
WHEREAS, on Tuesday, November 7, 2017, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto City Schools District (herein called "District") of Stanislaus County to elect the following:

1. One City Councilmember to District 2 for a four year term;
2. One City Councilmember to District 4 for a four year term;
3. One City Councilmember to District 5 for a four year term;
4. One District Board of Education Member to Trustee Area 1 for a four year term;
5. One District Board of Education Member to Trustee Area 3 for a four year term;
6. One District Board of Education Member to Trustee Area 5 for a four year term; and
7. One District Board of Education Member to Trustee Area 7 for a four year term;

WHEREAS, as set forth in Section 5 hereof, the following ballot measure was submitted to the qualified electors in the November 7, 2017, City of Modesto election:

Measure T was a cannabis business tax measure; and

WHEREAS, said election was held on Tuesday, November 7, 2017, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and
WHEREAS, the Stanislaus County Registrar of Voters, at the request of the City Council, canvassed the returns of said regular municipal election in accordance with law, and reported the results of the election of the City Clerk, which the City Clerk certified to the Council by a Certificate of Canvass and Statement of Votes dated November 28, 2017, a copy of which is attached hereto marked Exhibit “A” and made a part hereof,

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

SECTION 1. Said election results as shown on the Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed, approved, and declared.

SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit “A” and made a part hereof, shows a complete tabulation of the following:

(A) The whole number of votes cast for Districts 2, 4 and 5, in the City of Modesto.

(B) The whole number of votes cast for Trustee Areas 5 and 7 in the Modesto City Schools District (Trustee Areas 1 and 3 incumbents ran unopposed).

(C) The names of the persons voted for.

(D) For what office each person was voted for.

(E) The number of votes given in the City and in the Modesto City Schools District to each person.

(F) The number of votes given in the City for and against each Measure.
SECTION 3. That, at said Regular Municipal Election, the following named persons having received a majority of the votes cast for the elective offices, as designated on Exhibit “A”, are hereby declared to be duly and regularly elected to such office, and the City Clerk is hereby directed to issue a Certificate of election to each such persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California and the Charter of the City, to wit:

Tony Madrigal  
Councilmember for a term of four years, District 2, Modesto City Council.

Bill Zoslocki  
Councilmember for a term of four years, District 4, Modesto City Council.

Jenny Kenoyer  
Councilmember for a term of four years, District 5, Modesto City Council.

Cindy Marks  
Member, Modesto City Schools District Board of Education, for a term of four years, Trustee Area 1.

Chad Brown  
Member, Modesto City Schools District Board of Education, for a term of four years, Trustee Area 3.

Charlene G. West  
Member, Modesto City Schools District Board of Education, for a term of four years, Trustee Area 5.

Adolfo Lopez  
Member, Modesto City Schools District Board of Education, for a term of four years, Trustee Area 7.
SECTION 4. The following votes were cast for Measure T:

<table>
<thead>
<tr>
<th>Measure</th>
<th>Total Votes For</th>
<th>Total Votes Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure T: Cannabis Business Tax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shall the City of Modesto adopt an ordinance establishing a cannabis business tax on all cannabis businesses within the City, up to 10% of gross receipts of each business, potentially generating approximately one million dollars or more in revenues annually for general City services, including neighborhood safety, maintaining parks and recreation, and job creation, with all revenues remaining local, and which continues until repealed by the City Council or the voters?</td>
<td>19,832</td>
<td>4,214</td>
</tr>
</tbody>
</table>

Measure T. More than a majority of all the votes cast at the election for Measure T were in favor of said proposed Measure, and said Measure did carry and was approved by a majority of the qualified voters voting on said Measure.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017 by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, 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 LINDGREN, City Attorney
I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk’s Office, on November 7, 2017, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 7, 2017, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

CANDIDATES | NUMBER OF VOTES | PERCENTAGE OF VOTE
--- | --- | ---

**District 2, Modesto City Council**
- Tony Madrigal: 1,405, 68.87%
- Homero Mejia: 511, 25.05%
- Jon Rodriguez: 107, 5.25%
- Non-Qualified Write-in Candidates: 17, .83%
- Total Votes Cast for District 2: 2,040

**District 4, Modesto City Council**
- Bill Zoslocki: 3,267, 79.01%
- Tyler Ray: 841, 20.34%
- Non-Qualified Write-in Candidates: 27, .65%
- Total Votes Cast for District 4: 4,135

**District 5, Modesto City Council**
- Jenny Kenoyer: 3,011, 65.07%
- Joseph P. Day: 1,585, 34.26%
- Non-Qualified Write-in Candidates: 31, .67%
- Total Votes Cast for District 5: 4,627
### MEASURES

**Measure T**
**Cannabis Business Tax**
Shall the City of Modesto adopt an ordinance establishing a cannabis business tax on all cannabis businesses within the City, up to 10% of gross receipts of each business, potentially generating approximately one million dollars or more in revenues annually for general City services, including neighborhood safety, maintaining parks and recreation, and job creation, with all revenues remaining local, and which continues until repealed by the City Council or the voters?

<table>
<thead>
<tr>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES 19,832</td>
<td>82.48%</td>
</tr>
<tr>
<td>No 4,214</td>
<td>17.52%</td>
</tr>
</tbody>
</table>

### CANDIDATES

**Area 5, Modesto City Schools District**

<table>
<thead>
<tr>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlene G. West 2,365</td>
<td>58.05%</td>
</tr>
<tr>
<td>Rickey McGill 915</td>
<td>22.46%</td>
</tr>
<tr>
<td>Michael D. Scheid 776</td>
<td>19.05%</td>
</tr>
<tr>
<td>Non-Qualified Write-in Candidates 18</td>
<td>.44%</td>
</tr>
<tr>
<td>Total Votes Cast for Area 5 4,074</td>
<td></td>
</tr>
</tbody>
</table>

**Area 7, Modesto City Schools District**

<table>
<thead>
<tr>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adolfo Lopez 932</td>
<td>65.08%</td>
</tr>
<tr>
<td>Ryan Schambers 281</td>
<td>19.62%</td>
</tr>
<tr>
<td>Matthew J. Harrington 215</td>
<td>15.01%</td>
</tr>
<tr>
<td>Non-Qualified Write-in Candidates 4</td>
<td>.28%</td>
</tr>
<tr>
<td>Total Votes Cast for Area 7 1,432</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL REGISTERED VOTERS</strong></td>
<td><strong>TOTAL TURNOUT</strong></td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>*City of Modesto Council District 2</td>
<td>11,768</td>
</tr>
<tr>
<td>*City of Modesto Council District 4</td>
<td>17,481</td>
</tr>
<tr>
<td>*City of Modesto Council District 5</td>
<td>18,365</td>
</tr>
<tr>
<td>*Measure T</td>
<td>100,127</td>
</tr>
<tr>
<td>*Modesto City Schools District Trustee Area 5</td>
<td>19,314</td>
</tr>
<tr>
<td>*Modesto City Schools District Trustee Area 7</td>
<td>11,850</td>
</tr>
</tbody>
</table>

**STEPHANIE LOPEZ**  
City Clerk  
City of Modesto  

November 28, 2017
RESOLUTION APPOINTING DUKE LEFFLER TO THE COMMERCIAL BROKER SEAT ON THE COMPREHENSIVE FEES TASK FORCE

WHEREAS, on June 28, 2016, the City Council, by Resolution No. 2016-277 approved reconvening the Comprehensive Fees Task Force, and

WHEREAS, the Comprehensive Fees Task Force was reconvened to review development-related fees and provide policy direction for a comprehensive Capital Facilities Fees program update, and

WHEREAS, Resolution No. 2016-277 approved the following voting membership: Healthy Economy Committee Member, Effective Government Committee Member, Representative of the Manufacturer’s Council, Representative of the Building Industry Association, Representative of the Chamber of Commerce, four Citizen-at-Large, one Commercial Broker, and one Affordable Housing Representative, and

WHEREAS, on November 14, 2017 Brian Velthoen resigned as the Commercial Broker seat on the Comprehensive Fees Task Force leaving a vacancy, and

WHEREAS, Duke Leffler was on the last Comprehensive Fees Task Force in 2011 and applied to be a part of the Comprehensive Fees Task Force when it reconvened, and

WHEREAS, Duke has over thirty-eight years of experience in the commercial real estate industry in Stanislaus County, and

WHEREAS, the Appointments Committee met on November 2, 2017 and recommended the appointment of Duke Leffler to the Comprehensive Fees Task Force.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
it hereby appoints Duke Leffler to the Commercial Broker Seat on the Comprehensive
Fees Task Force.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of November, 2017, by Councilmember
Madrigal, who moved its adoption, which motion being duly seconded by
Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE AUDIT REPORT ISSUED BY THE STATE CONTROLLER’S OFFICE ON THEIR EXAMINATION OF CITY INDIRECT COST RATES CHARGED TO FEDERALLY FUNDED PROJECTS FOR FISCAL YEARS 2008-09 THROUGH 2014-15

WHEREAS, the City submits an Indirect Cost Rate Proposal (ICRP) to our cognizant agency which allows the City to claim indirect cost reimbursement for federal grants which is outlined under the Uniform Guidance 2 CPR 200.19, and

WHEREAS, the cognizant agency is the federal agency responsible for reviewing, negotiating and approving the City’s proposal. During the time period of this audit, the California Department of Transportation (CalTrans) was the City’s cognizant agency and provided the approval for the ICRP for Community Economic Development Department (CEDD) Street Engineering, CEDD Engineering Design, Utilities Department (UD) Construction Administration and UD Engineering Design, and

WHEREAS, the State Controller’s Office (SCO) and CalTrans entered into Interagency Agreement No. 77A0044 for the period of June 1, 2014 through May 31, 2018 wherein the SCO was to perform audits of indirect cost allocation plans submitted to CalTrans from local government entities, and

WHEREAS, on February 10, 2016, the City was informed that the SCO would be conducting an audit on the ICRP for CEDD Street Engineering, CEDD Engineering Design, UD Construction Administration and UD Engineering Design for Fiscal Years 2008-09 through 2014-15, and

WHEREAS, this audit is required by Government Code 12410, which grants the Controller authority to review our financial records to verify all indirect expenses claimed are allowable under the federal guidelines, and
WHEREAS, the objective of the audit is to ensure the City is in compliance with the following: 1. The cost principles prescribed in Title 2 of the Code of Federal Regulations, Part 225 (2 CFR 225); 2. the City’s ICRP are in compliance with the requirements for the ICRP preparation and application identified in the CalTrans Local Program Procedures Manual, Chapter 5; 3. The City has a sufficient financial management system to properly manager federal and State funded projects; 4. The City has procurement policies and procedures that are in compliance with 49 CFR, Part 18.36., and

WHEREAS, the following findings were reported which will result in repayment of funds to CalTrans due to identified unallowable cost:

1. Indirect Salaries and Benefits not chargeable to any direct projects and charged to the employees home cost center were not tracked as to what was performed during these hours; due to the lack of support for these work hours, the SCO determined the labor charged to their home cost center did not comply with 2 CFR 225. 2 CFR 225 Appendix B, Section 8 Part H (4) (c) which states, “such documentary support will be required where employees work on an indirect cost activity and direct cost activity.”, and

WHEREAS, SCO did allow these labor charges for employees who supervised based on the assumption these hours were spent on supervisory duties but any staff in non-supervisory duties were considered unallowable costs; These unallowable costs lowered the allowable indirect rate per hour.

a. The total unallowable cost due to this finding has been provided below:

i. Utilities Engineering Design - $585,452
ii. Utilities Construction Administration - $384,891

iii. CED Street Engineering - $74,815, and

WHEREAS, the second finding is associated with the City’s Liability insurance fund cost category allocated to all City departments included a surcharge that related to civil suits brought due to alleged discrimination in the workplace, and

WHEREAS, this is an unallowable cost under the Uniform Guidance 2 CPR 225, Appendix B, Section 10. (a) (1), which states all cost are unallowable for all cost incurred in defense of any civil or criminal fraud or similar proceeding, and

WHEREAS, City staff has attempted to identify any tracking of the indirect salaries and benefits considered to be ineligible by reviewing prior emails or project notes, and

WHEREAS, based on the research, staff has concluded that the City has no additional support to address this finding, and

WHEREAS, the City has already issued a response to the finding and based on CalTrans response we must proceed with adjusting our rates based on these unallowable cost, and

WHEREAS, the General Fund is responsible for covering a portion of the amount due since these are unallowable cost under the Federal Regulations which means any other restricted funding source would also be considered unallowable, and

WHEREAS, the unallowable cost identified under the two findings reflect the indirect cost amount that must be revised in calculating the ICRP and based on the rate change then determines what is due to CalTrans, and
WHEREAS, City staff has implemented procedures in our Oracle Time and Labor system to ensure all indirect time not billed out to Projects must be documented as to what this time was spent on

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the audit report issued by the State Controller’s Office on their examination of City Indirect Cost Rates charged to federally funded projects for Fiscal Years 2008-09 through 2014-15.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 28th day of November, 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: 

( SEAL )

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney

WHEREAS, the Department of Transportation (Caltrans) conducted an audit for the difference between the proposed and audited indirect rates from Fiscal Year 2008-09 through 2014-15, and

WHEREAS, the Department of Transportation (Caltrans) had two findings the first being related to indirect salaries and benefits not chargeable to any direct projects and charged to the employees home cost center and the second being the surcharge related to civil suits allocated as part of the liability internal service fund charge, and

WHEREAS, based on these two findings the City’s Indirect Cost Rate Proposal was revised for Fiscal Year 2008-09 through 2014-15 and the impact requires repayment to the Department of Transportation (Caltrans), and

WHEREAS, the General Fund is responsible for covering a portion of the amount due since these are unallowable cost under the Federal Regulations in which any other restricted funding source would also be considered unallowable, and

WHEREAS, the Fiscal Year 2017-2018 Operating and Capital Improvement Program budget must be amended to appropriate and transfer $28,821 from the Streets Capital Facility Fee Fund and $162,837 from the General Fund to various capital improvement projects in order to fully repay the Department of Transportation (Caltrans).
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2017-2018 operating and capital improvement budget to appropriate and transfer $28,821 from the Streets Capital Facility Fee Fund and $162,837 from the General Fund to various capital improvement projects in order to fully repay the Department of Transportation (Caltrans) for the difference between the proposed and audited indirect rates from fiscal year 2008-09 through 2014-15.

BE IT FURTHER RESOLVED that the Interim 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 28th day of November, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-459

RESOLUTION APPROVING DEFERRAL OF FIRE PREVENTION
DEVELOPMENT USER FEES FOR S1 AND S2 OCCUPANCIES IN THE
CATEGORIES OF COMPLETE BUILDING; SHELL BUILDING; TENANT
IMPROVEMENTS; FIRE SPRINKLER SYSTEMS AND FIRE ALARM
SYSTEMS UNTIL EITHER AN OCCUPANCY PERMIT IS ISSUED BY THE
BUILDING OFFICIAL OR UNTIL NEW PLAN CHECK FEES ARE
ESTABLISHED

WHEREAS, on May 15, 1990, Council by Resolution No. 90-521A, adopted Plan
Check Fees for the Fire Prevention Division of the City’s Fire Department, and

WHEREAS, in 2014 by Resolution No. 2014-286, Council reviewed and updated
the Fire Prevention User Fees to, among other things, adjust the fees for inflation, and

WHEREAS, the fees are categorized by type which include: Complete Building;
Shell Building; Tenant Improvements; Fire Sprinkler Systems and Fire Alarm Systems;
Care Facility; Annual Inspection of Jails and Detention Facilities; and Annual Inspection
of High Rise Structures, and

WHEREAS, the Complete Building; Shell Building; Tenant Improvements; Fire
Sprinkler Systems and Fire Alarm Systems are calculated by multiplying a recommended
fee of between $60-$145 for every 1,000 square feet of construction, and

WHEREAS, the fees are typically imposed at the time of submittal, and

WHEREAS, the current methodology for calculating Complete Building; Shell
Building; Tenant Improvements; Fire Sprinkler Systems and Fire Alarm Systems can
result in prohibitively high fees for the plan review process which ultimately deters
development, and
WHEREAS, the current Plan Check Fees do not include a category for warehouses (S1 and S2 Building Occupancy), which are large structures but not complex construction which would require a more in-depth plan review, and

WHEREAS, the Fire Department is in the process of conducting an analysis of various factors to determine the appropriate fees for the Complete Building; Shell Building; Tenant Improvements; Fire Sprinkler Systems and Fire Alarm Systems to create a new category for “Warehouse (S1 and S2 Occupancies)” which will be calculated using an appropriate hourly rate rather than square footage, and

WHEREAS, the Fire Department expects to complete its analysis by May 30, 2018;

WHEREAS, the Fire Department recommends that Plan Check Fees for Complete Building, Shell Building and Tenant Improvement, Fire Sprinkler Systems and Fire Alarm Systems be deferred in S1 and S2 occupancies until either an Occupancy Permit is issued by the Building Official or until new fees are established.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the deferral of Fire Prevention User Fees for S1 and S2 occupancies in the categories of Complete Building; Shell Building; Tenant Improvements; Fire Sprinkler Systems and Fire Alarm Systems until either an Occupancy Permit is issued by the Building Official or until new Plan Check Fees are established.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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: [Signature]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A FOURTH FIRE PREVENTION INSPECTOR II POSITION ALLOCATION FOR THE FIRE DEPARTMENT

WHEREAS, the Fire Department includes a Fire Prevention Division, which is responsible for State mandated annual inspections, new development and tenant improvement inspections, plan reviews, public education presentations, and follow-up on citizen complaints, and

WHEREAS, there are currently approximately 870 State regulated occupancies with State mandated inspections and over 500 assembly occupancies, that do not have State mandated inspections but are considered high risk occupancies necessitating inspection, and

WHEREAS, the Fire Prevention Division has not had a fourth inspector position since September 2008, and

WHEREAS, an increase in the volume of activities and the loss of a Fire Prevention Inspector II have caused staff to be unable to complete mandated inspections on a timely basis, and

WHEREAS, one Fire Prevention Inspector II has been dedicated to performing only construction related inspections due to the significant increase in construction activity within the City’s jurisdiction, and

WHEREAS, establishing an additional Fire Prevention Inspector II position would allow the Fire Prevention Division to increase the number and types of mandated inspections performed within the City each year, which will lead to improved safety within the community, and
WHEREAS, with the addition of another Fire Prevention Inspector II and holding the existing Administrative Assistant III position vacant will result in approximately $185 in cost savings annually.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a fourth Fire Prevention Inspector II position for the Fire Department.

BE IT FURTHER RESOLVED that the Interim 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 28th day of November, 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
RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 POSITION ALLOCATION FOR THE FIRE DEPARTMENT

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 27, 2017, as part of the Annual Budget of the City of Modesto for Fiscal Year 2017-2018, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classification, and

WHEREAS, position changes will be effective the first full pay period following Council adoption, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2017-18 Position Allocation for the Fire Department as follows:

1. Reallocate one (1) Administrative Officer Assistant III to one (1) Fire Prevention Inspector II in the Fire Prevention Division of the Fire Department.
The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 OPERATING EXPENSE BUDGET FOR THE FIRE DEPARTMENT IN THE AMOUNT OF $83,118 FOR THE CREATION OF A FOURTH FIRE PREVENTION INSPECTOR II POSITION IN THE FIRE PREVENTION DIVISION AS WELL AS AN INCREASE TO THE REVENUE BUDGET FOR FIRE INSPECTION FEES IN THE AMOUNT OF $24,198

WHEREAS, the Fire Department includes a Fire Prevention Division, which is responsible for State mandated annual inspections, new development and tenant improvement inspections, plan reviews, public education presentations, and follow-up on citizen complaints, and

WHEREAS, an increase in the volume of activities and the loss of a Fire Prevention Inspector II have caused staff to be unable to complete mandated inspections on a timely basis, and

WHEREAS, establishing an additional Fire Prevention Inspector II position would allow the Fire Prevention Division to increase the number and types of mandated inspections performed within the City each year which will lead to improved safety within the community, and

WHEREAS, with the addition of another Fire Prevention Inspector II position there would be an increase in revenues from inspection fees in an estimated amount of $24,198 which would offset the additional costs of the requested position, and

WHEREAS, staff is seeking Council authority to increase the Fiscal Year 2017-18 General Fund Operating Expense Budget in the Fire Prevention Division (18510) by $83,118 to account for the increased costs of adding 1.0 additional Fire Prevention Inspector II position which will in turn be offset by an increase in the Fiscal Year 2017-
18 General Fund Operating Revenue Budget in the Fire Prevention Division for Fire Inspection Fees (0100-18510-43342) by $24,198.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase of $83,118 to the Fiscal Year 2017-18 Operating Expense Budget in the Fire Department Fire Prevention Division budget for the addition of one Fire Prevention Inspector II position as well as an increase of $24,198 in Operating Revenue Budget for Fire Inspection Fees.

BE IT FURTHER RESOLVED that the Interim 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 28th day of November, 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: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING AWARD OF BID FOR THE PURCHASE OF MOBILE DATA COMPUTERS (MDCs) FOR THE MODESTO FIRE DEPARTMENT FROM DELL INC., SANTA CLARA, CA, FOR AN ESTIMATED TOTAL COST OF $113,900 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASE ORDER

WHEREAS, Robovu, the manufacturer of the Fire Department’s existing MDCs no longer supports the units currently being utilized in the field during emergency responses, and

WHEREAS, the Modesto Police Department recently replaced their MDCs with the Dell Latitude 12 Rugged Extreme 7214 and this is the same model of MDC the Fire Department has bid out, and

WHEREAS, having the same MDC units for both Police and Fire makes service and support more efficient and cost effective from an information technology perspective, and

WHEREAS, the City Manager authorized the issuing of a formal Request for Bid (RFB) and the Purchasing Division issued RFB 1718-09 Mobile Data Computers, and

WHEREAS, two companies chose to respond and Dell Inc., Santa Clara, CA was the overall lowest responsive and responsible bidder, and

WHEREAS, the bid for the purchase of mobile data computers to Dell Inc., Santa Clara, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2017-18 in the Fleet Replacement Fund/Fleet Replacement Expenses budget, and
WHEREAS, the Fire Department and Fleet Services will enter into an MOU for the repayment of these costs and future replacement costs to mirror how the Police Department replaces their MDC units.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes award of proposal for the purchase of mobile data computers (MDCs) for the Modesto Fire Department from Dell Inc., Santa Clara, CA for an estimated total cost of $113,900.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute a purchase order.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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: [Signature]

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH YOSEMITE COMMUNITY COLLEGE DISTRICT AND THE COUNTY OF STANISLAUS FOR THE CONTINUED OPERATIONS OF THE REGIONAL FIRE SCIENCE TRAINING CENTER IN FISCAL YEAR 2017-18 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Regional Fire Science Training Center (RFTC) operates under a joint use and management agreement between the City, County of Stanislaus (County), and the Yosemite Community College District (District), and

WHEREAS, the original 20-year agreement was for the construction, maintenance and operation of the facility and expired in 2012 and the 2014 agreement encompassed the maintenance and operation of the facility and expired in June of 2017, and

WHEREAS, the participating agencies are seeking approval of an amendment to the agreement that will enable the local network to continue use of the RFTC for the remainder of the 2017-18 year with an expiration of June 30, 2018, and

WHEREAS, there is currently a liability exposure for all involved parties without such an amendment in place, and

WHEREAS, sufficient funds are budgeted in the Fiscal Year 2017-18 department operating budget, and

WHEREAS, the amendment will enable participating agencies to continue normal operations of the facility while also discussing the future of the partnerships and the facility, and
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the agreement with Yosemite Community College District and the County of Stanislaus for the continued operations of the Regional Fire Science Training Center in Fiscal Year 2017-18.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE ESTABLISHMENT OF A CAPITAL IMPROVEMENT PROJECT FOR THE ROOF REPLACEMENT AND EXTERIOR PAINTING OF STATION 1, AND APPROPRIATING $337,850 TO SAID PROJECT FROM THE FIRE DEPARTMENT GENERAL FUND OPERATING BUDGET

WHEREAS, Modesto Fire Department’s Station 1 was built in 1939, and

WHEREAS, several layers of roofing material have deteriorated over the years due to water damage causing the roof to need immediate replacement, and

WHEREAS, the scope of work for this project exceeds what can be accommodated in the Fire Department’s existing operating budget without significant impact to the operations of the department, and

WHEREAS, the Fire Department has identified a total of $337,850 from its existing General Fund Operating Budget in order to establish a Capital Improvement Project for the work to be completed at Station 1, and

WHEREAS, the funds will come from the Suppression Cost center (18210) account 51403 (Budget Only-Salary Adjustment (Decrease)), and

WHEREAS, once the audited financial statements are finalized, it is anticipated that there will be sufficient money to cover these expenses, and

WHEREAS, staff will be seeking a budget adjustment to reallocate the funds to cover the expenses from the department budget, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the establishment of a Capital Improvement Project for the roof replacement and exterior painting at Station1, and appropriates $337,850 to said project from the Fire Department General Fund Operating Budget.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE CALIFORNIA STATE PARK - YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM GRANT FUNDS TO FUND THE CARPENTER ROAD AREA SOCCER COMPLEX IN AN AMOUNT OF $1 MILLION AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AND UTILIZE THE GRANT AWARD

WHEREAS, Bellenita Park was constructed more than 60 years ago and a grant was awarded from the California State Parks - Youth Soccer and Recreation Development Program in an amount of $1 million dollars to fund the Carpenter Road Area Soccer Complex, and

WHEREAS, the Carpenter Road Area Soccer Complex is part of the TRRP system. The portion of the Carpenter Road Area Soccer Complex that this grant is expected to develop is located south of John Street, east of Bellenita Park and northwest of the Sutter Wastewater Treatment Facility, and

WHEREAS, on October 11, 2016, the City Council approved resolution 2016-411 authorizing the submittal of an application to the Youth Soccer and Recreation Grant Program. City Staff submitted an application for this grant program on November 1, 2016, and

WHEREAS, due to a technical issue, on February 28, 2017, the City Council rescinded resolution 2016-411 and approved resolution 2017-82 once again authorizing the submittal of an application to the Youth Soccer and Recreation Grant Program, and

WHEREAS, the City of Modesto has received notice of a grant award from the Youth Soccer and Recreation Development Program in an amount of $1 million to fund
development and construction of a portion of the Carpenter Road Area Soccer Complex, and

WHEREAS, the City will be responsible for contributing $35,000 to the construction of the Soccer Complex.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it accepts the Youth Soccer and Recreation Development Program Grant Funds in an amount of $1 million to fund development and construction of a portion of the Carpenter Road Area Soccer Complex.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to accept and utilize the grant award from the Youth Soccer and Recreation Development Program for the development and construction of a portion of the Carpenter Road Area Soccer Complex adjacent to Bellenita Park.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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:  [Signature]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By:  [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE FISCAL YEAR 2017/2018 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ESTABLISH A NEW CAPITAL PROJECT #101061 FOR THE CARPENTER ROAD AREA SOCCER COMPLEX IN AN AMOUNT NOT TO EXCEED $1,035,000 IN REVENUE AND TO BUDGET EXPENDITURES AS OUTLINED IN ATTACHMENT A TO FULLY FUND THE PROJECT

WHEREAS, a grant was awarded from the California State Parks - Youth Soccer and Recreation Development Program in an amount of $1 million to fund the Carpenter Road Area Soccer Complex, and

WHEREAS, the Carpenter Road Area Soccer Complex is part of the TRRP system. The portion of the Carpenter Road Area Soccer Complex that this grant is expected to develop is located south of John Street, east of Bellenita Park and northwest of the Sutter Wastewater Treatment Facility, and

WHEREAS, on October 11, 2016, the City Council approved resolution 2016-411 authorizing the submittal of an application to the Youth Soccer and Recreation Grant Program. City Staff submitted an application for this grant program on November 1, 2016, and

WHEREAS, due to a technical issue, on February 28, 2017, the City Council rescinded resolution 2016-411 and approved resolution 2017-82 once again authorizing the submittal of an application to the Youth Soccer and Recreation Grant Program, and

WHEREAS, the City of Modesto has received notice of a grant award from the Youth Soccer and Recreation Development Program in an amount of $1 million to fund development and construction of a portion of the Carpenter Road Area Soccer Complex.
WHEREAS, the City Council has considered amending the 2017/2018 Capital Improvement Program Budget to establish a new Capital project with the grant award to fund the development and construction of a portion of the Carpenter Road Area Soccer Complex in an amount not to exceed $1,035,000 as outlined in Attachment A.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Interim City Manager, or his designee, to amend the Fiscal Year 2017/2018 Capital Improvement Program Budget to establish a new capital project #101061 in an amount not to exceed $1,035,000 in revenue.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to budget expenditures as outlined in Attachment A to fully fund the development and construction of a portion of the Carpenter Road Area Soccer Complex.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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: ____________________________

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

ADAM U. LINDGREN, City Attorney
## Attachment A

### Budget Adjustment for Capital Project 101061 (Carpenter Road Area Soccer)

**Fund 6710 – TRRP CIP:**

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<tr>
<td>3130-14999-100911 – Bellenita Soccer-ENV</td>
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<td>3130-14999-100911 – Gen. Parks Partners-CTGY</td>
<td>($17,000)</td>
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| To: |
| 6710-89999-101061 – Construction Admin | $45,500 |
| 6710-89999-101061 – Construction | $909,000 |
| 6710-89999-101061 – Contingency - CIP | $45,500 |
| 6710-89999-101061 – Eng/Design/Admin | $25,000 |
| 6710-89999-101061 – Environmental | $10,000 |
| 3130-73130-76710 – Transfer Out to Fund 6710 | $35,000 |

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<th>Revenue</th>
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<td>6710-89999-63130-101061</td>
<td>$ 35,000</td>
<td>Transfer In from Parks Fund 3130</td>
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RESOLUTION APPROVING THE GRANT OF AN EASEMENT DEED TO PACIFIC GAS & ELECTRIC COMPANY FOR A FIFTEEN FEET (15’) WIDE GAS PIPELINE EASEMENT LOCATED AT 400 SOUTH MORTON BOULEVARD, MODESTO, CA (BEARDBROOK PARK, APN 106-034-001), CONTAINING APPROXIMATELY 5,829 SQUARE FEET AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE EASEMENT DEED

WHEREAS, the City of Modesto maintains a public park known as Beardbrook Park located on South Morton Blvd. (APN 106-034-001), and

WHEREAS, Pacific Gas & Electric Company (PG&E) has installed a gas pipeline within Beard Brook Park, and

WHEREAS, the gas pipeline was installed in 1952 according to an agreement between the City and PG&E, and

WHEREAS, an easement is required at this time to more formally record the gas pipeline easement, and

WHEREAS, this is a part of PG&E’s Community Pipeline Safety Initiative, and

WHEREAS, staff recommends the gas pipeline easement be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the grant of a gas pipeline easement deed to Pacific Gas & Electric Company for a fifteen (15’) wide gas pipeline located at 400 South Morton Boulevard (APN 106-034-001) containing approximately 5,829 square feet.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Easement Deed for a gas pipeline easement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-469

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CERES TRUNK REHABILITATION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH ROLFE CONSTRUCTION COMPANY OF ATWATER, CA, IN THE AMOUNT OF $5,743,485, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Ceres Trunk Rehabilitation Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Ceres Trunk Rehabilitation Project were opened at 11:00 a.m. on October 17, 2017 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $5,743,485 received from Rolfe Construction Company be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction Company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for Ceres Trunk Rehabilitation Project, accepts the bid of $5,743,485 and awards Rolfe Construction Company of Atwater, CA, the contract for the Ceres Trunk Rehabilitation Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH BROWN AND CALDWELL, OF WALNUT CREEK, CA, FOR DESIGN SUPPORT DURING CONSTRUCTION FOR THE CERES TRUNK REHABILITATION PROJECT, IN AN AMOUNT NOT TO EXCEED $191,031 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $19,103 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $210,134, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Wastewater Collection System Master Plan lists the Ceres Trunk as a high priority project because it is one of the most severely corroded reinforced concrete pipe sewer trunk in the City, and

WHEREAS, the pipe's poor condition was evident in March 2015 when the City’s Collections crew made immediate repairs to sections of the Ceres Trunk to prevent collapse and obstruction of flows near the Tuolumne River, and

WHEREAS, Brown and Caldwell are the Engineer-of-Record for the project, design support services from Brown and Caldwell are required to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants who provide Architectural and Engineering Services for Capital Projects, the selection committee evaluated the proposals and determined Brown and Caldwell to be the most qualified and responsive, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Brown and Caldwell, Walnut Creek, CA, for engineering support during construction services in an amount not to exceed $191,031,
for the identified scope of services, plus $19,103 for additional services, if needed, for a maximum total amount of $210,134.

BE IT FURTHER RESOLVED that the Interim 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 28th day of November, 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
RESOLUTION AMENDING THE FISCAL YEAR 2017-18 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $2,535,167 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE CERES TRUNK REHABILITATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $2,535,167, in order to fund construction, contingency, construction administration, City construction forces, design support during construction plus City staff support for the Ceres Trunk Rehabilitation Project, and

WHEREAS, the Fiscal Year 2017-2018 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 2017-2018 Capital Improvement Program Budget as shown in Exhibit A, attached hereto.

BE IT FURTHER RESOLVED that the Interim 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 28th day of November, 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: 

(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 are necessary for CIP account 100683 - Ceres Trunk Rehabilitation. A total of $2,535,167 is being requested from wastewater reserves to amend the budget of this project.

CIP 100683
Ceres Trunk Rehabilitation

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Budget + Need
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-472

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH
JACOBS-WALDEN FAMILY TRUST, FOR THE ACQUISITION OF A TOTAL
OF 800 SQUARE FEET OF EASEMENT AREA, LOCATED AT 207 STODDARD
AVENUE (APN: 110-003-070) FOR A PERMANENT SEWER EASEMENT AND
TEMPORARY CONSTRUCTION EASEMENT, AND AUTHORIZING THE
INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE
PURCHASE AND SALE AGREEMENT AND ALL RELATED DOCUMENTS
REQUIRED TO COMPLETE THE SALE AND CLOSE ESCROW

WHEREAS, the City of Modesto is replacing and improving older sewer
infrastructure in various Modesto neighborhoods, and

WHEREAS, the Stoddard Avenue neighborhood project will require sewer
easements as part of an upgrade and replacement of sewer lines, and

WHEREAS, the project requires acquisition of one new permanent sewer
easement location and a temporary easement for the sewer construction on a private
property, and

WHEREAS, the Stoddard area neighborhood is one area identified for
replacement and repair due to its aging sewer infrastructure and increased demand, and

WHEREAS, a sewer main replacement project was designed to replace and
reroute the existing sewer system, and

WHEREAS, one parcel requires a new easement to collect wastewater and deliver
it to the sewer main in the public right of way of Stoddard Avenue, and

WHEREAS, an appraisal report was ordered to determine the fair market value
for a permanent sewer easement and a temporary construction easement, and

WHEREAS, City staff is recommending acquisition of easement interests, and
WHEREAS, an agreement is needed for the acquisition of the easements and City staff recommends approving the Purchase and Sale Agreement for acquisition of the required easements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement with Jacobs-Walden Family Trust, for the acquisition of a permanent sewer easement, consisting of a 150 square feet, and a temporary construction easement, consisting of 650 square feet, for acquisition of a total of 800 square feet of easement area and located at 207 Stoddard Avenue (APN 110-003-070), for the 2015-2016 Sanitary Sewer Collection System Replacement Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of November, 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: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR A PERMANENT SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT, LOCATED AT 207 STODDARD AVENUE, IN MODESTO OWNED BY JACOBS-WALDEN FAMILY TRUST (APN 110-003-070), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE 2015-2016 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or grant or adopt a resolution accepting an interest in real property, and

WHEREAS, the City of Modesto desires to accept a 800 square feet for a Permanent Sewer Easement and Temporary Construction Easement, for the acquisition of property interests located at 207 Stoddard Avenue, in Modesto, owned by the Jacobs-Walden Family Trust (APN: 110-003-070), for the 2015-2016 Sanitary Sewer Collection System Project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Interim City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Permanent Sewer Easement and Temporary Construction Easement for the acquisition of property interests located at 207 Stoddard Avenue, in Modesto, owned by Jacobs-Walden Family Trust (APN 110-003-070) by the City of Modesto for the 2015-2016 Sanitary Sewer Collection System Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE NEW TRAFFIC SIGNALS – 2015 AT MCHENRY AVENUE AND GRECIAN AVENUE PROJECT FROM 10 PERCENT ($36,979) TO APPROXIMATELY 19.5 PERCENT ($72,000) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF $369,786 WITH TIM PAXIN'S PACIFIC EXCAVATION, INC., OF ELK GROVE, CA

WHEREAS, the City Council, on April 25, 2017, by Resolution No. 2017-147, awarded a $369,786 contract to Tim Paxin’s Pacific Excavation, Inc. for the construction of the New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue project, and

WHEREAS, the originally authorized construction administration budget was 10 percent ($36,979), and

WHEREAS, additional change order work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the administrative and field inspection costs associated with ensuring the additional change order work conforms to the City’s standards of construction and quality,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in Director’s Authority to issue change orders for the New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue Project from 10 percent ($36,979) to approximately 19.5 percent ($72,000).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE RIVER TRUNK REHABILITATION PROJECT (GALLO SECTION) AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES AND PAYMENTS TOTALING $1,609,888 TO CON-QUEST EBERT A JOINT VENTURE OF SAN FRANCISCO, CA

WHEREAS, the River Trunk Rehabilitation Project (Gallo Section) has been completed by Con-Quest Ebert a Joint Venture of San Francisco, CA in accordance with the contract agreement dated September 27, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the River Trunk Rehabilitation Project (Gallo Section) is hereby accepted as complete from said contractor, Con-Quest Ebert a Joint Venture of San Francisco, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $1,609,888, 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 28th day of November, 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  

(Seal)

APPROVED AS TO FORM:

By:  ADAM U. LINDGREN, City Attorney

ATTEST:  STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-476

RESOLUTION APPROVING AN INCREASE TO THE ANNUAL PURCHASE AGREEMENT WITH RANK INVESTIGATION AND PROTECTION, INC., MODESTO, CALIFORNIA, BY $61,000 FOR A TERM OF 6 MONTHS ENDING JUNE 30, 2018 WITH A NOT TO EXCEED TOTAL AGREEMENT OF $111,000 FOR SECURITY GUARD SERVICES FOR MODESTO CENTRE PLAZA, CITY PARKS AND CITY PARKING GARAGES AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO INCREASE THE PURCHASE AGREEMENT

WHEREAS, the City uses armed uniformed security guard services to enhance the safekeeping of various City facilities and to provide additional protection at certain events, and

WHEREAS, those facilities include the Modesto Centre Plaza, City Parks, and City Parking Garages, and

WHEREAS, the City requested informal bids for Security Guard Services in November 2015 and on January 7, 2016 issued an annual agreement to Rank Investigations to provide armed uniformed security guard services on an as-needed basis for two years for a cost not to exceed $50,000, and

WHEREAS, the City has a critical need for armed security guard services that supplement its contracted unarmed services and those of the Modesto Police Department; and without armed security guard services, there is a risk of loss of property and an increased concern for public safety, and

WHEREAS, staff intends to conduct a formal Request for Bid during the next 6 months and there is a need for continued security guard services during this timeframe, and
WHEREAS, the Purchasing Manager has determined that a calling for bids on a competitive basis is undesirable due to exigent circumstances in accordance with MMC 8-3.204(c) since the City cannot have any lapse in armed security guard services as it is a critical service for public safety and the safeguarding of City assets.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it approves an increase to the annual purchasing agreement with Rank Investigation and Protection, Inc., Modesto, California, by $61,000 for a term of 6 months ending June 30, 2018 with a not to exceed total agreement of $111,000 for security guard services for Modesto Centre Plaza, City Parks and City Parking Garages.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to increase the purchase agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Ridenour, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-477

RESOLUTION APPROVING AN INCREASE OF $115,000 TO BLANKET PURCHASE ORDER 121044 WITH SAFE-T-LITE, MODESTO, CA, FOR SAFETY TOOLS, SIGNAGE, EQUIPMENT, FIELD SUPPLIES AND BARRICADE RENTALS FOR EMERGENCY PREPARATIONS, ROAD CLOSURES AND ANNUAL SPECIAL EVENTS, FOR A TOTAL AMOUNT NOT TO EXCEED $165,000, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO INCREASE THE ANNUAL BLANKET PURCHASE ORDER

WHEREAS, The City uses safety tools, signage, equipment and field supplies for road closures, water construction, and daily duties, on an as-needed basis to ensure the safety of construction and transit activity, and

WHEREAS, under the City of Modesto’s Purchasing Policy, one of the procurement methods used under this policy allows for the Purchasing Division to establish a Blanket Purchase Order; a Blanket Purchase Order is issued to selected suppliers for use by City employees to procure repetitive, high volume, low dollar value (less than $1,000) items on a continuing basis and annual spending must be under $50,000, and

WHEREAS, on July 1, 2017, the City entered into a Blanket Purchase Order 121044 with Safe-T-Lite for $50,000 for citywide use; This Blanket Purchase Order expires June 30, 2018; Safe-T-Lite has reached the $50,000 cap and departments cannot use this blanket purchase order until Council approves a higher spending level, and

WHEREAS, staff is requesting this increase be made until a formal Request for Bid (RFB) can be done which is scheduled to be completed by the end of the fiscal year, and
WHEREAS, PRN utilizes barricades from Safe-T-Lite during the holiday season for traffic and pedestrian control during the Celebration of Lights Parade and Spirit of Giving Run; In the event of a large storm Public Works orders additional barricades to assist with street closures, and

WHEREAS, per MMC Section 8-3.204(c), Exceptions to Formal Bidding Requirements, provides that the Purchasing Manager, in his or her discretion, may determine that calling for bids on a competitive basis as set forth in Modesto Municipal Code section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS, the Purchasing Manager has determined that the current situation is an exigent circumstance since the City cannot have any lapse in the safety tools, signage, equipment and field supplies for road closures, and barricades that are provided by Safe-T-Lite and are essential for the day-to-day operation of the City as well as the special events held within the City, and

WHEREAS, the Purchasing Manager recommends staff be allowed to increase spending authority under this Blanket Purchase Order to $165,000 in accordance with MMC Section 8-3.204(c) ensuring citywide services are not interrupted and needed work is not significantly delayed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase of $115,000 to Blanket Purchase Order 121044 with Safe-T-Lite, Modesto, CA, for a total amount not to exceed $165,000.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to increase the annual Blanket Purchase Order.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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 APPROVING THE RETROACTIVE ADDITION OF AQUATIC BIOASSAY & CONSULTING LABORATORIES, INC., VENTURA, CA, TO THE PURCHASING AGREEMENT APPROVED BY RESOLUTION NO. 2013-66

WHEREAS, the requirements for monthly bioassay testing are mandated by the California Regional Water Quality Control Board, Central Valley Region, as specified in two Waste Discharge Requirements (WDRs) (Order No. R5-2016-0010 and No. R5-2017-0064), and required for discharging treated municipal wastewater to the Delta-Mendota Canal or San Joaquin River, and

WHEREAS, bioassay testing is also mandated by our Storm Water Permit (Order No. R5-2016-0040) that requires annual testing for two wet weather and one dry weather sample, and

WHEREAS, in accordance with MMC Section 8-3.203 and on February 12, 2013, by Resolution No. 2013-66, Council approved a purchasing agreement with multiple vendors for analytical laboratory testing; Alpha Analytical Laboratories, BSK Analytical Laboratories, FGL Environmental, Sierra Analytical and TestAmerica Laboratories for an annual amount of $333,160, for two years, with three one-year extensions, for an amount not to exceed $1,665,800 over five years, and

WHEREAS, on August 5, 2013, FGL Environmental communicated to Purchasing that the company would no longer be managing the bioassay test and provided the information for their subcontractor, Aquatic Bioassay and Consulting Laboratories, and

WHEREAS, none of the companies approved by Council on February 12, 2013 are able to perform this testing in a timely manner, and
WHEREAS, the next mandatory testing date will be the week of December 4, 2017. It is important to have a vendor under agreement that can perform the testing in order to avoid the risk of civil and criminal penalties, and

WHEREAS, the total amount currently expended for all vendors under these purchasing agreements is $1,085,015 of the $1,665,800 originally authorized by Council, and

WHEREAS, all agreements expire on February 11, 2018, and

WHEREAS, bioassay testing was originally factored into these amounts and is included under Council’s authorization in Resolution No. 2013-66,

WHEREAS, staff is not seeking to increase original authorized amounts as they have not been exceeded and are sufficient to cover payments to Aquatic Labs through February 2018, and

WHEREAS, staff anticipates spending no more than $30,000 through February 2018 for future testing resulting in total payments of $169,325 to Aquatic Labs from 2013 through February 2018.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it approves the retroactive addition of Aquatic Bioassay & Consulting Laboratories, Inc., Ventura, CA, to the purchasing agreement approved by Resolution No. 2013-66.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Ridenour, 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