



MODESTO CITY COUNCIL

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AGENDA

City of Modesto
**JOINT CITY COUNCIL AND
REDEVELOPMENT SUCCESSOR AGENCY MEETING**
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, August 27, 2024 at 5:30 PM

Roll Call – Councilmembers/Agency Members Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

*** Public Comment will only be in-person. Members of the public who wish to address the Council, by providing public comment, during the meeting must do so in-person in the Council Chambers. As an alternative, members of the public may also provide written public comment submitted via email as indicated in the Submitting Comments by Email instructions on this agenda. Zoom will still be available for viewing and Wordly translation.**

***Members of the public will be allowed to provide public comment through Zoom if a Councilmember is participating remotely pursuant to the provisions of Assembly Bill 2449.**

***Effective March 1, 2023, if a technical issue arises with Zoom or the phone dial-in option, the Council meeting will continue unless the meeting is being held pursuant to the provisions of Assembly Bill 2449. Alternative viewing options are listed below, and the meeting is physically open to the public.**



“Wordly” can translate into 25+ different languages! To access written translation during the meeting, please scan the QR Code or click this link <https://attend.wordly.ai/join/RJDY-6364>.

"Wordly" puede traducir a más de 25 idiomas diferentes! Para acceder a la traducción durante la reunión, por favor escanee el código QR o haga clic en el enlace <https://attend.wordly.ai/join/RJDY-6364>.

You may observe a livestream of the meeting at <http://media.modestogov.com>. You may also view or listen to the meeting as indicated below.

THE MEETING CAN BE VIEWED BY ZOOM VIDEO CONFERENCING OR TELEPHONE

Joining the City Council meeting via Zoom

The City of Modesto is now offering the ability to view Council meetings via telephonic conferencing via “Zoom” video conferencing computer technology. The meeting may be accessed through the use of Zoom using the following options:

- Enter the following link into an Internet Browser
<https://us02web.zoom.us/j/86945970570>,
- Enter the following link into an Internet Browser <https://zoom.us/> and using the Webinar ID 869 4597 0570
- Passcode 84326

To use Zoom, please visit: <https://zoom.us/> and either sign-up for a free Zoom account or continue as a guest. Once you have downloaded the app onto your mobile device, joined from your web browser, or downloaded the Zoom software on your computer you will be ready for the upcoming Council meeting.

Joining the City Council meeting via Telephone

If you don't have a smart phone or computer to access the meeting via Zoom, you can listen by phone, by calling 1-877-853-5257 (Toll Free) or 1-888-475-4499 (Toll Free) and enter the Webinar ID 869 4597 0570 Passcode 84326

SUBMITTING COMMENTS BY E-MAIL

Written comments may be submitted via email to: ccmeetings@modestogov.com (include Agenda Item Number in the subject line). All comments will be shared with the Councilmembers and placed in the record but will not be read aloud during the meeting. Written comments must be received two hours before the meeting.

This Agenda is on file in the City Clerk's Office, Sixth Floor, 10th Street Place, Posting Board at entry of 10th Street Place, and is available on the City's Web site at www.modestogov.com.

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the Clerk's office during normal business hours. Such documents are also available online, subject to staff's ability to post the documents before the meeting, at the following website <https://www.modestogov.com/council-meetings>

In accordance with the requirements of Title II of the Americans with Disabilities Act (“ADA”) of 1990, the Fair Employment & Housing Act (“FEHA”), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto (“City”) will not discriminate against individuals on the basis of disability in the City's services, programs, or activities. For more information, please visit the City of Modesto website at <https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Pledge of Allegiance to the Flag

Invocation: Cindy Marks, Pray Modesto

City Clerk's Announcements

Declaration of Conflicts of Interest

Reports from Closed Session

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring September 8th - 14th as National Suicide Prevention Week.
(Funding Source: Not Applicable)
CITY COUNCIL; Ariana Harbottle-Jarrett, 209-571-5597, aharbottle@modestogov.com

PUBLIC COMMENT IN PERSON

Three-minute time limit per speaker.

Only interested persons in the audience may present these matters. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- a. Briefly respond to statements made or questions raised.
- b. Ask a question for clarification.
- c. Provide a reference to staff or other resources for factual information.
- d. Request staff to report back at a subsequent meeting.
- e. Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED

Information concerning the consent items listed below has been forwarded to each Councilmember prior to this meeting for study. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the Council approves the items at one time. The action taken by the Council in approving consent items is set forth in the explanation of this individual item.

CONSENT

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

Consent

2. Consider approving the minutes for the August 13, 2024 Council Meeting. (Funding Source: Not Applicable)

Staff Recommendation:

- Motion approving the minutes for the August 13, 2024 Council Meeting.
CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

Consent

3. Consider approving the minutes from the January 11, 2022 Redevelopment Successor Agency meeting. (Funding Source: Not Applicable)

Staff Recommendation:

- Motion approving the minutes from the January 11, 2022 Redevelopment Successor Agency meeting.
CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

Consent

4. Consider approving Final Adoption of Ordinance 3783-C.S. amending Planned Development Zone P-D(470) to change the allowable uses to allow certain Highway Commercial (C-3) uses for property located at 1101 N. Carpenter Road (APN: 081-052-045). (Funding Source: Not Applicable)

Staff Recommendation:

- Motion approving Final Adoption of Ordinance 3783-C.S. amending Planned Development Zone P-D(470) to change the allowable uses to allow certain Highway Commercial (C-3) uses for property located at 1101 N. Carpenter Road (APN: 081-052-045).
CITY CLERK; Diane Nayares-Perez, 209-577-5396, dnayaresperez@modestogov.com

Consent

5. Consider approving a Modesto Forward Grant Agreement with Valley First Credit Union for two revolving loan fund programs — “Business Beautification” and “Business Incentives,” not to exceed \$500,000 for each program over two and a half years. (Funding Source: American Rescue Plan Act Funds)

Staff Recommendation:

- Resolution approving a Modesto Forward Grant Agreement with the Valley First Credit Union, to Main Street Business Development Loan Program, for a total amount not to exceed \$500,000, and authorizing the City Manager or his designee to execute the Agreement.
- Resolution approving a Modesto Forward Grant Agreement with the Valley First Credit Union, to Main Street Business Beautification, for a total amount not to exceed \$500,000, and authorizing the City Manager or his designee to execute the Agreement.
CED; Trevin Barber, 209-571-5566, tbarber@modestogov.com

Consent

6. Consider approving a Will Serve Letter and Outside Service Agreement with Sunrise MHC, LLC a California Limited Liability Company, to connect to the City of

Modesto's existing water system for the property located at 433 S 7th Street (APN: 038-003-015). (Funding Source: Water Fund)

Staff Recommendation:

- Resolution approving a Will Serve Letter and Outside Service Agreement between the City of Modesto and Sunrise MHC, LLC a California Limited Liability Company, to connect to the City of Modesto's existing water system for the property located at 433 S 7th Street (APN: 038-003-015) and authorizing the City Manager, or his designee, to the sign the Will Serve Letter and execute the Outside Service Agreement.

*ENGINEERING SERVICES; Jaspreet Mangat, 209-577-5253,
jmangat@modestogov.com*

Consent

7. Consider authorizing submittal of a Grant Application for Highway Safety Improvement Program (HSIP) funds. (Funding Source: California Department of Transportation Grant Funds)

Staff Recommendation:

- Resolution authorizing submittal of a Grant Application for Highway Safety Improvement Program (HSIP) funds, and authorizing the City Manager, or his designee to execute all necessary grant documents.

*ENGINEERING SERVICES; Michael Sacuskie, 209-571-5552,
msacuskie@modestogov.com*

Consent

8. Consider accepting an Informational Report on the May and June 2024 Grant Applications and Awards. (Funding Source: Not Applicable)

Staff Recommendation:

- Motion accepting an Informational Report for May and June 2024 Grant Applications and Awards.

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

Consent

9. Consider accepting an Informational Report for the July 2024 Accounts Payable Payment Register and Void Report. (Funding Source: Not Applicable)

Staff Recommendation:

- Motion accepting an Informational Report for the July 2024 Accounts Payable Payment Register and Void Report.

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

Consent

10. Consider approving the purchase of various Fleet Addition and Replacements for Fleet Vehicles which includes six Police Motorcycles, two F250 Super Duty Trucks, and one John Deer Wheel Loader in the amount not to exceed \$839,849. (Funding Source: Fleet Replacement Fund, Senate Bill 1383 Grant and Compost Fund)

Staff Recommendation:

- Resolution approving the Competitive Bidding Process from Sourcewell to Pape Machinery, French Camp, CA for the purchase of one John Deere Wheel Loader for an amount not to exceed \$406,110; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.
- Resolution approving the Competitive Bidding Process from the Florida Sheriffs Association to Alligator Alley Harley Davidson, Sunrise FL for the purchase of six Police Motorcycles for an amount not to exceed \$195,605; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.
- Resolution approving the Competitive Bidding Process from Texas Association of School Boards to Rush Truck Center, Ceres, CA for the purchase of two F250 Super Duty Trucks for an amount not to exceed \$128,585; and authorizing the Purchasing Manager, or her designee, to issue the Purchase Order; and authorizing the Purchasing Manager or her designee to execute any Change Orders not to exceed 15% of the total purchase price.

FINANCE DEPARTMENT; Dianne Love, 209-571-5164, dlove@modestogov.com

Consent

11. Consider approving the Plans and Specifications for the 2023 Playground Replacement Project, Phase 1, accepting the Bid and Awarding a Construction Contract to Sierra Play Partners, of Ripon, CA, in an amount not to exceed \$758,533. (Funding Source: Measure H)

Staff Recommendation:

- Resolution approving the Plans and Specifications for the 2023 Playground Replacement Phase 1 Project, accepting the Bid and Awarding a Construction Contract to Sierra Play Partners of Ripon, CA, in the amount of \$689,575, plus \$68,958, in contingency (if needed), for a total payment amount not to exceed \$758,533 and authorizing the City Manager, or his designee, to execute the contract.

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

Consent

12. Consider approving the Plans and Specifications for the 2024 Sport Court Lighting Project for Davis Community Park and Beyer Community Park, accepting the Bid and Awarding a Construction Contract to Fluoresco Services, LLC, of Phoenix, AZ, in an amount not to exceed \$113,850. (Funding Source: Measure H)

Staff Recommendation:

- Resolution approving the Plans and Specifications for the 2024 Sport Court Lighting Project for Davis Community Park and Beyer Community Park, accepting the Bid and Awarding a Construction Contract to Fluoresco Services, LLC, of Phoenix, AZ, in the amount of \$103,500, plus \$10,350, in contingency (if needed), for a total payment amount not to exceed \$113,850 and authorizing

the City Manager, or his designee, to execute the contract.
PRN; Nathan Houx, 209-571-5526, nhoux@modestogov.com

Consent

13. Consider approving the City of Modesto Pandemic Recovery Strategy – Modesto Forward Grant Agreement between the City of Modesto and the Graffiti USA Classic Car Museum, a non-profit Corporation, for \$350,000 in American Rescue Plan Act Funding. (Funding Source: American Rescue Plan Act)

Staff Recommendation:

- Resolution approving the City of Modesto Pandemic Recovery Strategy – Modesto Forward Grant Agreement between the City of Modesto and the Graffiti USA Classic Car Museum for \$350,000 in American Rescue Plan Act Funding, and authorizing the City Manager, or designee, to execute the Agreement.

PRN; Diane Sheatsley, 209-577-5418, dsheatsley@modestogov.com

Consent

14. Consider approving an Agreement for Landscape Maintenance, Weed Abatement, Trash Removal and Rodent Control Services to Grover Landscape Services, Inc., Modesto, CA, for a total amount not to exceed \$1,030,347 over five years. (Funding Source: Sewer Operations Fund, Storm Drain Fund, and Various Community Facilities Districts (CFD) Funds)

Staff Recommendation:

- Resolution approving the Award of Bid and Agreement for the Landscape Maintenance, Weed Abatement, Trash Removal, and Rodent Control Services to Grover Landscape Service, Inc., Modesto, CA, for a two-year Agreement with three one-year extension options, for an annual estimated amount of \$187,000 and a total amount not to exceed \$1,030,347 over five years; and authorizing the City Manager, or his designee, to execute the Agreement.

UTILITIES; Jeff Daniels, 209-577-6255, jdaniels@modestogov.com

Consent

15. Consider approving the Agreements for Generator Repair and Preventative Maintenance Service with Bay City Electric Works of Livermore, CA, and PowerGen, Inc. of Tracy, CA, for a total amount not to exceed \$1,214,800 over five years. (Funding Source: Various Funds)

Staff Recommendation:

- Resolution approving the Award of Bid and Agreements for Generator Repair and Preventative Maintenance Service to Bay City Electric Works of Livermore, CA and PowerGen Inc., of Tracy, CA, for a two-year Agreement with three one-year extension options, for a total amount not to exceed \$1,214,800 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change and authorizing the City Manager, or his designee to execute the Agreement.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

Consent

16. Consider approving a Purchasing Agreement with West Coast Sand and Gravel, Inc. of Buena Park, CA, for the purchase of rock, sand, and gravel for a total amount not to exceed \$3,920,700 over five years. (Funding Source: Various Funds)

Staff Recommendation:

- Resolution approving the Award of Bid and Purchasing Agreement to West Coast Sand and Gravel, Inc. of Buena Park, CA, for the purchase of rock, sand and gravel for a two-year Agreement with three one-year extension options, for an estimated annual amount of \$712,000 and a total amount not to exceed \$3,920,700 over five years; and authorizing the Director of Finance or her designee to execute the Agreement.

UTILITIES; Manuel Martinez, 209-342-4592, mmartinez@modestogov.com

COUNCIL COMMENTS & REPORTS

CITY MANAGER COMMENTS & REPORTS

UNFINISHED BUSINESS

17. Consider approving a First Amendment to the Lease Agreement with The Baseball Club of Modesto, LLC to lease John Thurman Field through September 30, 2025, and authorizing the City Manager, or his designee, to finalize the language of the agreement pursuant to the negotiated terms and execute the Amendment. (Funding Source: Capital Improvement Project (CIP) 101019/General Fund)

- Resolution approving a First Amendment to the Lease Agreement with The Baseball Club of Modesto, LLC to lease the John Thurman Field facility through September 30, 2025, and authorizing the City Manager, or his designee, to finalize the language of the amendment pursuant to the negotiated terms and execute the Agreement.

CITY MANAGER; Joseph Lopez, 209-577-5223, joelopez@modestogov.com

NEW BUSINESS

18. Consider declaring certain properties owned by the City and Successor Agency as “surplus land” and authorizing the City Manager and the Executive Director of the Successor Agency to take all actions required to facilitate the sale or lease of such properties through the Surplus Land Act process. (Funding Source: Not Applicable)

Staff Recommendation:

- Resolution declaring specified City owned properties as surplus land, authorizing the City Manager to determine which properties may be declared exempt surplus land, and authorizing the City Manager to negotiate for the conveyance of such properties in accordance with the Surplus Land Act.
- Resolution declaring specified Successor Agency owned properties as surplus land, authorizing the Executive Director of the Successor Agency to determine which properties may be declared exempt surplus land, and authorizing the

Executive Director of the Successor Agency to negotiate for the conveyance of such properties in accordance with the Surplus Land Act.
CITY MANAGER; Scotty Douglass, 209-577-9149, sdouglass@modestogov.com

MATTERS TOO LATE FOR THE AGENDA

These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.

ADJOURNMENT

CLOSED SESSION

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

TUESDAY, AUGUST 27, 2024 AT 4:15 PM

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

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

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

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of case(s): Marvin Cain v. City of Modesto
California Workers Compensation Appeals Board
Nos. ADJ17374007 & ADJ17548128

CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: Baljit Athwal, et al. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:15-CV-00311

Georgia DeFilippo, et al. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:18-CV-00496

Frank Carson v. Stanislaus County et al.
United States Eastern District
Case No.: 2:20-AT-00513

Eduardo Quintanar, Jr. v. Stanislaus County et al.
United States Eastern District
Case No.: 1:18-CV-01402

Walter W. Wells & Scott McFarlane v. Stanislaus County et al.
United States Eastern District
Case No.: 1:20-CV-00770

Posted pursuant to Government Code Section 54954.2 on the bulletin board at Tenth Street Place
on

_____ at _____ by _____
date time signature