenoyer/Ridenour; 6/0; Grewal absent) introducing and waiving the first reading of **Ordinance No. 3660-C.S.** amending Chapter 7, “Mechanical Code” of Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of regulations, Title 24, Part 4 “Mechanical Code.”

ACTION: Motion (Kenoyer/Ridenour; 6/0; Grewal absent) introducing and waiving the first reading of **Ordinance No. 3661-C.S.** repealing and replacing, Sections 9-2.101, 9-2.201 And 9-2.204 Of Chapter 2, “Plumbing Code” to Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of Regulations, Title 24, part 5 “Plumbing Code.”

ACTION: Motion (Kenoyer/Ridenour; 6/0; Grewal absent) introducing and waiving the first reading of **Ordinance No. 3662-C.S.** adding Chapter 11, “Existing Building Code” to Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of Regulations, Title 24, Part 10 “Existing Building Code.”

Published in the Modesto Bee on November 11th & November 18th, 2016.

12. Consider adopting an Ordinance amending the City’s Fire Code relating to the adoption of the 2016 California Fire Code. (Funding Source: General Fund Revenue)

Staff Recommendations:

- Motion introducing and waiving the first reading of an ordinance repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code and Adopting by Reference and Amending the California Fire Code, 2016 Edition, Regulating and Governing the Safeguarding of Life and Property from Fire and Explosive Hazards Arising From the Storage, Handling, and Use of Hazardous Substances, Materials and Devices and From Conditions Hazardous to Life or Property in the Occupancy of Buildings and Premises in the City of Modesto; Providing for the Issuance of Permits and Collection of Fees, Providing Penalties for the Violation Thereof, and Repealing all Ordinances and Parts of Ordinances in Conflict Therewith.

Fire; Mike Payton , 571-5876, mpayton@modestofire.com

ACTION: Motion (Ridenour/Madrigal; 6/0; Grewal absent) introducing and waiving the first reading of **Ordinance No. 3663-C.S.** repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code and Adopting by Reference and Amending the California Fire Code, 2016 Edition, Regulating and Governing the Safeguarding of Life and Property from Fire and Explosive Hazards Arising From the Storage, Handling, and Use of Hazardous Substances, Materials and Devices and From Conditions Hazardous to Life or Property in the Occupancy of Buildings and Premises in the City of Modesto; Providing for the Issuance of Permits and Collection of Fees, Providing Penalties for the Violation Thereof, and Repealing all Ordinances and Parts of Ordinances in Conflict Therewith.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:25 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: Souliotes v. COM
Case No. 1:15-CV-00556-LJO-SKO

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non-Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:

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

Negotiator: Joe Lopez

Agency Negotiators: Jim Holgersson, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

Attest: _____
STEPHANIE LOPEZ, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday December 06, 2016, at 5:30 p.m.

Roll Call – Present: Councilmembers Ah You, Grewal, Kenoyer, Madrigal (arrived at 6:45 p.m.), Ridenour, Zoslocki, Mayor Brandvold
Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Rudy Zuniga, The Potter's House Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring December 21, 2016 as National Homeless Persons' Memorial Day in recognition of the people who have died homeless in and around Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza1@modestogov.com

ACTION: Mayor Brandvold presented a Proclamation to Joseph Homer declaring December 21, 2016 as National Homeless Person's Memorial Day in recognition of the people who have died homeless in and around Modesto.

2. Presentation of a Proclamation Recognizing Good Samaritan Sangram Gill for assisting injured Modesto Police Officer Billy Boyle. (Funding Source: Not Applicable)
Police; Galen Carroll, 572-9501, gcarroll@modestopd.com

ACTION: Police Chief Galen Carroll presented a Proclamation recognizing Good Samaritan Sangram Gill for assisting injured Modesto Police Officer Billy Boyle.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider approving the reappointment of Richard Dalton and Jon Rodriguez to the Board of Building Appeals. (Funding Source: Not Applicable)
 - Resolution reappointing Richard Dalton and Jon Rodriguez to the Board of Building Appeals.
Community & Economic Development; William Crew, 577-5242, wcrew@modestogov.com

ACTION: Resolution 2016-475 (Kenoyer/Grewal; 6/0; Madrigal absent) reappointing Richard Dalton and Jon Rodriguez to the Board of Building Appeals.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding Jocelyn Reed article in the Modesto Bee.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

ACTION CONSENT ITEMS 4-17: (Kenoyer/Ridenour, 6/0; Madrigal absent)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes from the November 22, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the November 22, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Ridenour; 6/0; Madrigal absent) approving the minutes from the November 22, 2016 Council Meeting.

Consent

5. Consider final adoption of Ordinance No. 3657-C.S. rezoning 0.69 acres of property located at 332 and 336 Standiford Avenue from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance 3657-C.S. amending Section 8-3-9 of the City of Modesto Zoning Map to rezone property located at 332 and 336 Standiford Avenue from Low Density Residential Zone, R-1, to Professional Office Zone, P-O.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Ridenour; 6/0; Madrigal absent) approving final adoption of **Ordinance No. 3657-C.S.** amending Section 8-3-9 of the City of Modesto Zoning Map to rezone property located at 332 and 336 Standiford Avenue from Low Density Residential Zone, R-1, to Professional Office Zone, P-O.

Consent

6. Consider final adoption of Ordinance Nos. 3658-C.S., 3659-C.S., 3660-C.S., 3661-C.S., and 3662-C.S. (i) adopting Plumbing, Electrical, and Mechanical Ordinances by reference to the 2016 California Building Code; (ii) amending, adding, and repealing various sections of Articles 1, 2, 8, and 16 of Chapter 1, Title 9; and (iii) adding Chapters 11 and 12 of Title 9 of the Modesto Municipal Code. (Funding Source: General Fund)
- Motion approving final adoption of Ordinance 3658-C.S. amending Articles 1, 2, 8, and 16 of Chapter 1 of Title 9 of the Modesto Municipal Code to adopt by reference California Code of Regulations, Title 24 Part 2, Volumes 1 & 2 and adding Chapter 12, “Post Disaster Assessment,” to Title 9 relating to building regulations.
 - Motion approving final adoption of Ordinance 3659-C.S. amending Chapter 3, “Electrical Code” of Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of Regulations, Title 24, Part 3 “Electrical Code.”
 - Motion approving final adoption of Ordinance 3660-C.S. amending Chapter 7, “Mechanical Code” of Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of regulations, Title 24, Part 4 “Mechanical Code.”
 - Motion approving final adoption of Ordinance 3661-C.S. repealing and replacing, Sections 9-2.101, 9-2.201 And 9-2.204 Of Chapter 2, “Plumbing Code” to Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of Regulations, Title 24, part 5 “Plumbing Code.”
 - Motion approving final adoption of Ordinance 3662-C.S. adding Chapter 11, “Existing Building Code” to Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of Regulations, Title 24, Part 10 “Existing Building Code.”

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

ACTION: Motion (Kenoyer/Ridenour; 6/0; Madrigal absent) approving final adoption of **Ordinance No. 3658-C.S.** amending Articles 1, 2, 8, and 16 of Chapter 1 of Title 9 of the Modesto Municipal Code to adopt by reference California Code of Regulations, Title 24 Part 2, Volumes 1 & 2 and adding Chapter 12, “Post Disaster Assessment,” to Title 9 relating to building regulations.

ACTION: Motion (Kenoyer/Ridenour; 6/0; Madrigal absent) approving final adoption of **Ordinance No. 3659-C.S.** amending Chapter 3, “Electrical Code” of Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of Regulations, Title 24, Part 3 “Electrical Code.”

ACTION: Motion (Kenoyer/Ridenour; 6/0; Madrigal absent) approving final adoption of **Ordinance No. 3660-C.S.** amending Chapter 7, “Mechanical Code” of Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of regulations, Title 24, Part 4 “Mechanical Code.”

ACTION: Motion (Kenoyer/Ridenour; 6/0; Madrigal absent) approving final adoption of

Ordinance No. 3661-C.S. repealing and replacing, Sections 9-2.101, 9-2.201 And 9-2.204 Of Chapter 2, “Plumbing Code” to Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of Regulations, Title 24, part 5 “Plumbing Code.”

ACTION: Motion (Kenoyer/Ridenour; 6/0; Madrigal absent) approving final adoption of **Ordinance No. 3662-C.S.** adding Chapter 11, “Existing Building Code” to Title 9 of the Modesto Municipal Code relating to Building Regulations to adopt by reference California Code of Regulations, Title 24, Part 10 “Existing Building Code.”

Consent

7. Consider final adoption of Ordinance No. 3663-C.S. amending the City’s Fire Code relating to the adoption of the 2016 California Fire Code. (Funding Source: General Fund Revenue)
- Motion approving final adoption of Ordinance 3663-C.S. repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code and Adopting by Reference and Amending the California Fire Code, 2016 Edition, Regulating and Governing the Safeguarding of Life and Property from Fire and Explosive Hazards Arising From the Storage, Handling, and Use of Hazardous Substances, Materials and Devices and From Conditions Hazardous to Life or Property in the Occupancy of Buildings and Premises in the City of Modesto; Providing for the Issuance of Permits and Collection of Fees, Providing Penalties for the Violation Thereof, and Repealing all Ordinances and Parts of Ordinances in Conflict Therewith.

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

ACTION: Motion (Kenoyer/Ridenour; 6/0; Madrigal absent) approving final adoption of **Ordinance No. 3663-C.S.** repealing and replacing Chapter 1 of Title 3 of the Modesto Municipal Code and Adopting by Reference and Amending the California Fire Code, 2016 Edition, Regulating and Governing the Safeguarding of Life and Property from Fire and Explosive Hazards Arising From the Storage, Handling, and Use of Hazardous Substances, Materials and Devices and From Conditions Hazardous to Life or Property in the Occupancy of Buildings and Premises in the City of Modesto; Providing for the Issuance of Permits and Collection of Fees, Providing Penalties for the Violation Thereof, and Repealing all Ordinances and Parts of Ordinances in Conflict Therewith.

Consent

8. Consider amending Section 5 (Emergency Solutions Grants Program Policies) of the Housing and Urban Development Policies & Procedure Manual. (Funding Source: Emergency Solutions Grants funds)
- Resolution amending Section 5 (Emergency Solutions Grants Program Policies) of the Housing and Urban Development Policies & Procedures Manual.

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

ACTION: Resolution 2016-476 (Kenoyer/Ridenour; 6/0; Madrigal absent) amending Section 5 (Emergency Solutions Grants Program Policies) of the Housing and Urban Development Policies & Procedures Manual.

Consent

9. Consider approving the revised Memorandum of Understanding between Stanislaus County, the City of Modesto, the City of Ceres and Stanislaus Consolidated Fire Protection District to continue the Regional Fire Investigations Unit and rescinding Resolution No. 2016-247. (Funding Source: General Fund)
- Resolution rescinding Resolution 2016-247 to approve the revised Memorandum of Understanding between Stanislaus County, the City of Modesto, the City of Ceres and Stanislaus Consolidated Fire Protection District to continue the Regional Fire Investigations Unit and authorizing the City Manager, or his designee, to execute the revised MOU.

Fire; Sean Slamon, 572-9590, sslamon@modestofire.com

ACTION: Resolution 2016-477 (Kenoyer/Ridenour; 6/0; Madrigal absent) rescinding Resolution 2016-247 to approve the revised Memorandum of Understanding between Stanislaus County, the City of Modesto, the City of Ceres and Stanislaus Consolidated Fire Protection District to continue the Regional Fire Investigations Unit and authorizing the City Manager, or his designee, to execute the revised MOU.

Consent

10. Consider authorizing a purchasing agreement for Cleaning, Inspection, and Repair Service of Personal Protection Equipment for the Modesto Fire Department to Scotts PPE Recon Inc. (Lodi, CA), for a two (2) year agreement with three (3) one-year extensions for an estimated annual cost of \$65,400, and over five (5) years of \$327,000. (Funding Source: General Fund)
- Resolution authorizing the award of bid for the Cleaning, Inspection, and Repair Service of Personal Protection Equipment (PPE) for the Modesto Fire Department to Scotts PPE Recon Inc. (Lodi, CA) and authorizing the City Manager, or his designee, to issue a purchase agreement for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$65,400, and over five (5) years of \$327,000, and authorizing the City Manager, or his designee, to execute the agreement.

Fire; Kristin Rawlinson, 571-5142, krawlinson@modestofire.com

ACTION: Resolution 2016-478 (Kenoyer/Ridenour; 6/0; Madrigal absent) authorizing the award of bid for the Cleaning, Inspection, and Repair Service of Personal Protection Equipment (PPE) for the Modesto Fire Department to Scotts PPE Recon Inc. (Lodi, CA) and authorizing the City Manager, or his designee, to issue a purchase agreement for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$65,400, and over five (5) years of \$327,000, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

11. Consider approving an Agreement with Bartkiewicz, Kronick & Shanahan, P.C., Sacramento, CA, to provide legal services regarding the City's comments to the Draft Substitute Environmental Document for Phase 1 of the Bay/Delta Water Quality Control Plan in an amount not to exceed \$75,000. (Funding Source: Water Fund)
- Resolution approving an Agreement with Bartkiewicz, Kronick & Shanahan, P.C., Sacramento, CA, to provide legal services regarding the City's comments to the

Draft Substitute Environmental Document for Phase 1 of the Bay/Delta Water Quality Control Plan in an amount not to exceed \$57,300 for the identified scope of services, plus \$17,700 for additional services (if needed), for a maximum total amount of \$75,000, and authorizing the City Manager, or his designee to execute the agreement.

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

ACTION: Resolution 2016-479 (Kenoyer/Ridenour; 6/0; Madrigal absent) approving an Agreement with Bartkiewicz, Kronick & Shanahan, P.C., Sacramento, CA, to provide legal services regarding the City's comments to the Draft Substitute Environmental Document for Phase 1 of the Bay/Delta Water Quality Control Plan in an amount not to exceed \$57,300 for the identified scope of services, plus \$17,700 for additional services (if needed), for a maximum total amount of \$75,000, and authorizing the City Manager, or his designee to execute the agreement.

Consent

12. Consider approving the Joint Powers Agreement Forming the West Turlock Subbasin Groundwater Sustainability Agency, and authorizing the City of Modesto to participate as a Governing Board member. (Funding Source: Water Fund)
- Resolution approving the Joint Powers Agreement Forming the West Turlock Subbasin Groundwater Sustainability Agency, and authorizing the City of Modesto to participate as a Governing Board member.

Utilities; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2016-480 (Kenoyer/Ridenour; 6/0; Madrigal absent) approving the Joint Powers Agreement Forming the West Turlock Subbasin Groundwater Sustainability Agency, and authorizing the City of Modesto to participate as a Governing Board member.

Consent

13. Consider an Ordinance adding Article 11, Dental Amalgam, to Chapter 6 of Title 5 of the Modesto Municipal Code. (Funding Source: Not Applicable)
- Motion introducing and waiving the first reading of an Ordinance adding Article 11, "Dental Amalgam," to Chapter 6 of Title 5, of the Modesto Municipal Code.

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

ACTION: Motion (Kenoyer/Ridenour; 6/0; Madrigal absent) introducing and waiving the first reading of **Ordinance No. 3664-C.S.** adding Article 11, "Dental Amalgam," to Chapter 6 of Title 5, of the Modesto Municipal Code.

Consent

14. Consider accepting the Collector and Arterial Rehabilitation Project near College Avenue and 9th Street as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$1,530,238 to VSS International, Inc., of Sacramento, California. (Funding Source: Gas Tax Fund)
- Resolution accepting the Collector and Arterial Rehabilitation Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$1,530,237.53 to VSS International, Inc., of Sacramento, California.

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

ACTION: Resolution 2016-481 (Kenoyer/Ridenour; 6/0; Madrigal absent) accepting the Collector and Arterial Rehabilitation Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$1,530,237.53 to VSS International, Inc., of Sacramento, California.

Consent

15. Consider accepting 2013-14 Sewer Collection System Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$1,602,246 to DSS Company DbA Knife River Construction, of Stockton, California. (Funding Source: Wastewater Fund)
- Resolution accepting the 2013-14 Sewer Collection System Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$1,602,246.19 to DSS Company DbA Knife River Construction, of Stockton, California.

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

ACTION: Resolution 2016-482 (Kenoyer/Ridenour; 6/0; Madrigal absent) accepting the 2013-14 Sewer Collection System Replacement Project as complete, authorizing all necessary steps to file with the County Recorder, release securities, and release payments totaling \$1,602,246.19 to DSS Company DbA Knife River Construction, of Stockton, California.

Consent

16. Consider approving a two-year agreement with three one-year extensions for the sole source procurement of Ultraviolet (UV) lamps with DC Frost Associates, Walnut Creek, CA, for an annual cost of \$100,583, and over five years of \$521,382 (Funding Source: Wastewater Fund)
- Resolution authorizing the procurement of UV lamps and approving a sole source agreement with DC Frost Associates, Walnut Creek, CA, for the Utilities Department, Wastewater Division, for an annual cost of \$100,582.46 and a cost of \$521,381.95 over five years.

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

ACTION: Resolution 2016-483 (Kenoyer/Ridenour; 6/0; Madrigal absent) authorizing the procurement of UV lamps and approving a sole source agreement with DC Frost Associates, Walnut Creek, CA, for the Utilities Department, Wastewater Division, for an annual cost of \$100,582.46 and a cost of \$521,381.95 over five years.

Consent

17. Consider accepting 2014-2015 Storm Drain Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling \$693,778 to Rolfe Construction Company, of Atwater, CA (Funding Source: Storm Drainage Fund)
- Resolution accepting the 2014-2015 Storm Drain Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling \$693,778.00 to Rolfe Construction Company, of Atwater, CA.

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

ACTION: Resolution 2016-484 (Kenoyer/Ridenour; 6/0; Madrigal absent) accepting the 2014-2015 Storm Drain Improvements Project as complete, authorizing all necessary steps to file with the County Recorder, release securities and release payments totaling \$693,778.00 to Rolfe Construction Company, of Atwater, CA.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer spoke regarding Breakfast with Santa event on Saturday morning.

Councilmember Grewal spoke regarding the Christmas Parade and attendance in Downtown Modesto on Saturday.

Councilmember Ah You also spoke regarding the Christmas Parade on Saturday; she also attended the Amazon Holiday Giving Event with \$15,000 gifts for Center for Human Services.

Councilmember Ridenour thanked staff for their work at the Christmas Parade on Saturday.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson announced the appointment of Ashley Weaver as Parks Recreation and Neighborhoods Manager.

HEARINGS

Published in the Modesto Bee on November 25, 2016.

18. Consider accepting the Fiscal Year 2015-16 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 2015-16 Annual Report of Funds Held for Future Improvements, and making findings related to each security on file.

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

ACTION: Resolution 2016-485 (Ridenour/Ah You; 6/0; Madrigal absent) accepting the Fiscal Year 2015-16 Annual Report of Funds Held for Future Improvements, and making findings related to each security on file.

Published in the Modesto Bee on November 29, 2016.

19. Hearing to consider annexing 2500 Sylvan Avenue to City of Modesto Community Facilities District No. 2004-1 (Village One #2); authorizing the levy of special taxes therein; calling a special election; and declaring the results of the December 6, 2016 special election. (Funding Source: City of Modesto Community Facilities District No. 2004-1 Special Taxes)

- Resolution calling a special election for the City of Modesto Annex Territory to

- City of Modesto Community Facilities District No. 2004-1 (Village One #2).
- Resolution declaring the results of the December 6, 2016 special election and ordering the annexation of the additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2)
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-486 (Ridenour/Zoslocki; 6/0; Madrigal absent) calling a special election for the City of Modesto Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2).

ACTION: Resolution 2016-487 (Ridenour/Zoslocki; 6/0; Madrigal absent) declaring the results of the December 6, 2016 special election and ordering the annexation of the additional territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2)

Published in the Modesto Bee on November 21, 2016.

20. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2015-16 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 2015-16 and making findings related to each of the fee categories.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-488 (Zoslocki/Ridenour; 6/0; Madrigal absent) accepting the Capital Facilities Fees Annual Report for Fiscal Year 2015-16 and making findings related to each of the fee categories.

Published in the Modesto Bee on November 6, 2016 and in the Spanish Vida paper 11/9/2016.

21. Hearing to consider amending Section 1 (Citizen Participation Plan) of the Housing and Urban Development Policies & Procedure Manual. (Funding Source: Community Development Block Grant, HOME Investment Partnerships Program and Emergency Solutions Grants Funds)
- Resolution amending Section 1 (Citizen Participation Plan) of the Housing and Urban Development Policies & Procedures Manual.
Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2016-489 (Ridenour/Kenoyer; 6/0; Madrigal absent) amending Section 1 (Citizen Participation Plan) of the Housing and Urban Development Policies & Procedures Manual.

Councilmember Madrigal arrived at 6:45 p.m.

NEW BUSINESS

22. Consider (i) approving an agreement with Pierce Manufacturing Inc. to lease with the option to purchase five (5) Velocity Pumpers and two (2) Velocity Tillers for a total

cost of \$5,883,756 (ii) approving the lease terms set forth by PNC Equipment Finance. (Funding Source: General Fund)

- Resolution approving an agreement with Pierce Manufacturing Inc. to lease with the option to purchase five Pierce Velocity Pumpers and two Velocity Tillers for a total cost of \$5,883,756.
- Resolution approving the lease terms set forth by PNC Equipment Finance.
- Resolution amending the Fiscal Year 2016-2017 General Fund operating budget to capture the capital lease purchase for the lease payment of five Velocity Pumpers and two Velocity Tillers for a total cost of \$5,985,377 in accordance with general accepted accounting principle (GAAP) requirements.

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

ACTION: Resolution 2016-490 (Kenoyer/Ah You; 7/0) approving an agreement with Pierce Manufacturing Inc. to lease with the option to purchase five Pierce Velocity Pumpers and two Velocity Tillers for a total cost of \$5,883,756.

ACTION: Resolution 2016-491 (Kenoyer/Ah You; 7/0) approving the lease terms set forth by PNC Equipment Finance.

ACTION: Resolution 2016-492 (Kenoyer/Ah You; 7/0) amending the Fiscal Year 2016-2017 General Fund operating budget to capture the capital lease purchase for the lease payment of five Velocity Pumpers and two Velocity Tillers for a total cost of \$5,985,377 in accordance with general accepted accounting principle (GAAP) requirements.

Recess at 8:10 p.m.

Reconvened at 8:30 p.m.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:52 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Property: 7121 McHenry Ave., corner of McHenry Ave. & Stewart Rd.
A portion of APN 004-102-003, consisting of 22,607 square feet (0.52 acres)
Property Owners: Larry Killian and Angelina Mary Killian, trustees of the Killian Family Trust dated August 5, 1993, as to an undivided 10% interest
Lenore Catherine Setliff Chladek , trustee of the Ernest Baxter Setliff, Jr. Testamentary Trust, as to an undivided 20% interest and Lenore Catherine Setliff Chladek and Alan Smith, trustees of the Gladys C. Setliff Revocable Trust dated July 5, 2007, as to an undivided 20% interest
Arnold W. Setliff and Katherine L. Setliff, trustees of the Norma Setliff Family Trust as set forth in the Setliff Revocable Trust dated April 19, 2004, as to an undivided 50%

Negotiating Parties:

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

For Property Owners: Larry Killian, Realtor

Under Negotiation: Approve current appraisal, possible acquisition of property and entering into property negotiations

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

Property: John Thurman Field, 601 Neece Drive, Modesto, APN 102012001
Property Owners: City of Modesto
Negotiating Parties:

For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto

For Lessor: Mike Gorrasi, Executive Vice-President Modesto Nuts Professional Baseball Club on behalf of HWS Baseball IV, LLC

Under Negotiation: Ten year lease agreement with HWS Baseball IV, LLC aka Modesto Nuts Baseball Club for the use, operation and management of John Thurman Field

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday December 13, 2016, at 5:30 p.m.

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

Pledge of Allegiance to the Flag

Invocation: Michael Schiefelbein, College Avenue United Church of Christ

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

Reports from Closed Session: City Attorney Lindgren reported on Closed Session matters;
Councilmember Ridenour recused from one item on Closed Session Agenda: *Ridenour vs. City
of Modesto*

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider reappointing Balvino Irizarry and Jim Bishop to the Tuolumne River Regional Park Citizen’s Advisory Committee for a four-year term. (Funding Source: Not Applicable)
 - Resolution approving the reappointment of Balvino Irizarry and James Bishop to the Tuolumne River Regional Park Citizen’s Advisory Committee for a four-year term, with an expiration date of January 1, 2021.
Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@modestogov.com

ACTION: Resolution 2016-493 (Kenoyer/Madrigal; 7/0) approving the reappointment of Balvino Irizarry and James Bishop to the Tuolumne River Regional Park Citizen’s Advisory Committee for a four-year term, with an expiration date of January 1, 2021.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED
ACTION CONSENT ITEMS 2-7: (Kenoyer/Ah You; 7/0)

CONSENT ITEMS

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

Consent

2. Consider approving the minutes from the December 6, 2016 Council Meeting. (Funding Source: Not Applicable)
 - Motion approving the minutes from the December 6, 2016 Council Meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Ah You; 7/0) approving the minutes (**amended**) from the December 6, 2016 Council Meeting.

Consent

3. Consider final adoption of **Ordinance No. 3664-C.S.** adding Article 11, Dental Amalgam, to Chapter 6 of Title 5 of the Modesto Municipal Code. (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3664-C.S.** adding Article 11, “Dental Amalgam,” to Chapter 6 of Title 5, of the Modesto Municipal Code.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Kenoyer/Ah You; 7/0) approving final adoption of **Ordinance No. 3664-C.S.** adding Article 11, “Dental Amalgam,” to Chapter 6 of Title 5, of the Modesto Municipal Code.

Consent

4. Consider approving an agreement with OpenGov, Inc. for a technology platform to display Open Data and City performance metrics for greater transparency and interaction with the public. (Funding Source: Various Funds)
 - Resolution approving an agreement with OpenGov, Inc. to provide a platform to display open data and performance metrics in accordance with the agreed upon scope of work; and authorizing the City Manager, or his designee, to execute the agreement.
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com

ACTION: Resolution 2016-494 (Kenoyer/Ah You; 7/0) approving an agreement with OpenGov, Inc. to provide a platform to display open data and performance metrics in accordance with the agreed upon scope of work; and authorizing the City Manager, or his designee, to execute the agreement.

Consent

5. Consider approving a three-year agreement with two one-year extensions for a sole source procurement with HSQ Technology, Hayward, CA, for maintenance and support of the Supervisory Control and Data Acquisition System for an estimated annual cost of \$43,920, and over five (5) years of \$222,900 (Funding Source: Water and Wastewater Funds)
- Resolution approving a sole source purchase agreement with HSQ Technology of Hayward, California for furnishing maintenance/support for the Supervisory Control and Data Acquisition System for a three (3) year agreement, with two (2) one-year extension options, at the sole discretion of the City; for an estimated annual cost of \$43,920, and over five (5) years of \$222,900 and authorizing the Director of Finance, or her designee, to issue the purchase agreement.
Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com

ACTION: Resolution 2016-495 (Kenoyer/Ah You; 7/0) approving a sole source purchase agreement with HSQ Technology of Hayward, California for furnishing maintenance/support for the Supervisory Control and Data Acquisition System for a three (3) year agreement, with two (2) one-year extension options, at the sole discretion of the City; for an estimated annual cost of \$43,920, and over five (5) years of \$222,900 and authorizing the Director of Finance, or her designee, to issue the purchase agreement.

Consent

6. Consider amending the Fiscal Year 2016-17 operating budget and increasing the City's contribution to the Tuolumne River Regional Park Joint Powers Authority by an additional \$54,231 bringing the City's General Fund Contribution to \$162,593. (Funding Source: General Fund)
- Resolution amending the Fiscal Year 2016-17 operating budget and increasing the City's contribution to the Tuolumne River Regional Park Joint Powers Authority by an additional \$54,231 bringing the City's General Fund Contribution to \$162,693.
Parks, Recreation & Neighborhoods; Nathan Houx, 571-5525, nhoux@modestogov.com

ACTION: Resolution 2016-496 (Kenoyer/Ah You; 7/0) amending the Fiscal Year 2016-17 operating budget and increasing the City's contribution to the Tuolumne River Regional Park Joint Powers Authority by an additional \$54,231 bringing the City's General Fund Contribution to \$162,693.

Consent

7. Consider approving an amendment to the contract with Myers-Rados Joint Venture (MRJV) to fully address new Clean Water State Revolving Fund (CWSRF) funding requirements with respect to The Davis Bacon Act, Trafficking in Persons, and Executive Order No. 11246. (Funding Source: Wastewater Fund)
- Resolution approving an amendment to contract with Myers-Rados, a Joint Venture, of Santa Ana, CA, for the North Valley Regional Recycled Water

Program Project to reflect the new requirements for receiving a CWSRF loan.
Utilities; Will Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2016-497 (Kenoyer/Ah You; 7/0) approving an amendment to contract with Myers-Rados, a Joint Venture, of Santa Ana, CA, for the North Valley Regional Recycled Water Program Project to reflect the new requirements for receiving a CWSRF loan.

COUNCIL COMMENTS & REPORTS

Councilmember Kenoyer announced 2,000 registered runners for the Spirit of Giving Race in Downtown Modesto on Saturday.

Councilmember Madrigal announced an event tomorrow sponsored by South Modesto Business United Posada at Los Amigos on Crows Landing Road; the First Annual Childrens' Christmas Celebration at Mercado y Dulceria Mexico Market on Thursday, December 15, 2016; and a website for free and safe meeting spaces in Modesto.

Councilmember Ridenour thanked staff for a tour of Tuolumne River Regional Park.

CITY MANAGER COMMENTS & REPORTS

City Manager Holgersson announced Deputy City Manager Sinclair's retirement and his last City Council meeting tonight.

HEARINGS

Published in the Modesto Bee on November 28th and December 5th, 2016.

8. Hearing to consider amending Article 19 of Chapter 2 of Title 3 of the Modesto Municipal Code related to Residential Parking Permit Zones; establishing a residential parking permit zone for the 400 and 500 block of Myrtle Avenue; establishing a fee schedule for Residential Parking Permit Zones; and amending the parking violation fine schedule. (Funding Source: General Fund)
 - Motion introducing and waiving the first reading of an Ordinance Amending Article 19 to Chapter 2 of Title III of the Modesto Municipal Code to create Residential Permit Parking Zones and to establish regulations therefore.
 - Resolution establishing a residential parking permit zone for the 400 and 500 block of Myrtle Avenue between Coldwell Avenue and Stoddard Avenue in accordance with Modesto Municipal Code Section 3-2.1900, as authorized by California Vehicle Code (CVC) Section 22507(a).
 - Resolution establishing a fee schedule for all Residential Parking Permit Zones within the City limits of Modesto and rescinding Resolution No. 91-593 and 91-594, paragraph 7 and Resolution No. 2014-182, Sections #4 through #10 related to Parking Permit Zone fees.
 - Resolution amending the parking violation fine schedule to establish a fine amount for permit misuse and increase an existing fine amount for no residential parking permit related to Section 3-2.1904 of the Municipal Code and rescinding Resolution No. 2009-240.

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

ACTION: Motion (Ah You/Zoslocki; 7/0) introducing and waiving the first reading of **Ordinance No. 3665-C.S.** Amending Article 19 to Chapter 2 of Title III of the Modesto Municipal Code to create Residential Permit Parking Zones and to establish regulations therefore.

ACTION: Resolution 2016-498 (Ah You/Zoslocki; 7/0) establishing a residential parking permit zone for the 400 and 500 block of Myrtle Avenue between Coldwell Avenue and Stoddard Avenue in accordance with Modesto Municipal Code Section 3-2.1900, as authorized by California Vehicle Code (CVC) Section 22507(a).

ACTION: Resolution 2016-499 (Ah You/Zoslocki; 7/0) establishing a fee schedule for all Residential Parking Permit Zones within the City limits of Modesto and rescinding Resolution No. 91-593 and 91-594, paragraph 7 and Resolution No. 2014-182, Sections #4 through #10 related to Parking Permit Zone fees.

ACTION: Resolution 2016-500 (Ah You/Zoslocki; 7/0) amending the parking violation fine schedule to establish a fine amount for permit misuse and increase an existing fine amount for no residential parking permit related to Section 3-2.1904 of the Municipal Code and rescinding Resolution No. 2009-240.

Published in the Modesto Bee on December 3, 2016.

9. Hearing to consider approving a Capital Facilities Fees Exemption Agreement, in the amount of \$39,863.64, with Stanislaus County Affordable Housing Corporation for the construction of 4 one-bedroom permanent supportive units at 522 E. Granger Avenue, Modesto, California. (Funding Source: Capital Facilities Fees Funds)
 - Resolution approving a Capital Facilities Fees Exemption Agreement between the City of Modesto and Stanislaus County Affordable Housing Corporation for four (4) one-bedroom permanent supportive units for persons with serious mental illness who are homeless or at risk of homelessness, in a form approved by the City Attorney, and authorizing the City Manager, or his designee, to execute the Agreement.

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

ACTION: Resolution 2016-501 (Madrigal/Ah You; 7/0) approving a Capital Facilities Fees Exemption Agreement between the City of Modesto and Stanislaus County Affordable Housing Corporation for four (4) one-bedroom permanent supportive units for persons with serious mental illness who are homeless or at risk of homelessness, in a form approved by the City Attorney, and authorizing the City Manager, or his designee, to execute the Agreement.

Published in the Modesto Bee on December 3, 2016 and December 10, 2016

10. Hearing to consider approving a water capacity fee study prepared by Bartle Wells Associates and adopting proposed Water Capacity Fees. (Funding Source: Water Fund)
 - Resolution approving a water capacity fee study prepared by Bartle Wells

Associates and adopting water capacity fees, effective March 1, 2017.
Utilities; Will Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2016-502 (Ridenour/Kenoyer; 7/0) approving a water capacity fee study prepared by Bartle Wells Associates and adopting water capacity fees, effective March 1, 2017.

NEW BUSINESS

11. Consider approving an agreement for a ten year term between the City and HWS Baseball IV, LLC, aka the Modesto Nuts Baseball Club, for the use, operation and management of John Thurman Field located at 601 Neece Drive and establishing the John Thurman Field Capital Improvements Fund. (Funding Source: General Fund)
- Resolution approving an agreement for a ten year term between the City and HWS Baseball IV, LLC, AKA the Modesto Nuts Baseball Club, for the use, operation and Management of John Thurman Field located at 601 Neece Drive and authorizing the City Manager, or his designee, to execute an agreement as approved to form by the City Attorney.
 - Resolution establishing the new fund entitled “John Thurman Field Capital Improvements Fund” in Fiscal Year 2016-17 and approving amounts from any John Thurman Field Operating budget surplus to be transferred into the new fund at fiscal year-end for the length of the agreement.
- City Manager; Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

ACTION: Resolution 2016-503 (Zoslocki/Madrigal; 7/0) approving an agreement for a ten year term between the City and HWS Baseball IV, LLC, AKA the Modesto Nuts Baseball Club, for the use, operation and Management of John Thurman Field located at 601 Neece Drive and authorizing the City Manager, or his designee, to execute an agreement as approved to form by the City Attorney.

ACTION: Resolution 2016-504 (Zoslocki/Madrigal; 7/0) establishing the new fund entitled “John Thurman Field Capital Improvements Fund” in Fiscal Year 2016-17 and approving amounts from any John Thurman Field Operating budget surplus to be transferred into the new fund at fiscal year-end for the length of the agreement.

12. Consider approving a Memorandum of Understanding with Opportunity Stanislaus (Stanislaus Business Alliance) for Fiscal Year 2015-2016 through 2020-2021 and amending the Fiscal Year 2016-2017 Operating Budget to appropriate and transfer \$86,000 from General Fund Reserves to the City Manager's Operating Budget. (Funding Source: General Fund)
- Resolution approving a Memorandum of Understanding (MOU) with Opportunity Stanislaus (Stanislaus Business Alliance) for Fiscal Year 2015/2016 through 2020/2021, and authorizing the City Manager, or his designee, to execute the MOU.
- Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

ACTION: Resolution 2016-505 (Madrigal/Grewal; 7/0) approving a Memorandum of Understanding (MOU) with Opportunity Stanislaus (Stanislaus Business Alliance) for Fiscal Year 2015/2016 through 2020/2021, and authorizing the City Manager, or his designee, to execute the MOU (**AMEND** – additional language to MOU, Termination: ...at least thirty days prior to July 1st “of each year”).

13. Consider approving amendments to the following standard Legal Services Agreements in the total amount of \$445,000: a Third Amendment to the Outside Counsel Legal Services Agreement with Arata, Swingle & Van Egmond, Third Amendment to the Outside Counsel Legal Services Agreement with Borton Petrini, LLP, Second Amendment to the Outside Counsel Legal Services Agreement with Burke, Williams & Sorensen, First Amendment to the Outside Counsel Legal Services Agreement with The Gallagher Law Group, P.C., First Amendment to the Outside Counsel Legal Services Agreement with Liebert Cassidy Whitmore and First Amendment to the Outside Counsel Legal Services Agreement with Goldfarb & Lipman, LLP. (Funding Source: Various Funds)

- Resolution approving a Third Amendment to the Legal Services Agreement dated June 24th, 2014 with Arata, Swingle, and Van Egmond in an amount not to exceed \$50,000 to continue representing the City of Modesto in tort cases.
- Resolution approving a Third Amendment to the Legal Services Agreement dated July 3rd, 2014 with Borton Petrini, LLP in an amount not to exceed \$30,000 to continue representing the City of Modesto in tort cases.
- Resolution approving a Second Amendment to the Legal Services Agreement dated June, 24th 2014 with Burke, Williams & Sorensen, LLP in an amount not to exceed \$20,000 to finalize billing on the Reed v. City of Modesto case.
- Resolution approving a First Amendment to the Legal Services Agreement dated August 25th, 2016 with The Gallagher Group in an amount not to exceed \$140,000 to continue representing the City of Modesto in the Stanislaus County v. City of Modesto (Geer Rd.) case.
- Resolution approving a First Amendment to the Legal Services Agreement dated August 8th, 2016 with Liebert Cassidy Whitmore in an amount not to exceed \$110,000 to continue representing the City of Modesto in labor and employment matters.
- Resolution approving a First Amendment to the Legal Services Agreement dated December 16th, 2014 with Goldfarb & Lipman, LLP in an amount not to exceed \$95,000 to continue representing the City of Modesto in preparation of housing projects and other general housing related services.

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

ACTION: Resolution 2016-506 (Ridenour/Grewal; 7/0) approving a Third Amendment to the Legal Services Agreement dated June 24th, 2014 with Arata, Swingle, and Van Egmond in an amount not to exceed \$50,000 to continue representing the City of Modesto in tort cases.

ACTION: Resolution 2016-507 (Ridenour/Grewal; 7/0) approving a Third Amendment to the Legal Services Agreement dated July 3rd, 2014 with Borton Petrini, LLP in an amount not

to exceed \$30,000 to continue representing the City of Modesto in tort cases.

ACTION: Resolution 2016-508 (Ridenour/Grewal; 7/0) approving a Second Amendment to the Legal Services Agreement dated June, 24th 2014 with Burke, Williams & Sorensen, LLP in an amount not to exceed \$20,000 to finalize billing on the Reed v. City of Modesto case.

ACTION: Resolution 2016-509 (Ridenour/Grewal; 7/0) approving a First Amendment to the Legal Services Agreement dated August 25th, 2016 with The Gallagher Group in an amount not to exceed \$140,000 to continue representing the City of Modesto in the Stanislaus County v. City of Modesto (Geer Rd.) case.

ACTION: Resolution 2016-510 (Ridenour/Grewal; 7/0) approving a First Amendment to the Legal Services Agreement dated August 8th, 2016 with Liebert Cassidy Whitmore in an amount not to exceed \$110,000 to continue representing the City of Modesto in labor and employment matters.

ACTION: Resolution 2016-511 (Ridenour/Grewal; 7/0) approving a First Amendment to the Legal Services Agreement dated December 16th, 2014 with Goldfarb & Lipman, LLP in an amount not to exceed \$95,000 to continue representing the City of Modesto in preparation of housing projects and other general housing related services.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:15 p.m.

Recess at 7:15 p.m.

Reconvened at 7:30 p.m.

14. COUNCIL WORKSHOP - A - Long Range Agenda (Funding Source: Not Applicable)
City Manager; Joe Lopez, 571-5809, joelopez@modestogov.com
15. COUNCIL WORKSHOP - B - Initial discussion and direction regarding a collaborative effort for an access center and a low barrier shelter. (Funding Source: Not Applicable)
Community & Economic Development; Cynthia Birdsill, 341-2938, cbirdsill@modestogov.com
16. COUNCIL WORKSHOP - C - Consider appointing Real Property Negotiators Brent

Sinclair, Deputy City Manager for City of Modesto and Adam U. Lindgren, City Attorney for Properties: APN: 106-046-003 and APN 106-046-002

- Motion appointing Real Property Negotiators Brent Sinclair, Deputy City Manager for City of Modesto and Adam U. Lindgren, City Attorney for Properties: APN: 106-046-003 and APN 106-046-002 (Funding Source: Not Applicable)
City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com

ACTION: Motion (Ah You/Ridenour; 7/0) appointing Real Property Negotiators Cindy Birdsill, Community & Economic Development Director for City of Modesto and Adam U. Lindgren, City Attorney for Properties: APN: 106-046-003 and APN 106-046-002

17. **COUNCIL WORKSHOP - D - Adjourn to Closed Session for:
CONFERENCE WITH REAL PROPERTY NEGOTIATORS:
(Pursuant to Section 54956.8 of the Government Code)**
Property: APN 106-046-003 (no address is assigned, located on D Street, between 9th and 10th Streets)
Property Owners: City of Modesto
Negotiating Parties:
For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto
Under Negotiation: Possible lease of property to County of Stanislaus

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:
(Pursuant to Section 54956.8 of the Government Code)**
Property: APN 106-046-002 (301 10th Street, Modesto, California)
Property Owners: Salvation Army
Negotiating Parties:
For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto

For Property Owners: Capt. Dwaine Breazeal
Under Negotiation: Possible Lease of Property (Funding Source: Not Applicable)
City Attorney; Adam Lindgren, 577-5284, alindgren@modestogov.com

This Council Workshop adjourned at 8:55 p.m. and adjourned to Closed Session

CLOSED SESSION

All Closed Session items were held prior to the meeting with the exception of the following items which were held following the Council Meeting and Council Workshop:

**COUNCIL WORKSHOP - D - Adjourn to Closed Session for:
CONFERENCE WITH REAL PROPERTY NEGOTIATORS:
(Pursuant to Section 54956.8 of the Government Code)**
Property: APN 106-046-003 (no address is assigned, located on D Street, between 9th and 10th Streets)

Property Owners: City of Modesto
Negotiating Parties:
For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto
Under Negotiation: Possible lease of property to County of Stanislaus

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

Property: APN 106-046-002 (301 10th Street, Modesto, California)
Property Owners: Salvation Army
Negotiating Parties:
For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto
For Property Owners: Capt. Dwaine Breazeal

Under Negotiation: Possible Lease of Property (Funding Source: Not Applicable)

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: APN 106-046-003 (no address is assigned, located on D Street, between 9th and 10th Streets)
Property Owners: City of Modesto
Negotiating Parties:
For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto
Under Negotiation: Possible lease of property to County of Stanislaus

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: APN 106-046-002 (301 10th Street, Modesto, California)
Property Owners: Salvation Army
Negotiating Parties:
For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto
For Property Owners: Capt. Dwaine Breazeal
Under Negotiation: Possible Lease of Property

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

(Pursuant to Section 54956.8 of the Government Code)

Property: John Thurman Field, 601 Neece Drive, Modesto, APN 102012001
Property Owners: City of Modesto
Negotiating Parties:
For City: Brent Sinclair, Deputy City Manager for City of Modesto
Adam U. Lindgren, City Attorney for City of Modesto
For Lessor: Mike Gorrasi, Executive Vice-President Modesto Nuts Professional Baseball Club on behalf of HWS Baseball IV, LLC
Under Negotiation: Ten year lease agreement with HWS Baseball IV, LLC aka Modesto Nuts Baseball Club for the use, operation and management of John Thurman Field

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case(s): Douglas Ridenour v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ8590818, ADJ2164882, ADJ8590818 and ADJ9064032

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: County of Stanislaus v. City of Modesto (Geer Rd. Landfill)

Case No. 667396

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

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

Wednesday, December 14, 2016, at 5:00 p.m.

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

PUBLIC COMMENTS

None.

CONSENT ITEMS

None.

NEW BUSINESS

1. Consider accepting the Monthly Investment Report for July, 2016 and forwarding to Council for approval (Funding Source: Not Applicable)
Finance; DeAnna Christensen, 577-5387, dachristensen@modestogov.com

ACTION: Motion (Ridenour/Zoslocki; unan.) accepting the Monthly Investment Report for July, 2016 and forwarding to Council for approval.

2. Presentation of Informational Report - City Manager's Five Year Forecast of Expenditures. (Funding Source:)
City Manager; Steve Christensen, 577-5390, schristensen@modestogov.com

ACTION: No reportable action.

3. Consider accepting the recommended budget adjustments to the Fiscal Year 2016-17 Annual Operating and Capital Improvement Project Budget and forwarding to Council for approval. (Funding Source: Various)
City Manager; Steve Christensen, 577-5390, schristensen@modestogov.com

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

4. Consider receiving an informational report about the current status of City's General Fund Balance and General Fund Emergency Reserves; providing direction to staff; and forwarding to Council for approval. (Funding Source: General Fund)
City Manager; Steve Christensen, 577-5390, christensen@modestogov.com

ACTION: Motion (Zoslocki/Ridenour; unan.) accepting an informational report about the current status of City's General Fund Balance (**more available fund balance to reserves**) and General Fund Emergency Reserves; providing direction to staff; and forwarding to Council for approval

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

ACTION: Motion (Ah You/Zoslocki; unan.) accepting an informational report for the July 2016 Accounts Payable Payment Register and Void report and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:45 p.m.

Attest: _____
Joseph Lopez, Deputy City Manager