

**AGENDA
CITY OF PATTERSON**



**CITY COUNCIL SPECIAL MEETING
September 20, 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 20, 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:

- a. Fire Chief Appointment – Pursuant to Government Code Section 54957.
- b. Conference with Labor Negotiator per Government Code Section 54957.6.
Agency Negotiator: Ken Irwin, City Manager. Employee Organization: Patterson Management & Mid-Management Employee Association (PMMEA)

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 15, 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 15, 2016

**AGENDA
CITY OF PATTERSON**



**CITY COUNCIL REGULAR MEETING
September 20, 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 August 16, 2016 and September 6, 2016 ([View Report](#))
- 5.3 Approve City Department Reports for the Month of August 2016 (Community Development, Public Works and Recreation & Community Services) ([View Report](#))
- 5.4 Approve City Commission Reports for the Month of August 2016 (Parks, Recreation & Beautification Commission and Planning Commission) ([View Report](#))

6. Presentations and Public Hearings

- 6.1 Presentation: National Hispanic Heritage Month
September 15, 2016 – October 15, 2016
(Mayor Molina)

(Proclamation to be made available at the meeting)
- 6.2 Public Hearing: Properties to be Liened for Unpaid Mistletoe and Weed Abatements, Asbestos Demolition, Fire Demolition and Tree Stump Grinding (Resolution No. 2016-80) Lien Process
([View Report](#))

Staff Report: Finance Director Ryan
Mayor: Open/Close Public Hearing
Council: Motion to Adopt Resolution No. 2016-80

7. City Staff Reports

City Manager

Adopt [Resolution No. 2016-81](#), Authorizing the City Manager to Enter Into a New Municipal Advisory Services Agreement with Del Rio Advisors, LLC ([View Report](#))

8. Council Items

- 8.1 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)

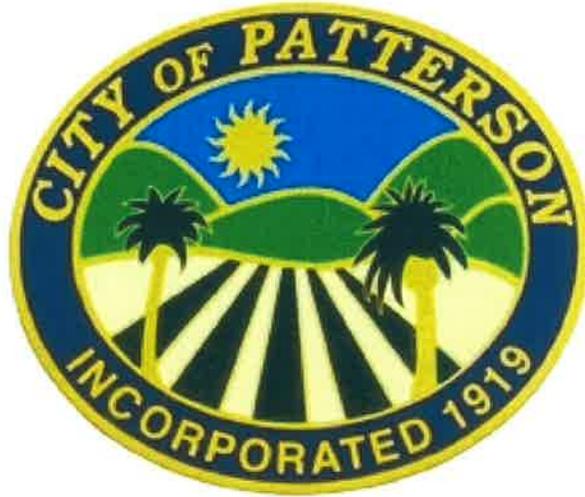
Councilmember McCord:

- Westside Health Care Task Force

Councilmember La Torre:

8.2 Other Matters

9. 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 20, 2016

ITEM NO: 5.2

SUBJECT: Approval of City Council Meeting Minutes of August 16, 2016 and September 6, 2016.

RECOMMENDATION

Motion to approve the City Council Meeting Minutes of August 16, 2016 and September 6, 2016.

City of Patterson
City Council Regular Meeting
August 16, 2016

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 7:00 p.m. by Mayor Molina.

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

Staff: City Manager Irwin, City Attorney Hallinan, Public Works Director Willett, Finance Director Ryan, City Planner Andrews, City Engineer Ulloa, Human Resources Director Smith, Recreation & Community Services Director Flanders, Interim Fire Chief Gregory, Police Chief Dirkse, Deputy Public Works Director Andrade, Public Works Management Analyst Basalusalu, City Clerk Vela (13)

2. Pledge of Allegiance

3. Statements of Conflict - none.

4. Items from the Public

Juanita Nicholson, Patterson – addressed the City Council on the item of the cultivation of marijuana, a growing business in the back yard of a house, construction also being done without permit(s) in the same house. Mrs. Nicholson asked who to call to report these code violations.

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 Months of February through July 2016 (Community Development, Fire, Police, Public Works and Recreation & Community Services)
- 5.3 Approve City Commission Reports for the Month of July 2016 (Economic Strategic Commission, Parks, Recreation & Beautification Commission and Planning Commission)

- 5.4 Approve Resolution No. 2016-74, Accepting the Public Improvements for the Keystone Warehouse LOT G Offsite Public Improvements as Complete, Authorizing Staff to File the Notice of Completion and Commence the One-Year Warranty Period.
- 5.5 Approve Environmentally Preferable Procurement Policy (EPPP) (Resolution No. 2016-75)
- 5.6 Approve the Human Resources Analyst Job Description and Recommended Salary Range.
- 5.7 Approval of the Part-Time Environmental Compliance Specialist Classification Job Description and Salary.
- 5.8 Approve Street Closure for Skate the Circle & Movie Night Event on Friday, September 9, 2016.
- 5.9 Approve Street Closure and waiver of event fees for the PHS Homecoming Parade on Friday, October 7, 2016.
- 5.10 Approve Request for Road Closure of Park Center Drive starting August 22nd through August 29, 2016 for Construction Activities Required as Part of the Pilot-Flying J Project.
- 5.11 Authorizing the Purchase of Self-Contained Breathing Apparatus (SCBA) for the City of Patterson Fire Department from Cascade Fire Equipment, Ratifying the Lease Purchase Agreement with Government Capital Corporation for the Purpose of Financing the SCBAs and Related Equipment dated as of June 7, 2016.

Councilmember La Torre moved to approve Consent Calendar Items 5.1 through 5.11. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

6. Presentations and Public Hearings

Presentation: Review of Summer Recreation Programs –
Recreation & Community Services Director Flanders

Recreation & Community Services Director Flanders reviewed her presentation. The City Council viewed a video on Summer Recreation Programs.

7. City Staff Reports

7.1 City Manager

Approve a Resolution (No. 2016-59) to be Forwarded to Stanislaus County Board of Supervisors in Support of a Reward to a Real Estate Watchdog and provide a verbal report regarding meeting and discussion with Stanislaus County staff and supervisor at Council's request (June 21, 2016 Council Meeting Item)

City Attorney Hallinan stated he had a Conflict of Interest in regards to this item and therefore would not be participating in the discussions. City Attorney Hallinan stepped out of the City Council Chambers.

City Manager Irwin reviewed his staff report.

Councilmember La Torre addressed his report, speaking in support of the agenda item, motioning to approve the resolution and move forward with the item.

Mayor Pro Tem Novelli addressed her report.

Attorney Dennis Beougher addressed the staff report, speaking in support of moving forward with the item and approving Resolution No. 2016-59.

Mayor Molina addressed his report, speaking against the item, asking for more Information, discussing item further with the County and not moving forward on the item.

Councilmember McCord addressed his report, speaking in support of moving forward with the agenda item and approving Resolution No. 2016-59.

Councilmember Farinha addressed his report, speaking in support of moving forward with the agenda item and approving Resolution No. 2016-59, seconding Councilmember La Torre's motion.

Mayor Molina addressed his report.

Mayor Pro Tem Novelli addressed her report.

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

Councilmember La Torre moved to approve Resolution No. 2016-59. The motion was seconded by Councilmember Farinha and unanimously approved by a 4-1 roll call vote. Mayor Molina voted no.

7.2 Public Works Department

- a. Receive Update for CAL FIRE Greenhouse Gas Reduction Fund (GGRF) Project and Approve Scope of Services for Urban Forest Master Plan

Public Works Director Willett reviewed his staff report.

Public Works Management Analyst Basalusalu reviewed his staff report - power point presentation.

At 8:06 p.m. Mayor Molina opened the item to public comments.

Frank Ponce, Patterson – addressed the City Council stating he did not want a City tree planted at his home.

At 8:07 p.m. there being no further public comments, Mayor Molina closed the item from further public comments.

Councilmember Farinha moved to accept the update from CAL FIRE Greenhouse Gas Reduction Fund (GGRF) project and approve the Scope of Services for Urban Forest Master Plan. The motion was seconded by Mayor Pro Tem Novelli and unanimously approved by a 5-0 roll call vote.

- b. Receive Update for CAL FIRE Greenhouse Gas Reduction Fund (GGRF) Tree Planting Project and Approve Tree Planting Recommendations and Continue Enforcement of the Municipal Code Policy For All Future Tree Plantings.

Deputy Public Works Director Andrade reviewed his staff report - power point presentation.

At 8:19 p.m. Mayor Molina opened the item to public comments.

Frank Ponce, 568 Amberina Court, Patterson – addressed the City Council stating he did not want a City tree planted at his home.

Armin Arrambide, Ward Avenue, Patterson – addressed the City Council requesting that trees not be planted so close to the sidewalk.

Clay Hoobler, Patterson – addressed the City Council stating he did not want a City tree planted on his property. Mr. Hoobler addressed the City Council stating the City had not notified the residents in a timely manner.

Mayor Pro Tem Novelli suggested for staff to distinguish their Tree Notices of Intent to be different from the utility (other) City bill(s).

Frank Ponce, Patterson – addressed the City Council about receiving notice today in an envelope with a sticker on it about the City Council meeting today to address the Tree Planting project.

At 8:29 p.m. there being no further public comments, Mayor Molina closed the item from further public comments.

Councilmember Farinha suggested for staff to expand their tree list to add more choices due to allergies, etc. placing more emphasis on native to our area trees.

The City Council address the item of giving the people options to opt out or add an additional tree. Staff to review and report back.

Councilmember La Torre motioned for City Manager Irwin and Public Works Director Willett to bring back policy with recommended changes as stated by City Council.

8. Council Items

8.1 City Council Reports

Mayor Molina:

- StanCOG (Councilmember McCord Alternate) – meeting scheduled for August 17, 2016 at 1111 I Street, County Offices, Modesto, discussing Measure L - Local Road Sales Tax.
- Stanislaus County Mayors Dinner – nothing to report.
- Patterson/West Stanislaus Fire Services Committee – nothing to report. (Councilmember Farinha 1st Alternate, Councilmember Novelli 2nd Alternate)
- Stanislaus County Disaster Council (Councilmember McCord Alternate) – nothing to report.

Mayor Molina addressed the Local Newspaper about doing an article about City trees to inform the public to get their comments.

Mayor Pro Tem Novelli:

- Patterson Representative – League of California Cities (LOCC) – attending Conference in October.

Mayor Pro Tem Novelli addressed Webinars

- social media and text messaging.
- legalizing marijuana, propositions on the November 8, 2016 election.

- Stanislaus County Economic Development & Workforce “Alliance” (Councilmember Novelli Alternate) – nothing to report.
- Economic Development Action Committee (EDAC) (Councilmember Novelli Alternate) – nothing to report.

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 Biggest Loser Event scheduled for August 25, 2016 in the City of Newman.

Councilmember La Torre – nothing to report.

8.2 Other Matters

Mayor Pro Tem Novelli congratulated and thanked City Manager Irwin, City Staff and the Patterson schools and all community groups/organizations that came to community safety fair in downtown Patterson. Event a success.

Mayor Molina addressed the item of school back in session, more traffic, more kids.

9. Adjournment

There being no further business, the regular meeting of the City Council of the City of Patterson of August 16, 2016 was adjourned at 9:54 p.m.

Maricela Vela, City Clerk of the City of Patterson

City of Patterson
City Council Special Meeting
(Closed Session)
September 6, 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, City Attorney Hallinan (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 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 - none.

3. Items from the Public

Dennis Beougher, Attorney – addressed the City Council on the item of City Resolution 2016-59, Support of a Reward to a Re-Estate Watchdog. Mr. Beougher addressed the item of the Board of Supervisors not taking action on the item. Mr. Beougher addressed the next Board of Supervisors meeting scheduled for September 20, 2016. Mr. Beougher addressed the City Council requesting for item to be placed on the next City Council agenda to discuss the City's next steps.

4. Adjourn to Closed Session

There being no further items from the public, the City Council adjourned to Closed Session.

5. Report from Closed Session (if any)

At this time, Mayor Molina announced that the City Council provided direction to staff. There were no other items reported 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 September 6, 2016 was adjourned at 7:02 p.m.

Maricela Vela, City Clerk of the City of Patterson

City of Patterson
City Council Regular Meeting
September 6, 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 7:03 p.m. by Mayor Molina.

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

Staff: City Manager Irwin, City Attorney Hallinan, Interim Fire Chief Gregory, Human Resources Director Smith, City Engineer Ulloa, Police Chief Dirkse, Public Works Director Willett, Associate Planner Rodriguez, City Planner Andrews, Management Analyst Basalusalu and City Clerk Vela (11)

Excused: Finance Director Ryan, Recreation & Community Services Director Flanders (2)

2. Pledge of Allegiance

3. Statements of Conflict - none.

4. Items from the Public

Sergio Perez, Patterson Gardens, Patterson – addressed the City Council of his concerns on the following; decline of maintenance in area of Patterson Gardens, has emailed public works in the past on the routine of maintenance, encourage council, public works and staff to walk the affected areas. American Eagle west side, Calvinson Parkway, Sperry, Baldwin and Ward Avenue weeds along walkway, bark areas non-existent, just dirt. Mr. Perez asked about the process in the Public Works Department in regards to tree replacement. Mayor Molina suggested that Mr. Perez submit his requests in writing. Mr. Perez to email the city manager and copying city councilmembers.

Josie Sanchez, 537 Pittscottie Lane, Patterson – addressed the City Council expressing her complaint about Walmart being right behind her home, hearing all the noise, all the traffic now that Walmart had come in. Power washing at night, talking in the parking lot, the police looking for people. Mrs. Perez requested for sound wall to be raised, wall only 5 ft. tall request 6 ft. to 8 ft. wall like other subdivisions so as to not hear all the noise. Request to work with the City and come up with a solution. Ms. Sanchez addressed the item of RV's and trucks staying overnight and all day all the time in the Walmart parking lot, was told no overnight parking would be allowed. Mrs. Sanchez stated an RV was there for three weeks and no one did anything about it. Mrs. Sanchez stated that when Walmart came in, they started to have these problems. Mrs. Sanchez addressed the item of Walmart proposing an on-line order/shipping area. Mrs. Sanchez stated she was against it. Mrs. Sanchez stated she has addressed her issue with Walmart to fix the issues that are happening, because once the on-line order/shipping goes through, her area will be

forgotten and the issues with continue. Mrs. Sanchez addressed the item of on Las Palmas where it meets Ward - area neglected - overgrowth on the sidewalk. Mrs. Sanchez requested help from Council on her concerns. Councilmember La Torre asked if wall was built by developer of the homes (it was stated yes).

Estaniflao Sanchez, 537 Pittscottie Lane, Patterson – addressed the City Council on the item of the area of loading and unloading side of Walmart, someone needs to look at, there are people living in the area, on Las Palmas in the bushes, someone can walk through the area and see the stuff they are stealing in the bushes. Mr. Sanchez stated the issues need to be addressed by Walmart or the authorities. Mr. Sanchez stated whoever is doing the maintenance should notice it, but they don't.

Sandy MaGraw, Patterson – addressed the City Council on the item of utility bills due payable at the end of the month, request change instead of first of month, give grace period. At lot of people don't have the money at the beginning of month, need a few days after the first because of when welfare checks, etc. are received. Mrs. MaGraw requested a change. Mrs. MaGraw addressed the late \$10 penalty fee. Mrs. MaGraw requested a grace period of a couple of days from the first of the month. Mrs. McGraw stated she has addressed issue with the Finance Department and they told her to talk to City Council. Mrs. MaGraw was asked to submit her item (request) in writing to the City Manager. Mrs. MaGraw addressed the item of asked Public Works about six weeks ago about her trees in need of trimming. Mrs. MaGraw stated that the Public Works Department needs to go around and see what all trees need to be cut back, public shouldn't need to tell them. Mrs. MaGraw addressed the Farmers Market on Del Puerto Avenue, any thought about having the farmers market at the park, more visible to the public off Hwy 33 and Las Palmas, and the City wouldn't have to block off Del Puerto street, suggested for city to consider. City staff to address item with Farmers Market organizers.

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.
- 5.3 Approve Resolution No. 2016-75, Employer Paid Member Contributions for the California Public Employees' Retirement System.
- 5.4 Approval of the Fire Marshal Classification Job Description and Salary.
- 5.5 Approve the Supervising Accountant Job Description and Recommended Salary Range.

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

Councilmember Farinha moved to approve Consent Calendar Items 5.1 through 5.9. The motion was seconded by Councilmember La Torre and unanimously approved by a 5-0 roll call vote.

6. Presentations

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

Mayor Molina presented Keith and Amy Hussar with a proclamation "A Day To Remember" September 11, 2001.

Keith Hussar addressed the City Council and Public of a September 11th Event on Sunday, at 8:30 a.m. at Veterans Park (South Park).

Amy Hussar reviewed her report.

- 6.2 Presentation:** Focus on Prevention in Stanislaus County
- Jim DeMartini, Stanislaus County Supervisor
 - Ruben Imperial, Community Empowerment Manager

Supervisor Jim DeMartini reviewed his staff report - power point presentation. Community Empowerment Manager Ruben Imperial reviewed his report - power point presentation.

The City Council addressed the following:

- Homelessness Initiative.
- The Stanislaus County's \$1 million general fund being new money to be used for the initiative.
- HOST being a partner at the table in regards to this issue.

- The bringing of all the Westside 33 corridor groups/agencies together to work on issue.

6.3 Presentation: Informational Item - City of Patterson Administrative Hearing Procedures

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

City Attorney Hallinan reviewed his staff report.

Police Chief Dirkse reviewed his staff report, addressing the following:

- Hearings scheduled for the 3rd Thursday of each month at 8 a.m. in City Hall, City Council Chambers.
- In November, Hearing scheduled on the 3rd Wednesday of the month.
- Police Chief Dirkse to be the hearing officer.
- Meeting with HOST this Thursday at 6:30 p.m. to discuss (options) issue.
- Will only deal with public nuisance issues.
- Marijuana grow house as stated at the last council meeting, has been issued a citation.
- Established fee schedule.
- Citations to youths being out after curfew. Curfew being no youths should be outside between the hours of 11 p.m. and 5 a.m.

7. Council Items

7.1 City Council Reports

Mayor Molina:

- StanCOG (Councilmember McCord Alternate) – meeting scheduled for September 21, 2016 at 6 p.m. at 1111 I Street, County Offices. Discussing Measure L. Local Roads First. Spanish forum scheduled.
- Stanislaus County Mayors Dinner – meeting scheduled for September 14, 2016 at the City of Ceres.
- Patterson/West Stanislaus Fire Services Committee – nothing to report. (Councilmember Farinha 1st Alternate, Councilmember Novelli 2nd Alternate)
- Stanislaus County Disaster Council (Councilmember McCord Alternate) – nothing to report.

Mayor Molina addressed National Suicide Prevention Week (Monday, Sept. 5th through Sunday, September 11, 2016) and resources available.

Mayor Pro Tem Novelli:

- Patterson Representative – League of California Cities (LOCC) - attending Conference in October.
- Stanislaus County Economic Development & Workforce “Alliance” (Councilmember Novelli Alternate) – nothing to report.
- Economic Development Action Committee (EDAC) (Councilmember Novelli Alternate) – nothing to report.

Mayor Pro Tem Novelli addressed Measure L.
Mayor Pro Tem Novelli suggested for the public to read up on local
measure coming in the November 2016 election.

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 – nothing to report on item.

- Westside Health Care Task Force

Councilmember La Torre – nothing to report.

7.2 Other Matters – none.

8. Adjournment

There being no further business, the regular meeting of the City Council of the City of Patterson
of September 6, 2016 was adjourned at 8:29 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*

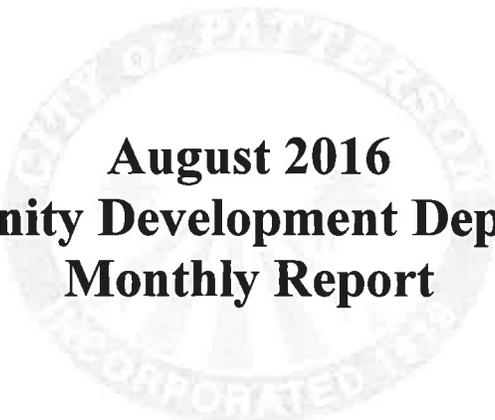
MEETING DATE: September 20, 2016

ITEM NO: 5.3

SUBJECT: Approve City Department Reports for the Month of August 2016
(Community Development, Public Works and Recreation & Community Services)

RECOMMENDATION

Motion to approve the City Department Reports for the Month of August 2016 (Community Development, Public Works and Recreation & Community Services)



August 2016 Community Development Department Monthly Report

The following information is provided as an update regarding the Planning and Housing Division activities during the month of August and updates for previously approved projects.

Planning Commission Meetings

On August 11, 2016, the Planning Commission held a meeting to consider the following items:

1. Conditional Use Permit #16-01 (6 month review), Somos Un Mundo Daycare, 102 Jersey Lane

Review of a large daycare center (9-14 children) in a single family home at 102 Jersey Lane, located in the LR, Low Density Residential Zone. The use was approved by the Planning Commission on February 11, 2016. Since its approval date, staff has not received any complaints. The Planning Commission approved this item with a 4-0 vote with no further periodic reviews scheduled.

2. Pilot/Flying J Master Sign Program, Northeast corner of Sperry Avenue and Park Center Drive

Consideration of the Pilot/Flying J Master Sign Program and Conditional Use Permit applications. The proposed project would develop the site with a travel center, truck yard, and fast food restaurant on the northeast corner of Sperry Avenue and Park Center Drive. The Planning Commission approved Architectural & Site Plan Review No. 16-01, Conditional Use Permit No. 16-02, and Tentative Map No. 16-01 on May 26, 2016 to develop the site, deferring the associated master sign program until more information was available. The proposed signs include building signage, canopy signage, murals, and two freestanding signs, which include a 75-foot tall mid-rise sign and an eight foot tall monument sign. The Planning Commission approved this item with a 4-0 vote.

3. Conditional Use Permit #16-07, Joe's Landscaping & Concrete, Inc. (Concrete Batch Plant), 100 S. Second Street

Consideration of an application for a small concrete batch plant at 100 S. 2nd Street. The use consists of portable concrete mixers utilized for light batch capacities. Hours of operation would be Monday-Saturday from 8 AM to 5 PM and Sunday from 8 AM to Noon. Business policy requires customers to clean all portable mixers prior to being returned. The Planning Commission approved this item with a 4-0 vote.

On August 25, 2016, the Planning Commission held a meeting to consider the following items:

- 1. Minor Design Review #16-02, Walmart Online Pick-up Expansion, 1030 Sperry Avenue**
Review of an application to construct an online grocery pick-up area. The expansion would add a 1,499 square foot modular to the east side of the Walmart store, to match existing architecture. A parking canopy would also be built with power and communication extensions from the building and related parking lot striping. The expansion is proposed to offer greater customer convenience for picking up online purchases. The Planning Commission approved this item with a 4-0-1 vote.

- 2. Architectural & Site Plan Review #16-04, Conditional Use Permit #16-08, Flores Excavation and Demolition, Inc., 317 S. 2nd Street**
Review of an application for use of the property as a company storage yard for the storage of small equipment and vehicles within the shop. The applicant proposes to construct an eight foot tall stucco wall around the perimeter of the parcel. Fencing over 6' tall requires review and approval by the Planning Commission. The applicant is proposing the installation of a portable office for non-public use. The Planning Commission approved this item with a 5-0 vote.

The next Planning Commission meeting is scheduled for September 22nd at 7:00 PM.

Housing Element Update

The Housing Element has been adopted and certified by the State Department of Housing and Community Development.

Master Plan Update

Staff continues to work with consultants on the on the Parks and Recreation, Storm Drain, Transportation, and Water Master Plans.

Status update for major projects approved during 2016

Architectural & Site Plan Reviews

- A&SP #15-03, CUP #15-06, Patterson Mobil, NE corner of Rogers Road and Annamarie Avenue – Submitted building permit application
- A&SP #15-06, CUP #15-08, Patterson Gas, NE corner of Rogers Road and Speno Drive – Submitted building permit application
- A&SP #16-01, CUP #16-02, TPM #16-01, Flying J Travel Center, NE corner of Sperry Avenue and Park Center Drive – Site work underway
- A&SP #16-02, Cuts Unlimited Roll Up Security Door, 40 S. 3rd Street – Installed, awaiting mural
- A&SP #16-03, CUP #16-04, Lot Line Adjustment #16-01, Negative Declaration #16-01, Les Schwab Tire Center, North of Sperry, approximately 750 feet east of Ward Avenue – Submitted building permit application

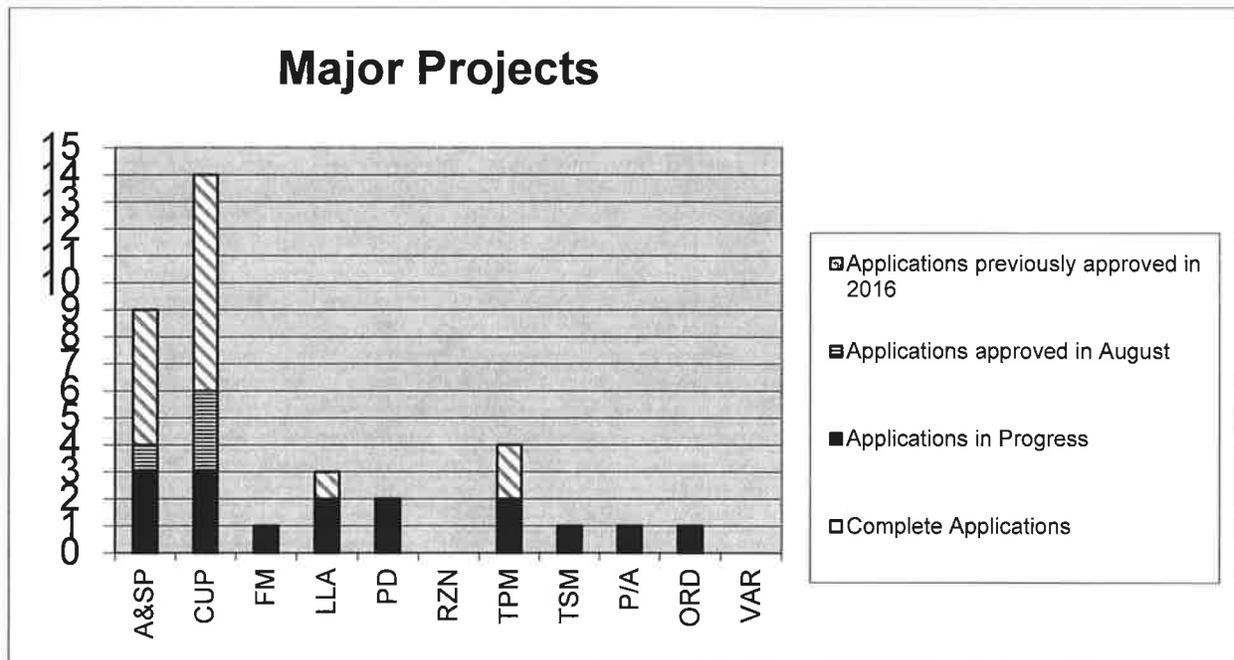
Conditional Use Permits

- CUP #16-01, Somos Un Mundo Daycare, 102 Jersey Lane – Approved

- CUP #16-03, Lucky Pan Brenda’s Pupuseria, 401 N. 1st Street – Approved
- CUP #16-05, Taqueria Barajas, 101 E. Las Palmas Avenue – Approved
- CUP #16-06, Little Angels Dual Language Childcare, 250 E Street - Approved

Tentative Parcel Maps

- TPM #15-01, Arthur & Frances Filice, 261 Olive Avenue – Approved



A&SP	Architectural & Site Plan Review	RZN	General Plan Amendment/Rezone
CUP	Conditional Use Permit	TPM	Tentative Parcel Maps
FM	Final Map	TSM	Vesting Tentative Maps
LLA	Lot Line Adjustment	P/A	Prezone/Annexation
PD	Planned Development	ORD	Zoning Ordinances/Amendments
		VAR	Variance

Status update for projects approved in previous years

- Joe’s Landscape and Concrete Supply – A&SP #14-02, SE corner of W. Las Palmas Ave and Hwy 33 – Received Temporary Occupancy
- Sealake Plastic Recycling – CUP #14-01, SE corner of 1st St. and Sperry Ave. - Approved
- Prime Shine Carwash - CUP #14-08, A&SP #14-04, LLA #14-02, North of Sperry, East of Ward – Preparing for construction
- Westridge Business Park Amendment PD 07-02, A&SP 10-01, and DA 10-02 – First phase, “Amazon.com,” Open for business
- Patterson Logistics Center – PD 09-02, VTPM 09-01, DA 09-01, ND 10-03, A&SP 12-05 – Approved
- The Villages of Patterson – PD 05-04, Pre-zone/Annexation 05-02, General Plan Amendment/ Rezone 05-01, TSM’s 06-03 “A” & 06-04 “B” – Approved
- Ivy Terrace (formerly La Paloma Condos) AR 04-05 – Ivy Ave and Hwy 33 – Second phase work nearing completion

- C&M Transmissions CUP 09-04 – 319 S. 1st Street – Site work underway
- Recreation and Community Services Office, NW corner of Sperry and Ward Avenues – Complete
- Keystone Corporation Maintenance & Warehouse Building, A&SP #15-04- SW corner of Keystone Pacific Pkwy and Park Center Dr. – Construction underway
- Floragold Cell Tower, CUP #15-01, Variance #15-01, west of Baldwin Road, North of Keystone Pacific Parkway - Complete

Suspended:

- Arco/ AM/PM - CUP #11-02 – Applicant delay
- Ramos Medical Buildings – A&SP 08-02, TPM 08-04 – Ramos Medical Buildings, 1108 Ward Avenue – Applicant delay
- Patterson Business Park – PD 07-05 – 501 N. 1st Street & M Street – Applicant Delay
- Greenville LLC/BKE Investments, LLC – TPM 07-06 – 14601 N. 1st Street – Deferred by applicant
- Patterson Commons Townhomes – Applicant delay
- Magnolia Green Townhomes A&SP 07-01 – Applicant delay
- McShane Companies A&SP 07-04 (Phase 3) – Approved
- Patterson Housing PD 06-01 – Approved

Major Subdivisions

Wilding Ranch – Approximately 70 percent complete

Patterson Gardens – Approximately 85 percent complete

Housing Projects and Programs

- CDBG: 4th Street Infrastructure Project Phase II – Project completed. Preliminary work on 5th Street Infrastructure project expected to begin soon.
- HOME : City Staff continues to work with First-time Homebuyer Applicants seeking loan approvals.

DEPARTMENT OF PUBLIC WORKS
“Public Works – Improving Your Quality of Life”



MONTHLY STAFF REPORT
August 2016

Administration & Environmental Compliance Division

- The Water Rate Study kick off meeting was held. The Master Plan is closer to completion and staff has started collecting some of the data. The Water Master Plan consultant is continuing to work on the Capital Improvement Plan (CIP). Staff will meet with Council to present the draft study/proposed rates within the next few months.
- Council has approved the required resolutions authorizing staff to submit an SRF (State Revolving Fund) loan application to the State. The loan will provide funding for the City's share cost of the wastewater treatment facility expansion. The expansion will provide the additional capacity needed to accommodate current and future development as well as address some existing deficiencies required for the sewer system to be in compliance.

Staff has met in person with the State SRF Unit on 2/8/16 to present the project and has been working with the State to submit any additional information required for the loan. The loan application is currently under review and continues to work with the State on all the environmental documents.

Staff anticipates going out to bid on this project in February/March 2017, with construction starting in Summer 2017.

- During the next months, City staff will be completing a thorough analysis of all the Landscape Maintenance Districts (LMDs). This might require bringing in a consultant to assist with the analysis. Once it has been completed, a presentation to the City Council will be completed.

Personnel:

- As part of the new budget FY 2016/17 process, staff will be evaluating personnel needs and ensure that the positions funded through the approved garbage and sewer rates are incorporated into the new budget. Additionally, staff will work on the new Water Rate Study and evaluate personnel needs for the next 10 years.

Grant Writing & Administration

- A tree inventory grant was awarded to the City by the California Department of Forestry & Fire Protection (CAL FIRE) Urban a& Community Forestry/Greenhouse Gas Reduction Program. The City was awarded \$150,000 grant funds from the Greenhouse Gas Reduction Program to create an urban Forest Master Plan (URFMP) and plant 1,000 trees. A tree survey was completed by the City in 2014 and 325 tree vacancies were identified that included dead, diseased, and/or critical condition. The City completed its first and second phases and will work its final phase during FY 16/17. A total of 1,000 trees would be planted throughout the City.

- The City has applied and will receive funding from the San Joaquin Air Pollution Control District to install two (2) public electric vehicle charging stations. Staff is currently seeking quotes for the electrical work that is required. The charging stations will be installed at the Community Center Parking Lot and the other at the City Hall Parking lot located on W. Las Palmas Avenue.
- For the past year, staff has been working on a grant application under the California Cultural & Historical Endowment Museum Grant Program. The program is funded by the California Clean Water, Clean Air, Safe Neighborhood Parks, Coastal Protection Act of 2002, and Proposition 40. The grants are competitive and are aimed to fund acquisition and development, which includes improvements, rehabilitations, restoration, enhancement, preservation and protection. Applications for the first call for projects were due September 1, 2015 and require extensive research to be completed and information. The next call for project is upcoming in 2017 and staff will work closely with the Historical Society as well as hire a consultant to provide cost estimates that can be used on the application. Funding to hire a consultant was budgeted in FY 2016/17.
- **Land Water Conservation Fund:** City has requested a waiver for approval to spend its matching fund (\$50, 000) to the project and move forward with refurbishment of the play structure at Garza Park, and still be qualify for the match requirement should the project be awarded in October of 2017. State has delayed the announcement of additional projects that are being considered for funding till then. Our project is on the list to be considered for funding.
- **Water-Energy Grant Program** – Guidelines for this grant opportunity just got released. In reviewing the final guidelines, and to be eligible for 2016 Water-Energy grant funding, proposals must implement either of the following actions:
 - o Commercial or institutional water-energy efficiency programs or projects
 - o Residential water-energy efficiency programs or projects benefiting DACs Residential water-energy efficiency programs or projects that do not benefit DACs are not eligible.
 - o Each water efficiency measure within a proposal must demonstrate that it will directly reduce GHG emissions AND also reduce water and energy use. DWR will only fund projects where the energy use reduction is directly linked or connected to the reduction in water use at the project’s location. Staff is reaching out to commercial businesses to assess the interest in this funding opportunity prior to filing an application which is due on November 7th, 2016.

Recycling & Solid Waste Program

- The quarterly Local Task Force meeting was cancelled for this quarter.
- Staff continues to monitor the progress of Commercial Recycling laws among new businesses. Educating the business owners on the need to implement a commercial recycling program is a challenge.
- The State (Cal Recycle) recognized the efforts being made by staff to do outreach via the City’s web page on Commercial Recycling, Construction and Demolition waste recycling and on Organic and Food Waste Recycling.
- Staff completed the application for the Beverage Container Recycling program grant with the Patterson Unified School District composing a positive letter of support, hoping that the City will be awarded the \$100,000.00 applied for to implement the program.
- Outreach to businesses on education of Organic and Food waste recycling continues.

- The City's 3rd Annual Community Yard Sale is scheduled for Saturday, October 8, 2016. The Community Yard Sale event is designed to Recycle, Reduce, and Reuse old items. Information on how to be part of this event was mailed out with the September Utility Bill.

Water Division & Water Conservation Program

Current Conservation Mandates

For the month of August, the city issued 64 water waste notices; zero penalties. Using the same comparison as the State Water Resource Control Board (August 2013 and excluding non-potable water); this month we saved 49.80 MG of potable water compared to the same month in 2013. That is a 32.27 percent reduction for the month of August.

SB407 Plumbing Retrofits

In addition to the High Efficiency Toilet Rebate Program, the city is still offering free water-conserving fixtures to help offset the costs of SB 407. With SB 407, California intends to increase water and energy conservation through measures triggered by many forms of construction or renovation. The law requires, on or before January 1, 2017, that all noncompliant plumbing fixtures in any single-family residential real property shall be replaced with water-conserving plumbing fixtures. The law also requires, on or before January 1, 2019, that all noncompliant plumbing fixtures in multifamily residential real property and commercial real property, be replaced with water-conserving plumbing fixtures. **SB 407 only applies to residential and commercial real property built before January 1, 1994.** There are approximately 2,300 buildings in Patterson that meet these criteria. Public Works will have an outreach table every Wednesday until the end of August.

August 2016 Water Pumping Totals	
Well	Amount
2	19,715,800
4 NP	28,378
5	23,010,300
6	20,678,700
7	2,100
8	780,000
9	3,214,100
11	37,121,744
Keystone NP	7,938,000
TOTAL	112,489,122 MG

- Number of Water Waste Complaints: 3**
- Number of Follow-ups: 3**
- Number of Warning/Violations: 64**
- Number of Penalties: 0**
- Water Service Connection Requests: 69**
- Water Service Disconnection Requests: 53**

Number of Work Orders Received: 19

Water Samples:

- 20 Distribution System
- 7 Sources

Storm Water Pollution Prevention Program

- The City has partnered up with various other agencies/Cities to develop a Local Regional Monitoring Program with the assistance from a qualified stormwater consultant. However, there has been a delay with Attachment G. The State is anticipating the adoption to occur later this year. Once the Monitoring & Implementation Plan is completed, it must be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) for approval. The City would be responsible for certifying/training personnel to take quarterly samples, send samples to a qualified laboratory, and have a consultant complete the reporting that is required. The consulting costs would be shared among all participants and the cost is estimated to be about 1/3 of the total for participating in the Delta RMP. Staff will continue to keep Council informed as this process evolves.
- On April 7, 2015, the State Water Board adopted an Amendment to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan) to Control Trash and Part 1 Trash Provision of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries (ISWEBE Plan). Together, they are collectively referred to as 'the Trash Amendments'. The project objective for the Trash Amendments is to provide statewide consistency for the Water Boards' regulatory approach to protect aquatic life and public health beneficial uses, and reduce environmental issues associated with trash in state waters, while focusing limited resources on high trash generating areas. The State has adopted Trash Policy Amendments which will require all Stormwater Phase II MS4 Cities will have to comply with. Staff will be working closely with Engineering and storm drainage consultant firm to begin working on table top exercises and Cost estimates so that the City is prepared for implementation of the most cost efficient option. The City will receive a letter from the state before the end of 2016 and they will have 90 days to respond back with a selection of the following two options:
 1. **Track 1:** Install, operate and maintain full capture systems in storm drains that capture runoff from the priority land uses;
 2. **Track 2:** Implement a plan with any combination of treatment controls, institutional controls, and/or multi-benefit projects within the jurisdiction of the MS4 permitted. Demonstrate full capture system equivalency. Expectation is to install capture systems to the extent not cost-prohibitive.
- Staff has completed all the Year 3 and will file the Annual Report to the State by the due date of October 15, 2016.

Capital Improvement Program (CIP) Projects

- These are the main projects which Public Works and Engineering are focusing on. These project include:

- Salado Creek Grate (staff is working with Engineering to design a storm drainage grate that is needed at Salado Creek).
- Staff will not be proceeding with the museum renovation grant this year as the state has not yet moved forward with the 2015 grant awards. We anticipate submitting an application in 2017.
- Staff will be working closely with Engineering to hire an architect to design plans for the additional building that will be built at the Corporation Yard. The additional building would be able to secure additional equipment/vehicles.
- Staff is getting close to securing a site for a future potable well on the northeast part of town. An item will be on the Council's closed session agenda regarding the purchase and right-of-entry agreement.

Committees & Commission

Parks & Recreation and Beautification Commission:

- The commission discussed options for the improvement of North Park. Demolition of the old restroom/concession area and new playground equipment was discussed. The commission will prepare a report/presentation for the City Council to be presented at either Council meeting in October. The next meeting is scheduled for September 21, 2016.

Safety (JEMSAC) Committee:

- This committee has changed their meeting date/time to the 2nd Thursday of every month. During this time, the Committee reviews the City's existing Safety Program and implements new safety policies and training to comply with all OSHA requirements and create a safe environment for employees and the public. The next meeting will be held on Sept. 21st.

Traffic Safety Committee:

- The Traffic Committee met on August to discuss safety concerns throughout the city. The committee addressed the concerns and is in the process of notifying residents.
- Traffic Speed Surveys will need to be collected by the Sheriff's Department and submitted to the City Manager and Engineering Department. This item has been delayed. The equipment was vandalized.
- Looking at installing handicap ramps and sidewalks on Las Palmas Avenue, near Las Palmas School, utilizing the Safe Routes to School.
- Traffic concern for Apricot Valley School at Creek side Drive was re-submitted but is currently pending review with the City Manager.
- Request for 4-way stop at Shearwater Drive & James Burke was made. Item is with City Manager for consideration.
- The committee will have to discuss the possibility of relocating the signal light pole located on northwest corner of Sperry & Rogers. Damage continues to be done by large vehicles and relocating the pole will help address that.
- No U-Turn Signs posted in front of all school zones – Juliene was not present to talk about this idea.
 - Officer Shadel says it be good idea for signs to be posted at all schools
 - Crossing guards are concerned because parents make u-turns in front of schools
 - Most of the complains are coming from the high school
 - Suggestions made to post no U-turn signs every 100 ft.

- o A better option is to have Peni speak with school representative about no u-turns.
- o Office Terry Shadel will look into grants for signs, materials and installation.
- Safe routes to school grant will address sidewalk and ramps on W. Las Palmas.
 - o Written letter, location will be added to safe routes to school.
- Analysis for 4-way stop request. No answer as of yet, item will be reviewed by engineering. Criteria must be met before a 4-way stop would be approved. Extra enforcement.

Park & Field Reservations

Parks & City Hall Facility Reservations:

- Park Reservations = 18
- Field Reservations = 49

Encroachment Permits, Fire Hydrant Use Permits, Other Permits Issued by Public Works:

- Encroachment Permit = 6
- Fire Hydrant Use Permits = 0

Contracts & Agreements

- The lease agreement for the property owned by the City at Orange & First Street has been approved for an additional year (November 1, 2015 to October 31, 2016).
- A lease agreement for the property located by the Wastewater Treatment Facility has been approved with Schubert Farms a one-year term (January 1, 2016 to December 31, 2016).
- Staff is working on the preparation of a Request for Proposals for Vegetation Management Services and would be a five year contract. In the past, the services were contracted out, but then later brought in house. This year, however, the services will be evaluated and as part of that process an RFP will be completed. The City will be submitting a proposal for this service.
- A one-year extension has been completed for the Traffic Signal Maintenance & Repair Contract. The three year contract expired June 30, 2016. Staff will be going out to bid to award a new contract that would be implemented July 1, 2017.

Streets/Collections Division

Work Orders = 7 (Streets); 7 (Streetlights)
 4 (Garbage)
 6 (Collections)
 0 (Stormwater Compliance)

Seasonal Tasks:

- Alley maintenance.
- Repaired curb/gutters and sidewalks.
- Repaired potholes and cracks throughout the City.
- Inspected sanitary sewer lines throughout the downtown area.
- Continue to maintain storm drainage system.

Urban Forestry & Building Maintenance Division

Work Orders = 68 (UF)
 9 (Building Maintenance)

Seasonal Tasks this Month:

- Focused on maintenance pruning and work order requests.

Parks & Landscape Maintenance Division

Work Orders = 9

Seasonal Tasks & Projects:

- Continued maintenance of all parks and easements.
- Completed monthly playground inspections.

Fleet Services Division

Number of PW equipment repaired/serviced: 39 PW's vehicles and 4 Fire Vehicles

Water Quality Control Facility (WQCF)

Work Orders Received: 0

MONTHLY FLOWS AND AVERAGES -AUGUST 2016

AUGUST 2016	INFLUENT	SPOD*	NPOD*	AIPS
TOTAL FLOW, MG/month	44.462	27.236	12.441	4.785
AVG FLOW, MGD	1.434	.879	.401	.154
HIGH FLOW, MGD	1.511	.956	.413	.164
LOW FLOW, MGD	1.308	.806	.376	.124
Total Capacity, MGD	2.25	1.25	.800	.200

* SPOD- South Plant Oxidation Ditch (new)

* NPOD- North Plant Oxidation Ditch (old)

AVERAGE LABORATORY RESULTS

AUGUST 2016 Avg.	BOD5	TSS	TDS	pH	EC	NO3-N	TKN	TN-N	Na	Cal
Influent	233	246	*	7.70	*	*	*	*	*	*
Effluent. SPOD	3.57	3.37	1200	7.71	1820	.00	2.10	2.10	250	290
Effluent NPOD	2.47	1.43	1200	7.90	1900	.26	1.30	1.57	270	310
Effluent AIPS	26	58	1600	8.09	2290	.00	12	12	330	390

* Not required

Alarms/Call-Outs:

Alarms = 234

Call-Outs = 5

Seasonal Tasks:

- AIPS currently under performance test.
- Yearly PM on equipment.
- North plant clarifier #1 back on line.
- Continue using animals for weed control.
- Process control under adjustment for hot weather.
- AIPS aerators BACK ON LINE.



Fall Recreation Activity Guide

The Fall Activity Guide is out and full of a variety of programs for Adults – tiny tots. Recreation staff worked

Child Safety Fair & Back to School Block Party 2016

This year's event was another huge success, with the return of the Klaas Foundation for children's fingerprinting. There were over 50 booths and organizations participating in the event. The Fire and Sheriff Department came out in support of the event, while PJUSD staff and schools gave away free backpacks and books to the children. Lions again cooked hotdogs for everyone, and DJ Rob provided entertainment.

Senior Programs:

Hammon Senior Center Monthly Report for August

Senior Center Board of Directors

The Senior Board meets to discuss programs, issues and general program planning for Hammon Senior Center. The meeting was held August 16th. In addition to this meeting we had 2 senior board workshops to discuss on how to improve our (Spanish) Loteria bingo game.

Senior Meals Program

Hammon Senior Center Provides nutritionally balanced meal 5 days a week to senior community members. Howard Training Center provides meals 4 days a week and the Hammon Senior Center 1 day a week.

Commodities: August 4th commodities distributed boxes of food and met the needs of our seniors and low income community members. The Commodity Supplemental Food Program works to improve the health of low-income elderly persons at least 60 years of age and low income families by supplementing their diets with nutritious USDA Foods.

August Highlights included:

- We offered 4 beginning water classes for the month August
- 43 Exercise Classes, including walking group, Golden Exercise, Young at Heart, and Line Dancing
- Movie Days on Monday's
- 18 meals were provided in the month of August
- Commodities Food give a way
- HICAP
- Craft Groups
- We offered 9 beginning computer classes
- We took a trip with a group of 40 to Alameda to visit the USS hornet Battleship.
- The seniors had a Farewell potluck for one of our employees who moved
- We had balloon volleyball game
- We had a program "Go Down Memory Lane" for our seniors.

Aquatic Programs

August – September at the pool is very popular with our Senior Water Aerobics and Lap swim programs. We have 25 regular participants, enjoying the mid-day sun and exercise.

Youth Sports

Patterson Jr. Giants!

We wrapped up another successful Jr. Giants season. The numbers far exceeded our expectations, but we are excited to offer such a great FREE program for so many youth in Patterson.

We increase our registration number in participants in 2016 of 403 compare to 384 in 2015. Volunteer numbers were down compare to 2015 of 102 coaches/team parents compare to 92 for 2016 Season. We had a new Ambassador who is fairly new to baseball and learned the game as she went through the program. Had a great start of the season and finished it out with a closing ceremony passing out certificates and 8 Week Baseball Card collections to receive the Brandon Crawford bobble head. Volunteers received a Thank You SF Giants drawstring bag filled with goodies from the program. On a 1st come, 1st serve bases on filling and completing SF Junior Giants survey, parents, volunteer, & participants were eligible to receive tickets to a SF Giants game.

Patterson Recreation Youth Soccer

The 1st games of the season were Saturday, September 10th and all games went very smoothly. Tiny tots on up were in uniform and enjoyed the day of soccer. Over 320 youth are participating in youth soccer this year.

NFL Youth Flag Football

Our Youth NFL Flag Football begins with 2 weeks of evaluations and 2 weeks of practices with their coach. 1st game of the season will be the week of October 10th. We currently have 105 registered and with the extension of the registration deadline, this will give all families the opportunity to register their kids. We are challenged with lack of interest from parents to volunteer coach so we have decided to come up with an incentive for volunteers that if they complete the season as a coach than they will receive a credit or refund for their child. We look forward to a successful season.



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

MEETING DATE: September 20, 2016

ITEM NO: 5.4

SUBJECT: Approve City Commission Reports for the Month of August 2016 (Parks, Recreation & Beautification Commission and Planning Commission)

RECOMMENDATION

Motion to approve City Commission Reports for the Month of August 2016 (Parks, Recreation & Beautification Commission and Planning Commission)

August 2016 Parks, Recreation & Beautification Commission Monthly Report

The following information is provided as an update regarding the Parks, Recreation & Beautification Commission meeting activities during the month of August and updates for previously approved projects.

Parks, Recreation & Beautification Commission meetings are held on the 3rd Wednesday of every month at 5:00 pm in the City Hall Council Chambers

5-Member Commission

Chair	Rob Cozart	Term: May 2016-2018
Co-Chair	Chinyere Jack	Term: May 2015-2017
Commissioner	Vivian Ratliff	Term: May 2015-2017
Commissioner	Kelvin Love	Term: May 2015-2017
Commissioner	Elias Funez	Term: May 2016-2018

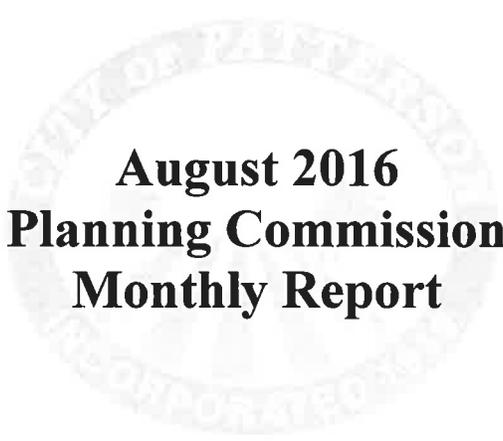
Parks & Recreation Commission Meeting:

On August 17, 2016, the Parks & Recreation Commission Mtg. was cancelled due to lack of quorum, some of the items on the agenda for the commission to consider at their next meeting include:

1. Ideas For North Park

Commission will be bringing back ideas for the North Park to the next commission meeting on September 21st and will be finalizing report to the City Council.

Agendas & Minutes can be located on the city website under the agenda center.
The next regular meeting will be scheduled for September 21, 2016



August 2016 Planning Commission Monthly Report

The following information is provided as an update regarding Planning Commission activities during the month of August.

Planning Commission Meetings

On August 11, 2016, the Planning Commission held a meeting to consider the following items:

1. Conditional Use Permit #16-01 (6 month review), Somos Un Mundo Daycare, 102 Jersey Lane

Review of a large daycare center (9-14 children) in a single family home at 102 Jersey Lane, located in the LR, Low Density Residential Zone. The use was approved by the Planning Commission on February 11, 2016. Since its approval date, staff has not received any complaints. The Planning Commission approved this item with a 4-0 vote with no further periodic reviews scheduled.

2. Pilot/Flying J Master Sign Program, Northeast corner of Sperry Avenue and Park Center Drive

Consideration of the Pilot/Flying J Master Sign Program and Conditional Use Permit applications. The proposed project would develop the site with a travel center, truck yard, and fast food restaurant on the northeast corner of Sperry Avenue and Park Center Drive. The Planning Commission approved Architectural & Site Plan Review No. 16-01, Conditional Use Permit No. 16-02, and Tentative Map No. 16-01 on May 26, 2016 to develop the site, deferring the associated master sign program until more information was available. The proposed signs include building signage, canopy signage, murals, and two freestanding signs, which include a 75-foot tall mid-rise sign and an eight foot tall monument sign. The Planning Commission approved this item with a 4-0 vote.

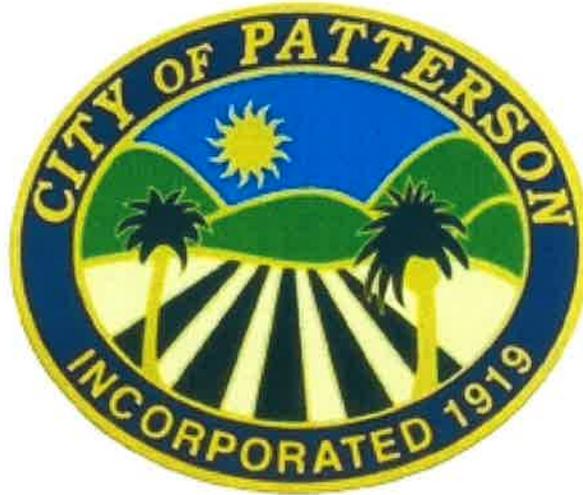
3. Conditional Use Permit #16-07, Joe's Landscaping & Concrete, Inc. (Concrete Batch Plant), 100 S. Second Street

Consideration of an application for a small concrete batch plant at 100 S. 2nd Street. The use consists of portable concrete mixers utilized for light batch capacities. Hours of operation would be Monday-Saturday from 8 AM to 5 PM and Sunday from 8 AM to Noon. Business policy requires customers to clean all portable mixers prior to being returned. The Planning Commission approved this item with a 4-0 vote.

On August 25, 2016, the Planning Commission held a meeting to consider the following items:

- 1. Minor Design Review #16-02, Walmart Online Pick-up Expansion, 1030 Sperry Avenue**
Review of an application to construct an online grocery pick-up area. The expansion would add a 1,499 square foot modular to the east side of the Walmart store, to match existing architecture. A parking canopy would also be built with power and communication extensions from the building and related parking lot striping. The expansion is proposed to offer greater customer convenience for picking up online purchases. The Planning Commission approved this item with a 4-0-1 vote.
- 2. Architectural & Site Plan Review #16-04, Conditional Use Permit #16-08, Flores Excavation and Demolition, Inc., 317 S. 2nd Street**
Review of an application for use of the property as a company storage yard for the storage of small equipment and vehicles within the shop. The applicant proposes to construct an eight foot tall stucco wall around the perimeter of the parcel. Fencing over 6' tall requires review and approval by the Planning Commission. The applicant is proposing the installation of a portable office for non-public use. The Planning Commission approved this item with a 5-0 vote.

The next Planning Commission meeting is scheduled for September 22nd at 7:00 PM.



6. PRESENTATIONS AND PUBLIC HEARINGS



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager 

BY: Saadiah Ryan, Finance Director

MEETING DATE: September 20, 2016

ITEM NO: 6.2

SUBJECT: Properties to be Liened for Unpaid Mistletoe and Weed Abatements, Asbestos Demolition, Fire Demolition and Tree Stump Grinding (Resolution No. 2016-80) Lien Process.

RECOMMENDATION

Adopt Resolution 2016-80, confirming a report and assessment list under Ordinance Nos. 174, 243 for weed and mistletoe abatements, and Ordinance No. 586 for demolition abatement costs.

BACKGROUND

During the course of the year, the Patterson City Council (“Council”) approved Resolutions authorizing City of Patterson (“City”) staff to abate weeds at various locations. Many property owners either complied with the order, or reimbursed the City for the work done. The City has not received payment from 9 property owners for costs incurred by the City in carrying out the necessary abatement (see attached Resolution and Exhibit A). These fees include the abatement costs and the related administrative charges.

The City has also incurred abatement costs associated with demolition, tree removal, stump grinding, and asbestos abatement at two separate properties. (see attached Resolution and Exhibit A). City staff carried out the necessary abatement at these properties following a request to the Stanislaus County Superior Court for inspection and abatement warrants based on an immediate threat to the health and safety of the public.

Staff is requesting authorization from Council to place liens on the properties listed in Exhibit A. Authority to do so is granted in the City Municipal Code and by State Law. Staff mailed final notices to the property owners informing them that unpaid invoices for abatement costs may result in a lien being placed on their property. Upon Council approval, the necessary information will be forwarded to the County Recorder’s Office.

FISCAL IMPACT

The balance of the unpaid abatements.

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RESOLUTION NO. 2016-80

**A RESOLUTION CONFIRMING A REPORT AND ASSESSMENT LIST
UNDER ORDINANCE NOS. 174, 243 and 586**

WHEREAS, the City Council of the City of Patterson (the “Council”) duly adopted Ordinance No. 174 and Ordinance No. 243, declaring all weeds, rubbish, dirt and rank growth of any kind as defined in the Ordinance on private property or in the street, alley or public right-of-way in the City of Patterson (“City”), to constitute a public nuisance; and

WHEREAS, the Council duly adopted Ordinance No. 750, establishing procedures for administrative or summary abatement of public nuisances. In adopting Ordinance No. 750, the Council further declared that the City’s enforcement official may pursue any administrative or judicial remedy to abate a public nuisance; and

WHEREAS, the Council duly adopted Resolutions on February 2, 2016 (Reso. 2016-13) and on May 3, 2016 (Reso. 2016-35) and elected to proceed under Ordinance Nos. 174 and 243, and declared a public nuisance all weeds, rubbish, dirt and rank growth growing, located and existing upon the properties commonly known as Assessor Parcel Numbers as listed in Exhibit “A”, attached hereto, and all located in the City; and

WHEREAS, the City Attorney’s office, on behalf of the City, submitted a request to the Stanislaus Superior Court for inspection and abatement warrants upon the properties commonly known as Assessor Parcel Numbers 131-006-057 and 131-016-008 as listed in Exhibit “A”, attached hereto, and all located in the City based on an immediate threat to the health and safety of the public; and

WHEREAS, said resolution was adopted following the holding of a public hearing on Tuesday, September 20, 2016 at which no objections to the proposed abatement liens were received; and

1 **WHEREAS**, Fire Chief, Public Works Director and Finance Director have mailed
2 statements of the expenses proposed to be assessed against said property to each person to whom
3 such property was assessed on the last equalized assessment roll and has included a “Notice –
4 Attention Property Owner and Invoice” of the time and place set forth for the hearing of
5 objections to the report and of the proposed assessment, as in said Ordinance; and

6 **WHEREAS**, the City Clerk has posted on the bulletin board in City Hall a copy of the
7 report and assessment list, together with a Notice of the time and place of said hearing, all as
8 provided in said Ordinance; and

9 **WHEREAS**, the Council of the City did hold a public hearing at the time and place set
10 forth in said Notice for the purpose of hearing objections to said report and proposed assessment,
11 and no objections having been received; and

12 **WHEREAS**, the abatement of the nuisance has been completed and the appropriate party
13 billed for the work. Payment has not been received from those listed on Exhibit “A”; and

14 **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Patterson
15 that the Report and Assessment for Weed, Dirt, Rubbish, and Rank Growth Abatement under
16 Ordinance Nos. 174 and 243 of the City of Patterson submitted by the Fire Chief, Public Works
17 Director and Finance Director of the City of Patterson, a copy of which is attached Exhibit “A”
18 hereto and made a part hereof, for the properties commonly known as Assessor Parcel Numbers
19 as attached in Exhibit “A” is confirmed and the cost of the abatement with administrative fees
20 against the following described property in the City of Patterson constitutes a special assessment
21 against said parcels and is a lien on the parcels and an assessment to the Tax Roll in the amount
22 set forth in Exhibit “A”.

23 **BE IT FURTHER RESOLVED**, that by the City Council of the City of Patterson that
24 the Report and Assessment for Abatement under Ordinance No. 586 of the City of Patterson
25 submitted by the Fire Chief, Public Works Director and Finance Director of the City of

1 Patterson, a copy of which is attached Exhibit "A" hereto and made a part hereof, for the
2 properties commonly known as Assessor Parcel Numbers 131-006-057 and 131-016-008 is
3 confirmed and the cost of the abatement with administrative fees against the following
4 described property in the City of Patterson constitutes a code enforcement lien against said
5 parcels in the amount set forth in Exhibit "A".

6 **BE IT FURTHER RESOLVED**, that the City Clerk is directed to transmit a certified
7 copy of this resolution, together with the Report and Assessment for Weed, Dirt, Rubbish, and
8 Rank Growth Abatement to the County Assessor and to the County Tax Collector of Stanislaus
9 County, for entry upon and collection with the next tax roll upon which general municipal taxes
10 are collected, all as provided in said Ordinance Nos. 174, 243 and 586.

11 The foregoing resolution was introduced at a regular meeting of the City Council of the
12 City of Patterson held on the 20th day of September 2016, by _____, who moved
13 its adoption, which motion was duly seconded by _____, and it was upon roll call
14 carried and the resolution adopted by the following roll call vote:

15 AYES:

16 NOES:

17 EXCUSED:

18 ABSTAINED:

19

20 APPROVED:

21

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23 _____
Luis I. Molina, Mayor of the City of Patterson

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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 20th 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

EXHIBIT A

ITEM	TOTAL DUE	APN	OWNER	PROPERTY ADDRESS	ABATE RESO
MISTLETOE	\$ 138.75	047-039-005	ALREAD, BRIAN LEAN	535 LOLA LN	2016-13
MISTLETOE	\$ 138.75	047-048-012	TOTI, ELIZABETH	517 HAMMON CT	2016-13
WEED	\$ 234.00	131-006-016	DE ALBA, JESUS & UX	420 S 3RD ST	2016-35
WEED	\$ 420.00	131-006-057	NELSON, MARK	320 C STREET	2016-35
WEED	\$ 348.00	048-054-019	SOUZA, THOMAS	104 HARTLEY STREET	2016-35
WEED	\$ 283.80	048-057-054	SOUTHWEST C & R FUNDING LLC	522 TUSCANY CT.	2016-35
WEED	\$ 540.00	131-016-008	MOBOYO OKITUKUNDA	315 D STREET	2016-35
DEMOLITION, TREE REMOVAL & STUMP GRINDING	\$ 7,545.00	131-006-057	NELSON, MARK	320 C STREET	JUDGE ORDER CASE# 2004003
ASBESTOS & DEMOLITION	\$ 17,061.00	131-016-008	MOBOYO OKITUKUNDA	315 D STREET	JUDGE ORDER CASE# 2004004
TOTAL	\$ 26,709.30				



City of Patterson

1 Plaza
P.O. Box 667
Patterson, California 95363
Phone (209) 895-8000

NOTICE TO LIEN PROPERTY

September 12, 2016

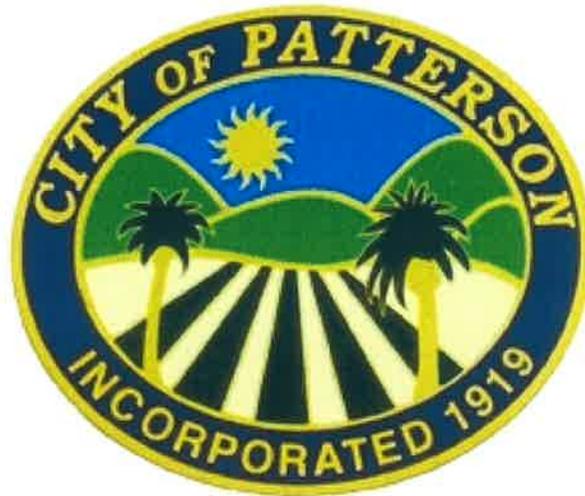
Enclosed please find invoices for weed and mistletoe abatement. Please be advised that if this invoice remains outstanding by September 20th the following will occur:

A lien in the amount of the invoice plus any additional fees, will be placed on the property. Failure to pay this amount by September 20th will result in a City Council Meeting to lien your property.

The invoice amount plus all additional fees, will be eligible for submission to the Stanislaus County Assessor's Office for collection with the annual property tax bill, and will be forwarded to that office for inclusion in the property tax bill.

Should you have any questions or require further information, please contact us at (209) 895-8051.

City of Patterson



7. CITY STAFF REPORTS



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

MEETING DATE: September 20, 2016

ITEM NO: 7

SUBJECT: Adopt Resolution No. 2016-81, Authorizing the City Manager to enter into a new Municipal Advisory Services Agreement with Del Rio Advisors, LLC.

RECOMMENDATION

Adopt Resolution No. 2016-81, Authorizing the City Manager to Enter Into a Municipal Advisory Services Agreement with Del Rio Advisors, LLC.

BACKGROUND/ANALYSIS

The City of Patterson (“City”) has received general municipal advisory services from Wulff, Hansen, and Company (“Wulff Hansen”) for approximately 30 years. Wulff Hansen is a firm based out of San Francisco that provides municipal advisory services. For general municipal advice. Wulff Hansen charges \$350 per hour for the services of its principals, and \$200 per hour for the services of its associates. For bonds, Wulff Hansen charges a cost of issuance based on a flat fee of \$20,000, plus a sliding scale of fees based on the size of the bond. For example, for bonds with a PAR value of \$5,000,000, the cost of issuance would be \$60,000, and for bonds with a PAR value of \$10,000,000, the cost of issuance would be \$100,000.

Over the past few years, the City has worked with Del Rio Advisors, LLC (“Del Rio”) on special projects and bond issuances. Del Rio’s principal, Kenneth Dieker, has been in the finance business for over twenty-nine years with twenty-five years of experience as a municipal finance advisor. As Del Rio’s main principal, Kenneth Dieker charges \$175 per hour. When issuing bonds, Del Rio charges a flat rate, ranging from \$32,500 for bonds issuances with a PAR value up to \$5,000,000, to \$42,500 for bond issuances with a PAR value between \$5,000,001 and \$10,000,000, and \$52,500 for bond issuances with a PAR value between \$10,000,001 and \$20,000,000, plus additional expenses. Therefore, for a \$5,000,000 bond, Del Rio’s issuance fees would be almost 50 percent less than Wulff Hansen. For a \$10,000,000 bond, Del Rio’s issuance fees would be almost 60 percent less than Wulff Hansen.

In addition to the difference in cost of bond issuance, the current agreement with Wulff Hansen includes a retainer provision in the amount of \$2,500 per month. The proposed agreement with Del Rio includes provisions for ongoing services, chargeable on a time and materials (i.e., hourly) basis, with a not-to-exceed amount of \$2,500 per month, unless expressly authorized by the City Manager.

Del Rio has a local presence in Modesto, California, and is therefore more readily available to attend meetings in Patterson and throughout Stanislaus County.

Based on the above cost considerations, Del Rio's recent track record of successful bond issuances in Patterson, and Del Rio's proximity, City staff believes it is in the best interest of the City Council to authorize the City Manager to terminate the City's agreement with Wulff Hansen and enter into the attached agreement for municipal services with Del Rio Advisors, LLC.

ALTERNATIVES

1. Adopt Resolution 2016-81, as provided, authorizing the City Manager to terminate the City's agreement with Wulff Hansen and enter into a new agreement with Del Rio;
2. Continue this item, with instructions provided to City staff;
3. Reject Resolution 2016-81, and continue the City's agreement with Wulff Hansen.

FISCAL IMPACT

By reducing the issuance costs in a new agreement with Del Rio, the City will save substantial amounts of money in future bond issuances, which will result in additional funds that can be spent on public improvements and services. In addition, by eliminating the retainer provision, the City will pay only those charges that are actually incurred by Del Rio, which over time may result in ongoing savings to the City's general fund.

ATTACHMENTS

- Resolution No. 2016-81
- Consultant Agreement
- Exhibit A to Consultant Agreement: Del Rio Advisors Scope of Services, Rates, and Disclosures

RESOLUTION NO. 2016-81

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PATTERSON,
AUTHORIZING THE CITY MANAGER TO TERMINATE ITS EXISTING
MUNICIPAL ADVISORY SERVICES AGREEMENT AND EXECUTE A NEW
AGREEMENT WITH DEL RIO ADVISORS, LLC**

WHEREAS, the City of Patterson (“City”) requires ongoing general municipal financing advice; and

WHEREAS, a contract for municipal financing advice and services is a specialized service under Government Code sections 37103 and 53060, and not subject to bidding requirements; and

WHEREAS, the City is currently engaged in an agreement with Wulff, Hansen and Company for the provision of municipal advisory services; and

WHEREAS, the City Council finds that Del Rio Advisors, LLC has recently advised the City in successful bond issuances, is located closer in proximity to Patterson for attending meetings and public hearings, and is proposing to perform additional advisory services, as needed, on an ongoing time and materials basis only; and

WHEREAS, the City Council has determined Del Rio Advisors, LLC to be qualified in experience and skill to serve as the City’s municipal financial advisor; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Patterson does hereby authorize the City Manager or his designee to terminate the Municipal Advisory Service Agreement with Wulff, Hansen, and Company in accordance with the termination provisions included in such agreement, and negotiate and execute a Municipal Advisory Service Agreement with Del Rio Advisors, LLC, in similar form to the agreement attached hereto, for Del Rio Advisors, LLC to serve as the City’s Municipal Advisor.

PASSED AND ADOPTED by the Patterson City Council at a meeting thereof held on the 20th 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, at a regular meeting held on the 20th 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

CONSULTANT SERVICES AGREEMENT

THIS CONSULTANT SERVICES AGREEMENT (“Agreement”) is entered into as of _____, 2016, (the “Effective Date”) by and between the City of Patterson, a California municipal corporation (“City”), and Del Rio Advisors, LLC, a California limited liability company (“Municipal Advisor”) (each individually a “Party” and collectively the “Parties”). There are no other parties to this Agreement.

RECITALS

A. City requires municipal advisory services in connection with the formation of special tax districts and other municipal financing districts, and the issuance and administration of municipal bonds in connection therewith.

B. Municipal Advisor has provided an engagement and disclosure letter to City, attached and incorporated hereto as **Exhibit A** (the “Disclosure Letter”), which includes a scope of proposed municipal advisory services on pages 1-2 (the “Services”).

C. Municipal Advisor proposes to provide such Services to City, pursuant to the compensation provisions described more fully on pages 3-5 of the Disclosure Letter (the “Rates”).

D. City acknowledges that the Services proposed by Municipal Advisor pursuant to this Agreement are for the purpose of serving as a municipal financial advisor to City and not as an underwriter or placement agent for municipal securities issued by City.

E. On _____, 2016, the City Council of the City of Patterson adopted Resolution _____, authorizing the City Manager to enter into this Agreement.

NOW, THEREFORE, in consideration of the promises and covenants set forth below, the Parties agree as follows:

AGREEMENT

1. Consulting Services. Upon the written request of the City Manager, Municipal Advisor agrees to perform the Services for City. Any services requested, proposed or performed in addition to the Services established in **Exhibit A** (“Additional Services”) will not compensated unless the Parties otherwise agree in writing. The Parties further acknowledge that the hourly rate of \$175 set forth in the fee schedule under **Exhibit A** shall apply to Additional Services agreed to in writing by City (acting through the City Manager) and Municipal Advisor.

2. Compensation.

A. Bond Issuances. Where Municipal Advisor provides Services related to a bond issuance, City shall compensate Municipal Advisor according to the fee schedule set forth in Option One or Option Two of the Rates, as applicable. The fees associated with Option One or

Option Two shall be contingent upon the successful issuance of bonds. In addition, City shall pay Municipal Advisor for reimbursable expenses related to travel, lodging, conference calls, reproduction and other costs incurred related to Municipal Advisor's performance of the Services. Such reimbursable costs shall be invoiced to City prior to the issuance of bonds and shall be paid through bond issuance only. In no event shall reimbursable expenses exceed \$2,500 per series of bonds issued. Reimbursement shall be contingent upon the closing of each series of bonds sold.

B. Fund Administration and Other Services. Where City, acting through its City Manager, requests Services such as fund administration or other ongoing Services, City shall compensate Municipal Advisor on a time and materials basis at the hourly rate of \$175.00 an hour. Such compensation shall not exceed \$2,500 in any calendar month, however, unless agreed to upon notification by Municipal Advisor and approval by City prior to incurring such costs for such Services. Municipal Advisor agrees to invoice and provide City, in reasonable and understandable detail, a description of Services rendered and expenses incurred on a monthly basis. If the Services described in each invoice are satisfactorily completed, City will pay invoices submitted by Municipal Advisor within sixty (60) days of receipt. Should the City Manager or Finance Director dispute any portion of any invoice, City shall pay the undisputed portion within the time stated above, and at the same time advise Municipal Advisor in writing of the disputed portion.

3. Confidential Information. Municipal Advisor understands and agrees that, in the performance of Services under this Agreement or in the contemplation thereof, Municipal Advisor may have access to private or confidential information that may be owned or controlled by City and that such information may contain proprietary or confidential details, the disclosure of which to third parties may be damaging to City or to such third parties ("Confidential Information"). Municipal Advisor shall not, either during or after the Term, disclose to any third party any Confidential Information without the prior written consent of City. If City gives Municipal Advisor written authorization to make any such disclosure, Municipal Advisor shall do so only within the limits and to the extent of that authorization. Such authorization does not guarantee that City will grant any further disclosure of Confidential Information. Municipal Advisor may be directed or advised by the City Attorney on various matters relating to the performance of the Services on the Project or on other matters pertaining to the Project, and in such event, Municipal Advisor agrees that it will treat all communications between itself, its employees and its subcontractors as being communications which are within the attorney-client privilege.

4. Term. The term of this Agreement will commence on the Effective Date and continue until termination by either Party pursuant to this Agreement or December 31, 2021 (the "Term").

5. Termination. Either Party may terminate this Agreement prior to the expiration of the Term ("Termination"), without cause or reason, by notifying the other Party in writing of their desire to terminate this Agreement at least 30 days prior to the effective Termination date (the "Termination Notice"). Upon receipt of a Termination Notice, Municipal Advisor shall immediately cease performing the Services. Municipal Advisor will be entitled to compensation, as of the date Municipal Advisor receives the Termination Notice and for any reimbursable costs incurred prior to Termination, subject to the provisions of Sections 1 and 2 above.

6. Termination for Cause. Notwithstanding Section 6 above, this Agreement may be terminated by City for cause based on the loss or suspension of any licenses, permits or registrations required for the continued provision of the Services, or Municipal Advisor's malfeasance. Termination of the Agreement for cause as set forth in this Section shall relieve City from compensating Municipal Advisor.

7. Performance by Key Employee. Municipal Advisor has represented to City that Kenneth Dieker, will be the person primarily responsible for the performance of the Services and all communications related to the Services. City has entered into this Agreement in reliance on that representation by Municipal Advisor.

8. Property of City. The following will be considered and will remain the property of City: (a) all reports, drawings, graphics, working papers and Confidential Information furnished by City in connection with the Services ("Documents"); and (b) all data collected by Municipal Advisor and produced in connection with the Services including, but not limited to, drawings, plans, specifications, models, flow diagrams, visual aids, calculations, and other materials ("Data"). Nothing herein shall be interpreted as prohibiting or limiting City's right to assign all or some of City's interests in the Documents or Data. Municipal Advisor agrees, at its expense and in a timely manner, to return to City all Documents and Data upon the conclusion of the Term or in the event of Termination.

9. Duties of City. In order to permit Municipal Advisor to render the Services required hereunder, City shall, at its expense and in a timely manner:

A. Provide such information as Municipal Advisor may reasonably require to undertake or perform the Services;

B. Promptly review any and all documents and materials submitted to City by Municipal Advisor in order to avoid unreasonable delays in Municipal Advisor's performance of the Services; and

C. Promptly notify Municipal Advisor of any fault or defect in the performance of Municipal Advisor's Services hereunder.

10. Representations of Municipal Advisor. City relies upon the following representations by Municipal Advisor in entering into this Agreement:

A. Qualifications. Municipal Advisor represents that it is qualified to perform the Services and that it possesses the necessary licenses, permits and registrations required to perform the Services or will obtain such licenses or permits prior to the time such licenses or permits are required. Municipal Advisor represents and warrants to City that Municipal Advisor shall, at Municipal Advisor's sole cost and expense, keep in effect or obtain at all times during the Term of this Agreement, any licenses, permits, and registrations that are legally required for Municipal Advisor to practice Municipal Advisor's profession at the time the Services are rendered.

B. Municipal Advisor Performance. Municipal Advisor represents and warrants that all Services under this Agreement shall be performed in a professional manner and shall conform to the customs and standards of practice observed on similar, successfully completed projects by specialists in the Services to be provided. Municipal Advisor shall adhere to accepted professional standards as set forth by relevant professional associations and shall perform all Services required under this Agreement in a manner consistent with generally accepted professional customs, procedures and standards for such Services. All work or products completed by Municipal Advisor shall be completed using the best practices available for the profession and shall be free from any defects. Municipal Advisor agrees that, if a Service is not so performed, in addition to all of its obligations under this Agreement and at law, Municipal Advisor shall re-perform or replace unsatisfactory Service at no additional expense to City.

11. Compliance with Laws and Standards. Municipal Advisor shall insure compliance with all applicable federal, state, and local laws, ordinances, regulations and permits. Municipal Advisor shall perform all work according to generally accepted standards within the industry. Municipal Advisor shall comply with all ordinances, laws, orders, rules, and regulations, including the administrative policies and guidelines of City pertaining to the work.

12. Independent Contractor; Subcontracting. Municipal Advisor will employ, at its own expense, all personnel reasonably necessary to perform the Services. All acts of Municipal Advisor, its agents, officers, employees and all others acting on behalf of Municipal Advisor relating to this Agreement will be performed as independent contractors. Municipal Advisor, its agents and employees will represent and conduct themselves as independent contractors and not as employees of City. Municipal Advisor has no authority to bind or incur any obligation on behalf of City. Except as City may specify in writing, Municipal Advisor shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Municipal Advisor shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever. Municipal Advisor is prohibited from subcontracting this Agreement or any part of it unless such subcontracting is expressly approved by City in writing.

13. Insurance. Municipal Advisor and all of Municipal Advisor's contractors and subcontractors shall obtain and maintain insurance of the types and in the amounts described in this paragraph and its subparagraphs with carriers reasonably satisfactory to City.

A. General Liability Insurance. Municipal Advisor shall maintain occurrence version commercial general liability insurance or an equivalent form with a limit of not less than Two Million Dollars (\$2,000,000) per claim and Two Million Dollars (\$2,000,000) for each occurrence.

B. Workers' Compensation Insurance. Municipal Advisor is currently a single member Limited Liability Company with no employees. In the event that Municipal advisor hires any employees, Municipal Advisor shall obtain and carry worker's compensation insurance in the amount of One Million Dollars (\$1,000,000) per accident, with a One Million Dollar (\$1,000,000) policy limit for bodily injury by disease.

C. Errors and Omissions Liability. Municipal Advisor shall carry errors and omissions liability insurance in the amount of no less than One Million Dollars (\$1,000,000) per occurrence or greater. Any deductibles or self-insured retentions must be declared to, and approved by, City. At the option of City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions with respect to City, elected and appointed councils, commissions, directors, officers, employees, agents, and representatives ("City's Agents"); or the Municipal Advisor shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claims administration and defense expenses.

D. Other Insurance Requirements. Within five (5) days of the Effective Date, Municipal Advisor shall provide City with certificates of insurance for all of the policies required under this Agreement ("Certificates"), excluding the required worker's compensation insurance. Such Certificates shall be kept current for the Term of the Agreement and Municipal Advisor shall be responsible for providing updated copies and notifying City if a policy is cancelled, suspended, reduced, or voided. With the exception of the worker's compensation insurance, all of the insurance policies required in this Agreement shall: (a) provide that the policy will not be cancelled, allowed to expire, or materially reduced in coverage without at least thirty (30) days' prior written notice to City of such cancellation, expiration, or reduction and each policy shall be endorsed to state such; (b) name City, and City's Agents as additional insureds with respect to liability arising out of Services, work or operations performed by or on behalf of the Municipal Advisor; products and completed operations of the Municipal Advisor; premises owned, occupied, or used by the Municipal Advisor, or automobiles owned, leased, or hired or borrowed by the Municipal Advisor; (c) contain no special limitations on the scope of protection afforded to the City; (d) be primary with respect to any insurance or self-insurance programs covering City or City's Agents and any insurance or self-insurance maintained by City or City's Agents shall be in excess of Municipal Advisor's insurance and shall not contribute to it; (e) contain standard separation of insured provisions; and (f) state that any failure to comply with reporting or other provisions of the policy including breaches of warranties shall not affect the coverage provided to the City.

14. Indemnification. Municipal Advisor hereby agrees to indemnify and hold harmless City, and City's Agents, against all liability, obligations, claims, loss, and expense (a) caused or created by Municipal Advisor, its subcontractors, or the agents or employees of either, whether negligent or not, pertaining to or related to acts or omissions of Municipal Advisor in connection with the Services, or (b) arising out of injuries suffered or allegedly suffered by employees of Municipal Advisor or its subcontractors (i) in the course of their employment, (ii) in the performance of work hereunder, or (iii) upon premises owned or controlled by City. Municipal Advisor's obligation to defend, indemnify and hold City and its agents, officers, employees and volunteers harmless is not terminated by any requirement in this Agreement for Municipal Advisor to procure and maintain a policy of insurance.

15. Consequential Damages. Notwithstanding any other provision of this Agreement, in no event shall City be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement or the Services performed in connection with this Agreement.

18. General Provisions.

A. Modification. No alteration, modification, or termination of this Agreement shall be valid unless made in writing and executed by all Parties.

B. Waiver. The waiver by any Party of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

C. Assignment. No Party shall assign, transfer, or otherwise dispose of this Agreement in whole or in part to any individual, firm, or corporation without the prior written consent of the other Party. Subject to the forgoing provisions, this Agreement shall be binding upon, and inure to the benefit of, the respective successors and assigns of the Parties.

D. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the state of California.

E. Venue. Venue for all legal proceedings shall be in the Superior Court of California for the County of Stanislaus.

F. Partial Invalidity. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

G. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall constitute an original and all of which shall be deemed a single agreement.

H. Severability. If any term, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, the remainder of this Agreement shall remain in effect.

I. Audit. City shall have access at all reasonable times to all reports, contract records, contract documents, contract files, and personnel necessary to audit and verify Municipal Advisor's charges to City under this Agreement.

J. Entire Agreement. This Agreement sets forth the entire understanding between the Parties as to the subject matter of this Agreement and merges all prior discussions, negotiations, proposal letters or other promises, whether oral or in writing.

K. Headings Not Controlling. Headings used in this Agreement are for reference purposes only and shall not be considered in construing this Agreement.

L. Time is of the Essence. Time is of the essence in this Agreement for each covenant and term of a condition herein.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date referenced above.

CITY:

City of Patterson, a California municipal corporation

By: _____
Ken Irwin, City Manager

Date: _____, 2016

Approved as to Form:

Tom Hallinan, City Attorney

Attest:

Maricela Vela, City Clerk

CONSULTANT:

Del Rio Advisors LLC, a California limited liability company

By: _____
Kenneth Dieker

Date: _____, 2016

EXHIBIT A

Del Rio Advisors, LLC Engagement and Disclosure Letter



Del Rio Advisors, LLC

"Independent Registered Municipal Advisor"

July 27, 2016

City of Patterson
Mr. Ken Irwin
City Manager
1 Plaza
P.O. Box 667
Patterson, CA 95363

RE: Engagement Agreement / Disclosures

Dear Mr. Irwin:

This letter specifies a proposed engagement agreement between Del Rio Advisors, LLC ("MA") and the City of Patterson including any Joint Exercise of Powers Authority ("JPA") related to the City and used to issue bonds ("City / Authority"). This letter also provides certain written policies and disclosures to be provided by the Municipal Advisor to the Municipal Entity effective July 1, 2014 and now required by both the Securities and Exchange Commission ("SEC") and the Municipal Securities Rulemaking Board ("MSRB").

Scope of Municipal Advisory Activities to be Performed

Under the new regulations, Municipal Advisors are now required to provide a specific list of services to be performed while acting as Municipal Advisor. This list can be amended at any time upon written agreement between the parties.

- Review all underwriter and placement agent proposals for specific transactions and make recommendations
- Either create or actively participate in the development of a sound financial plan
- Determine the most cost effective way to carry out the plan that is being considered including recommending innovative alternatives
- If requested, take primary responsibility for all quantitative analysis related to the project including: sources and uses of funds, debt service schedules, yield calculations, savings calculations, etc.

Del Rio Advisors, LLC

1325 Country Club Drive
Modesto, CA 95356
Phone: (209) 543-8704
Fax: (209) 554-0427
Mobile: (209) 480-1862
Email: kdieker@delrioadvisors.com



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- Develop a detailed financing schedule and interested parties list
- Coordinate the efforts of bond counsel, disclosure counsel, underwriter(s), placement agent, trustee and consultants with respect to the preparation and approval of the financing documents
- Review and comment on all documents ⁽¹⁾
- Attend all meetings and present materials as needed
- If needed, prepare and coordinate comprehensive presentations to the rating agencies and bond insurers
- Prepare detailed costs of issuance and, if public sale, recommend a gross spread level
- Undertake pre-pricing analysis prior to sale; advise the issuer and help in the negotiation with respect to pricing on the day of sale
- Coordinate the approval, delivery and printing of all legal documents, closing certificates and the final official statement ⁽¹⁾
- Perform any other tasks or projects, as required, and amend this list as necessary to describe any new projects or tasks.
- If acting in the capacity of an Independent Registered Municipal Advisor ("IRMA") with regard to the IRMA exemption of the SEC Rule, MA will review all third party recommendations submitted to the MA in writing by the City / Authority.

Note:

⁽¹⁾ MA will review and comment on all documents and assist in preparing any documents necessary for the sale of a new issue or reoffering of municipal securities, including the official statement, offering memorandum or similar disclosure documents. However, besides tables or charts specifically prepared by MA and footnoted as such, MA takes no responsibility for the accuracy or completeness of any of the data contained therein as provided by others including the City or the Authority. MA may rely upon data provided by others in the preparation of tables and charts and takes no responsibility for the accuracy or completeness of the data provided.

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Term of Engagement Agreement

The commencement date of the agreement is the execution date as indicated on the signature page of this agreement and the end date is the earlier of termination by either party or December 31, 2021.

Termination of Engagement Agreement

This engagement may be terminated by either party with 30-days written notice delivered by registered mail to the other party. If terminated, City / Authority will pay any standard reimbursable expenses accrued to date and otherwise contingent on the successful closing of the transactions or any outstanding invoices related to other projects as defined from time to time with amendments to this agreement.

Compensation and Out-of-Pocket Expenses

MA proposes a fixed contingent fee for each transaction as listed in the table on the next page. MA would also seek reimbursement for standard expenses such as travel, lodging, conference calls, reproduction and any other items spent on behalf of the project. As listed in the table below, the "not-to-exceed" expense amount is capped by transaction. Both the proposed fees and expenses are contingent upon the successful sale and closing of the bonds.

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Option One - Public Offering or Private Placement to Institutional Investors

Bond Issuance

Low	High	Fee ^(1, 2)
0	5,000,000	32,500
5,000,001	10,000,000	42,500
10,000,001	20,000,000	52,500
20,000,001	50,000,000	62,500
>50,000,000		72,500

- (1) Add to this figure up to a "not-to-exceed" \$2,500 for normal reimbursable expenses.
- (2) All fees assume negotiated bond sale; add \$5,000.00 for competitive sale.

Option Two – Direct Placement to Commercial Banks or to Other Direct Lenders

Private Placement

Low	High	Fee ⁽¹⁾
0	5,000,000	17,500
5,000,001	10,000,000	27,500
10,000,001	20,000,000	37,500
20,000,001	20,000,000	47,500
>50,000,000		57,500

- (1) Add to this figure up to a "not-to-exceed" \$2,500 for normal reimbursable expenses.

In addition, the City/Authority may wish to engage the MA on other projects that will be defined further as amendments to this agreement and the MA will be compensated on a time and materials basis at the following hourly rate:

Team Member	Hourly Rate
Kenneth L. Dieker	\$175.00

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The total dollars available for a particular project may be capped at some fixed total amount as further defined in future amendments to this agreement. In addition, the MA would seek reimbursement for standard expenses such as travel, lodging, conference calls, reproduction and any other items spent on behalf of the project. This would be billed and payable on a monthly basis.

Fiduciary Duty

MA is registered as a Municipal Advisor with the SEC and Municipal Securities Rulemaking Board (MSRB). As such, MA has a Fiduciary duty to the City / Authority and must provide both a Duty of Care and Loyalty that entail the following:

Duty of Care

- a) exercise due care in performing its municipal advisory activities;
- b) possess the degree of knowledge and expertise needed to provide the City / Authority with informed advice;
- c) make a reasonable inquiry as to the facts that are relevant to the City's / Authority's determination as to whether to proceed with a course of action or that form the basis for any advice provided to the City / Authority; and
- d) undertake a reasonable investigation to determine that MA is not forming any recommendation on materially inaccurate or incomplete information; MA must have a reasonable basis for:
 - i. any advice provided to or on behalf of the City / Authority;
 - ii. any representations made in a certificate that it signs that will be reasonably foreseeably relied upon by the City / Authority, any other party involved in the municipal securities transaction or municipal financial product, or investors in the City / Authority securities; and
 - iii. any information provided to the City / Authority or other parties involved in the municipal securities transaction when participating in the preparation of an official statement.

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Duty of Loyalty

MA must deal honestly and with the utmost good faith with City / Authority and act in City / Authority's best interests without regard to the financial or other interests of MA. MA will eliminate or provide full and fair disclosure (included herein) to City / Authority about each material conflict of interest (as applicable). MA will not engage in municipal advisory activities with City / Authority as a municipal entity, if it cannot manage or mitigate its conflicts in a manner that will permit it to act in City / Authority's best interests.

Conflicts of Interest and Other Matters Requiring Disclosures:

- As of the date of the Agreement, there are no actual or potential conflicts of interest that MA is aware of that might impair its ability to render unbiased and competent advice or to fulfill its fiduciary duty. If MA becomes aware of any potential conflict of interest that arises after this disclosure, MA will disclose the detailed information in writing to City / Authority in a timely manner.
- The fee paid to MA increases the cost of investment to City / Authority. The increased cost occurs from compensating MA for municipal advisory services provided.
- MA does not act as principal in any of the transaction(s) related to this Agreement.
- During the term of the municipal advisory relationship, this agreement will be promptly amended or supplemented to reflect any material changes in or additions to the terms or information within this agreement and the revised writing will be promptly delivered to City / Authority.
- MA does not have any affiliate that provides any advice, service, or product to or on behalf of the client that is directly or indirectly related to the municipal advisory activities to be performed by MA;
- MA has not made any payments directly or indirectly to obtain or retain the City / Authority's municipal advisory business;

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- MA has not received any payments from third parties to enlist MA's recommendation to City / Authority of its services, any municipal securities transaction or any municipal finance product;
- MA has not engaged in any fee-splitting arrangements involving MA and any provider of investments or services to City / Authority;
- MA has a conflict of interest from compensation for municipal advisory activities to be performed, that is contingent on the size or closing of any transactions as to which MA is providing advice;
- MA does not have any other engagements or relationships that might impair MA's ability either to render unbiased and competent advice to or on behalf of City / Authority or to fulfill its fiduciary duty to the City / Authority, as applicable; and
- MA does not have any legal or disciplinary events that are material to City / Authority's evaluation of the municipal advisory or the integrity of its management or advisory personnel.

Legal Events and Disciplinary History

MA does not have any legal events and disciplinary history on their Form MA and Form MA-I, which includes information about any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation. City / Authority may electronically access MA's most recent Forms MA and each most recent Forms MA-I filed with the Commission at the following website:

www.sec.gov/edgar/searchedgar/companysearch.html.

There have been no material changes to a legal or disciplinary event disclosure on any Form MA or Form MA-I filed with the SEC.

Recommendations

If MA makes a recommendation of a municipal securities transaction or municipal financial product or if the review of a recommendation of another party is requested in

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writing by City / Authority and is within the scope of the engagement, MA will determine, based on the information obtained through reasonable diligence of MA whether a municipal securities transaction or municipal financial product is suitable for City / Authority. In addition, MA will inform City / Authority of:

- the evaluation of the material risks, potential benefits, structure, and other characteristics of the recommendation;
- the basis upon which MA reasonably believes that the recommended municipal securities transaction or municipal financial product is, or is not, suitable for City / Authority; and
- whether MA has investigated or considered other reasonably feasible alternatives to the recommendation that might also or alternatively serve the City / Authority's objectives.

If City / Authority elects a course of action that is independent of or contrary to the advice provided by MA, MA is not required on that basis to disengage from City / Authority.

Record Retention

Effective July 1, 2014, pursuant to the Securities and Exchange Commission (SEC) record retention regulations, MA is required to maintain in writing, all communication and created documents between MA and City / Authority for five (5) years.

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Various Matters

Based upon the date of execution below, MA may begin work immediately on the understanding that the City / Authority will make every effort to formalize the agreement with a City Council / Board action or both.

Once approval of this engagement agreement is granted by the City Council / Authority Board or both, this engagement letter can act as either an exhibit to any standard form of City / Authority contract or if one is not available will become the agreement between the parties.

If there are any questions regarding the above, please do not hesitate to contact Kenneth L. Dieker of Del Rio Advisors, LLC. If the foregoing terms meet with your approval, please **acknowledge receipt** by executing this letter, scan and email a copy.

Sincerely,

Del Rio Advisors, LLC

By: 

Kenneth L. Dieker, Principal

City / Authority

By: _____

Mr. Ken Irwin, City Manager

Dated as of _____, 2016

Del Rio Advisors, LLC

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