RESOLUTION APPOINTING JULIE SHERER AND FRANCISCO JAVIER TO THE CITY OF MODESTO CULTURE COMMISSION AS MODESTO RESIDENTS AND ATHENS ABELL AS A STANISLAUS COUNTY RESIDENT WHO DOES NOT LIVE IN THE CITY OF MODESTO WITH A TERM EXPIRATION OF JANUARY 1, 2021

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on January 30, 2017 and recommended appointment of Athens Abell, Julie Sherer and Francisco Javier to the Modesto Culture Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Julie Sherer and Francisco Javier are hereby appointed to the Modesto Culture Commission as City of Modesto residents with a term expiration of January 30, 2021.

SECTION 2. Athens Abell is hereby appointed to the Modesto Culture Commission as a Stanislaus County Resident who does not reside in the City of Modesto with a term expiration of January 30, 2021.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Culture Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
RESOLUTION APPOINTING AMEET BIRRING TO THE CITY OF MODESTO PLANNING COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2021

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on January 30, 2017 and recommended appointment of Ameet Birring to the Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Ameet Birring is hereby appointed to the Modesto Planning Commission with a term expiration of January 1, 2021.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION REAPPOINTING ROSA ESCUTIA-BRAATON TO THE CITY OF MODESTO PLANNING COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2021

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on January 30, 2017 and recommended reappointment of Rosa Escutia-Braaton to the Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Rosa Escutia-Braaton is hereby reappointed to the Modesto Planning Commission with a term expiration of January 1, 2021.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL FOR THE FURNISHING OF METRO ETHERNET SERVICES TO COMCAST BUSINESS COMMUNICATIONS, LLC, PHILADELPHIA, PA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED THREE (3) YEAR TOTAL $417,000

WHEREAS, The City Manager authorized the Purchasing Manager to issue a formal Request for Proposals (RFP) for the furnishing of metro Ethernet services for the Information Technology Department, and

WHEREAS, the Purchasing Division issued RFP 1516-15 Metro Ethernet Services on the City’s website under the commodity code for computer hardware, and

WHEREAS, prospective proposers were noticed online of the proposal opportunity, and

WHEREAS, two (2) companies chose to download the RFP document, one of which is a local company, and

WHEREAS, proposals were formally opened in the City Clerk’s office and two (2) companies chose to respond, and

WHEREAS, the two (2) companies responding each provided a responsive and responsible proposal, and

WHEREAS, an evaluation committee comprised of three (3) City staff members evaluated the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal for the furnishing of metro Ethernet services to Comcast Business Communications, LLC, Philadelphia, PA, for an estimated three (3) year annual cost of $417,000, and
WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid and the award of proposal for the furnishing of metro Ethernet services to Comcast Business Communications, LLC, Philadelphia, PA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2016-17 in the Information Technology Fund, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal for the furnishing of metro Ethernet services to Comcast Business Communications, LLC, Philadelphia, PA.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to issue a purchase agreement for an estimated three (3) year cost of $417,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF ENTERPRISE RESOURCE PLANNING SYSTEM HARDWARE UPGRADE EQUIPMENT TO SOLID NETWORKS INC., SALIDA, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED COST OF $476,000

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for Enterprise Resource Planning System Hardware Upgrade Equipment, and

WHEREAS, the Purchasing Division issued RFB 1617-18 ERP System Hardware Upgrade Equipment on the City’s website under the commodity codes for computer hardware, consulting and computer management services and

WHEREAS, prospective proposers were noticed online of the bid opportunity, and

WHEREAS, nineteen companies chose to download the RFB document and

WHEREAS, on December 20, 2016, bids were formally opened in the City Clerk’s office. One (1) company chose to respond and provided a responsive and responsible bid, and

WHEREAS, the bid received was provided by a local vendor, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid for the purchase of Enterprise Resource Planning System Hardware Upgrade Equipment to Solid Networks Inc., Salida, CA, for an estimated cost of $476,000, and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be
formally bid. The award of bid for the furnishing of Enterprise Resource Planning System Hardware Upgrade Equipment to Solid Networks Inc., Salida, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2016-17, in Appropriation Unit: 5230-17810-57005 (Information Technology Replacement Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the furnishing of Enterprise Resource Planning System Hardware Upgrade Equipment to Solid Networks Inc., Salida, CA.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to issue a purchase agreement for an estimated cost of $476,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

02/14/2017/IT/KHarless/Item 9 2 2017-48
RESOLUTION REJECTING ALL BIDS FOR THE SANDERS AND FREEDOM NEIGHBORHOOD PARKS RENOVATION PROJECT

WHEREAS, the Sanders and Freedom Neighborhood Parks Renovation Project will remove and replace the existing rubber play surfacing and selected play equipment at Sanders and Freedom Neighborhood Parks; basketball court restriping at Sanders Park and replacement of lighted steel bollards at Freedom Park, and

WHEREAS, the one bid received for the Sanders and Freedom Neighborhood Parks Renovation Project was publicly opened at 11:00 a.m. on November 29, 2016, and later tabulated by the Utilities Department for the consideration of the Council, and

WHEREAS, Dossett Construction of Modesto, California was the sole and apparent low bidder at 53.38% above the engineer’s estimate, and

WHEREAS, the Parks Planning and Development Division staff determined that the lack of bids was due to another bid opening on the same date and the high cost was associated with the one bidder providing a bid for a larger scope than required by the bid documents, and

WHEREAS, City staff recommends that the City reject the bids, make modifications to the scope of work and re-advertise the project for bid in early 2017 with the intention of attracting a higher number of contractors and more competitive bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bids received for the Sanders and Freedom Neighborhood Parks Renovation Project.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 14th day of February, 2017, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember Grewal,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING GRANT FUNDING FROM THE URBAN STREAMS RESTORATION PROGRAM ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF WATER RESOURCES IN THE AMOUNT OF $412,918 TO PARTIALLY FUND THE REMOVAL OF THE REMNANT DENNETT DAM AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AND UTILIZE THE GRANT AWARD FROM THE URBAN STREAMS RESTORATION PROGRAM FOR THE CONSTRUCTION COSTS FOR THE REMOVAL PROJECT OF THE REMNANT DENNET DAM

WHEREAS, the City of Modesto and Tuolumne River Preservation Trust (TRT) have received a grant award from the Urban Streams Restoration Program (USRP) of $412,918 (four hundred twelve thousand nine hundred and eighteen dollars) for removal of the Remnant Dennett Dam, and

WHEREAS, on June 14, 2016 the City Council approved a Memorandum of Understanding (MOU) with TRT to fund the construction to remove project, and

WHEREAS, removal of the Remnant Dennett Dam benefits the City of Modesto and TRT by restoring instream habitat and fish passage conditions, improving native riparian habitat and creating safe recreational boating opportunities, and

WHEREAS, the TRT staff is continuing the pursuit of additional grant funding opportunities to obtain the necessary construction funding of approximately $1 million (one million dollars) anticipated to begin Summer 2017, and

WHEREAS, the City will be the financial agent that houses the grant funding obtained by the TRT staff for the construction to remove project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it accepts the grant funding from the Urban Streams Restoration Program in the
amount of $412,918 to partially fund the construction to remove the Remnant Dennett Dam.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to accept and utilize the grant award from the Urban Streams Restoration Program for the construction costs for the removal project of the Remnant Dennett Dam.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: Stephanie Lopez, City Clerk

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney
RESOLUTION AUTHORIZING THE DEPUTY CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE FISCAL YEAR 2016/2017 MULTI-YEAR OPERATING BUDGET TO ESTABLISH A NEW NON-CAPITAL PROJECT #100993, IN AN AMOUNT NOT TO EXCEED $412,918 IN REVENUE; TO BUDGET EXPENDITURES AS OUTLINED IN ATTACHMENT A TO PARTIALLY FUND THE REMOVAL OF THE REMNANT DENNETT DAM; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ESTABLISH A GRANT FUNDED NON-CAPITAL PROJECT FOR THE CONSTRUCTION COSTS FOR THE REMOVAL PROJECT OF THE REMNANT DENNETT DAM

WHEREAS, the Tuolumne River Preservation Trust (TRT) has received a grant award from the Urban Streams Restoration Program (USRP) of $412,918 (four hundred twelve thousand nine hundred eighteen dollars) for construction costs to remove the Remnant Dennett Dam, and

WHEREAS, the City Council entered into a Memorandum of Understanding (MOU) with TRT on June 14, 2016, and

WHEREAS, the City Council shall consider approving and amending the 2016/17 Multi-year Operating Budget to establish a new Non-Capital project with the grant award to fund the construction removal project in an amount not to exceed $412,918, and

WHEREAS, additional grant funding avenues are being pursued by TRT staff to obtain the necessary construction funding of approximately $1 million, and

WHEREAS, the City will be the financial agent that houses the grant funding for the project proposed to be established.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it is amending the Multi-Year Operating Budget to establish a Non-Capital project for the removal of the Remnant Dennett Dam in an amount not to exceed $412,918 and to
budget expenditures as outlined in Attachment A, attached hereto, to partially fund the Removal of the Remnant Dennett Dam.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to establish a grant funded Non-Capital project for the construction costs for the removal project of the Remnant Dennett Dam.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney
Attachment A – Budget Adjustment for Non-Capital Project 100993 (Removal of Remnant Dennett Dam)

Fund 1341 – Grants – Operation Grants Reimbursed:

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-52

RESOLUTION AUTHORIZING AWARD FOR THE PURCHASE AND INSTALLATION OF A REAL TIME CRIME CENTER DASHBOARD SOLUTION FOR THE MODESTO POLICE DEPARTMENT TO CYBERTECH SYSTEMS AND SOFTWARE INC., OAK BROOK, IL, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT FOR AN ESTIMATED FIVE (5) YEAR TOTAL CONTRACT COST OF $502,549

WHEREAS, the Modesto Police Department completed the construction phase of the Real Time Crime Center (RTCC) in August 2016, and

WHEREAS, the RTCC is equipped with tools to assist field staff in real-time by immediately researching, monitoring, analyzing, and disseminating important crime bulletins and/or trends, and

WHEREAS, the RTCC has access to numerous law enforcement, department, and public databases, but the need still exists to provide field staff this information in an organized and easy to use manner, thus creating the need for a Real Time Crime Center Dashboard Solution, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Proposals (RFP) for the purchase of a Real Time Crime Center Dashboard Solution, and

WHEREAS, the Purchasing Division issued RFP 1617-04, with fifteen (15) companies downloading the RFP document, and

WHEREAS, three (3) companies provided responsive and responsible proposalsto RFP 1617-04 and an evaluation committee comprised of seven (7) City staff members evaluated the proposals, and
WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommended the award of proposal for the purchase of a Real Time Crime Center Dashboard Solution to CyberTech Systems and Software, Inc., Oak Brook, IL, for an estimated five (5) year total cost of $502,549.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and agreement for the purchase and installation of a Real Time Crime Center Dashboard Solution for the Modesto Police Department, to CyberTech Systems and Software, Inc., Oak Brook, IL, for an estimated five (5) year total contract cost of $502,549.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal,
who moved its adoption, which motion being duly seconded by Councilmember Ah You,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____________________________

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE DEPUTY CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE FISCAL YEAR 2016/2017 OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO APPROPRIATE EXPENDITURES OF APPROXIMATELY $167,217 FOR THE MODESTO POLICE DEPARTMENT’S PURCHASE OF A RTCC DASHBOARD SOLUTION AND SYSTEM COMPONENTS

WHEREAS, the Modesto Police Department completed the construction phase of the Real Time Crime Center (RTCC) in August 2016, and

WHEREAS, the RTCC has the need for a Real Time Crime Center Dashboard Solution to efficiently and effectively access and disseminate in-progress crime information and other useful multiagency data to officers and staff in the field, and

WHEREAS, the City Manager authorized the Purchasing Manager issued Request for Proposals (RFP) 1617-04 for the purchase of a Real Time Crime Center Dashboard Solution, and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommended the award of proposal for the purchase of a Real Time Crime Center Dashboard Solution to CyberTech Systems and Software, Inc., Oak Brook, IL, for an estimated five (5) year total cost of $502,549, and

WHEREAS, the expenses for the initial purchase of the Real Time Crime Center Dashboard Solution ($106,549) as well as the costs associated with other system components including the purchase of three (3) servers ($32,213) and professional services for the installation and deployment of the entire ESRI ArcGIS Enterprise stack ($28,455) will come from existing appropriations in the Police Department’s Operating Budget for FY2016-17, and
WHEREAS, included in the agreement is an annual software subscription and system maintenance support costs of approximately $99,000 for each of the remaining four (4) years, which will be incorporated into the Police Department’s annual budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016/2017 Operating and Capital Improvement Budgets to appropriate expenditures for the first year of approximately $167,217 for the Modesto Police Department’s purchase of a RTCC Dashboard Solution and system components.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to amend the Fiscal Year 2016/2017 Operating and Capital Improvement Budgets in conformance with this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN INCREASE TO THE EXISTING PURCHASE AGREEMENT WITH TTI POLYGRAPH TO INCREASE THE CONTRACT AMOUNT FROM $45,000 TO $131,250 ANNUALLY, UNTIL SUCH TIME THAT THE MODESTO POLICE DEPARTMENT CAN COMPLETE A FORMAL COMPETITIVE BID PROCESS

WHEREAS, the City of Modesto Police Department utilizes polygraph services as part of the recruitment process, and

WHEREAS, in January 2016, the Modesto Police Department went through an informal bid process for such services, anticipating processing approximately forty (40) candidate polygraphs, and

WHEREAS, on February 2, 2016, the Modesto Police Department entered into a three (3) year contract with TTI Polygraph for their polygraph screening services for approximately forty (40) screenings at a rate of $375 per screening for an anticipated annual total of $15,000, and

WHEREAS, from February 2016 until December 2016, the Modesto Police Department conducted 147 polygraph screenings through TTI Polygraph, with an anticipated fifty (50) more screenings needed through the end of the first contract year on January 31, 2017, and

WHEREAS, the increased need for polygraph screenings during the first contract year was a result of vacancies created by staff retirements and resignations beyond those anticipated, coupled with additional position allocations approved in the adopted Operating Budget for Fiscal Year 2016/2017, and the award of the COPS Hiring grant in October 2016, and
WHEREAS, the current purchase agreement does not have a limit to the number of polygraph services that the City can request, the Modesto Police Department is requesting that Council approve the increase in the allowable annual contract amount to $131,250, with TTI Polygraph because the annual usage will exceed the $50,000 threshold, and

WHEREAS, the Modesto Police Department intends to complete a formal competitive bid process for polygraph services according to Modesto Municipal Code Section 8-3.203 in six (6) months, and

WHEREAS, there are exceptions to the rule set forth in the Modesto Municipal Code Section 8-3.204(c), wherein the Purchasing Manager, at his or her discretion, has the authority to make the determination that calling for bids on a competitive bid basis is undesirable due to exigent circumstances to ensure that polygraph services are not interrupted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the increase to the existing purchase agreement with TTI Polygraph to increase the funding associated with polygraph services to $131,250 annually, until such time the Modesto Police Department can complete a competitive bid process.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-55

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC., PLEASANTON, CA, FOR DESIGN SERVICES FOR THE REPLACEMENT WELL 229 PROJECT, IN AN AMOUNT NOT TO EXCEED $329,836 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $32,984 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $362,820 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, City water supply Well 229, located near Sutter and Rouse Avenues, was taken offline in early 2016 due to elevated nitrate concentrations, and

WHEREAS, Well 229 was originally drilled in 1950 and is strategically important, located in southwest Modesto. Well 229 is more than 65 years old, shallow at a depth of 230 feet, and originally drilled using a method that cannot isolate specific water layers, and

WHEREAS, a new, deeper well is proposed to be drilled on the existing site, built to current well construction standards, and

WHEREAS, on June 28, 2016, by Resolution 2016-270, Council approved the specifications for destruction of certain water wells, and awarded a contractor to Howk Systems of Modesto, CA, and

WHEREAS, Well 229 was destroyed as part of this work, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to five (5) pre-qualified consultants for engineering design services for water Capital Improvement Program projects, and
WHEREAS, on December 13, 2016, staff received and distributed five (5) proposals to a selection committee consisting of Utilities engineering and operations staff, and

WHEREAS, the selection committee evaluated the proposals and determined West Yost Associates, Inc. (West Yost) to be the most qualified and responsive, and

WHEREAS, West Yost’s sealed proposal costs were opened after the selection ranking had been finalized, and

WHEREAS, West Yost’s proposal cost and scope were reviewed and determined to be reasonable to provide design and bid period services, and

WHEREAS, the scope of services to be provided under the agreement includes: 1) Design of production well including subsurface design; 2) Hydrogeological support during drilling of production well; and 3) Design of above-grade facilities, and

WHEREAS, the design and bid period services for Replacement Well 229 fall within the scope of services of West Yost’s proposal, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204 Exceptions to Formal Bidding Requirements, this agreement is for professional services and therefore exempt from the bid requirement, and

WHEREAS, staff however still went through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, staff recommends approval of the agreement with West Yost for design and bid period services for the Replacement Well 229 Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with West Yost Associates, Inc., Pleasanton, CA,
for design services for the Replacement Well 229 Project, in an amount not to exceed $329,836 for the identified scope of services, plus $32,984 for additional services (if needed), for a maximum total amount of $362,820.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE FOOD SERVICE ESTABLISHMENT COST SHARE PROGRAM

WHEREAS, Title 5, Chapter 6, Article 10 of the City of Modesto Municipal Code, requires all Food Service Establishments (FSEs) be connected to a grease interceptor/trap that removes Fats, Oil and Grease (FOG), prior to discharge to the City of Modesto sewer system, and

WHEREAS, the FSEs are responsible for the installation, maintenance, and repair of any and all grease interceptors/traps, and

WHEREAS, new or current owners of FSEs may be required to install or retrofit grease interceptors/traps if there has been a substantial change in operation, menu, or owner, if the current operation requires extensive cleaning of City sewer line as a result of FOG, or if FOG from the FSEs has caused a sewer overflow into the public right of way, and

WHEREAS, in July 2016, the City adopted Resolution 2016-181, which adjusted the sewer rate structure to properly fund the utility, ensuring revenues were sufficient to meet future operational and capital improvement projects, in accordance with Proposition 218, and

WHEREAS, as a result of this rate change, FSEs that are operating without an approved grease interceptor/trap are billed as a Commercial Group 4 business with biochemical oxygen demand (BOD) and total suspended solids (TSS) loading greater than 1401 mg/l, and
WHEREAS, proper installation of a grease interceptor/trap has the potential to decrease BOD and TSS loading to less than 1000 mg/l which would put them into a different Commercial Group, therefore, FSEs would see a decrease in their sewer bill from $8.06 per 1,000 gallons to $6.42 to $5.05 per 1,000 gallons, a reduction of 20% to 37%, and

WHEREAS, for some FSEs, the installation of a grease interceptor/trap can be an additional hardship, therefore, a Cost Share Program (CSP) will be funded through the Wastewater Fund and with an annual budget of $100,000, and

WHEREAS, through the CSP, owners of FSEs that do not have a grease interceptor/trap are eligible to receive reimbursement for up to 50% of the cost to purchase either a grease interceptor or trap with the owners of FSEs responsible for cost of installation, maintenance and repairs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves the Food Service Establishment Cost Share Program,
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING FISCAL YEAR 2016-17 ENVIRONMENTAL SERVICES OPERATING BUDGET FOR AN AMOUNT OF $100,000 FROM WASTEWATER FUND RESERVES

WHEREAS, Title 5, Chapter 6, Article 10 of the City of Modesto Municipal Code, requires all Food Service Establishments (FSEs) be connected to a grease interceptor/trap that removes Fats, Oil and Grease (FOG), prior to discharge to the City of Modesto sewer system, and

WHEREAS, the FSEs are responsible for the installation, maintenance, and repair of any and all grease interceptors/traps, and

WHEREAS, for some FSEs, the installation of a grease interceptor/trap can be an additional hardship, therefore, a Cost Share Program (CSP) will be funded through the Wastewater Fund and with an annual budget of $100,000, and

WHEREAS, through the CSP, owners of FSEs are eligible to receive reimbursement for up to 50% of the cost to purchase a grease interceptor/trap with the owners of FSEs responsible for cost of installation, maintenance and repairs, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves the transfer of $100,000 from Wastewater Reserves to the Environmental Services budget (4210-44113-53300) for the Food Service Establishment Cost Share Program,

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal,
who moved its adoption, which motion being duly seconded by Councilmember Ah You,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION NO. 2017-58

RESOLUTION APPROVING A UTILITIES DEPARTMENT POLICY REGARDING PROCEDURES TO DEFINE PROJECT SCOPE ON MAJOR CAPITAL IMPROVEMENT PROGRAM PROJECTS

WHEREAS, the City’s adopted Capital Improvement Program (CIP) often contains projects for which the project scope has not been fully developed, and

WHEREAS, this is due to the fact that it is not possible to fully develop a project’s scope until the design development phase of the project has been comprehensively evaluated, and

WHEREAS, this leads to the risk of a project scope changing significantly between the time it is initially approved by Council and the time the design is fully completed, and

WHEREAS, scope changes are legitimate and justifiable, and are needed to address issues that become apparent during the development of the project, and

WHEREAS, however, these scope changes may result in significant modifications in project budget and schedule, and

WHEREAS, on September 26, 2006, by Resolution No. 2006-624, Council approved a Major Scope Policy that applied to CIP projects with a total project budget of $1 million or more, and

WHEREAS, the purpose of the policy was to help establish a clear focus of project scope, provide Council with information at specific milestones during project development, and allow Council the opportunity to make informed decisions concerning a project’s budget and scope before significant investment in final design and construction of the project, and
WHEREAS, the policy required preparation of a Preliminary Design Report (PDR) to fully define the scope for major CIP projects, and

WHEREAS, PDRs would include completion of a 35% level design, which encompasses project development, alternatives analysis, cost estimates, and recommendations for implementation, and

WHEREAS, based on experience with the current policy, staff determined improvements can be realized, and developed a scope policy specific to Major Utility CIP projects that is cost effective, improves internal efficiencies, and provides clarity, and

WHEREAS, the 2006 policy defined major CIP projects as those with a total project budget of $1 million and above, and

WHEREAS, project costs have increased significantly since 2006, making the $1 million threshold outdated and inefficient, and

WHEREAS, the 2006 policy adds additional time, effort and costs, for projects with budgets ranging from $1 million to $3 million, without any added benefit, and

WHEREAS, the 2006 policy also extends the project schedule by four to six months, resulting in increased costs, and

WHEREAS, many water and wastewater projects currently scheduled consist of replacement or rehabilitation of existing infrastructure and have budgets ranging from $2 million to $8 million each, and

WHEREAS, for these types of projects, the scope is well defined, and

WHEREAS, preparation of PDRs does not add any significant value in terms of scope definition and may delay the construction of needed improvements while increasing the project cost, and
WHEREAS, the same applies to projects consisting of new facilities that cost under $3 million, and

WHEREAS, for example, most new water wells and wastewater lift stations have total project costs under $3 million; and a scope that is clearly defined, based on predetermined or established hydraulic studies and City standards, and

WHEREAS, the proposed scope policy for Major Utility CIP projects focuses on clarifying the definition of major projects as well as revising the original procedure to a more condensed and efficient process, and

WHEREAS, the proposed policy shall apply to Utility CIP projects only and all other non-Utility CIP projects shall continue to adhere to the 2006 policy, and

WHEREAS, adoption of the proposed policy will formalize a process that provides Council an opportunity to make informed decisions regarding a project’s scope and budget at appropriate times in the project development process, and

WHEREAS, for the purpose of this policy, a major project is being changed from the original policy definition of a Public Works project with a total project budget of $1 million or more to a Utilities project involving either: 1) new facilities with an approved CIP budget of $3 million or more, or 2) existing facilities involving replacement or rehabilitation with approved CIP budgets of $10 million or more, and

WHEREAS, the said revised Scope Policy for Utilities Major Capital Improvement Program Projects is attached hereto as Exhibit "A", and made a part hereof,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Scope Policy for Utilities Major Capital Improvement Program Projects as defined by the attached revised policy.

BE IT FURTHER RESOLVED that the Director of Utilities, or his designee, is hereby authorized to execute the policy.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
EXHIBIT A

SCOPE POLICY FOR UTILITIES MAJOR CAPITAL IMPROVEMENT PROGRAM PROJECTS

Issued: February 14, 2017

Policy #

Background:
During the development of a major Capital Improvement Program (CIP) for Utilities projects, there is the potential that the scope of the project may change to the extent it significantly exceeds the original scope of work approved by Council. Most often scope changes are legitimate and justifiable changes that are needed to address issues that become apparent during the development of the project. However, these changes in scope may involve significant changes in project budget and schedule. The purpose of the policy is to provide direction in establishing a clear focus of project scope and to provide Council with information at specific milestones during project development to allow Council the opportunity to make informed decisions concerning a project’s budget and scope before significant investment in final design and construction of utilities projects. For all other City CIP projects, (non-Utilities), Policy 2006-624 prevails. This Policy pertains solely to Utilities CIP projects.

For the purpose of this policy a major project is defined as a project involving new facilities with an approved CIP budget $3 million or more, or a replacement or rehabilitation project with an approved CIP budget $10 million or more.

Policy:
In order to fully define the scope for major Utilities CIP projects, a Preliminary Design Report (PDR) shall be prepared to clearly define the scope of work of the project to the greatest extent possible. The PDR shall define the issues related to the project including environmental, Utilities, right of way, and technical issues. The report shall include an opinion of probable cost for the project including appropriate contingencies based on the identified issues.

All major Utilities CIP projects shall conform to the procedure outlined below.
1. Following consultant selection procedures, under Administrative Directive 3.1, a firm shall be selected to provide preliminary design services for the project which include preparation and completion of a PDR. A contract for these preliminary design services shall be presented to Council for approval.

2. Once the PDR is completed, staff shall present it to Council for approval prior to proceeding with final design.

3. Following approved procedures, a firm shall be selected to provide final design services for the project based on the PDR. Staff may recommend use of the same firm that completed the PDR for final design services. A contract for final design services shall be presented to Council for approval.

4. If during the course of final design the scope of the project changes by more than 30% for previously unforeseen reasons, a report of the scope change shall be presented to Council as soon as practical once the extent of the scope change is known.

Nothing in this policy is intended to restrict what work staff can perform. Any of the above work may be performed by City staff, if appropriate.

Larry Parlin, Director of Utilities

Date
RESOLUTION ACCEPTING THE EMERALD LIFT STATION
REHABILITATION PROJECT AS COMPLETE AUTHORIZING ALL
NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE
SECURITIES, AND RELEASE PAYMENTS TOTALING $3,100,286 TO AZTEC
CONSULTANTS OF SAN RAMON, CA

WHEREAS, the Emerald Lift Station Rehabilitation Project has been completed by
Aztec Consultants of San Ramon, CA in accordance with the contract agreement dated July
9, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Emerald Lift Station Rehabilitation Project is hereby accepted as complete from
said contractor, Aztec Consultants of San Ramon, CA, and that the City Clerk is
authorized to complete all necessary steps to file with the County Recorder, release
securities and payments totaling $3,100,286, as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE EMERGENCY SEWER AND STORM DRAIN REPAIRS AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND AUTHORIZE PAYMENTS TOTALING $188,570 TO ROLFE CONSTRUCTION COMPANY OF ATWATER, CALIFORNIA

WHEREAS, recent rain events exposed areas of vulnerability with the sewer and storm drain collection systems, which required emergency repair, and

WHEREAS, City staff initiated an expedited process to secure a Contractor to perform the repairs, and

WHEREAS, Section 8-3.102.(e) of the Modesto Municipal Code allows the City Manager to approve and authorize contracts in the amount of $200,000 or less for projects that are of urgent necessity for the preservation of life, health and property, and

WHEREAS, the three locations of Roseburg Avenue and McHenry Boulevard, Creekside Golf Course and Scenic Road required urgent repair in order to protect residents from potential harms as well as provide continued service to residents, and

WHEREAS, the City Manager reported the circumstances of the emergency to City Council within ten days of the emergencies, and

WHEREAS the Emergency Sewer and Storm Drain Repairs have been completed by Rolfe Construction Company of Atwater.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Emergency Sewer and Storm Drain Repairs are hereby accepted as complete from said contractor, Rolfe Construction Company of Atwater, Ca, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and authorize payments totaling $188,570, as is authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE EMERGENCY SEWER REPAIRS AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND AUTHORIZE PAYMENTS TOTALING $87,000 TO GATEWAY PACIFIC CONTRACTORS, INC. OF SACRAMENTO, CALIFORNIA

WHEREAS, recent rain events exposed areas of vulnerability with the sewer and storm drain collection systems, which required emergency repair, and

WHEREAS, City staff initiated an expedited process to secure a Contractor to perform the repairs, and

WHEREAS, Section 8-3.102.(e) of the Modesto Municipal Code allows the City Manager to approve and authorize contracts in the amount of $200,000 or less for projects that are of urgent necessity for the preservation of life, health and property, and

WHEREAS, the Calaveras Sewer subtrunk required urgent repair in order to protect residents from potential harms as well as provide continued service to residents, and

WHEREAS, the City Manager reported the circumstances of the emergency to City Council within ten days of the emergency, and

WHEREAS, the Emergency Sewer Repairs have been completed by Gateway Pacific Contractors, Inc. of Sacramento.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Emergency Sewer Repairs are hereby accepted as complete from said contractor, Gateway Pacific Contractors, Inc. of Sacramento, Ca, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and authorize payments totaling $87,000, as is authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE INDUSTRIAL TANK NO. 13 AND PUMP STATION PROJECT, ACCEPTING THE BID, AND APPROVING AWARD OF CONSTRUCTION CONTRACT TO CONCO-WEST, INC., MANTECA CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT, IN A FORM APPROVED BY THE CITY ATTORNEY, IN THE AMOUNT OF $9,076,000

WHEREAS, this project will construct a 4-million gallon (MG) water storage concrete reservoir, a 12-million gallon per day (MGD) booster pump station and retention basin with a 1 MG holding capacity, and

WHEREAS, the project will increase service reliability of the City of Modesto’s water system in southeast industrial area of Modesto, and

WHEREAS, the project site is located on 5.3 acres on the south side of Modesto Irrigation District Lateral No. 1 on the west side of Codoni Avenue, approximately half a mile south of Yosemite Boulevard, and

WHEREAS, plans and specifications have been prepared for the Industrial Tank 13 and Pump Station Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Industrial Tank 13 and Pump Station Project were publicly opened at 11:00 a.m. on November 15, 2016 for the consideration of the Council pursuant to Modesto Municipal Code section 8-3.403, and

WHEREAS, the Director of Utilities and the City Manager recommend that the bid of $9,076,000 received from Conco-West, Inc., of Manteca, California, be accepted as the lowest responsible and responsive bid and the construction contract be awarded to Conco-West, Inc.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Industrial Tank 13 and Pump Station Project and awards the construction contract to Conco-West, Inc. of Manteca, California.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney, in the amount of $9,076,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

SEAL

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH NV5, INC., MANTECA, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE INDUSTRIAL TANK NO. 13 AND PUMP STATION PROJECT IN AN AMOUNT NOT TO EXCEED $1,014,544.97 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $132,000 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $1,146,544.97, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, this project will construct a 4-million gallon (MG) water storage concrete reservoir, a 12-million gallon per day (MGD) booster pump station and retention basin with a 1 MG holding capacity, and

WHEREAS, the project will increase service reliability of the City of Modesto’s water system in southeast industrial area of Modesto, and

WHEREAS, the project site is located on 5.3 acres on the south side of Modesto Irrigation District Lateral No. 1 on the west side of Codoni Avenue, approximately half a mile south of Yosemite Boulevard, and

WHEREAS, due to the size and complexity of this project, along with City staff workload, staff recommends utilizing a consultant to provide construction management and inspection services for the anticipated 15-month construction phase, and

WHEREAS, the selection process followed the City’s policy, Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, and

WHEREAS, for the construction management and inspection services, a Request for Qualifications (RFQ) and Request for Proposals (RFP) was issued to both local and non-local firms for construction management and inspection services for this project, and
WHEREAS, staff received qualifications and proposals from four interested firms, and

WHEREAS, after careful review and evaluation by the selection committee, NV5 Inc. (NV5) was selected as the most qualified firm for the Project, and

WHEREAS, NV5 demonstrated experience with multiple projects similar in scope and size, including successfully providing similar construction management services on a previous City project (West Tank 12), and

WHEREAS, NV5 will be the main point of contact for all construction activities and reporting during this project, and

WHEREAS, City staff recommends approving an agreement with NV5, for construction management and inspection services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with NV5 Inc. for Construction Management and Inspection Services for the Industrial Tank No. 13 and Pump Station Project in an amount not to exceed $1,014,544.97 for the identified scope of services, plus $132,000 for additional services (if needed), for a maximum total amount of $1,146,544.97.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal,
who moved its adoption, which motion being duly seconded by Councilmember Ah You,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
 Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC., SACRAMENTO, CA, FOR DESIGN SUPPORT DURING CONSTRUCTION FOR THE INDUSTRIAL TANK NO. 13 AND PUMP STATION PROJECT IN AN AMOUNT NOT TO EXCEED $291,488 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $29,149 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $320,637, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, this project will construct a 4-million gallon (MG) water storage concrete reservoir, a 12-million gallon per day (MGD) booster pump station and retention basin with a 1 MG holding capacity, and

WHEREAS, the project will increase service reliability of the City of Modesto’s water system in southeast industrial area of Modesto, and

WHEREAS, the project site is located on 5.3 acres on the south side of Modesto Irrigation District Lateral No. 1 on the west side of Codoni Avenue, approximately half a mile south of Yosemite Boulevard, and

WHEREAS, Carollo Engineers, Inc. (Carollo) is the design engineering consultant and is the Engineer-of-Record for the Industrial Tank No. 13 and Pump Station project, and

WHEREAS, the design support services from Carollo are required to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, Carollo will provide support to City staff, NV5 and Conco West by reviewing submittals, requests for information, and initial startup of the tank and pump station, and
WHEREAS, due to the size and complexity of the project, construction support services from Carollo are required to facilitate construction activities and promote timely and successful completion of the project, and

WHEREAS, the scope of services for the Engineering Support During Construction (ESDC) agreement includes: 1) Project Administration; 2) Construction Progress Meetings; 3) Responding to Requests for Information (RFIs); 4) Submittal Reviews; 5) Project Changes / Change Orders; 6) Commissioning and Start Up; and 7) As-Built Drawings, and

WHEREAS, Carollo was selected through the review processes outlined in the City’s Administrative Directive 3.1 and City staff recommends approving an agreement with Carollo for ESDC services for the Industrial Tank No. 13 and Pump Station Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Carollo Engineers, Inc., Sacramento, CA, for Design Support During Construction for the Industrial Tank No. 13 and Pump Station project in an amount not to exceed $291,488 for the identified scope of services, plus $29,149 for additional services (if needed), for a maximum total amount of $320,637.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal,
who moved its adoption, which motion being duly seconded by Councilmember Ah You,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,430,224 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE INDUSTRIAL TANK NO. 13 AND PUMP STATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $1,430,224, in order to fund construction, contingency, construction administration, City construction forces, design support during construction plus City staff support for the Industrial Tank No. 13 and Pump Station Project, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in Exhibit A, attached hereto.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100475 "Industrial Tank No. 13 and Pump Station", and the total project costs need to be increased by $1,430,224. This would be done by adjusting Construction Admin by $455,705, City Construction Forces by $30,000, Construction by $776,000, Contingency-CIP by <$103,920>, and Eng/Design/Admin by $272,439.

To fund the above account, $1,430,224 will be transferred from Water Fund Reserves into CIP Project 100475 for the Industrial Tank No. 13 and Pump Station Project.
RESOLUTION FINDING THAT MAINTENANCE OF THE 7TH STREET BRIDGE IS NO LONGER ECONOMICALLY FEASIBLE; SUPPORTING ALTERNATIVE 2B AS THE PREFERRED ALTERNATIVE REPLACEMENT FOR THE 7TH STREET BRIDGE; AND REQUESTING THE STANISLAUS COUNTY BOARD OF SUPERVISORS ADOPT A MITIGATION MEASURE TO INCLUDE IN THE EIS / EIR FOR THE 7TH STREET BRIDGE PROJECT, REQUIRING AN INTERPRETIVE PLAZA TO PRESERVE HISTORIC AND AESTHETIC FEATURES OF THE EXISTING 7TH STREET BRIDGE

WHEREAS, by Resolution No. 19 adopted on November 18, 1991, the Landmark Preservation Commission recommended designation of the 7th Street Bridge as a Modesto Landmark Preservation site, and

WHEREAS, by Resolution No. 92-186 adopted on April 28, 1992, the City Council designated the 7th Street Bridge as a Modesto Landmark Preservation site, and

WHEREAS, subsequent evaluations of the 7th Street Bridge determined it has structural deficiencies, functional deficiencies, and load restrictions that make rehabilitating the bridge financially infeasible and that will result in the loss of its historical integrity, and

WHEREAS, the Stanislaus County Department of Public Works has prepared an Environmental Impact Report (SCH #2013092059) evaluating the impacts of several alternatives, and

WHEREAS, the Landmark Preservation Commission of the City of Modesto, at its November 28, 2016 meeting, recommended City Council request the Board of Supervisors include in the Draft Environmental Impact Statement / Environmental Impact Report a mitigation measure for the construction of an interpretive plaza and giving the
Landmark Preservation Commission oversight of the preservation of elements of the 7th Street Bridge to reduce project impacts on historic resources, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 14, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed project, and

WHEREAS, after said public hearing the Council supports Alternative 2B as the preferred alternative conditioned on the inclusion of a mitigation measure to retain and interpret the historic and aesthetic qualities of the existing bridge and of information available to the City of Modesto at this time and with the understanding that the public will have the opportunity to comment on the Environmental Impact Report up to the time it is certified by the Stanislaus County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that:

1. The physical condition of the 7th Street Bridge is such that maintenance is no longer economically feasible.

2. Alternative 2B, which best meets the project objectives of improving safety for all users, eliminating structural and hydraulic problems, increasing load and vehicular capacity, and preserving the historic structure and qualities, is the preferred alternative design for the new bridge.
3. A mitigation measure preserving and interpreting the historic and aesthetic qualities of the existing bridge must be included in the certified Environmental Impact Report in order to reduce impacts on historic resources. As part of this mitigation measure, the Modesto Landmark Preservation Commission will have oversight of the preservation of elements of the 7th Street Bridge that demonstrate both the engineering significance of the bridge and its aesthetic qualities and their interpretation of these elements in a plaza, which will be incorporated into the design of a replacement bridge. This is a feasible mitigation measure, is desirable, and will promote historical education and retention of the site as a landmark.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney