RESOLUTION ACCEPTING THE RESIGNATION OF SAMUEL GONZALEZ FROM THE CITY OF MODESTO EQUAL OPPORTUNITY/DISABILITY AND HUMAN RELATIONS COMMISSION, EFFECTIVE APRIL 20, 2017

WHEREAS, SAMUEL GONZALEZ was appointed to serve on the Equal Opportunity/Disability and Human Relations Commission, and

WHEREAS, SAMUEL GONZALEZ has tendered his resignation from the Equal Opportunity/Disability and Human Relations Commission effective April 20, 2017, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of SAMUEL GONZALEZ is accepted with regret.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of June, 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, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A FOURTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED JUNE 24TH, 2014 WITH ARATA, SWINGLE, VAN EGMOND & GOODWIN IN AN AMOUNT NOT TO EXCEED $300,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES

WHEREAS, the City Attorney’s Office is still in need of outside counsel services; and

WHEREAS, the City Council by Resolution No. 2014-241 had previously approved an agreement with Arata, Swingle, Van Egmond & Goodwin, in the amount of $200,000 to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases; and

WHEREAS, by Resolution No. 2015-198, City approved a First Amendment, with an increased budget of $30,000 for continued representation; and

WHEREAS, by Resolution No. 2016-289, City approved a Second Amendment, with an increased budget of $210,000 for continued representation; and

WHEREAS, by Resolution No. 2016-506, City approved a Third Amendment, with an increased budget of $50,000 for continued representation

WHEREAS, the City Attorney’s Office desires to extend the agreement with Arata, Swingle, Van Egmond & Goodwin; and

WHEREAS, the City Attorney’s office has drafted a Fourth Amendment to the Legal Services agreement with Arata, Swingle, Van Egmond and Goodwin.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Fourth Amendment to the Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin, in an amount
not to exceed $300,000 to continue representing the City of Modesto in tort matters, as provided in Exhibit A attached hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to Exhibit A.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Madrigal, 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, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
FOURTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fourth Amendment for Legal Services (this “Fourth Amendment”), is made and entered into on _____ day of _______ 2017 (“Effective Date”), by and between the CITY OF MODESTO, a California Municipal Corporation (“City”), and ARATA, SWINGLE, VAN EGMOND AND GOODWIN, a Professional Corporation (“Attorney”), located at 912 11th Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the “Parties,” and singularly as “Party”.

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement (“Agreement”) to provide legal advice, representation and assistance to City in defense of tort claims, as assigned; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $490,000 to $790,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Arata, Swingle, Van Edmond and Goodwin dated June 24th, 2014 authorized by Resolution No.2014-241, amended by Resolution No. 2015-198, 2016-289 and 2016-506 is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” Hourly Rates is amended to state as follows:

“The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the “Service”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of seven hundred and ninety thousand dollars ($790,000).”

2. Entire Agreement. The parties to this Fourth Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated June 24th, 2014, remain in full force and effect to the extent they are not in conflict with this Fourth Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Fourth Amendment. No alteration to the terms of this Fourth Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.
3. Authority. The person signing this Fourth Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Fourth Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By: ____________________________

Print name: Joseph P. Lopez

Title: Acting City Manager

APPROVED TO AS FORM:

________________________________
Adam U. Lindgren, City Attorney

ATTEST:

________________________________
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]
ATTORNEY:
ARATA, SWINGLE, VAN EGMOND & GOODWIN,
a Professional Corporation

Federal I.D. No.

State I.D. No.


TYPE OF BUSINESS ENTITY (check one):

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (please specify: ________________)

Signature of Authorized Person

Title

Additional Signature (if required)

Title
RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED AUGUST 25TH, 2016 WITH THE GALLAGHER GROUP IN AN AMOUNT NOT TO EXCEED $150,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN THE STANISLAUS COUNTY V. CITY OF MODESTO (GEER RD.) CASE

WHEREAS, The Gallagher Group is currently representing the City in the Stanislaus County v. City of Modesto (Geer Rd.) case; and

WHEREAS, by Resolution No. 2016-509, City approved a First Amendment, with an increased budget of $140,000 for continued representation; and

WHEREAS, the City Attorney’s Office desires to extend the agreement with The Gallagher Group; and

WHEREAS, the City Attorney’s office has drafted a Second Amendment to the Legal Services agreement with The Gallagher Group to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Second Amendment to the Legal Services Agreement with The Gallagher Group in an amount not to exceed $150,000 to continue representing the City of Modesto in the Stanislaus County v. City of Modesto (Geer Rd.) case, as provided in Exhibit A attached hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to Exhibit A.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Madrigal, 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, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SEAL

ADAM U. LINDGREN, City Attorney
SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment for Legal Services (this “Second Amendment”), is made and entered into on _____ day of _____ 2017 (“Effective Date”), by and between the CITY OF MODESTO, a California Municipal Corporation (“City”), and THE GALLAGHER LAW GROUP, P.C., (“Attorney”), located at 1875 Century Park East, Suite 1550, Los Angeles, California 90067. City and Attorney are hereinafter collectively referred to as the “Parties,” and singularly as “Party”.

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement (“Agreement”) for representation in the matter of Stanislaus County v. City of Modesto, et al. a case arising out of a contaminated landfill; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $185,000 to $335,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and The Gallagher Law Group, P.C. dated August 25th, 2016 and amended by Resolution No. 2016-509 is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” Hourly Rates is amended to state as follows:

“The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the “Service”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of three hundred and thirty five thousand dollars ($335,000).”

2. Entire Agreement. The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated August 25th, 2016, remain in full force and effect to the extent they are not in conflict with this Second Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Second Amendment. No alteration to the terms of this Second Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.
3. **Authority.** The person signing this Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By: _____________________________

Print name: Joseph P. Lopez

Title: Acting City Manager

APPROVED TO AS FORM:

_______________________________
Adam U. Lindgren, City Attorney

ATTEST:

_______________________________
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]
ATTORNEY:
THE GALLAGHER LAW GROUP, P.C.,

Federal I.D. No.

State I.D. No.


TYPE OF BUSINESS ENTITY (check one):

______ Individual/Sole Proprietor

_____ Partnership

_____ Corporation

_____ Limited Liability Company

_____ Other (please specify: ________________)

Signature of Authorized Person

Title

Additional Signature (if required)

Title
RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED DECEMBER 16TH, 2014 WITH GOLDFARB & LIPMAN, LLP IN AN AMOUNT NOT TO EXCEED $75,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN PREPARATION OF HOUSING PROJECTS AND OTHER GENERAL HOUSING RELATED SERVICES

WHEREAS, the City Attorney's Office is in need of outside counsel services that specialize in housing matters; and

WHEREAS, Goldfarb is currently assisting with projects receiving Community Development Block Grant (CDBG), Neighborhood Stabilization Preservation (NSP) and HOME Investment Partnerships Program (HOME) funds. These projects include but are not limited to:

- First Amendment to NSP Loan Agreement with Habitat for Humanity Stanislaus County (River Vista Project); and

- Disposition & Development Agreement and HOME Loan Agreement with EAH, Inc. (Archway Commons – Phase 2)

WHEREAS, by Resolution No. 2016-511, City approved a First Amendment, with an increased budget of $95,000 for continued representation; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Goldfarb & Lipman, LLP; and

WHEREAS, the City Attorney's office has drafted a Second Amendment to the Legal Services agreement with Goldfarb & Lipman, LLP to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Second Amendment to the Legal Services Agreement with Goldfarb & Lipman, LLP in an amount not to exceed $75,000 to continue representing the City of Modesto in preparation of housing projects.
and other general housing related services, as provided in Exhibit A attached hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to Exhibit A.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Madrigal, 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, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment for Legal Services (this “Second Amendment”), is made and entered into on _____ day of _______ 2017 (“Effective Date”), by and between the CITY OF MODESTO, a California Municipal Corporation (“City”), and GOLDFARB & LIPMAN, LLP, a limited liability partnership (“Attorney”), located at 1300 Clay Street, 11th Floor, Oakland, California 94612. City and Attorney are hereinafter collectively referred to as the “Parties,” and singularly as “Party”.

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement (“Agreement”) to provide legal advice, representation and assistance to City with the preparation of housing projects and other general housing related services; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $130,000 to $205,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Goldfarb & Lipman, LLP dated December 16th, 2014 and amended by Resolution No. 2016-511 is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” Hourly Rates is amended to state as follows:

“The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the “Service”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of two hundred and five thousand dollars ($205,000).”

2. Entire Agreement. The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 16th, 2014, remain in full force and effect to the extent they are not in conflict with this Second Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Second Amendment. No alteration to the terms of this Second Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.
3. **Authority.** The person signing this Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By: ________________________________

Print name: Joseph P. Lopez

Title: Acting City Manager

APPROVED TO AS FORM:

______________________________
Adam U. Lindgren, City Attorney

ATTEST:

______________________________
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]
Federal I.D. No.

State I.D. No.


TYPE OF BUSINESS ENTITY (check one):

- Individual/Sole Proprietor
- Partnership
- Corporation
- Limited Liability Company
- Other (please specify: ____________)

Signature of Authorized Person

Title

Additional Signature (if required)

Title
RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement budgets as shown in Exhibit A, which is attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to take the necessary steps 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 13th day of June, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM: [Signature]

By: ADAM U. LINDGREN, City Attorney
EXHIBIT A

FISCAL YEAR 2016-17

INFORMATION TECHNOLOGY
On March 28, 2017 the Council authorized by Resolution, # 2017-102, an award of contract to Application Software Technology of Naperville for the Oracle Enterprises Resource Planning (ERP) System Upgrade, Capital Improvement Project #101025, within the Information Technology Fund, 5230. A budget adjustment is necessary to establish the expense budget totaling $577,170.

A budget adjustment is necessary in the amount of $282,755 to reallocate costs associated with a Direct Charge Agreement (DCA), #IT002-006, between the Information Technology and Utilities Departments. This adjustment will re-align the costs to the intended areas in the Water Fund, Storm Drain Fund and General Fund. The overall expense budget related to these DCAs remains the same.
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-224

RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING $3.5 MILLION IN FTA SECTION 5339 FUNDS FOR ELECTRIC BUSES AND RELATED INFRASTRUCTURE, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT RELATED DOCUMENTS

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA to be eligible for funding under 49 U.S.C. Section 5339, and

WHEREAS, the FTA has made available funding under 49 U.S.C. Section 5339 for transit agencies to purchase Low and No Emission transit buses, and

WHEREAS, these Section 5339 funds will be used to purchase electric buses to replace diesel buses that operate bus routes in and surrounding Modesto, and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Funds, known as Toll Credits, in lieu of a local match.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application to the FTA for $3,500,000 in Section 5339 funds for electric buses and related infrastructure.

BE IT FURTHER RESOLVED, that the Acting City Manager or his designee is authorized to execute all grant related documents, 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 13\textsuperscript{th} day of June, 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:

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<th>AYES:</th>
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<td>Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold</td>
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<td>Zoslocki</td>
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ATTEST: 

\(\text{SEAL}\)

APPROVED AS TO FORM:
By: \(\text{SEAL}\)

\(\text{SEAL}\)

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE BID AND AWARDING A CONTRACT TO GENFARE, A DIVISION OF SPX CORPORATION, ELK GROVE VILLAGE, IL, FOR THE PURCHASE OF 31 GENFARE ODYSSEY FAREBOXES, AND FARE MEDIA FOR THE MODESTO AREA EXPRESS (MAX) BUS FLEET IN THE AMOUNT OF $474,738 AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, on April 4, 2017, a Request for Bids (RFB) was issued, soliciting proposals from qualified firms, and

WHEREAS, Genfare submitted a proposal that was determined to be reasonable and cost effective, and

WHEREAS, the RFB conformed to the formal bid procedures in Modesto Municipal Code section 8-3.203 and staff recommends awarding the contract to the lowest responsive and responsible proposal submitted by Genfare, and

Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of contract for the purchase of Transit bus fareboxes and fare media, to SPX Genfare, Elk Grove Village, IL, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86, implementing a spending freeze in order to maintain the fiscal sustainability of the City. The City Manager’s Office approved an exception to this freeze for this procurement due to the increased functionality new fareboxes will provide for the MAX system, granting agency expectations and keeping MAX equipment in a state of good repair.
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby accepts the bid and awards the contract to Genfare, a division of SPX
Corporation, Elk Grove Village, IL, for the purchase of 31 Genfare Odyssey fareboxes
and fare media for the Modesto Area Express (MAX) bus fleet in the amount of
$474,738.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is
hereby authorized to execute the purchase order 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 13th day of June, 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,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $479,450 TO FUND THE PURCHASE AND INSTALLATION OF 31 GENFARE ODYSSEY FAREBOXES FOR THE MODESTO AREA EXPRESS (MAX) BUS FLEET

WHEREAS, certain budgetary transactions are necessary in the amount of $479,450 in order to fund the purchase of 31 Genfare Odyssey Fareboxes for the Modesto Area Express (MAX) bus fleet, and

WHEREAS, the City was awarded Proposition 1B funds under the Public Transportation Modernization, Improvement and Service Enhancement Account program (PTMISEA) in the amount of $474,738 for the purchase of the fareboxes, and

WHEREAS, Local Transportation Funds (LTF) in the amount of $4,712 will be used to fund the installation of the fareboxes, and

WHEREAS, the Fiscal Year 2016-2017 operating 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 Operating Budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Acting 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 13th day of June, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
Exhibit A

Amend the FY 16/17 Operating Budget to fund the purchase and installation of thirty-one (31) Genfare Odyssey Fareboxes for the Modesto Area Express (MAX) bus fleet

1. Increase appropriations in Capital Improvement project 100987 – Fareboxes Purchase and Install, in the amount of $479,450.19
2. To fund this purchase recognize revenue in the amounts of:
   - $474,738.19 – Prop 1B – PTMISEA-Capital Transit Funds
   - $4,712.00 – LTF – Capital - Transit funds.
RESOLUTION APPROVING A FIRST AMENDMENT TO THE EAST STANISLAUS INTEGRATED REGIONAL WATER MANAGEMENT MEMORANDUM OF UNDERSTANDING, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING

WHEREAS, the Integrated Regional Water Management (IRWM) Act was enacted by the California legislature in 2002 with the purpose to encourage local agencies to coordinate and collaboratively manage water resources to improve water quality, quantity and reliability, and

WHEREAS, in 2008 the IRWM Planning Act was approved which provided for the development of IRWM Plans, and

WHEREAS, these Plans, subject to periodic updates, would be required by the State for eligibility to compete for various water resources grants authorized under Proposition 84 and the current Proposition 1, and

WHEREAS, in July 2016 the Department of Water Resources (DWR) released new IRWM Plan Guidelines for which all IRWM Plans must adhere in order to be eligible for Prop 1 Implementation project grants, and

WHEREAS, in March 2017 per Section 4.17 of the MOU, the City of Waterford and Stanislaus County formally requested to join the East Stanislaus IRWM Partnership which requires that the current MOU and Cost Sharing Agreement be revised to include new Partners and update the cost share percentages, and

WHEREAS, updating the IRWM Plan will keep the region eligible for various grant opportunities under Prop 1 and any future grant allocations, and
WHEREAS, expanding the Partnership pool of participants will strengthen the region's cooperative efforts of identifying water resources issues and collaborative solutions, and

WHEREAS, staff recommends approval of the First Amendment to the MOU for the East Stanislaus IRWM,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the East Stanislaus Integrated Regional Water Management Memorandum of Understanding.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute said First Amendment 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 13th day of June, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A COST SHARING AGREEMENT FOR PREPARATION OF AN INTEGRATED REGIONAL WATER MANAGEMENT PLAN, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE COST SHARING AGREEMENT

WHEREAS, the Integrated Regional Water Management (IRWM) Act was enacted by the California legislature in 2002 with the purpose to encourage local agencies to coordinate and collaboratively manage water resources to improve water quality, quantity and reliability, and

WHEREAS, in 2008 the IRWM Planning Act was approved which provided for the development of IRWM Plans, and

WHEREAS, these Plans, subject to periodic updates, would be required by the State for eligibility to compete for various water resources grants authorized under Proposition 84 and the current Proposition 1, and

WHEREAS, in July 2016 the Department of Water Resources (DWR) released new IRWM Plan Guidelines for which all IRWM Plans must adhere in order to be eligible for Prop 1 Implementation project grants, and

WHEREAS, in June 2010 the cities of Modesto, Ceres, Hughson and Turlock entered into a cost sharing agreement for the preparation of an IRWM Plan for the Stanislaus area, and

WHEREAS, the cost share methodology is based on a weighted formula for combined water and wastewater revenues for each agency, and

WHEREAS, also in June 2010 on behalf of the participating agencies, Modesto hired RMC Water and Environment (RMC) to assist in creating an IRWM Region and to develop an IRWM Plan, and
WHEREAS, in September 2011 the DWR through a Regional Acceptance Process, approved the new East Stanislaus IRWM Region, and

WHEREAS, in 2012 the DWR adopted new IRWM Planning Guidelines to which all IRWM Plans would need to be updated, and

WHEREAS, in February 2013 the Partnership amended the Cost Sharing Agreement to account for additional funding capacity to complete the IRWM Plan and adjust cost shares for then current water and wastewater revenues, and

WHEREAS, the 2013 agreed cost share percentages are as follows: Ceres (12%), Hughson (7%), Modesto (61%) and, Turlock (20%), and

WHEREAS, in early 2014 the Partnership agencies adopted the 2013 East Stanislaus IRWM Plan, and

WHEREAS, in July 2014 DWR accepted this Plan as meeting the 2012 IRWM Plan Guidelines allowing for the Region to be eligible for water resources implementation grant funding opportunities, and

WHEREAS, in September 2016 the Partnership submitted a planning grant application to DWR to help offset the costs of updating the current IRWM Plan to meet the 2016 Guidelines, and

WHEREAS, in February 2017 on behalf of the IRWM Region, Modesto was awarded a $147,625 grant from the DWR to update the 2013 IRWM Plan, and

WHEREAS, this grant will cover approximately 88% of the expected cost for updating the Plan with the remainder of costs shared by the Partnership, and

WHEREAS, in March 2017 per Section 4.17 of the MOU, the City of Waterford and Stanislaus County formally requested to join the East Stanislaus IRWM Partnership
which requires that the current MOU and Cost Sharing Agreement be revised to include new Partners and update the cost share percentages, and

WHEREAS, because the County does not have water and wastewater revenues from which the cost share methodology is based, the agencies are recommending that the County assume a proportional cost share based on number of participating agencies; a one-sixth (1/6) share, and the municipal agencies remain on a weighted water/wastewater revenue methodology for the remaining five-sixths (5/6) of the cost, and

WHEREAS, the FY 2015/16 agencies’ water and wastewater revenues are being used in the formula to establish the revised cost share percentages, and

WHEREAS, the new cost share percentages in the Agreement are as follows: Ceres (11.5%), Hughson (7.0%), Modesto (44.5%), Turlock (14.5%), Waterford (6.0%), and Stanislaus County (16.5%), and

WHEREAS, updating the IRWM Plan will keep the region eligible for various grant opportunities under Prop 1 and any future grant allocations, and

WHEREAS, expanding the Partnership pool of participants will strengthen the region’s cooperative efforts of identifying water resources issues and collaborative solutions, and

WHEREAS, staff recommends approval of the Cost Sharing Agreement for the East Stanislaus IRWM,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Cost Sharing Agreement for preparation of an Integrated Regional Water Management Plan.
BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute said 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 13th day of June, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-229

RESOLUTION APPOINTING COUNCILMEMBER BILL ZOSLOCKI AS PRIMARY AND MAYOR TED BRANDVOLD AS ALTERNATE TO SERVE AS CITY OF MODESTO MEMBERS ON THE EAST STANISLAUS INTEGRATED REGIONAL WATER MANAGEMENT PARTNERSHIP

WHEREAS, the Integrated Regional Water Management (IRWM) Act was enacted by the California legislature in 2002 with the purpose to encourage local agencies to coordinate and collaboratively manage water resources to improve water quality, quantity and reliability, and

WHEREAS, in 2008 the IRWM Planning Act was approved which provided for the development of IRWM Plans, and

WHEREAS, these Plans, subject to periodic updates, would be required by the State for eligibility to compete for various water resources grants authorized under Proposition 84 and the current Proposition 1, and

WHEREAS, in July 2016 the Department of Water Resources (DWR) released new IRWM Plan Guidelines for which all IRWM Plans must adhere in order to be eligible for Prop 1 Implementation project grants, and

WHEREAS, the established governance structure in the IRWM Plan is a State required Plan element, requiring that elected officials or their delegated representatives from the Partnership agencies (aka Regional Management Group) have an oversight role in the process and activities of an IRWM, and

WHEREAS, the current form of agreement is based on an MOU and, as such, the Partnership identified two representatives, a primary and an alternate, from each Partnership agency, be appointed to serve the IRWM, and
WHEREAS, this body's role is to provide direction to the Steering Committee, or working staff, on big picture water resources and legal matters, and specific efforts such as MOU's, Cost Sharing Agreements, Plan Adoption, Consultant Agreements, Grant Authorizations, and to receive updates as necessary regarding IRWM activities, and

WHEREAS, staff recommends the appointment of Councilman Bill Zoslocki as Primary and Mayor Ted Brandvold as Alternate members to serve the IRWM Partnership,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Councilmember Bill Zoslocki as Primary and Mayor Ted Brandvold as Alternate to serve as City of Modesto members on the East Stanislaus Integrated Regional Water Management Partnership.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE SOLE SOURCE PROCUREMENT FOR THE RENTAL OF THREE DV 400C PUMPS FROM RAIN FOR RENT, STOCKTON, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR A TOTAL COST NOT TO EXCEED $90,000

WHEREAS, in January 2012, West Yost Associates completed a draft of the Cannery Segregation Line (CSL) and River Trunk Diversion Plan (Plan), and

WHEREAS, the Plan consisted of several elements: 1) a risk assessment which included a complete inspection of the CSL and a hydraulic analysis of CSL flows; 2) a temporary bypass pumping plan in the event of a CSL failure; and 3) preliminary design of permanent diversion structures, and

WHEREAS, through the use of Closed Circuit Television inspection and hydraulic analysis, it was determined that the risk of CSL failure is low but is a possibility, and

WHEREAS, the most likely scenario would be a washout of the bank supporting the pipeline, and

WHEREAS, in January 2015, an emergency bank repair was completed due to significant bank erosion at the Tuolumne River, and

WHEREAS, to mitigate the risk of a service disruption caused by a catastrophic failure of the CSL, the Plan included a Temporary Bypass Plan (Bypass Plan) where, in the event of a CSL failure, the Bypass Plan could quickly restore service to CSL users, and
WHEREAS, the worst-case scenario of the Bypass Plan requires three very large bypass pumps capable of performing the bypass operation that the City does not own and the availability of the pumps is based on a first-come/first-serve basis, and

WHEREAS, to guarantee the availability of the bypass pumps, the Utilities Department is requesting these pumps be placed in standby at the local Rain for Rent yard during the coming CSL season, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager’s Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is crucial for Wastewater Division to ensure availability of pumps should there be a failure of the CSL, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC8-3.204(b), states where as the purchasing agencies’ requirements can be met solely by a single article or process: the sole source procurement for the sole source procurement of remote terminal units and all associated circuit boards conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source procurement for the rental of three DV-400c pumps from Rain for Rent, Stockton, CA.
BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for a total cost not to exceed $90,000 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 13th day of June, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

(Seal)
RESOLUTION APPROVING THE PREQUALIFIED CONSULTANT LIST, CONSISTING OF JACOBSON JAMES & ASSOCIATES, ROSEVILLE, CA, KENNEDY/JENKS CONSULTANTS, RANCHO CORDOVA, CA, AND TODD GROUNDWATER, ALAMEDA, CA FOR HYDROGEOLOGICAL SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS FOR A PERIOD OF ONE YEAR, WITH THE POSSIBILITY OF TWO ADDITIONAL ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE DEPARTMENT DIRECTOR

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining a prequalified, as-needed list of consultants allows the Utilities Department to have accelerated access to specific hydrogeological services, when needed, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for civil design and drafting services, and

WHEREAS, staff received eleven (11) Statements of Qualifications (SOQs) for hydrogeological services, and

WHEREAS, after careful review of the SOQs by Utilities Department staff, the following three (3) firms were selected as the most qualified for the pre-qualified list for

WHEREAS, When hydrogeological services are required for Utilities CIP projects with a total budget of $3 million or less, a Request for Proposals (RFP) with a specific scope of work may be issued to these firms and,

WHEREAS, following evaluation of proposals, interviews will be conducted to select the most qualified firm, and

WHEREAS, an agreement for hydrogeological services will then be presented to City Council for approval, and

WHEREAS, this prequalified consultant list will be active for one year from the date of Council approval, at which time the City may extend the list for two additional one-year extensions at the written approval of the Department Director, and

WHEREAS, in the event the firms listed on the pre-qualified list are deemed to lack experience or expertise for specific projects, the City retains the right to recruit consultants for individual projects and not be restricted to the approved list, and

WHEREAS, a formal process will be conducted should this situation occur,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified local consultant list, consisting of: Jacobson James & Associates, Roseville, CA; Kennedy/Jenks Consultants, Inc., Rancho Cordova, CA; and TODD Groundwater, Alameda, CA for Hydrogeological Services for various Capital Improvement Program (CIP) projects for a period of one year, with the two
optional additional one-year extensions at the written approval of the Department Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH KLEINFELDER, INC., MODESTO, CA FOR ON-CALL HYDROGEOLOGICAL SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $75,000 PER YEAR, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining on-call professional services consultants allows the department to have quick access to specific hydrogeological services, when needed, and

WHEREAS, on-call professional services consultants can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to efficient implementation of the City’s CIP projects, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for hydrogeological engineering services for on-call services, and

WHEREAS, staff received eleven (11) Statement of Qualifications (SOQs) for hydrogeological engineering services, and
WHEREAS, after careful review of the SOQs/Proposals by Utilities Department staff, the local firm of Kleinfelder, Inc. (Kleinfelder) was one of two most qualified firms to provide on-call hydrogeological services, and

WHEREAS, the local firm of Kleinfelder is deemed the most qualified to provide the requested on-call professional services and have demonstrated satisfactory services to the City on the following past projects, and

WHEREAS, when on-call hydrogeological services are required on an “as needed” basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete specific task, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City.

WHEREAS, as allowed by this resolution, the City Manager’s Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is that the projects are already approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, are needed to provide safe and reliable water distribution, and it will not require a budget transfer from reserves to provide the required services.

WHEREAS, there are no fiscal impacts at this time, and

WHEREAS, to fund consultant work for project-specific task orders, funds will be budgeted and encumbered against each specific CIP project account as the project is assigned, and

WHEREAS, consultant invoices will be paid from each specific CIP project on a task order basis received and verified by Capital Improvement Services (CIS) staff, and
WHEREAS, costs for on-call Hydrogeological services will not exceed the allotted amount for one year for each agreement with two one-year extension options, at the sole discretion of the City, and

WHEREAS, when on-call professional services are required, staff will prepare task order(s), and

WHEREAS, the consultant will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, the consultant will not perform any services until staff has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to the consultant, prior to commencement of services, and

WHEREAS, total cost for three years is not to exceed $225,000 for the agreement for On-Call Hydrogeological Services, and

WHEREAS, City staff recommends an On-call Hydrogeological Services Agreement with Kleinfelder Consultants, to be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kleinfelder, Inc., Modesto, CA for On-call Hydrogeological Services for Capital Improvement Program Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $75,000 per year. Total cost for three years is not to exceed $225,000.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute said 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 13th day of June, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREM, City Attorney

ATTEST: STÉPHANIE LOPEZ, City Clerk

06/13/2017/Utilities/WWong/Item 11  4  2017-232
RESOLUTION APPROVING AN AGREEMENT WITH KENNEDY/JENKS
CONSULTANTS, RANCHO CORDOVA, CA FOR ON-CALL HYDROGEOLOGICAL
SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-
YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN
AMOUNT NOT TO EXCEED $75,000 PER YEAR, AND AUTHORIZING THE ACTING
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP
TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, there are a number of Capital Improvement Program (CIP) projects
that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining on-call professional services consultants allows the
department to have quick access to specific hydrogeological engineering services, when
needed, and

WHEREAS, on-call professional services consultants can provide designs for
small projects using experienced staff and offer a quick turnaround, which is essential to
efficient implementation of the City’s CIP projects, and

WHEREAS, this will eliminate the need to send out repetitive Requests for
Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and
project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection
Procedures for Professional Consultants Who Provide Architectural & Engineering
Services for Capital Projects, which is in compliance with State of California
Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ
through Planet Bids for hydrogeological engineering services for on-call services, and

WHEREAS, staff received eleven (11) Statement of Qualifications (SOQs) for
hydrogeological engineering services, and
WHEREAS, after careful review of the SOQs/Proposals by Utilities Department staff, the local firm of Kennedy-Jenks Consultants, Inc. (Kennedy-Jenks) was one of two most qualified firms to provide on-call hydrogeological engineering services, and

WHEREAS, the local firm of Kennedy-Jenks is deemed the most qualified to provide the requested on-call professional services and have demonstrated satisfactory services to the City on the following past projects, and

WHEREAS, when on-call hydrogeological services are required on an “as needed” basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete specific task, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City.

WHEREAS, as allowed by this resolution, the City Manager’s Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is that the projects are already approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, are needed to provide safe and reliable water distribution, and it will not require a budget transfer from reserves to provide the required services.

WHEREAS, there are no fiscal impacts at this time, and

WHEREAS, to fund consultant work for project-specific task orders, funds will be budgeted and encumbered against each specific CIP project account as the project is assigned, and

WHEREAS, consultant invoices will be paid from each specific CIP project on a task order basis received and verified by Capital Improvement Services (CIS) staff, and
WHEREAS, costs for on-call Hydrogeological engineering services will not exceed the allotted amount for one year for each agreement with two one-year extension options, at the sole discretion of the City, and

WHEREAS, when on-call professional services are required, staff will prepare task order(s), and

WHEREAS, the consultant will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, the consultant will not perform any services until Staff has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to the consultant, prior to commencement of services, and

WHEREAS, total cost for three years is not to exceed $225,000 for the agreement for On-Call hydrogeological Services, and

WHEREAS, City staff recommends an On-call Hydrogeological Services Agreement with Kennedy-Jenks Consultants, to be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kennedy-Jenks, Consultants Inc., for On-call Hydrogeological Services for Capital Improvement Program Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $75,000 per year. Total cost for three years is not to exceed $225,000.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute said 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 13th day of June, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
RESOLUTION REJECTING ALL BIDS FOR THE INSTALLATION OF FLUSH LINES WELL 265, AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE WITH AN AMENDED SCOPE OF WORK

WHEREAS, the bids received for the Installation of Well Flush Lines project were opened at 11:00 a.m. on May 9, 2017, and later tabulated by the Director of Utilities for the consideration of the Council, and

WHEREAS, the one bid was 142.54% above the engineer’s estimate, and

WHEREAS, the Utilities Department staff determined that it would be in the best interest of the City to reject bids and re-advertise the project reduce the total cost, and

WHEREAS, staff recommends rejecting all bids and re-advertising the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Installation of Flush Lines Well 265.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project with an amended scope of work.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE AWARD OF BID FOR THE FURNISHING OF DIGESTER CLEANING SERVICES TO WASTEWATER SOLIDS, YACHATS, OR, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $36,350, AND OVER FIVE YEARS OF $181,750, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASING AGREEMENT

WHEREAS, the City Manager authorized the Purchasing Division to issue a Request for Bids (RFB) for Digester Cleaning Services and RFB No. 1516-28 was issued on March 7, 2016, and

WHEREAS, the bid opening was on April 5, 2016, and two companies – Amigo PAT-CA from Compton, CA, and Pipe and Plant from Berkeley, CA, provided bids, which far exceeded previous costs for these services, and

WHEREAS, on August 3, 2016, by Resolution 2016-321, Council authorized the rejection of the bids received for the Digester Cleaning Services, and

WHEREAS, the Bid Authorization was approved on April 7, 2017 and Purchasing issued RFB No. 1617-26 on April 11, 2017 and the bid opening was on May 16, 2017 with two companies responding: Pipe and Plant, Oakland, CA, and Wastewater Solids, Yachats, OR, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of the bid for Digester Cleaning Services to Wastewater Solids, Yachats, OR, for an annual cost of $36,350, and over five years of $181,750, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City, and
WHEREAS, the City Manager’s Office approved an exception to this freeze for this procurement and justification for this exception is crucial for Wastewater plant operation, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services, to be formally bid and the award of bid for digester cleaning services conforms to Modesto Municipal Code Section 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Acting City Manager, or his designee, is hereby authorized to execute a purchase agreement to Wastewater Solids, Yachats, OR, for digester cleaning services for a two-year agreement with three one-year extension options at the sole discretion of the City at an estimated annual cost of $36,350, and over five years of $181,750.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute a purchase 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 13th day of June, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE FINAL PROPOSED BUDGET INCLUSIVE OF THE CITY MANAGER’S DRAFT BUDGET AND THE MAYOR’S FINAL BUDGET MODIFICATION, AND NOTICING A PUBLIC HEARING TO BE HELD ON JUNE 27, 2017 FOR THE FIRST READING AND ADOPTION OF THE FINAL PROPOSED BUDGET AND RELATED ACTIONS

WHEREAS, the Effective Government Committee heard the City Manager’s Draft Budget on May 22nd and May 24th, 2017; and

WHEREAS, the Effective Government Committee approved the City Manager’s Draft Budget with a 3-0 vote and approved the motion to have the Mayor make modifications to the City Manager’s Draft Budget 30 days prior to adoption by the City Council; and

WHEREAS, the Mayor has presented his modifications to the City Manager’s Draft Budget to City Council and has presented any changes for incorporation into the City of Modesto’s Final Proposed Budget for Fiscal Year 2017-18; and

WHEREAS, the City of Modesto’s Final Proposed Budget for Fiscal Year 2017-18 will be inclusive of the City Manager’s Draft Budget as well as the Mayor’s Final Budget Modifications and will be heard at a public hearing to be held on June 27, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto’s Final Proposed Budget inclusive of the City Manager’s Draft Budget and the Mayor’s Final Budget Modifications and directing notice to be published for a public hearing to be held on June 27, 2017 for the first reading and adoption of an Ordinance for the Final Proposed Budget for Fiscal Year 2017-18, and taking related actions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Grewal, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney