

**AGENDA
CITY OF PATTERSON**



**CITY COUNCIL SPECIAL MEETING
September 6, 2016
6:00 p.m.**

(Closed Session)

**City Council Chambers
1 Plaza
Patterson, California**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (209) 895-8014. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

The agenda and supporting public documents are available for viewing in City Hall, Administration Department, 1 Plaza, 2nd Floor, Patterson, California. The agenda and supporting public documents are also available online on our City web site www.ci.patterson.ca.us listed under Popular Links "Agenda Center" and listed under the "Upcoming Events Calendar" under the date of the meeting or please call or email the City Clerk at (209) 895-8014 or cityclerk@ci.patterson.ca.us

If you wish to be notified of future meetings, please subscribe to "Notify Me" listed under Popular Links on our City of Patterson web site www.ci.patterson.ca.us

NOTICE IS HEREBY GIVEN that the City Council for the City of Patterson, California will hold a Special Closed Session Meeting on Tuesday, September 6, 2016 at 6:00 p.m. or shortly thereafter in the City Council Chambers, located at 1 Plaza, Patterson, California.

1. Call to Order

The City Council will adjourn to Closed Session to address the following:

Conference with Real Property Negotiator per Government Code Section 54956.8.
Negotiation Parties: City Manager Ken Irwin & Thrust Properties, LLC (property owner).
Properties: 048-048-001, 048-048-010 (15349 and 15421 Ninth Street, Patterson). Under
Negotiation: Price & Terms of Payment.

2. Statements of Conflict

3. Items from the Public

Pursuant to Government Code Section 54954.3(a), members of the public wishing to address the City Council may do so at the beginning of the meeting, and such comments shall be limited to the closed section meeting topic.

Any member of the audience desiring to address the Council regarding a matter on the agenda, please raise your hand or step to the podium at the time the item is announced by the Mayor. The public wishing to address the Council on items that do not appear on the agenda may do so; however, Council will take no action other than referring the item to staff for study and analysis and shall place item on a future agenda (Resolution 92-25)

In order that all interested parties have an opportunity to speak, any person addressing the Council will be limited to a maximum of five (5) minutes unless the Mayor grants a longer period of time (Resolution 92-25)

4. Adjourn to Closed Session

5. Report from Closed Session (if any)

6. Adjournment

DECLARATION OF POSTING

I, Maricela Vela, City Clerk of the City of Patterson, California do hereby declare that the foregoing notice was posted on the Bulletin Board at City Hall, 1 Plaza, Patterson, California on September 1, 2016.

The Agenda is also posted for public view on the Bulletin Boards of the Hammon Senior Center, 1033 W. Las Palmas, Patterson, the Patterson Branch Library, 46 N, Salado Avenue, Patterson, and the City of Patterson City Web Site www.ci.patterson.ca.us

Maricela Vela, City Clerk
City of Patterson
Direct No. (209) 895-8014
Email cityclerk@ci.patterson.ca.us

Date Posted: September 1, 2016

**AGENDA
CITY OF PATTERSON**



**CITY COUNCIL REGULAR MEETING
September 6, 2016
7:00 p.m.**

**City Council Chambers
1 Plaza
Patterson, California**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (209) 895-8014. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

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- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Statements of Conflict**
- 4. Items from the Public**

Any member of the audience desiring to address the Council regarding a matter on the agenda, please raise your hand or step to the podium at the time the item is announced by the Mayor. The public wishing to address the Council on items that do not appear on the agenda may do so; however, Council will take no action other than referring the item to staff for study and analysis and shall place item on a future agenda (Resolution 92-25)

In order that all interested parties have an opportunity to speak, any person addressing the Council will be limited to a maximum of five (5) minutes unless the Mayor grants a longer period of time (Resolution 92-25)

- 5. Consent Calendar**

All items are approved by a single action. Any item may be removed from the Consent Calendar for separate discussion upon request from a member of the Public, Staff and/or Councilmember.

- 5.1 Motion to Waive Readings - All Readings of Ordinances and Resolutions, Except by Title are hereby waived.
- 5.2 Approval of City Council Meeting Minutes of July 12, 2016 and July 19, 2016 [\(View Report\)](#)
- 5.3 Approve Resolution No. 2016-75, Employer Paid Member Contributions for the California Public Employees' Retirement System [\(View Report\)](#)
- 5.4 Approval of the Fire Marshal Classification Job Description and Salary [\(View Report\)](#)
- 5.5 Approve the Supervising Accountant Job Description and Recommended Salary Range [\(View Report\)](#)
- 5.6 Approve Resolution No. 2016-76, Approving a Deferred Improvement Agreement with the Jensen Bros Company; Authorizing the City Manager to Execute the Agreement; and Authorizing the City Clerk to Record the Deferred Improvement Agreement [\(View Report\)](#)
- 5.7 Approve Resolution No. 2016-77, for the Local Transportation Fund (LTF) Claim and Authorizing the City Manager to Execute the Same on Behalf of the City of Patterson [\(View Report\)](#)
- 5.8 Approve Resolution No. 2016-78, Approving the State Department of Transportation (Caltrans) Program Supplemental Agreement No. 032-F for the Ward Avenue and Las Palmas Avenue Intersection Improvements project [CML-5244(033)] and Authorize the City Manager to Execute the Agreement and all Future Documents for this Project on the City's Behalf [\(View Report\)](#)
- 5.9 Review of the Consolidated Annual Performance and Evaluation Report for Fiscal Year 2015/2016 (Resolution No. 2016-79) [\(View Report\)](#)

6. Presentations

- 6.1 **Presentation:** Proclamation "A Day To Remember" September 11, 2001 (Mayor Molina, Keith Hussar)

(Proclamation to be made available at the meeting)

- 6.2 **Presentation:** Focus on Prevention in Stanislaus County [\(View Report\)](#)

- Jim DeMartini, Stanislaus County Supervisor
- Ruben Imperial, Community Empowerment Manager

6.3 Presentation: Informational Item - City of Patterson Administrative Hearing Procedures ([View Report](#))

- Tom Hallinan, City Attorney
- Jeff Dirkse, Police Chief

7. Council Items

7.1 City Council Reports

Mayor Molina:

- StanCOG (Councilmember McCord Alternate)
- Stanislaus County Mayors Dinner
- Patterson/West Stanislaus Fire Services Committee
(Councilmember Farinha 1st Alternate, Councilmember Novelli 2nd Alternate)
- Stanislaus County Disaster Council (Councilmember McCord Alternate)

Mayor Pro Tem Novelli:

- Patterson Representative – League of California Cities (LOCC)
- Stanislaus County Economic Development & Workforce “Alliance”
(Councilmember Novelli Alternate)
- Economic Development Action Committee (EDAC)
(Councilmember Novelli Alternate)

Councilmember Farinha:

- San Joaquin Air Pollution Control District – Valley-wide Special City Selection Committee (Councilmember Novelli Alternate)
- Stanislaus County Hazardous Waste Advisory Committee
(Councilmember McCord Alternate)

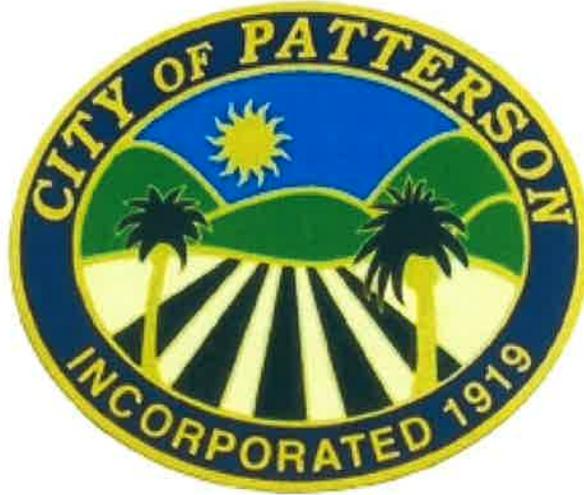
Councilmember McCord:

- Westside Health Care Task Force

Councilmember La Torre:

7.2 Other Matters

8. Adjournment



5. CONSENT CALENDAR



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager

BY: Maricela Vela, City Clerk

MEETING DATE: September 6, 2016

ITEM NO: 5.2

SUBJECT: Approval of City Council Meeting Minutes of July 12, 2016 and July 19, 2016.

RECOMMENDATION

Motion to approve the City Council Meeting Minutes of July 12, 2016 and July 19, 2016.

City of Patterson
City Council Special Meeting
Tuesday, July 12, 2016
Minutes

1. Call to Order

The special meeting of the City Council of the City of Patterson was called to order in City Hall, City Council Chambers, 1 Plaza, Patterson at 6:02 p.m. by Mayor Molina.

Present: Councilmembers McCord, Novelli, Farinha, La Torre and Mayor Molina (5)

Staff: City Manager Irwin, City Attorney Hallinan (arrived at 6:35 p.m.) Finance Director Ryan, Accountant Callum, Public Works Director Willett, Deputy Public Works Director Andrade, City Planner Andrews, Associate Planner Rodriguez, Capital Projects Manager Rodriguez, Police Chief Dirkse, Human Resources Director Smith, Interim Fire Chief Gregory, Public Works Management Analyst Basalusalu, Senior Public Works Administrative Manager Delgado, City Clerk Vela (15)

Excused: Recreation & Community Services Director Flanders (1)

2. Pledge of Allegiance

3. Statements of Conflict - none.

4. Items from the Public - none.

5. Consent Calendar

All items are approved by a single action. Any item may be removed from the Consent Calendar for separate discussion upon request from a member of the Public, Staff and/or Councilmember.

5.1 Motion to Waive Readings - All Readings of Ordinances and Resolutions, Except by Title are hereby waived.

5.2 Approval of City Council meeting minutes of June 7, 2016, June 20, 2016 and June 21, 2016 (Closed Session & Open Session)

City Clerk Vela to correct the minutes of June 20, 2016, Supervisor Jim DeMartini's name misspelled.

5.3 Approve Street Closure for City of Patterson Child Safety Fair & PUSD Back to School Block Party on Saturday, August 13, 2016.

5.4 Continued Participation in the Stanislaus Urban County Community Development Block Grant (CDBG) Program for FY 2017-2020 (Resolution No. 2016-60)

Tom Collishaw, President/CEO of Self Help Enterprises addressed Consent Calendar Item 5.4.

City Manager Irwin addressed Consent Calendar Item 5.4.

Associate Planner Rodriguez addressed Consent Calendar Item 5.4.

Councilmember McCord addressed the HOME and CDBG, requesting an explanation as to why City should remain in the consortium. Item to be brought back to City Council for further review, Self Help staff to be present at the Council meeting. Item to be continued to July 19, 2016 regular City Council meeting. Self Help to forward their information to the City Manager for the meeting.

5.5 Adoption of Resolution 2016-61, A Resolution Approving the Fiscal Year 2016-2017 Annual Funding Subrecipient Agreements for CDBG & HOME Funds.

5.6 Approve Resolution No. 2016-62, Setting the Appropriations Limit for Fiscal Year 2016-17.

Councilmember McCord moved to approve Consent Calendar Items 5.1 through 5.6, Omitting Consent Calendar Item 5.4. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

6. Staff Reports

6.1 Recreation & Community Services Department

Approve Entering into a Contract Along with the Patterson Joint Unified School District (PJUSD) for Crossing Guard Services, Provided by All City Management Services, Inc. (ACMS)

City Manager Irwin reviewed his report.

Mayor Molina moved to approve entering into a contract along with the Patterson Joint Unified School District (PJUSD) for crossing guard services, provided by all City Management Services, Inc. (ACMS). The motion was seconded by Mayor Pro Tem Novelli and unanimously approved by a 5-0 roll call vote.

6.2 Finance Department

Approve Resolution No. 2016-63, Adopting General Fund and All Other Funds Budgets for Fiscal Year 2016-2017.

City Manager Irwin reviewed his staff report.

Finance Director Ryan reviewed her staff report - power point presentation.

Mayor Pro Tem Novelli addressed the Stanislaus County Community Foundation 501c3, City's contribution to become a part of the foundation being \$10,000. Mayor Pro Tem Novelli requested to add this item to the FY 16/17 budget. Requesting for staff to invite Ms. Marian Kaanon, CEO/President of Stanislaus Community Foundation to come to a City Council meeting and make a presentation.

Councilmember Farinha address the following; funding programs if due to youth(s) not being able to afford the program, some programs being co-ed, is it due to lack of participation or due to youth(s) not being able to afford to participate in a program. Report on item to be brought back to Council.

Councilmember La Torre addressed Administration and City Council Dues & Publications and Travel & Training, taking funds from this account to give to H.O.S.T.

City Manager Irwin and Mayor Molina addressed the City's Administration and City Council Dues & Publications and Travel & Training accounts.

City Manager Irwin and City Council addressed the City's surplus account.

Nancy Barbosa, Patterson - H.O.S.T. – addressed the City Council speaking in support of H.O.S.T. receiving one time funds from the City, staying open longer for more months, providing a location to feed the homeless, hiring two interns (\$500 each) and providing more services.

Terry Murray, Patterson – H.O.S.T. Treasurer – addressed the City Council speaking on the item of H.O.S.T. operating costs (utilities, mortgage payment to the City of \$625 a month).

Councilmember La Torre addressed the item of H.O.S.T. establishing a “Go Fund Me” internet account.

Martin Salmon, Patterson – addressed the City Council on the items such as concrete benches, trash cans, shade structure, etc. found at the sports park behind the fence (not being used) if possibly they can be used by H.O.S.T.

Councilmember McCord addressed Fund Balance Allocation and Assigned Funds Available, allocating more money for roads - one million dollars from unassigned funds to be used for street maintenance/roads.

Item of designating \$155,000 from unassigned funds to assigned funds to be brought back to City Council for review/approval. City Council was in consensus for staff to bring item back for review/approval by resolution.

Councilmember McCord moved to approve Resolution No. 2016-63, adding the following; allocating \$10,000 if allowed for the City (or do service groups/organizations need to fund – staff to review) to forward funds for

Stanislaus County foundation, \$20,000 for H.O.S.T. and moving \$1 million dollars from assigned to unassigned to be used for road maintenance. The motion was seconded by Mayor Pro Tem Novelli and unanimously approved by a 5-0 roll call vote.

7. Other Matters

The City Council was in consensus to cancel the August 2, 2016 regular city council meeting for National Night Out.

Mayor Pro Tem Novelli addressed the loss of the local hospital building due to a fire. Mayor Pro Tem Novelli thanked the Patterson Fire Department and Fire Departments from the Cities of Modesto, Ceres and Turlock for their help with the fire. Mayor Pro Tem Novelli thanked City staff (Public Works Department) for their help with the fire.

Councilmember McCord addressed the following:

- Fatalities with police involved, Councilmember McCord asked for everyone to pray for police and the community. Support your police officers and the community.
- Westside biggest loser contest coming - Patterson team always put together, contact Councilmember McCord if you would like to join.

Councilmember Farinha addressed the item of this year's graduating kids joining the military - God be with them.

8. Adjournment

There being no further business, the special meeting of the City Council of the City of Patterson of July 12, 2016 was adjourned at 7:55 p.m.

Maricela Vela, City Clerk of the City of Patterson

City of Patterson
City Council Special Meeting
Tuesday, July 12, 2016
Minutes

1. Call to Order

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Present: Councilmembers McCord, Novelli, Farinha, La Torre and Mayor Molina (5)

Staff: City Manager Irwin, City Attorney Hallinan (arrived at 6:35 p.m.) Finance Director Ryan, Accountant Callum, Public Works Director Willett, Deputy Public Works Director Andrade, City Planner Andrews, Associate Planner Rodriguez, Capital Projects Manager Rodriguez, Police Chief Dirkse, Human Resources Director Smith, Interim Fire Chief Gregory, Public Works Management Analyst Basalusalu, Senior Public Works Administrative Manager Delgado, City Clerk Vela (15)

Excused: Recreation & Community Services Director Flanders (1)

2. Pledge of Allegiance

3. Statements of Conflict - none.

4. Items from the Public - none.

5. Consent Calendar

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5.1 Motion to Waive Readings - All Readings of Ordinances and Resolutions, Except by Title are hereby waived.

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Councilmember McCord moved to approve Consent Calendar Items 5.1 through 5.6, Omitting Consent Calendar Item 5.4. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

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City Manager Irwin reviewed his report.

Mayor Molina moved to approve entering into a contract along with the Patterson Joint Unified School District (PJUSD) for crossing guard services, provided by all City Management Services, Inc. (ACMS). The motion was seconded by Mayor Pro Tem Novelli and unanimously approved by a 5-0 roll call vote.

6.2 Finance Department

Approve Resolution No. 2016-63, Adopting General Fund and All Other Funds Budgets for Fiscal Year 2016-2017.

City Manager Irwin reviewed his staff report.

Finance Director Ryan reviewed her staff report - power point presentation.

Mayor Pro Tem Novelli addressed the Stanislaus County Community Foundation 501c3, City's contribution to become a part of the foundation being \$10,000. Mayor Pro Tem Novelli requested to add this item to the FY 16/17 budget. Requesting for staff to invite Ms. Marian Kaanon, CEO/President of Stanislaus Community Foundation to come to a City Council meeting and make a presentation.

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Martin Salmon, Patterson – addressed the City Council on the items such as concrete benches, trash cans, shade structure, etc. found at the sports park behind the fence (not being used) if possibly they can be used by H.O.S.T.

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Item of designating \$155,000 from unassigned funds to assigned funds to be brought back to City Council for review/approval. City Council was in consensus for staff to bring item back for review/approval by resolution.

Councilmember McCord moved to approve Resolution No. 2016-63, A Resolution of the City Council of the City of Patterson, Adopting General Fund and All Other Funds Budgets for Fiscal Year 2016-2017, with the additions of

allocating \$10,000 if allowed from the City (or do service groups/organizations need to fund – staff to review) to the Stanislaus County Community Foundation, and \$20,000 for H.O.S.T., and moving \$1 million dollars from unassigned to assigned to be used for street maintenance for the City to use as the match portion for grants. The motion was seconded by Mayor Pro Tem Novelli and unanimously approved by a 5-0 roll call vote.

7. Other Matters

The City Council was in consensus to cancel the August 2, 2016 regular city council meeting for National Night Out.

Mayor Pro Tem Novelli addressed the loss of the local hospital building due to a fire. Mayor Pro Tem Novelli thanked the Patterson Fire Department and Fire Departments from the Cities of Modesto, Ceres and Turlock for their help with the fire. Mayor Pro Tem Novelli thanked City staff (Public Works Department) for their help with the fire.

Councilmember McCord addressed the following:

- Fatalities with police involved, Councilmember McCord asked for everyone to pray for police and the community. Support your police officers and the community.
- Westside biggest loser contest coming - Patterson team always put together, contact Councilmember McCord if you would like to join.

Councilmember Farinha addressed the item of this year's graduating kids joining the military - God be with them.

8. Adjournment

There being no further business, the special meeting of the City Council of the City of Patterson of July 12, 2016 was adjourned at 7:55 p.m.

Maricela Vela, City Clerk of the City of Patterson

City of Patterson
City Council Special Meeting
July 19, 2016
Minutes

1. Call to Order

The special (Closed Session) meeting of the City Council of the City of Patterson was called to order in City Hall, City Council Chambers, 1 Plaza, Patterson at 6:02 p.m. by Mayor Molina.

Present: Councilmembers McCord, Novelli, Farinha, La Torre and Mayor Molina (5)

Staff: City Manager Irwin, Deputy City Attorney Goldstein (2)

At this time, Mayor Molina announced the items listed to be discussed in Closed Session and opened the items to public comments.

The City Council will adjourn to Closed Session to address the following:

Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9)
City of Patterson v. Patterson Hotel Associates, et al., Case No. 670042

2. Statements of Conflict - none.

3. Items from the Public – there were no public comments.

4. Adjourn to Closed Session

There being no public comments, the Patterson City Council adjourned to Closed Session.

5. Report from Closed Session (if any)

There were no items to report out from Closed Session.

6. Adjournment

There being no further business, the special (Closed Session) meeting of the City Council of the City of Patterson of July 19, 2016 was adjourned at 7:02 p.m.

Maricela Vela, City Clerk of the City of Patterson

City of Patterson
City Council Regular Meeting
July 19, 2016
Minutes

1. Call to Order

The regular meeting of the City Council of the City of Patterson was called to order in City Hall, City Council Chambers, 1 Plaza, Patterson at 7:02 p.m.

Present: Councilmembers McCord, Novelli, Farinha, La Torre and Mayor Molina (5)

Staff: City Manager Irwin, Deputy City Attorney Goldstein, NBS Government Finance Sara Mares, Interim Fire Chief Gregory, Public Works Director Willett, City Planner Andrews, Human Resources Director Smith, Recreation & Community Services Director Flanders, Associate Planner Rodriguez, City Engineer Ulloa, Sonia Delgado, Public Works Management Analyst Encinas, Police Sgt. LaBarbera and City Clerk Vela (14)

Excused: Finance Director Ryan, Police Chief Dirkse, City Attorney Hallinan (3)

2. Pledge of Allegiance

3. Statements of Conflict - none.

4. Items from the Public - none.

5. Consent Calendar

All items are approved by a single action. Any item may be removed from the Consent Calendar for separate discussion upon request from a member of the Public, Staff and/or Councilmember.

- 5.1 Motion to Waive Readings - All Readings of Ordinances and Resolutions, Except by Title are hereby waived.
- 5.2 Approve City Department Reports for the Month of June (Community Development, Public Works and Recreation & Community Services)
- 5.3 Approve City Commission Reports for the Month of June 2016 (Parks, Recreation & Beautification Commission and Planning Commission)

Councilmember La Torre addressed the Planning Commissions June Report – Permit for Les Schwab Tire Center – Councilmember La Torre requested for item to come to City Council for Council and public comments.

City Manager Irwin addressed Councilmember La Torre's concerns.
City Planner Andrews addressed Councilmember La Torre's concerns.

- 5.4 Approve Resolution No. 2016-64, A Resolution of the City Council of the City of Patterson, Adopting the City of Patterson's Conflict of Interest Code as is Currently with Minor Changes/Amendments.
- 5.5 Approve Resolution No. 2016-65, Authorizing Staff to Apply for the Beverage Container Recycling Program Grant for FY 16/17 and FY 17/18 and Resolution No. 2016-66, Authorizing Submittal of Application for Payment Programs and Related Authorizations.
- 5.6 Approve Resolution No. 2016-67, Approving the Maintenance and Landscaping Agreement for Keystone Lot G (021-085-020); Authorizing the City Manager to Execute the Agreement; and Authorizing the City Clerk to Record the Agreement
- 5.7 Approve Resolution No. 2016-68, Accepting the CDBG 4th Street Phase II Project as Complete, Authorizing Staff to File the Notice of Completion and Commence the One-Year Warranty Period.
- 5.8 Accept all Bids for the Ward Avenue Water Main Replacement Project, Award Construction to Knife River Construction and Authorize Staff to Execute the Contract and Approval of Budget Adjustment.

Councilmember Farinha moved to approve Consent Calendar Items 5.1 through 5.8 omitting Item No. 5.3. The motion was seconded by Mayor Pro Tem Novelli and unanimously approved by a 5-0 roll call vote.

Mayor Molina moved to approve Consent Calendar Item 5.3. The motion was seconded by Councilmember Farinha and approved by a 4-1 roll call vote. Councilmember La Torre voted no.

6. Presentations and Public Hearings

- 6.1 Presentation: School Awards - American Legion Post 168
Keith Hussar, Mayor Molina

Mayor Molina and Keith Hussar, Commander with American Legion Post 168 presented eight students with City of Patterson Certificates of Achievement.

- 6.2 Public Hearing: Adopt Resolution (No. 2016-69) Establishing West Patterson Business Park Reimbursement Fee.

Deputy City Attorney Goldstein reviewed her staff report.

At 7:20 p.m. Mayor Molina opened the Public Hearing to public comments.

Kenny Buehner, Patterson (property owner in the area) – addressed the City Council stating he had not been notified about this item.

Deputy City Attorney Goldstein stated item was already memorialized in the Development Agreement and now in the resolution.

At 7:21 p.m. there being no further public comments, Mayor Molina closed the Public Hearing.

Councilmember McCord moved to approve Resolution No. 2016-69. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

- 6.3 Public Hearing: Hold the Public Hearing, Take Public Comment, and Approve the Resolutions Ordering the Levy and Collection of Assessments for City's Benefit Assessment Districts (BADs), Landscape Maintenance Districts (LMDs) and CSA No. 15 for Fiscal Year 2016/17 (Resolution Nos. 2016-70, 2016-71 and 2016-72)

Public Works Director Willett reviewed his staff report.

At 7:24 p.m. Mayor Molina opened the Public Hearing to public comments. There were no public comments.

Councilmember Farinha addressed deficits in the assessments. Staff to bring report back in the near future for City Council review.

Councilmember Farinha moved to approve Resolution Nos. 2016-70, 2016-71 and 2016-72. The motion was seconded by Councilmember McCord and unanimously approved by a 5-0 roll call vote.

7. City Staff Reports

7.1 Planning Department

Continued Participation in the Stanislaus Urban County Community Development Block Grant (CDBG) Program for FY 2017-2020 (Resolution No. 2016-60)

City Manager Irwin reviewed his staff report.

Marian Hill, City Manager's Office, City of Turlock reviewed her report - addressed the consortium.

At 7:36 Mayor Molina opened the item to public comments. There were no public comments.

Councilmember McCord moved for staff to schedule a workshop to address item with City Council and the citizens. The motion was seconded by Mayor Pro Tem Novelli and unanimously approved by a 5-0 roll call vote.

7.2 Public Works Department

Adopt Resolution No. 2016-73, Modifying the Current Stage II Water Shortage to a Stage I Water Shortage and Direct the Implementation of Current State and Local Water Demand Reduction Measures and New Conservation Standard.

Public Works Director Willett reviewed his staff report.
Public Works Management Analyst Encinas reviewed her staff report - power point presentation.

At 7:55 p.m. Mayor Molina opened the item to public comments. There were no public comments.

Councilmember Farinha moved to approve Resolution No. 2016-73. The motion was seconded by Mayor Pro Tem Novelli and unanimously approved by a 5-0 roll call vote.

8. Council Items

- 8.1 Motion to Appoint Fred Fowler to the Patterson Economic Strategic Commission for the Term of April 2016 to April 2018 (Mayor Pro Tem Novelli, Mayor Molina)

Mayor Pro Tem Novelli moved to appoint Fred Fowler to the Patterson Economic Strategic Commission for the Term of April 2016 to April 2018. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

- 8.2 Designation of a Voting Delegate and Alternates to the League of California Cities Annual Conference, October 5-7, 2016, Long Beach.

Mayor Molina moved to designate Mayor Pro Tem Novelli as the City's Voting Delegate to the League of California Cities Annual Conference, October 5-7, Long Beach. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

Councilmember Farinha moved to designate himself as the 1st Alternate to the League of California Cities Annual Conference, October 5-7, Long Beach. The motion was seconded by Mayor Pro Tem Novelli and unanimously approved by a 5-0 roll call vote.

Councilmember McCord moved to designate Mayor Molina as the 2nd Alternate to the League of California Cities Annual Conference, October 5-7, Long Beach. The motion was seconded by Councilmember La Torre and unanimously approved by a 5-0 roll call vote.

- 8.3 City Council Reports

Mayor Molina - nothing to report on items.

- StanCOG (Councilmember McCord Alternate)

- Stanislaus County Mayors Dinner
- Patterson/West Stanislaus Fire Services Committee
(Councilmember Farinha 1st Alternate, Councilmember Novelli 2nd Alternate)
- Stanislaus County Disaster Council (Councilmember McCord Alternate)

Mayor Pro Tem Novelli - nothing to report on items.

- Patterson Representative – League of California Cities (LOCC)
- Stanislaus County Economic Development & Workforce “Alliance”
(Councilmember Novelli Alternate)
- Economic Development Action Committee (EDAC)
(Councilmember Novelli Alternate)

Councilmember Farinha – nothing to report on items.

- San Joaquin Air Pollution Control District – Valley-wide Special City Selection Committee (Councilmember Novelli Alternate)
- Stanislaus County Hazardous Waste Advisory Committee
(Councilmember McCord Alternate)

Councilmember McCord:

- Westside Health Care Task Force

Councilmember McCord addressed the following:

- Holding Westside Health Care Task Force meeting Thursday, August 11, 2016 at the Hammon Senior Center at 6 p.m.
- Westside Biggest Loser Contest coming in August, requesting members for a Patterson Team. Weigh-In to be held in August at the kickoff event in the City of Newman.

Councilmember La Torre:

Councilmember La Torre addressed the item of an update on the Watch Dog Real Estate Reward report.

8.4 Other Matters

Mayor Pro Tem Novelli addressed the Back to School Block Party & Safety Fair, Saturday, August 13, 2016 from 9 a.m. to 12 noon in downtown Patterson - Parks.

Councilmember Farinha addressed staff for an update on the installation of a flag pole at the Hammon Senior Center. Councilmember Farinha requested for item to be placed on the next council meeting.

Mayor Pro Tem Novelli addressed the item of prayers and good thoughts in Dallas, Baton Rouge. Mayor Pro Tem asked for people to thank police officers. Pray for the issues in Dallas Baton Rouge to be resolved.

9. Adjournment

There being no further business, the regular meeting of the City Council of the City of Patterson of July 19, 2016 was adjourned at 8:09 p.m.

Maricela Vela, City Clerk of the City of Patterson



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

BY: Di Smith, Human Resources Director

MEETING DATE: September 6, 2016

ITEM NO: 5.3

SUBJECT: Approve Resolution No. 2016-75, Employer Paid Member Contributions for the California Public Employees' Retirement System

RECOMMENDATION

Approve Resolution Eliminating Employer Paid Member Contributions for members of AFSCME for submission to the California Public Employees' Retirement System.

BACKGROUND

All full-time City of Patterson employees are enrolled in the California Public Employees' Retirement System. In an effort to reduce current and future retirement liabilities, the City has taken the following actions:

- March 6, 2012, the City Council approved a resolution for employee paid member retirement contribution for unrepresented management and mid-management employees hired after April 1, 2012.
- October 6, 2015, the City Council approved a successor MOU for AFSCME, which requires employees to pay 100% of their member retirement contributions.
- February 2, 2016, the City Council approved a new MOU for PMMEA, which requires employees to pay 100% of their member retirement contributions
- April 19, 2016, the City Council approved a resolution for employee paid member retirement contribution for all unrepresented and PMMEA employees.

The delay in bringing forth the resolution for member paid contributions for AFSCME was due to language interpretation, which was resolved on August 22, 2016.

ANALYSIS

Currently, the City pays both the Employer and Employee contributions to CalPERS, for AFSCME and Fire employees. Member contributions currently paid by the City are set at 8% for Miscellaneous employees and 9% for Fire employees. Approving the Resolution is required by CalPERS to end the City's payment of member contributions (EPMC) and require AFSCME employees to pay 100% of the required member contribution.

The deductions will be made from the employee's bi-weekly payroll on a pre-tax basis and forwarded to CalPERS by the City on the employee's behalf.

FISCAL IMPACT

The fiscal impact for ending EPMC and having employees pay 100% of their required member contributions and receiving an 8% base salary increase was reported in the October 6, 2015, Council Staff Report approving the AFSCME MOU.

RESOLUTION NO. 2016 - 75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PATTERSON ELIMINATING THE PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) FOR EMPLOYEES IN THE AFSCME GROUP

WHEREAS, the City Council of the City of Patterson has the authority to implement Government Code Section 20691;

WHEREAS, the City Council of the City of Patterson has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employers;

WHEREAS, one of the steps in the procedure to implement Section 20691 is the adoption by the City Council of the City of Patterson of a Resolution to commence said Employer Paid Member Contributions (EPMC);

WHEREAS, the governing body of the City of Patterson had a written labor policy or agreement which specifically provided for the normal member contributions to be paid by the employer; and,

WHEREAS, the City Council of the City of Patterson has now approved written labor agreement which specifically provide for the normal member contributions to be paid by the employee; and

WHEREAS, the City Council of the City of Patterson has identified the following conditions for the purpose of its election to pay EPMC;

- This benefit shall apply to all employees designated as members of the following group: AFSCME.
- The benefit shall consist of the City paying 0% of the normal member contributions as EPMC. Employee shall pay the entire employee contribution.
- The effective date of this Resolution is September 6, 2016.
- Effective September 6, 2016, EPMC shall be eliminated and total zero percent (0%).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Patterson, California that the City of Patterson elects to pay EPMC, as set forth above.

PASSED, APPROVED AND ADOPTED, this 6th day of September, 2016, by the following roll call vote:

AYES:

NOES:

EXCUSED:

APPROVED:

Luis I. Molina, Mayor of the City of Patterson

ATTEST:

Maricela L. Vela, City Clerk of the City of Patterson

I hereby certify that the foregoing is a full, correct and true copy of a resolution passed by the City Council of the City of Patterson, a Municipal Corporation of the County of Stanislaus, State of California, held on the 6th day of September 2016, and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED:

City Clerk of the City of Patterson



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

BY: Di Smith, Human Resources Director

MEETING DATE: September 6, 2016

ITEM NO: 5.4

SUBJECT: Approval of the Fire Marshal Classification Job Description and Salary

RECOMMENDATION

Staff recommends that the City Council approve the newly developed Fire Marshal job description and salary.

BACKGROUND

In December of 2012, the Patterson Fire Department in conjunction with the West Stanislaus Fire District hired a Fire Prevention Specialist to assist the Fire Chief with residential and business inspections due to the increase in requirements and building taking place in both jurisdictions.

ANALYSIS

Over the years, City growth expanded to include large warehouse distribution centers, residential subdivisions and other businesses with new fire related requirements. As a result of the growth, staff is required to review and approve more detailed plans and conduct additional on sites visits to communicate with contractors to assure the safety of employees, emergency personnel and the general public

The growth of the City requires an advanced level of fire prevention services warranting a Fire Marshal classification. The managerial level of Fire Marshal requires a higher standard of education that will allow “on the spot” decisions to prevent delays in the progress and deadlines of the builders.

When it was determined that a Fire Marshal classification was needed for the City, RGS was tasked with developing the attached Fire Marshal job description to be approved by Council. The job description prepared accurately describes the duties required for the position. The primary duties are as follows:

- Plan review and acceptance inspection/testing of all buildings, sprinkler systems, fire alarm systems, etc., in new residential and commercial properties for life safety issues.
- Building inspections, larger warehouses require several visits. Perform and assist engine companies with annual business inspections.
- Supervise the code enforcement staff

In addition to developing a job description for the position, RGS also conducted a salary survey using surrounding cities with populations comparable to the City of Patterson. As there were not enough external comparators found to determine the appropriate salary, the recommendation is to set the salary for Fire Marshal internally, relative to the Fire Division Chief and both positions are designated to the Patterson Mid Management Employee Association (PMMEA).

In making the specific salary recommendation, two factors were utilized. First, the requirements for the Fire Division Chief are greater than those for the Fire Marshal. The Fire Division Chief is a sworn position responsible for supervising other sworn positions. The minimum qualifications also include ten (10) years of fire protection experience, seven (7) of which must be at a supervisory level. The Fire Marshal is a non-sworn position requiring only five (5) years of experience in fire prevention. Second, the current salary for the Fire Division Chief was shown to be approximately seven percent (7%) above the median salary for the comparator agencies surveyed. Therefore, the recommended salary and salary steps for the Fire Marshal to be approved by Council is as follows:

Fiscal Year 2016/17 – Minimum Month Salary -\$6,171.00 – Maximum Monthly Salary - \$7,501
 Salary Step Increases - A-\$6,171.00 - B-\$6,480.00 – C-\$6,804.00 – D-\$7,144.00 – E-\$7,501.00

FISCAL IMPACT

On July 12, 2016, the Council approved the annual budget which included the allocation of a Fire Marshal classification. The position may be filled through a reclass.

The additional funding allocation approved is as follows:

Salary \$ 13,621.00 + Benefits \$1,832.00 = \$15,453

Total Salary Funding Allocation:

100-400 - (70%)

190-405 - (30%)

The Fire Marshal position is a joint position with the West Stanislaus Fire District. The actual cost to the City would be 60% based on the current agreement.

JOB DESCRIPTION	
<p>City of Patterson</p>  <p>Human Resources</p>	<p>FIRE MARSHAL</p>

JOB SUMMARY

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.*

Under the direction of the Fire Chief, the Fire Marshal leads and manages the City of Patterson Fire Department and West Stanislaus Fire Protection District's Fire Prevention Programs; coordinates plan reviews for new and existing buildings; develops and conducts fire prevention education programs; acts as a liaison to city/county departments, developers and the public on fire and life safety issues; develops drafts of local codes and ordinances and drafts revisions to local codes and ordinances for the District's consideration; performs on-site inspections to ensure compliance with codes and ordinances; establishes and manages a comprehensive fee for services program; organizes and manages the Fire Prevention Inspection program that ranges from municipal to rural application; coordinates with CAL- FIRE on urban interface and state responsibility areas within the Fire District relating to prevention measures; coordinates CERT training, supervises fire personnel assigned to the Fire Prevention Division; and performs other duties as required. Will be a member of the management team and will respond to emergency incidents or events and act in a Command or General Staff position.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Fire Chief.
 This position routinely exercise supervision over Fire Inspectors, Administrative Staff and Volunteers assigned to the fire prevention program.

ESSENTIAL DUTIES

- Typical essential duties may include, but are not limited to:*
- Plan, organize and direct the daily operation of the City of Patterson Fire/West Stanislaus Fire Protection District's Fire Prevention Division.
 - Conduct, coordinate and approve plan reviews for new construction, remodels, alterations and repairs, and when necessary, confer with architects, engineers, contractors and appropriate City/County staff to ensure code compliance.
 - Review and provide recommendations and requirements for proposed developments within the District's jurisdiction and coordinate reviews with City/County departments.
 - Establish and manage the City and District-wide Fire Prevention Inspection program.

Attend meetings with the county, cities, consultants, developers, land owners, and contractors to represent the City's and District's interests in planning, fire protection and fire prevention issues and activities.

Conduct onsite inspections of buildings and fire protections systems.

Review and understand related fire and life safety codes with related duties including: making recommendations to the Fire Chief for code adoptions or repeals; interpreting the meaning and intent of code sections; clarifying code requirements and inspection procedures to the development community; and acting as the liaison with other agencies on ordinances that may require the support of the District.

Develop, implement and manage fire company level programs for the Fire Prevention Division.

Provide education to shift personnel in conducting various fire inspections.

Coordinate with CALFIRE for fire prevention measures in the State Responsibility Areas within the Fire District.

Prepare Division budgets; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; and administer the approved budget.

Develop fire and life safety education programs for presentation to a variety of business and community interest groups.

Administer the City's and District's education program for schools, coordinate and deliver the program, and update the program as needed.

Administer the weed abatement and fire and life safety program; assess compliance of properties; and prepare reports and related records.

Work cooperatively with the Chief Building Officials, Community Development staff, State Fire Marshal and the community to ensure thorough, organized and timely permit processing and site inspections.

Conduct all hazard risk assessments of residential properties; educate property owners of methods to improve property ratings.

Perform related duties as assigned.

KNOWLEDGE, SKILLS, AND ABILITIES

Thorough knowledge of: Local and state fire codes, regulations and statutes; NFPA codes and standards; applicable federal, state and local laws and ordinances and fire safety standards.

Working knowledge of: principles, practices, techniques and equipment used in fire suppression activities; principles and practices of employee supervision.

Knowledge of: Building construction components; fire protection systems and their proper application; personal computers and relevant software programs; fire investigative modern practices and the prosecution of incendiary fires.

Ability to: Apply extensive knowledge and sound judgment when interpreting and applying complex principles to fire codes, regulations and statutes; conduct technical plan reviews in residential, commercial, industrial construction and possess the skills needed to articulate requirements to contractors and design professionals; prepare and understand public agency budgets.

Write clear, concise reports and keep accurate records; prepare and make effective oral information presentations and reports to local jurisdictions and community groups; demonstrate physical endurance, agility, dexterity and strength necessary to perform required duties; work effectively with the public, Fire District personnel, and other local jurisdictions.

Work with businesses, property owners, permit applicants, residents and other departments within the County and Cities within the Fire District; understand and use techniques for dealing with people in person and over the telephone in stressful or confrontational situations; take initiative and use independent judgment within legal, policy and procedural guidelines; perform at the Command or General Staff level within the Incident Command System; effectively manage assigned staff.

Read, speak, write, and comprehend English at a level necessary to carry out the essential functions of the position, and to communicate effectively with elected officials, other departments, agencies and government organizations, contractors, engineers and architects, and the general public.

NECESSARY SPECIAL REQUIREMENTS

Must be 18 years of age or older.

Must successfully pass pre-employment examinations which may include various position related background, fingerprint, reference, medical, physical agility, second language ability, certificate or license verifications.

Must be able to provide proof of U.S. citizenship or legal right to work in the United States.

MINIMUM QUALIFICATIONS

Education: An Associate's Degree from a regionally accredited university or college. A Bachelor's and/or Master's Degree in Fire Protection, Fire Prevention, Fire Protection Engineering, Public Administration or related field for a regionally accredited university or college is desirable.

Experience: Five years working for a fire district, city, county or state as a fire inspector building official (with fire prevention responsibilities), fire prevention officer, fire prevention specialist or deputy fire marshal, and at least two years of supervisory experience.

License: Possession of a driver's license at the appropriate level including necessary special endorsements required by the State of California may be required for some positions to perform the essential job functions of the position.

Required Certification: Must obtain a California P.C. 832 Arrest and Firearms Certification within 24 months from the date of appointment.

Completion of the California State Marshals Fire Inspector 1A, 1B, 1C and 2A, 2B, and 2C Certifications.

Incumbents in the classification must obtain Fire Prevention Level 3A and 3B California State Fire Marshal Certifications, or other recognized state, national or international association acceptable to the jurisdiction) within the designated probationary period or be dismissed from County service.

Desirable certifications include:

Possession of a valid Medical First Responder or Emergency Medical Technician Certificate

Possession of a valid Health Care Provider CPR card

Possession of Incident Command System 100, 200, 300, & 400 certification

California State Fire Marshal Certification and PC832

ICC Certifications as Fire Inspector and Plan Checker desired.

Classification: Management

PHYSICAL REQUIREMENTS

Environmental Conditions: Work is performed in a standard office environment with frequent travel to various locations to attend meetings and/or perform Department activities in responding to emergency scenes, disasters, or critical incident; occasionally exposed to outside weather conditions and wet and/or humid conditions.

Physical Conditions: Position requires sufficient physical ability to work in an office setting; walk, stand, or sit for prolonged periods of time; occasionally stoop, bend, kneel, crouch, reach, and twist; occasionally climb and balance; occasionally lift and/or move work related weights; operate office equipment including use of computer keyboard; requires a sense of touch, finger dexterity, and gripping with hands and fingers; ability to operate a vehicle to travel to various locations.

NECESSARY SPECIAL REQUIREMENTS

NONE

FLSA Exemption Status: Exempt

Approved: XX/2016



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

BY: Di Smith, Human Resources Director

MEETING DATE: September 6, 2016

ITEM NO: 5.5

SUBJECT: Approve the Supervising Accountant Job Description and Recommended Salary Range

RECOMMENDATION

Approve the Supervising Accountant classification job description and recommended salary range.

BACKGROUND

On February 1, 2016, the City hired a new Finance Director. Over the past several months, the Director took the opportunity to address department structure and accounting needs and to determine the level that her staff were working within their classifications. The Accountant has been a back-up supervisor in the absence of the Finance Director and Revenue and Utility Billing Manager. As Finance re-structured the division organization chart, the need for Supervising Accountant is much needed in order to operate the growing transactional activities, reporting requirements, strengthening on internal controls and customer service to both internal and external customers.

ANALYSIS

RGS was tasked with developing the attached Supervising Accountant job description to be approved by Council. The job description accurately describes the duties required for the position. Those duties are as follows:

- Monitor general ledger activities which include analyzing and resolving accounting issues; reviewing and distribution of financial reports for internal departments; conducting month-end and year-end closing; and performing other related tasks.
- Perform a variety of accounting functions which include reviewing and approving payables; reconciling accounts; preparing accounting and audit schedules; reviewing quarterly tax filings for accuracy; coding and entering information into a database; serving as a liaison with outside agencies; and performing other related tasks.

- Select, train, motivate and evaluate department personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.
- Maintain and update master payroll records, including the production of employee paychecks, benefit statements and accrual calculations. Work with Human Resources to carry out various confidential personnel transactions such as salaries, benefits, promotions, special pays, reclassifications, demotions, suspensions, terminations and other related matters.
- Prepare salary projections; develop assumptions; and update budget workbook for departmental review and budget development.

In addition to developing a job description for the position, RGS also conducted a salary survey using surrounding cities with populations comparable to the City of Patterson. The recommended salary and step ranges to be approved by Council is as follows:

Fiscal Year 2016/17 – Minimum Month Salary -\$4,940.00 - Maximum Monthly Salary - \$6,005.00
 Salary Ranges: A - \$4,940.00 - B - \$5,187.00 - C- \$5,446.00 – D - \$5,719.00 -E- \$6,005.00

FISCAL IMPACT

On July 12, 2016, the Council approved the City Budget which included the allocation of a Supervising Accountant classification by re-classing the current Accountant to the position.

The additional funding allocation approved by Council is as follows:

Salary - \$1,787.00 + Benefits \$0= \$1,787.00

Total Salary Funding Allocation:

General Fund: (48%)

Other Funds - (52%)

JOB DESCRIPTION

City of Patterson



Human Resources

SUPERVISING ACCOUNTANT

JOB SUMMARY

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.*

Under the general supervision of the Finance Director, the Supervising Accountant plans, organizes, coordinates and participates in the City's accounting operations and performs a variety of professional and technical tasks to records and prepare reports related to the City's accounting and budgeting systems.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

This position exercises direct supervision over technical and clerical accounting staff.

ESSENTIAL DUTIES

Typical essential duties may include, but are not limited to:

Create information databases, spreadsheets and reports for use in accounting and financial analysis.

Monitor general ledger activities which include analyzing and resolving accounting issues; reviewing and distribution of financial reports for internal departments; conducting month-end and year-end closing; and performing other related tasks.

Prepare, analyze, review and submit a variety of reports, reconciliations, and statements to and from internal departments, the City Council, financial institutions, and applicable agencies.

Perform a variety of accounting functions which include reviewing and approving payables; reconciling accounts; preparing accounting and audit schedules; reviewing quarterly tax filings for accuracy; coding and entering information into a database; serving as a liaison with outside agencies; and performing other related tasks.

Select, train, motivate and evaluate department personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Assist in the preparation of the City's Annual Comprehensive Financial Report (CAFR).

Research, recommend, and implement computerized control systems for payroll and benefits configuration and accounting and financial functions related to applicable accounting processing.

Prepare required reports for federal, state, county, and other external funding sources in accordance with reporting requirements.

Coordinate the administration of special assessment districts, including all regulatory compliance, debt service, and placement of assessments on the County tax roll.

Maintain and update master payroll records, including the production of employee paychecks, benefit statements and accrual calculations. Work with Human Resources to carry out various confidential personnel transactions such as salaries, benefits, promotions, special pays, reclassifications, demotions, suspensions, terminations and other related matters.

Research and adhere to payroll practices and procedures as defined within Memorandums of Understanding, other agreements, city policies and directives.

Explain payroll deductions and related payroll transactions to City employees.

Research and assemble information from a variety of sources for the completion of forms or the preparation of reports.

Prepare salary projections; develop assumptions; and update budget workbook for departmental review and budget development.

Perform related duties as assigned.

KNOWLEDGE, SKILLS, AND ABILITIES

Thorough knowledge of: accounting theory and generally accepted accounting and auditing principles, practices, and procedures.

Working knowledge of: principles and practices of supervision and training; principles and practices of computerized accounting and data processing.

Knowledge of: regulations, and reporting requirements for municipal agencies; modern office management procedures; methods and techniques involved in conducting analytical studies and research of administrative practices and procedures.

Ability to: plan, organize and direct accounting, purchasing, inventory and other department related operations and activities; establish and maintain cooperative working relationships with coworkers and staff of other City departments; direct, train and evaluate

Analyze, evaluate, and interpret accounting data; prepare and interpret complex financial reports; make mathematical calculations rapidly and accurately; design, implement, interpret and monitor department policies and procedures; analyze administrative, operational and organizational conditions and problems and recommend and implement appropriate solutions, including implementation of new automated systems and software.

Interpret and explain governmental and accounting policies, rules, and regulations; provide fiscal interpretation of data to management; oversee and assist auditors with the Comprehensive Annual Financial Report.

Communicate clearly and concisely both orally and in writing; prepare clear and concise fiscal reports.

Read, speak, write, and comprehend English at a level necessary to carry out the essential functions of the position to explain complex policies and instructions in plain language and to communicate with City employees, elected officials, executives, other departments, agencies, and government organizations.

NECESSARY SPECIAL REQUIREMENTS

Must be 18 years of age or older (use only if applicable)

Must successfully pass pre-employment examinations which may include various position related background, fingerprint, reference, medical, physical agility, second language ability, certificate or license verifications.

Must be able to provide proof us U.S. citizenship or legal right to work in the United States.

MINIMUM QUALIFICATIONS

Education: A Bachelor's degree from an accredited college or university with major course work in accounting, finance, business, or a related field.

Experience: Four years of increasingly responsible professional and technical accounting experience in a governmental setting.

License: Possession of a driver's license at the appropriate level including necessary special endorsements required by the State of California may be required for some positions to perform the essential job functions of the position.

Required Certification: None

Classification: Professional, Exempt, Non-Confidential

PHYSICAL REQUIREMENTS

Environmental Conditions: Work is performed in an office environment.

Physical Conditions: Position requires sitting, standing, walking, reaching, twisting, turning, kneeling, bending, grasping, and making repetitive hand movement in the performance of daily activities. Acute hearing is required when providing phone and personal services.

NECESSARY SPECIAL REQUIREMENTS

NONE

FLSA Exemption Status: Exempt

Approved: XX/2016



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager 

BY: Fernando Ulloa, Director of Engineering

MEETING DATE: September 6, 2016

ITEM NO: 5.6

SUBJECT: Approve Resolution No. 2016-76, Approving a Deferred Improvement Agreement with the Jensen Bros Company; Authorizing the City Manager to Execute the Agreement; and Authorizing the City Clerk to Record the Deferred Improvement Agreement

RECOMMENDATION

Approve Resolution No. 2016-76, Approving a Deferred Improvement Agreement with the Jensen Bros Company; Authorizing the City Manager to Execute the Agreement; and Authorizing the City Clerk to Record the Deferred Improvement Agreement.

BACKGROUND

The Engineering Department is responsible for making sure that all public improvements are installed per City standards and Public Works Department is responsible for the maintenance of the improvements once they are completed and accepted by the City.

One of the Conditions of Approval for the Patterson Nut Company expansion project was for the developer(s) to install public improvements which include sidewalks, curb, gutter, storm drain, fire hydrants (as deemed necessary by Fire Dept.), street lighting, and right-of-way landscaping along the frontage of the property located on Bartch Ave and HWY-33. However, at this time staff and the developer have agreed that the public improvements be deferred until the property is annexed into City of Patterson.

ANALYSIS

With this in mind, the City is requesting that the developer enter into a “Deferred Improvement Agreement” which is a legal document that commits the property owner to installing the improvements within 60-days of receiving written notification from the City. Once the agreement is executed and recorded it will remain in effect even if the property is sold. Attached

for your review and approval is the Agreement that was prepared by staff and reviewed by the City Attorney.

FISCAL IMPACT

Any costs associated with this item are paid by the developer (property owner located at 100 Barch Ave, Patterson, CA 95363).

ATTACHMENTS

- Deferred Improvement Agreement
- Resolution No. 2016-76

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2
3 **RESOLUTION NO. 2016-76**
4

5 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PATTERSON APPROVING A**
6 **DEFERRED IMPROVEMENT AGREEMENT BETWEEN THE CITY OF PATTERSON AND**
7 **JENSEN BROS COMPANY FOR DEFERRING THE INSTALLATION OF PUBLIC**
8 **IMPROVEMENTS FOR THE PATTERSON NUT COMPANY SITE (100 BARTCH AVE,**
9 **PATTERSON, CA); AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT;**
10 **AND AUTHORIZING THE CITY CLERK TO RECORD THE AGREEMENT**

11
12 **WHEREAS**, at the regular city council meeting of September 6, 2016 the City Council of
13 the City of Patterson approved the Deferred Improvement Agreement (referred to herein as the
14 "Agreement") between the City of Patterson (referred to herein as the "City") and Jensen Bros.
15 Company (referred to herein as the "Owner") for property located at 100 Bartch Ave, Patterson,
16 CA.

17 **WHEREAS**, the City of Patterson has agreed to defer public improvements specified in
18 the attached documents, attached hereto for the property located at 100 Bartch Ave, Patterson,
19 CA.; and

20 **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Patterson that
21 it hereby accepts the deferral of the public improvements, authorizes the City Manager to sign
22 the "Agreement", and directs the City Clerk of the City of Patterson to record the "Agreement".

23 The foregoing resolution was passed by the City Council at a regular meeting held on
24 the 6th day of September 2016 by _____ who moved its adoption, which
25 motion was duly seconded by _____, and the resolution adopted by the
26 following roll call vote:

27 **AYES:**

28 **NOES:**

29 **EXCUSED:**
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APPROVED:

Luis I. Molina, Mayor of the City of Patterson

ATTEST:

Maricela L. Vela, City Clerk of the City of Patterson

I hereby certify that the foregoing is a full, correct and true copy of a resolution passed by the City Council of the City of Patterson, a Municipal Corporation of the County of Stanislaus, State of California, at a regular meeting held on the 6th day of September 2016, and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED:

City Clerk of the City of Patterson

RECORDED AT REQUEST OF:

Engineering Department
City of Patterson

WHEN RECORDED RETURN TO:

Maricela Vela
City Clerk's Office
P.O. Box 667
Patterson, CA 95363
(209) 895-8014

Space above this Line for Recorder's Use

(Resolution No. 2016-76)

SECURED DEFERRAL AGREEMENT FOR PUBLIC IMPROVEMENTS

100 BARTCH AVENUE, PATTERSON, CALIFORNIA

THIS AGREEMENT made and entered into this ___ day of _____, 2016, by and between City of Patterson, hereinafter called ("CITY"), and Jensen Bros Co., hereinafter called ("DEVELOPER").

WHEREAS, Developer is the owner of the property located at 100 Bartch Avenue, Patterson, CA 95363, more specifically described in "**Exhibit "A"**", attached hereto and herein by reference (the "Property" or "Land"); and

WHEREAS, the Developer is seeking to construct a 7,800 square foot agricultural storage building for the existing walnut huller operation at 100 Bartch Avenue, Patterson, CA 95363; and

WHEREAS, the City requires that public improvements be constructed or guaranteed in accordance with Government Code Section 66485, Ordinance Code of Stanislaus County, and City Ordinance No. 508 (Municipal Code Section 16.40.020) ("Developer Improvements"); and

WHEREAS, City and Developer agree that it is not essential to the development of the Property to construct Developer Improvements at this time, and that the Developer Improvements may be deferred to a future time; and

NOW, THEREFORE, for and in consideration of the mutual covenants and considerations contained herein, the City and Developer agree as follows:

1. **Scope.** The purpose of this Agreement is to assure the future construction and installation of the Developer Improvements, at the expense of the Developer, to certain standards as required by the City of Patterson and that each and every one of the provisions of this Agreement herein contained shall bind and inure to the benefit of the successors in interest of the parties hereto in the same manner as if they had herein been expressly named.

2. **Developer Obligations.** Developer agrees:
 - a. To guarantee the construction of the Developer Improvements upon approval and recordation of this agreement to construct and install the Developer Improvements required by the City Engineer and as described in this agreement.
 - b. To install the following Developer Improvements: installation of frontage improvements which include sidewalks, curb, gutter, storm drain, fire hydrants (as deemed necessary by Fire Dept.), street lighting, right-of-way landscaping in accordance to City of Patterson Standards, abandon any wells or septic tanks within parcel, and connect to City of Patterson water, storm drain, and sewer services. The installation of these improvements will be triggered by the annexation of the project area into the City of Patterson.
 - c. To submit necessary construction plans to the City for the Developer Improvements within **60 days** after receipt of written notification from the City; commence construction of the project within **60 days** after receiving approval from the City; and complete all developer improvements within **120 days** after commencement of construction.
 - d. To disclose and provide copies of this agreement, together with all exhibits, to any buyer(s) of any portion of the Land. Owner(s) shall obtain a confirmation form from each buyer confirming that the buyer(s) receipt of the agreement and shall provide a copy of such form to the City for their records.
 - e. Upon completion and approval of Developer Improvements, Developer shall execute a written instrument offering and irrevocably dedicating in fee for public purposes to City the Developer Improvements and the real property upon which the Developer Improvements are constructed.

3. **City Obligations.** City agrees:
 - a. Defer construction of the Developer Improvements, as provided herein; and
 - b. To provide the Owner(s) with a release and satisfaction exonerating this Agreement once all the Developer Improvements, as provided herein, have been completed and accepted by the City.

4. **Waiver.** City or City's officers, employees, agents, representatives or contractors may inspect or make statements indicating that certain work or materials used to complete construction the Developer Improvements comply with the terms of this

agreement. The City's acceptance of certain portions of the Developer Improvements shall not relieve Developer of the obligations in this agreement or serve as a basis or defense in any action brought by City against Developer for any damages arising from the breach of any term or condition of this agreement by Developer.

5. **Terms of this Agreement.** The term of this Agreement shall be binding on Developer beginning on the date that it is executed by the City.
6. **Land.** The Land shall be held, sold, leased, conveyed, encumbered, hypothecated, used, occupied and improved subject to the terms and provisions of this Agreement, which shall constitute restrictions, reservations, rights, covenants, conditions and equitable servitudes, all of which are for the purpose of enhancing and protecting the value, attractiveness and desirability of the Project. Such restrictions, reservations, rights, covenants, conditions and equitable servitudes shall (i) run with the Land and shall be binding upon all persons having or acquiring any interest in the Land or any part thereof, their heirs, successors and assigns; (ii) inure to the benefit of every portion of the Land and any interest therein; and (iii) inure to the benefit of and be binding upon each Owner(s) and each Owner(s) successors in interest.

This Agreement and the terms of this agreement will be recorded along with the Land's Deed of Trust to ensure that all obligations of this agreement remain valid and in effect until all Developer Improvements have been completed and approved by the City.

7. **Assignment.** Developer shall remain liable under the terms of this agreement unless and until:
 - a. The Developer Improvements are constructed/installed and accepted by the City; or
 - b. Developer assigns/their rights and obligations to a third party and that assignment are accepted by the City.
8. **Notices.** All notices required by this Agreement shall be in writing and sent by regular US mail, postage prepaid, commercial overnight courier or facsimile. Unless a party to this Agreement has given (10) day notice of a change of person and address for purposes of notice under this Agreement to the other party in writing, notices shall be directed to the following:

Notices to the City:

Fernando Ulloa, Director of Engineering, Building, Capital Projects
City Hall
1 Plaza Circle
Patterson, CA 95363
Telephone: (209) 895-8073
Fax: (209) 895-8069
E-mail: fulloa@ci.patterson.ca.us

with copy to:

Douglas White, Deputy City Attorney
DL White Law Group
428 J Street, Suite 370
Sacramento, CA 95814
Telephone: (916) 468-0950
Fax: (916) 468-0951
E-mail: doug@dlwhitelawgroup.com

Notices to Developer:

Mark Jensen, Owner
100 Bartch Avenue
Patterson, CA 95363
Telephone:
Fax:
E-mail:

8. Amendment. This Agreement shall not be amended, modified, canceled without the written consent of the parties.
9. Venue. Venue for all legal proceedings shall be in the Superior Court for the County of Stanislaus in the State of California.
10. Governing Law. The laws of California, excluding its conflict of laws rules, shall govern the rights and obligations of the Parties and the interpretation and performance of this agreement.
11. Attorney Fees. In any litigation, arbitration, or other proceeding by which either City or Developer either seeks to enforce its rights under this agreement or seeks a declaration of any rights or obligations under this agreement, the prevailing party will be awarded reasonable attorney fees, together with any costs and expenses, to resolve the dispute and to enforce the final judgment.

12. Counterparts. This agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Any facsimile copies hereof or signature thereon shall, for all purposes, be deemed an original.
13. Recording. Upon the date of this Agreement, the City shall file this Agreement at the Stanislaus County Recorder's Office, Modesto, California for recording and shall be binding on Developer, their successors, assigns and transferees.

IN WITNESS WHEREOF, the City and Developer have executed this Agreement the day and year first above written.

CITY OF PATTERSON, CALIFORNIA

By: _____
Ken Irwin, City Manager

Dated: _____

ATTESTATION BY CITY CLERK:

Maricela L. Vela, City Clerk

Dated: _____

JENSEN BROS CO (DEVELOPER)
100 Bartch Avenue
Patterson, CA 95363

By: _____
Mark Jensen, Owner

Dated: _____

EXHIBIT "A"

100 BARTCH AVENUE





CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

BY: Tiffany Rodriguez, Capital Projects Manager, Engineering, Building and Capital Projects

MEETING DATE: September 6, 2016

ITEM NO: 5.7

SUBJECT: Approve Resolution No. 2016-77, for the Local Transportation Fund (LTF) Claim and Authorizing the City Manager to Execute the Same on Behalf of the City of Patterson

RECOMMENDATION

Approve Resolution No. 2016-77, for the Local Transportation Fund (LTF) Claim and Authorizing the City Manager to Execute the Same on Behalf of the City of Patterson.

BACKGROUND

The Mills-Alquist-Deddeh Act (SB325) was enacted by the State in 1971 to improve existing public transportation services and encourage regional transportation coordination. Known as the Transportation Development Act (TDA), the law provided funding to be allocated to transit and non-transit related purposes. The funding is derived from a ¼ cent of the general sales tax collected statewide. It is distributed to each county through the Regional Transportation Planning Agency (TRPA) which is StanCOG, based on the amount collected. StanCOG then determines the transportation needs within the jurisdiction. Once the transit needs are met, the remaining funds can be allocated for Streets and Roads Purposes.

ANALYSIS

Annually, the City must file a claim with StanCOG for its share of the Local Transportation Funds (LTF) and Non-Motorized Funds. The City is entitled to \$122,691 for FY2015-2016. The funding provides matches for larger, federally funding programs as well as street maintenance or other minor street projects.

FISCAL IMPACT

The City is entitled to \$122,691, in FY 2015-2016, for Streets and Roads.

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RESOLUTION NO. 2016-77

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PATTERSON,
APPROVING THE ANNUAL LOCAL TRANSPORTATION FUND CLAIM AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME ON BEHALF OF
THE CITY OF PATTERSON**

WHEREAS, The Stanislaus Council of Governments (StanCOG) has presented the City Council of the City of Patterson the claim form for funds to be paid from Local Transportation Fund for fiscal year 2015-2016 and;

WHEREAS, the City Council of the City of Patterson approves said amount and agrees that a claim in said sum should be submitted to StanCOG.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Patterson that the 2015-2016 Transportation Claim to the StanCOG in the amount of \$122,691 is hereby approved and the City Manager is hereby authorized to execute the transportation claim on behalf of the City of Patterson.

The foregoing resolution of the City Council of the City of Patterson was passed by the City Council at a regular meeting held on the 6th day of September, 2016, by _____, who moved its adoption, which motion was duly seconded by _____, and the resolution adopted by the following roll call vote:

AYES:

NOES:

EXCUSED:

APPROVED:

Luis I. Molina, Mayor of the City of Patterson

1 ATTEST:

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5 Maricela L. Vela, City Clerk of the City of Patterson

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15 I hereby certify that the foregoing is a full, correct and true copy of a resolution
16 passed by the City Council of the City of Patterson, a Municipal Corporation of the County
17 of Stanislaus, State of California, at a regular meeting held on the 6th day of September
18 2016, and I further certify that said resolution is in full force and effect and has never been
19 rescinded or modified.

20 DATED:

21

22

23 City Clerk of the City of Patterson

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**TRANSPORTATION DEVELOPMENT ACT
LOCAL TRANSPORTATION FUND
CLAIM FOR FISCAL YEAR 2015/16 OTHER PURPOSES**

TO: Stanislaus Council of Governments
1111 I Street, Suite 308
Modesto, CA 95354

FROM: Applicant: City of Patterson
Address: PO Box 667
City: Patterson, CA Zip: 95363
Contact Person: Tiffany Rodriguez Phone: (209) 895-8075
E-mail Address: tirodriguez@ci.patterson.ca.us Fax: (209) 895-8069

The City of Patterson hereby requests, in accordance with the Transportation Development Act and applicable rules and regulations, that its claim for other purposes be approved in the amount of \$122,691 for fiscal year 2015/16, to be drawn from the Local Transportation Fund.

When approved, please transmit this claim to the County Auditor for payment. Approval of the claim and payment by the County Auditor to this applicant is subject to such monies being on hand and available for distribution, and to the provisions that such monies will be used only in accordance with the terms contained in the approving resolution to the Stanislaus Council of Governments.

The claimant certifies that this Local Transportation Fund claim and the financial information contained therein is reasonable and accurate to the best of my knowledge and conforms with the requirements of the Transportation Development Act and applicable rules and regulations.

Submitted by: _____

Title: Ken Irwin, City Manager

Date: _____

StanCOG Board of Directors:

Date of approval: _____

Resolution #: _____

StanCOG Approving Authority

**LOCAL TRANSPORTATION FUND
CLAIM FOR OTHER PURPOSES
FY 2015/16**

TABLE 1

1.	Planning, Local --PUC 99262/99402	\$ -
2.	Transit *	\$ -
3.	Streets and Roads --PUC 99400 (a)	\$ 107,206
4.	Nonmotorized - 2% LTF funds --PUC 99233.2/99234	\$ 15,485
5.	Nonmotorized - Other LTF funds --PUC 99233.2/99234	\$ -
6.	TOTAL CLAIM	\$ 122,691

This table is to be filled out by StanCOG staff

City of Patterson**Total LTF available to be claimed for other purposes:**

FY 2015/16 Nonmotorized apportionment	\$ 15,141
FY 2014/15 Nonmotorized supplemental	\$ 344
Prior year Nonmotorized funds held in reserve @ StanCOG	\$ -
Total 2% Nonmotorized	\$ 15,485
FY 2015/16 Other Purposes apportionment	\$ 82,881
FY 2014/15 Other Purposes supplemental	\$ 24,325
Total Other Purposes	\$ 107,206
Total available to be claimed at this time	\$ 122,691

* If you have proposed transit expenditures, please fill in the appropriate PUC Code.

**NONMOTORIZED PROJECTS
FY 2015/16**

(Use additional forms if necessary)

**TABLE 2
BREAKDOWN BY PROJECT**

BRIEFLY DESCRIBE PROJECTS AND EXPENDITURES INCLUDED IN THE 3 YEAR PERIOD BELOW										
ID	PROJECT TITLE	MODE			FOR BIKE PROJECTS ONLY		2013/14 ACTUAL EXPENDITURES	2014/15 ESTIMATED EXPENDITURES	2015/16 CLAIM	ACTUAL / ESTIMATED EXPENDITURES FOR 3 YEAR PERIOD
		B I K E	P E D	P L A N	PROJECT IN StanCOG's BIKE PLAN *	PROJECT IN CITY/CO BIKE PLAN *				
	Ward Avenue Bike Path	x			yes		\$22,980.97	\$0.00	\$0.00	\$22,980.97
	Various Crosswalk Access Improvements		x		no	no	\$0.00	\$18,530.00	\$15,485.00	\$34,015.00
							\$0.00	\$0.00	\$0.00	\$0.00
							\$0.00	\$0.00	\$0.00	\$0.00
							\$0.00	\$0.00	\$0.00	\$0.00
TOTAL FUNDS APPROPRIATED TO PROJECTS							\$22,980.97	\$18,530.00	\$15,485.00	\$56,995.97

**TABLE 3
BREAKDOWN BY CATEGORY**

RECORD LTF FUNDS ONLY							
	% of Total Expenditures	2011/12 Actual	2012/13 Actual	2013/14 Actual	2014/15 Estimate	2015/16 Claim	5 Year Total
Bicycle facilities	57.30%	\$1,614.39	\$33,091.85	\$22,980.97	\$0.00	\$0.00	\$57,687.21
Pedestrian facilities	42.70%	\$8,980.00	\$0.00	\$0.00	\$18,530.00	\$15,485.00	\$42,995.00
Preparation of Bicycle Plan	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL AMOUNT OF BIKE/PED EXPENDITURES		\$10,594.39	\$33,091.85	\$22,980.97	\$18,530.00	\$15,485.00	\$100,682.21

DOES THIS CLAIM MEET THE MINIMUM 50% BICYCLE EXPENDITURE STANCOG PERFORMANCE STANDARD? **YES**

StanCOG 50% bicycle expenditure requirement: The 5 year bicycle expenditures must be 50% or greater.

**TABLE 4
FUNDS HELD IN RESERVE AT JURISDICTION**

RECORD LTF FUNDS ONLY				
	2011/12	2012/13	2013/14	2014/15
Fiscal year beginning fund balance	\$20,375.33	\$44,370.48	\$26,348.35	\$3,384.81
Plus fiscal year 2% nonmotorized claim	\$34,544.00	\$14,963.00	\$0.00	\$30,858.00
Plus interest	\$45.54	\$106.72	\$17.43	\$61.41
Minus nonmotorized expenditures	\$10,594.39	\$33,091.85	\$22,980.97	\$18,530.00
Fiscal year ending fund balance	\$44,370.48	\$26,348.35	\$3,384.81	\$15,774.22

1. Prior year(s) LTF carryover held by jurisdiction applied towards FY 2015/16 Nonmotorized claim (TABLE 4)	\$15,713
2. Interest earned on previously paid LTF funds held by jurisdiction (required by State law) (TABLE 4)	\$61
3. FY 2015/16 Nonmotorized 2% funds applied towards FY 2015/16 projects (must match Page 2, Line 4)	\$15,485
4. FY 2015/16 Other LTF funds applied towards Nonmotorized claim (must match Page 2, Line 5)	\$0
5. FY 2015/16 Nonmotorized 2% funds to be held at StanCOG	\$0
6. Total of lines #1 through #5 above	\$31,259

*** SEE PAGE 3b FOR NONMOTORIZED REGULATIONS/POLICIES AND NOTES**

NONMOTORIZED PROJECTS
FY 2015/16
(Continued)

NONMOTORIZED REGULATION/POLICY REMINDERS:

- A. State law allows a jurisdiction to use LTF to update a Bicycle Action Plan once every five years (PUC 99234(h)).
- B. State law allows a jurisdiction to use up to 20% of the amount available each year to restripe Class II bicycle lanes (PUC 99234(h)).
- C. State law allows a jurisdiction to use up to 5% of the amount available each year to supplement moneys from other sources to fund bicycle safety education programs, but the funds shall not be used to fully fund the salary of any one person (PUC 99233.3).
- D. All funds must be spent within five years of receipt. Over the five-year period shown in Table 3, at least 50% of funds must be spent for bicycle purposes. StanCOG will not allocate funds to any jurisdiction which is in violation of these policies.

NOTES:

- * By StanCOG policy, all bike projects must appear in either StanCOG's Bicycle Action Plan, or in a City or County bicycle plan, to be eligible for LTF funding.
- ** Beginning with FY 2003/04, nonmotorized funds will only be allocated by StanCOG for specific projects. If no project is identified, funds will be held in reserve at StanCOG for eventual use by that jurisdiction.

**ANNUAL PROJECT AND FINANCIAL PLAN
PROJECTS FOR OTHER PURPOSES
FY 2015/16**

(Use additional forms as necessary)

TABLE 5

Briefly describe all proposed projects and indicate proposed project expenditures					
Project Title & Brief Description	Will this Project add new travel lanes? Yes or No	Will this Project use Federal Funds? Yes or No	Is this Project consistent with the RTP Yes or No	Total Project Cost	LTF Funds Utilized
Street Maintenance	No	No	No	\$ 20,000	\$ 20,000
Sidewalk Repair	No	No	No	\$ 20,000	\$ 20,000
Various Street Construction Projects	No	No	No	\$ 67,206	\$ 67,206
TOTAL				107,206.00	107,206.00

- | | |
|---|---|
| 1. LTF carryover applied towards FY 2015/16 Other Purposes | <input type="text"/> |
| 2. Interest earned on LTF carryover (required by State law) | <input type="text"/> |
| 3. FY 2015/16 apportionment applied towards FY 2015/16 Other Purposes | <input type="text" value="107,206.00"/> |
| 4. Total of Lines 1, 2 and 3 above | <input type="text" value="107,206.00"/> |



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

BY: Tiffany Rodriguez, Capital Projects Manager, Engineering, Building and Capital Projects

MEETING DATE: September 6, 2016

ITEM NO: 5.8

SUBJECT: Approve Resolution No. 2016-78, Approving the State Department of Transportation (Caltrans) Program Supplemental Agreement No. 032-F for the Ward Avenue and Las Palmas Avenue Intersection Improvements project [CML-5244(033)] and Authorize the City Manager to Execute the Agreement and all Future Documents for this Project on the City's Behalf.

RECOMMENDATION

Approve Resolution No. 2016-78, Approving the State Department of Transportation (Caltrans) Program Supplemental Agreement No. 032-F for the Ward Avenue and Las Palmas Avenue Intersection Improvements project[CML-5244(033)] and Authorize the City Manager to Execute the Agreement and all Future Documents for this Project on the City's Behalf.

BACKGROUND

The City of Patterson has been approved to receive \$491,979 of funding through the Congestion Mitigation & Air Quality (CMAQ) Program Cycle for improvements to the intersection of Ward Avenue and Las Palmas Avenue. These new improvements will help traffic flow through the intersection and reduce queue times. This intersection is currently signalized with a non-traditional lane configuration. This project will include turn lanes, proper alignment and accessibility improvements.

However, in order to receive funds from Caltrans, the City Council must authorize an official to execute a Program Supplemental Agreement. This agreement sets forth the requirements for use of the State funds. Caltrans requires that this type of agreement be executed for each project by the agency receiving the funds. Once the agreement is signed, Caltrans will issue an "Authorization to Proceed" which allows the City to proceed with the work for the project.

ANALYSIS

Attached for your review and approval are the Program Supplemental Agreement and the Resolution that will need to be approved by the City Council. If approved, the City Manager would execute the agreement and submit it along with the resolution to Caltrans.

FISCAL IMPACT

This item does not carry any fiscal impacts with it. The total funding for the project is \$491,979.

Each phase of work will be brought before the Council at a later date with a clear financial breakdown and request for contract approval.

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RESOLUTION NO. 2016-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PATTERSON, APPROVING THE STATE DEPARTMENT OF TRANSPORTATION (CALTRANS) PROGRAM SUPPLEMENTAL AGREEMENT NO. 032-F FOR THE WARD AVENUE AND WEST LAS PALMAS AVENUE INTERSECTION IMPROVEMENTS PROJECT [CML-5244(033)] AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL FUTURE DOCUMENTS FOR THIS PROJECT ON THE CITY'S BEHALF

11 **WHEREAS**, the City of Patterson has been approved to receive \$491,979 of
12 funding through the Congestion Mitigation & Air Quality (CMAQ) Program Cycle for
13 improvements to the Ward Avenue and Las Palmas Avenue intersection; and

14 **WHEREAS**, these new improvements would help traffic flow through the
15 intersection and reduce queue times; and

16 **WHEREAS**, in order to receive funds from Caltrans, the City Council must
17 authorize an official to execute a Program Supplemental Agreement. This agreement
18 sets forth the requirements for use of the State funds. Caltrans requires that this type of
19 agreement be executed for each project by the agency receiving the funds; and

20 **WHEREAS**, once the agreement is signed, Caltrans will issue an "Authorization
21 to Proceed" which allows the City to proceed with the work for the project; and

22 **WHEREAS**, this item does not carry any fiscal impacts with it. The total funding
23 for the project is \$491,479. Each phase of work will be brought before the Council at a
24 later date with a clear financial breakdown and request for contract approval.

25 **NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of
26 Patterson does hereby:

- 27 1. Approve the State Department of Transportation (Caltrans) Program
28 Supplemental Agreement No. 032-F for the Ward Avenue and Las Palmas
29 Avenue Intersection Improvements project [CML-5244(033)]
- 30 2. Authorizes the City Manager to execute the agreement, conduct all negotiations,
31 execute and submit all documents including, but not limited to applications,
32 agreements, reports, insurance, payment requests and so on, which may be

1 necessary for the completion of the aforementioned project on behalf of the City.

2 The foregoing resolution was passed by the City Council at a regular
3 meeting held on the 6th day of September 2016 _____ who moved
4 its adoption, which motion was duly seconded by _____, and the
5 resolution adopted by the following roll call vote:

6 AYES:

7 NOES:

8 EXCUSED:

9
10 APPROVED:

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13 _____
14
15 Luis I. Molina, Mayor of the City of Patterson

16
17 ATTEST:

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19
20 _____
21 Maricela L. Vela, City Clerk of the City of Patterson

1 I hereby certify that the foregoing is a full, correct and true copy of a resolution
2 passed by the City Council of the City of Patterson, a Municipal Corporation of the
3 County of Stanislaus, State of California, at a regular meeting held on the 6th day of
4 September 2016, and I further certify that said resolution is in full force and effect and
5 has never been rescinded or modified.

6 DATED:
7

8 _____
9 City Clerk of the City of Patterson

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DEPARTMENT OF TRANSPORTATION

Division of Local Assistance
1120 N STREET
P.O. BOX 942874, MS# 1
Sacramento, CA 94274-0001
TTY 711
(916) 654-3883
Fax (916) 654-2408



August 8, 2016

File : 10-STA-0-PAT
CML-5244(033)

At and near the intersection of both
Ward Ave and W. Las Palmas Ave

Ms. Tiffany Rodriguez
Associate Engineer
City of Patterson
P.O. Box 667, 1 Plaza Circle
Patterson, CA 95363

Dear Ms. Rodriguez:

Enclosed are two originals for both the Administering Agency-State Agreement No. 10-5244F15, Program Supplement Agreement No. 032-F and an approved Finance Letter for the subject project. Please retain the signed Finance Letter for your records.

The Master Agreement has been revised to incorporate the various changes in regulations and policies.

Please sign both copies of these two Agreements and return them to this office, Office of Local Assistance - MS1 within 90 days from receipt of this letter. If the signed Agreements are not received back in this office within 90 days, funds will be disencumbered and/or deobligated. Alterations should not be made to the agreement language or funding. ATTACH YOUR LOCAL AGENCY'S CERTIFIED AUTHORIZING RESOLUTION THAT CLEARLY IDENTIFIES THE PROJECT AND THE OFFICIAL AUTHORIZED TO EXECUTE THE AGREEMENT. A fully executed copy of the agreements will be returned to you upon ratification by Caltrans. No invoices for reimbursement can be processed until the agreements are fully executed.

The State budget authority supporting the encumbered funds is only available for liquidation up to specific deadlines. These deadlines are shown on the attached Finance Letter as the "Reversion Date". Please ensure that your invoices are submitted at least 60 days prior to the reversion date to avoid any lapse of funds. If your agency is unable to seek reimbursement by this date you may request an extension through a Cooperative Work Agreement (CWA). A CWA is subject to final approval of the State Department of Finance. If approved, the CWA may extend the deadline for up to two years.

Your prompt action is requested. If you have questions, please contact your District Local Assistance Engineer.

Sincerely,

A handwritten signature in blue ink, appearing to read "Winton Emmett".

WINTON EMMETT, Chief
Office of Project Implementation - North
Division of Local Assistance

Enclosure

c: DLA AE Project Files
(10) DLAE - Parminder Singh

DEPARTMENT OF TRANSPORTATION
DIVISION OF ACCOUNTING
LOCAL PROGRAM ACCOUNTING BRANCH

FINANCE LETTER

EA No:

Date: 08/08/2016
D_CO_RT: 10-STA-Q-PAT
Project No: CML-5244(033)
Adv Project Id: 1016000166
Period of Performance End Date: 04/01/2018
Agreement End Date: 01/01/2020

Attention: City of Patterson

FINANCE ITEMS	PRO RATA OR LUMP SUM	TOTAL COST OF WORK	FEDERAL PART. COST	FED. REIMB %	FEDERAL M40E	LOCAL
<u>Contract Items:</u> \$572,740 <u>Utilities:</u> \$23,900 \$57,654 <u>Contingencies:</u> \$654,294 <u>Total:</u>						
Construction	Lump Sum	\$654,294.00	\$634,194.00	72.29%	\$458,435.00	\$195,859.00
Agency Construction Engineering	Lump Sum	\$46,404.00	\$46,404.00	72.29%	\$33,544.00	\$12,860.00
Totals:		\$700,698.00	\$680,598.00	0.00%	\$491,979.00	\$208,719.00

Participation Ratio: 97.13% This Finance Letter was created based on specific financial information provided by the responsible local agency. The following encumbrance history is prepared by Local Assistance Accounting Office and is provided here for local agency's information and action.

Signature: 
Title: HQ Area Engineer

For questions regarding finance letter, contact:
Printed Name : David Giongco
Telephone No: 916-653-4797

Remarks: RFA CON

ACCOUNTING INFORMATION							Cooperative Work Agreement		
ADV. PROJECT ID	APPROP. UNIT	FED/STATE	ENCUMBRANCE AMOUNT	APPROP YEAR	EXPENDITURE AMOUNT	ENCUMBRANCE BALANCE	REVERSION DATE	APPROVED AMOUNT	EXPIRATION DATE
1016000166	16102F	2030010820	F	1516	\$0.00	\$491,979.00	06/30/21		

PROGRAM SUPPLEMENT NO. F032
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 10-5244F15

Adv Project ID **Date:** July 27, 2016
1016000166 **Location:** 10-STA-0-PAT
 Project Number: CML-5244(033)
 E.A. Number:
 Locode: 5244

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on _____ and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

At and near the intersection of both Ward Ave and W. Las Palmas Ave

TYPE OF WORK: Roadway Widening

LENGTH: 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	M40E		LOCAL	OTHER
\$700,698.00	\$491,979.00		\$208,719.00	\$0.00

CITY OF PATTERSON

STATE OF CALIFORNIA
Department of Transportation

By _____
Title _____
Date _____
Attest _____

By _____
Chief, Office of Project Implementation
Division of Local Assistance
Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer *[Signature]* **Date** 8/2/2016 \$491,979.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

C. STATE and ADMINISTERING AGENCY agree that any additional funds which might be made available by future Federal obligations will be encumbered on this PROJECT by use of a STATE-approved "Authorization to Proceed" and Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.

D. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Attention is directed to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

E. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

F. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-

SPECIAL COVENANTS OR REMARKS

assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

G. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

H. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Exclusion List. Exclusions can be found at www.sam.gov.

2. A. ADMINISTERING AGENCY shall conform to all State statutes, regulations and procedures (including those set forth in the Local Assistance Procedures Manual and the Local Assistance Program Guidelines, hereafter collectively referred to as "LOCAL ASSISTANCE PROCEDURES") relating to the federal-aid program, all Title 23 Code of

SPECIAL COVENANTS OR REMARKS

Federal Regulation (CFR) and 2 CFR Part 200 federal requirements, and all applicable federal laws, regulations, and policy and procedural or instructional memoranda, unless otherwise specifically waived as designated in the executed project-specific PROGRAM SUPPLEMENT.

B. Invoices shall be submitted on ADMINISTERING AGENCY letterhead that includes the address of ADMINISTERING AGENCY and shall be formatted in accordance with LOCAL ASSISTANCE PROCEDURES.

C. ADMINISTERING AGENCY must have at least one copy of supporting backup documentation for costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. ADMINISTERING AGENCY agrees to submit supporting backup documentation with invoices if requested by State. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

D. Indirect Cost Allocation Plan/Indirect Cost Rate Proposals (ICAP/ICRP), Central Service Cost Allocation Plans and related documentation are to be prepared and provided to STATE (Caltrans Audits & Investigations) for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect costs incurred within each fiscal year being claimed for State and federal reimbursement. ICAPs/ICRPs must be prepared in accordance with the requirements set forth in 2 CFR, Part 200, Chapter 5 of the Local Assistance Procedural Manual, and the ICAP/ICRP approval procedures established by STATE.

E. STATE will withhold the greater of either two (2) percent of the total of all federal funds encumbered for each PROGRAM SUPPLEMENT or \$40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

F. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand within thirty (30) days of such invoice.

G. ADMINISTERING AGENCY agrees to comply with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards.

H. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree, that Contract Cost Principles and Procedures,

SPECIAL COVENANTS OR REMARKS

48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items.

I. Every sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with 2 CFR, Part 200, 23 CFR, 48 CFR Chapter 1, Part 31, Local Assistance Procedures, Public Contract Code (PCC) 10300-10334 (procurement of goods), PCC 10335-10381 (non-A&E services), and other applicable STATE and FEDERAL regulations.

J. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, 23 CFR, 48 CFR, Chapter 1, Part 31, and other applicable STATE and FEDERAL regulations, are subject to repayment by ADMINISTERING AGENCY to STATE.

K. STATE reserves the right to conduct technical and financial audits of PROJECT WORK and records and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by the following paragraph:

ADMINISTERING AGENCY, ADMINISTERING AGENCY'S contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit by STATE, the California State Auditor, or any duly authorized representative of STATE or the United States all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts and ADMINISTERING AGENCY shall furnish copies thereof if requested. All of the above referenced parties shall make such AGREEMENT, PROGRAM SUPPLEMENT, and contract materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of submission of the final expenditure report by the STATE to the FHWA.

L. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain a financial management system and records that properly accumulate and segregate reasonable, allowable, and allocable incurred PROJECT costs and matching funds by line item for the PROJECT. The financial management system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices set to or paid by STATE.

M. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of 2 CFR 200 if it expends \$750,000 or more in Federal Funds in a single fiscal year of the Catalogue of Federal Domestic Assistance.

N. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in

SPECIAL COVENANTS OR REMARKS

ADMINISTERING AGENCY's annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with 2 CFR, Part 200.

O. ADMINISTERING AGENCY shall not award a non-A&E contract over \$5,000, construction contracts over \$10,000, or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. Contracts awarded by ADMINISTERING AGENCY, if intended as local match credit, must meet the requirements set forth in this AGREEMENT regarding local match funds.

P. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain provisions B, C, F, H, I, K, and L under Section 2 of this agreement.



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

BY: Joel Andrews, City Planner
Teresa Rodriguez, Associate Planner

MEETING DATE: September 6, 2016

ITEM NO: 5.9

SUBJECT: Review of the Consolidated Annual Performance and Evaluation Report for Fiscal Year 2015/2016 (Resolution No. 2016-79)

RECOMMENDATION

Staff recommends the City Council review the accomplishments for FY 2015/2016 that will be included in the Consolidated Annual Performance and Evaluation Report (Resolution No. 2016-79).

BACKGROUND

Preparation of the draft 2015-2016 Consolidated Annual Performance and Evaluation Report (CAPER) were finalized in late August by the Consortium, which consists of the County of Stanislaus and the Cities of Patterson, Ceres, Newman, Oakdale, and Waterford. The CAPER provides HUD with information on the general progress made during the past year on meeting the goals of the City, and of compliance with HUD guidelines. A public community meeting will be held by the Stanislaus Board of Supervisors on September 20, 2016. Participating jurisdictions are now only reporting their individual goals achieved during the fiscal year. The final document will be under public review from August 23 to September 20, 2016. A public hearing will be held September 20, 2016 before the County Board of Supervisors for final approval.

For the last few years' staff has budgeted CDBG funds towards infrastructure projects. This last fiscal year we began construction of the second phase of the 4th Street project. This project installed new water mainline in the alley in between S. Third and S. Fourth Street. This mainline

allowed for better water pressure and system reliability within our CDBG target area. It also installed the last length of mainline on D Street. The project was finalized and a Notice of Completion was presented to the Council on July 19, 2016.

Staff has also included a spreadsheet showing how the public service grants were spent. The spreadsheet also outlines how many individuals were served from each agency.

ANALYSIS

Comments received by the public and from the City Council will be forwarded to the County for inclusion in the final CAPER.

FISCAL IMPACT

No impact to the General Fund.

Attachments:

- Public Service Spreadsheet for FY 15/16
- Resolution No. 2016-79

	Total	Ceres	Hughson	Newman	Patterson	Oakdale	Waterford	Salida	Empire	South Modesto	Keyes	Denair	Valley Home	Knights Ferry	La Grange	Hickman	Other
Salvation Army Red Shield																	
Tutoring & Computer Program -CDBG Goal: 150 individuals* / 60 Households																	
1st Quarter	88	0	0	0	0	0	0	0	0	88	0	0	0	0	0	0	0
2nd Quarter	34	0	0	0	0	0	0	0	0	34	0	0	0	0	0	0	0
3rd Quarter	44	0	0	0	0	0	0	0	0	44	0	0	0	0	0	0	0
4th Quarter	7	0	0	0	0	0	0	0	0	7	0	0	0	0	0	0	0
TOTALS	173	0	0	0	0	0	0	0	0	173	0	0	0	0	0	0	0

	Numbers Served by Area																
	Total	Ceres	Hughson	Newman	Patterson	Oakdale	Waterford	Salida	Empire	South Modesto	Keyes	Denair	Valley Home	Knights Ferry	La Grange	Hickman	Airport
Second Harvest Food Bank																	
Food Assistance Program -CDBG Goal: 16,034 individuals*																	
1st Quarter	4178	979	9	208	123	1202	427	0	98	570	339	10	0	2	0	71	140
2nd Quarter	2241	585	2	83	116	398	0	0	65	643	86	0	0	0	0	21	242
3rd Quarter	1505	377	9	124	45	165	214	4	6	405	58	0	0	0	7	25	66
4th Quarter	1090	260	0	36	0	174	145	0	14	0	434	0	0	0	0	27	0
TOTALS	9014	2201	20	451	284	1939	786	4	183	1618	917	10	0	2	7	144	448

	Numbers Served by Area																
	Total	Ceres	Hughson	Newman	Patterson	Oakdale	Waterford	Salida	Empire	South Modesto	Keyes	Denair	Valley Home	Knights Ferry	La Grange	Hickman	Other
Second Harvest Food Bank																	
Food 4 Thought Program-CDBG Goal: 362 individuals*																	
1st Quarter	402	0	0	0	0	0	0	0	92	310	0	0	0	0	0	0	0
2nd Quarter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3rd Quarter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4th Quarter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	402	0	0	0	0	0	0	0	92	310	0	0	0	0	0	0	0

	Numbers Served by Area																
	Total	Ceres	Hughson	Newman	Patterson	Oakdale	Waterford	Salida	Empire	South Modesto	Keyes	Denair	Valley Home	Knights Ferry	La Grange	Hickman	Other
We Care																	
Emergency Cold Weather Shelter - ESG Goal: 106 individuals*																	
1st Quarter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2nd Quarter	143	4	0	1	1	1	0	4	3	14	2	0	0	0	0	0	113
3rd Quarter	73	3	0	0	3	0	1	1	0	13	1	1	0	0	0	0	50
4th Quarter	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
TOTALS	217	7	0	1	4	1	1	5	3	27	3	1	0	0	0	0	164

	Numbers Served by Area																
	Total	Ceres	Hughson	Newman	Patterson	Oakdale	Waterford	Salida	Empire	South Modesto	Keyes	Denair	Valley Home	Knights Ferry	La Grange	Hickman	Other
We Care																	
Rapid Re-Housing -ESG Goal: 6 individuals*																	
1st Quarter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2nd Quarter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3rd Quarter	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
4th Quarter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2

	Numbers Served by Area																
	Total	Ceres	Hughson	Newman	Patterson	Oakdale	Waterford	Salida	Empire	South Modesto	Keyes	Denair	Valley Home	Knights Ferry	La Grange	Hickman	Other
We Care																	
Emergency Cold Weather Shelter -CDBG Goal: 127 individuals*																	
1st Quarter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2nd Quarter	143	4	0	1	1	1	0	4	3	14	2	0	0	0	0	0	113

RESOLUTION 2016-79

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PATTERSON
CONCURRENCE AND SUPPORT OF THE CONSOLIDATED ANNUAL
PERFORMANCE AND EVALUATION REPORT (CAPER) FOR FISCAL YEAR (FY)
2015-2016 PREPARED FOR THE STANISLAUS COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) CONSORTIUM**

WHEREAS, the Stanislaus County Community Development Block Grant (CDBG) Consortium which includes the cities of Oakdale, Hughson, Newman, Patterson, Ceres, Waterford and unincorporated areas of Stanislaus County have received and expended CDBG funds from the U.S. Department of Housing and Urban Development (HUD) for FY 2015-2016; and

WHEREAS, the Stanislaus County CDBG Consortium is required by HUD to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) to document progress made in accomplishing goals set forth in the Consolidated Plan and Action Plan; and

WHEREAS, the CAPER was made available for a 15-day public review period from August 23, 2016 through September 20, 2016 to allow the public the opportunity to review and provide comments prior to the public hearing by the Stanislaus County Board of Supervisors.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Patterson as follows:

1. The City Council hereby adopts a resolution of concurrence and support of the Community Development Block Grant Consolidated Annual Performance and Evaluation Report (CAPER) Fiscal Year 2015-2016 prepared for the Stanislaus County Community Development Block Grant Consortium.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Patterson, held on the 6th day of September, 2016, by _____, who moved its adoption, which motion was duly seconded by _____, and the resolution adopted by the following roll call vote:

AYES:

NOES:

EXCUSED:

APPROVED:

Luis I. Molina
Mayor, City of Patterson

ATTEST:

Maricela L. Vela
City Clerk, City of Patterson

I hereby certify that the foregoing is a full, correct, and true copy of a resolution passed by the City Council of the City of Patterson, a Municipal Corporation of the County of Stanislaus, State of California, at a regular meeting held on the 6th day of September 2016, and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED:

City Clerk of the City of Patterson



6. PRESENTATIONS



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager 

MEETING DATE: September 6, 2016

ITEM NO: 6.2

PRESENTATION: Focus on Prevention in Stanislaus County

- Jim DeMartini, Stanislaus County Supervisor
- Ruben Imperial, Community Empowerment Manager

Focus on Prevention



City of Patterson Council Meeting

Tuesday, September 6, 2016

Why?

- Over 75% of the County budget committed to address symptoms
- BOS shifted focus from treating **symptoms** to addressing **root causes**
- Government is not the answer
 - Government does have a significant role

Focus on Prevention

Why this is different:

- **Ten year effort to improve quality of life** for all residents in Stanislaus County
- **Coordinated prevention efforts across multiple sectors**, breaking down silos and aligning our efforts
- A commitment to **learning and mutual accountability** for measurable results

Focus on Prevention

Original four focus areas:

- Reducing homelessness
- Strengthening families
- Investment in our children and youth
- Reduce Recidivism (Re-entry into Criminal Justice System)

Focus on Prevention

Ten Sectors



Focus on Prevention Overview

Leadership

- **Stewardship Council**

- Provides overall leadership and support
- Develops overarching results
- Cultivates commitments within respective sector
- Two key influencers from each of the sector

- **Actions Councils**

- Develops action plans for its focus area
- Plans implemented by organizations and leaders across the ten sectors

Guiding Values

- **There are no others**
- **Compassion & Empathy:** Everyone has a story
- **Respect & Dignity:** Every human being deserves to be treated with respect and dignity
- **We embody mutual accountability, reciprocity, and responsibility**

Overarching Results

1. **Our families are healthy—physically, mentally, emotionally, and spiritually.**
2. **Our families are supported by strong and safe neighborhoods and communities.**
3. **Our children and young people are getting a first-rate education—from cradle to career.**
4. **Our families are participating in and supported by a healthy economy.**

Homelessness Initiative

Our common agenda to reduce homelessness

Results	<ol style="list-style-type: none"> 1. People who are homeless in Stanislaus County permanently escape homelessness. 2. People who are at risk of homelessness in Stanislaus County do not become homeless 			
Indicators	<ol style="list-style-type: none"> 1. For individuals who are homeless... <ol style="list-style-type: none"> a. Reduce # of people experiencing homelessness b. Reduce average length of time someone is homeless c. Increase % in accessing resources to improve their wellbeing d. Increase % in experiencing improved wellbeing 2. Improve safety of parks and neighborhoods negatively impacted by people engaging in anti-social and criminal behavior who struggle with homelessness 3. Decrease occurrences of public anti-social behavior committed by—and toward—people struggling with homelessness 			
Strategies	Coordinated Access	Supportive Services	Engagement <small>(Relationship/Peer Support)</small>	Housing
Data Development and Capacity-Building				
<p>Mutually reinforcing activities and strategies across multiple sectors and communities.</p> <ul style="list-style-type: none"> • Community-level Strategies • Countywide strategies • Multi-sector Strategies / Sector Development 				

2016 Priorities

- Implementation of strategies to prevent homelessness
- Organizing to address one or more of the priority results
- Development of data and other infrastructure
- Sector education and development work
 - Endorsement of results areas and alignment of effort



Questions or comments?



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

MEETING DATE: September 6, 2016

ITEM NO: 6.3

PRESENTATION: Informational Item – City of Patterson Administrative Hearing Procedures

- Tom Hallinan, City Attorney
- Jeff Dirkse, Police Chief

CITY OF PATTERSON
ADMINISTRATIVE HEARING PROCEDURES

I. INTRODUCTION

Pursuant to Patterson Municipal Code (the "P.M.C.") Section 1.36.020, the city council or the city manager ("City Officials") are granted the authority to establish procedures related to administrative hearings for the City of Patterson (the "City").

II. CONDUCT OF HEARING

(a) Continuance. At the hearing officer's discretion or upon good cause shown, the hearing officer may continue the hearing by written notice before the scheduled hearing or orally at or during the hearing.

(b) Hearing. At the hearing, the officer or employee who issued the order, citation, decision, or determination or his or her designee shall present evidence in support of the findings or reasons upon which the order, citation, decision, or determination, was based. The appellant, or any individual authorized in writing to represent the appellant, may then present evidence in support of the contentions made in the notice of appeal. The hearing shall be informally conducted.

(c) Rights of Parties. The parties and anyone who participates in a hearing may be represented by an attorney or other person of the parties' choice. The parties have a right to appear, testify, present evidence, examine and cross-examine witnesses, and present written or oral arguments. Additionally, the parties may request and the hearing officer may allow the parties to submit written briefs, either before, during or after the hearing.

(d) Evidence. The rules of evidence provided by State statute in civil and criminal actions shall not apply, except that irrelevant and unduly repetitious evidence may be excluded in the hearing officer's discretion.

(e) Scope. The scope of the hearing shall be limited to the order, citation, decision, or determination being appealed, the grounds for relief raised in the notice of appeal and any specific requirements of this Code. The hearing officer may expand the scope of the hearing on a finding that it is necessary to ensure a fair process.

(f) Burden of Proof and Burden of Evidence. Except where otherwise provided, the burden of proof and production of evidence shall be with the City. Except where otherwise provided, the burden of proof shall be preponderance of the evidence.

(g) The Chief of Police or his or her designee shall serve as the Hearing Officer. Hearings shall be held on the Third Thursday of every month at the City Council Chambers.

(h) Waiver of Rights. The failure of the appellant or any interested party to raise an objection to the hearing officer either before or during the hearing of any defect in notice or procedure provided under the Code or at law or in equity shall be deemed a waiver of the defect. For purposes of a waiver of objection in this subsection, defect in procedure shall include a claim that the hearing officer is biased when facts regarding the claimed bias are known or readily discoverable by the appellant or interested party or have been published to the appellant or interested party by the City. An objection of bias of the hearing officer shall be raised to the City Manager.

(i) Failure of Appellant to Appear. Unless otherwise provided in the Code, if the appellant fails to appear for the hearing at the time and place noticed, the hearing officer in his or her discretion

may conduct the hearing to a conclusion or may dismiss the appeal. If the appeal is dismissed, the order, citation, decision, determination appealed from shall become final and effective on the date of the hearing. Upon a showing of good cause, the hearing officer may set aside his or her decision or dismissal upon the appellant's failure to appear and may reschedule the appeal for hearing.

(j) Recording. The proceedings at the hearing shall be recorded to a cassette tape, a CD-ROM, a video tape, a DVD or similar media. In addition to any one of the above, the proceedings may also be recorded by a certified shorthand reporter. If an appellant requests a certified shorthand reporter the costs of the reporter shall be borne by the appellant.

(k) Ex parte communication. Other than at the hearing, there shall be no direct oral communication between the parties and the hearing officer on any matter related to the hearing without both parties being present. Any written communication to the hearing officer by a party shall be copied and served to the other party.

III. HEARING OFFICER AUTHORITY

(a) Order of Attendance or Production. At the request of either the City or the appellant, the hearing officer or the City Clerk shall, on behalf of the City, issue orders for attendance of witnesses at the hearing, or production of documents on a date certain. In no event shall the date for the production of documents be less than ten (10) days after the date the order was issued. Failure by a party to comply with an order of attendance or production may be considered a violation of this policy and, at the petition of a party, the hearing officer may impose a civil fine of up to one hundred dollars (\$100) at the time of the hearing and may take such failure into consideration in making his or her determination of the hearing.

(b) Subpoenas. At the request of either the City or the appellant, the hearing officer or the City Clerk shall, on behalf of the City, issue subpoenas for attendance of witnesses at the hearing or production of documents on a date certain. In no event shall the date for production of documents be less than ten (10) days from the date the subpoena was issued. Disobedience of such subpoena or the refusal to testify, upon other than constitutional grounds, shall constitute a misdemeanor.

(c) Inspection of Premises. The hearing officer may inspect the premises involved in the hearing at any time prior to a decision, to investigate or confirm the existence of the violation(s) or conditions which are on appeal, provided that:

(1) Consent is granted by a person with the lawful right to grant consent or an inspection warrant is obtained;

(2) Reasonable notice of such inspection is given to the owner before the inspection is made;

(3) The parties are given an opportunity to be present during the inspection;

(4) The hearing officer shall place in the record the material facts and the conclusions drawn from the inspection either orally at the time of the hearing or in writing after the hearing; and

(5) Each party then shall have a right to rebut or explain the matters so stated by the hearing officer for the record either at the hearing or by filing a written statement within ten calendar days after the hearing.

(d) Oaths. The hearing officer shall have the power to administer oaths and affirmations.

(e) Procedures. The hearing officer shall have the authority to establish procedures before or during a hearing consistent with this article and the Code for purposes of efficiency and order.

(f) Review Authority. The hearing officer shall sit as the trier of fact and shall rule on questions of law and admissibility of evidence. The hearing officer may affirm, reverse, modify, or set aside the order, citation, decision, or determination appealed from or may delete or impose conditions as the facts and law warrant. The hearing officer may not increase a penalty or impose a harsher remedy beyond the penalty or remedy imposed under the order, citation, decision or determination being appealed.

(g) Limitations. The hearing officer shall not have authority to waive any requirements of the Code or law.

(h) Record keeper. The City shall maintain the administrative record of the hearing and make it available upon request by either party. The record shall be maintained for two (2) years from the date the case is closed and no further appeals are available under the P.M.C. or at law.

IV. DECISION

(a) Decision. Unless otherwise agreed to by the parties, within twenty-one (21) days of the conclusion of the hearing, after the hearing officer has considered all evidence presented and the relevant standard of review, the hearing officer may issue his or her decision of the appeal in writing. Alternatively, the decision may be issued orally at the conclusion of the hearing, so long as it is accompanied by a written decision within seven days of the hearing.

(b) Notice of Code of Civil Procedure Section 1094.6. The parties shall have ninety days to pursue a petition for a writ of administrative mandamus of the decision under Code of Civil Procedure Section 1094.6.

(c) Effective. Unless otherwise provided in these policies, the P.M.C, or the hearing officer's decision, the decision shall be effective upon issuance, whether at the hearing or upon serving notice of the written decision pursuant to P.M.C. Section 1.36.020.

(d) Finality. Unless otherwise provided in these policies, the P.M.C. or the hearing officer's decision, the hearing officer's decision shall be a final agency action for purposes of writ review.

(e) Continuing Jurisdiction to Enforce Decisions. The hearing officer may maintain continuing jurisdiction to enforce a decision and impose additional conditions or penalties or to take action upon direction of a court of law.

V. ENFORCEMENT OF HEARING OFFICER DECISIONS

Upon finding a violation of an order, the hearing officer may modify the decision or order in his or her discretion or impose a sanction of up to one thousand dollars (\$1,000.00) per violation. Any sanction imposed by the hearing officer under this section is collectable under the Recovery of Civil Penalties, P.M.C. Chapter 1.48 as a penalty. Alternatively, upon City staff or the hearing officer finding a violation of a hearing officer's order, the City Attorney may seek a modified decision from the hearing officer, pursue a civil action to enforce the order, or prosecute a criminal action. Any decision modified as provided herein shall be treated as a new final decision.