RESOLUTION REAPPOINTING DAVID BORING, BART BARRINGER, TOM SLATER, AND LAUREN TREVINO TO THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD

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

WHEREAS, the Downtown Improvement District Board of Directors are recommending the reappointments of David Boring, Bart Barringer, Tom Slater, and Lauren Trevino to a term ending January 2022 to the Downtown Improvement District Advisory Board.

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

SECTION 1. David Boring, Bart Barringer, Tom Slater, and Lauren Trevino are hereby reappointed to the Downtown Improvement District Advisory Board.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this Resolution to the reappointed members of Downtown Improvement District Advisory Board, and as Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2018, by Councilmember Kenoyer, 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. 2018-02

RESOLUTION ACCEPTING THE RESIGNATION OF JON RODGRIUEZ FROM THE BOARD OF BUILDING APPEALS

WHEREAS, Jon Rodriguez was appointed to serve as a member of the Board of Building Appeals on December 3, 2013, and

WHEREAS, Jon Rodriguez has tendered his resignation from the Board of Building Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the resignation of Jon Rodriguez from the Board of Building Appeals is hereby accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-03

RESOLUTION APPROVING A PURCHASE AGREEMENT FOR 20
MOTOROLA APX8000XE DUAL BAND PORTABLE RADIOS,
PIGGYBACKING FROM A COMPETITIVELY BID CONTRACT WITH LA
COUNTY, TO MOTOROLA SOLUTIONS, INC. VIA DELTA WIRELESS, INC.
OF STOCKTON, CA, FOR AN ESTIMATED TOTAL COST OF $150,536, AND
AUTHORIZING THE PURCHASING MANAGER TO ISSUE THE AGREEMENT

WHEREAS, radios in place today were discontinued by Motorola in 2014 and
therefore new replacements are not available, and

WHEREAS, Motorola services radios 5 years past the end of life or as long as
parts are available, and

WHEREAS, while there are 2 years remaining for radios to be sent in for repair,
the City is no longer guaranteed the availability of parts, and

WHEREAS, the Fire Department needs equipment that will operate on the new
800 MHz system currently utilized by the Police Department, Stanislaus County Sheriff’s
Office, Ceres Police Department and Turlock Police Department, and

WHEREAS, Fire Department staff in charge of the radio program recommended
the Motorola APX8000XE dual band portable radio as the replacement of the current
portable radios, and

WHEREAS, staff took into consideration the exposure to water and heat these
radios are subjected to in the field, and

WHEREAS, the Interim City Manager authorized the issuing of a formal Request
for Bid (RFB) for the purchase of dual band radios, and

WHEREAS, the Purchasing Division recommended “piggybacking” off an
existing, competitively bid contract for LA County in which the exact specification of
portable radio is listed, and
WHEREAS, LA County conducted a competitive bid process for the purchase of portable radios and issued Master Purchase Agreement (MPA) MA-IA-1740313 which is dated 07/01/2017 and valid through 06/30/2020, and

WHEREAS, the most responsive and responsible bidder that met the bid specifications was Motorola Solutions, Inc. via Delta Wireless, Inc., of Stockton, CA, and

WHEREAS, “piggybacking” from a competitively bid contract with LA County, to Motorola Solutions, Inc. via Delta Wireless, Inc. of Stockton, CA conforms to the Modesto Municipal Code (MMC) Section 8-3.203, MMC Section 8-3.202(h) and MMC Section 8-3.204(d), as this purchase will result in the lowest competitive price commensurate with the desired quality and would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it would be in the best interests of the City to piggyback from a competitively bid contract with LA County.

BE IT FURTHER RESOLVED that the Council hereby authorizes a Purchase Agreement for 20 Motorola APX8000XE dual band portable radios, to Motorola Solutions, Inc. via Delta Wireless, Inc. of Stockton, CA for an estimated total cost of $150,536.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE FEDERAL FISCAL YEAR 2018-2023 AIRPORT CAPITAL IMPROVEMENT PLAN (ACIP) AS SUBMITTED BY THE AIRPORT AND APPROVED BY THE FEDERAL AVIATION ADMINISTRATION (FAA)

WHEREAS, the Modesto City-County Airport (Airport) is a federally obligated airport, and is eligible for federal funding, and

WHEREAS, as Airport sponsor, the City is eligible for discretionary funding from the Federal Airport Improvement Program (AIP), and

WHEREAS, the FAA requires that the City submit a revised ACIP annually covering at least the next five years to maintain eligibility for future project funding, and

WHEREAS, in addition to updating cost estimates, the ACIP annual update is intended to reflect ongoing changes in City priorities, airport needs, and/or federal mandates, and

WHEREAS, keeping the ACIP current helps the FAA plan for the Airport’s long-term funding needs and better distribution of funds on a priority rating, and

WHEREAS, CalTrans Aeronautics uses the ACIP submission to develop the State Capital Improvement Plan (SCIP), and

WHEREAS, the Airport CIP update will be focusing on mandated safety and compliance issues, current infrastructure needs and planning for future Airport needs and,

WHEREAS, the total package of capital improvements submitted to the FAA for 2018-2023 is estimated to cost $4,746,092, and

WHEREAS, funding for projects that are approved will be funded 90% by the FAA with the Airport Fund providing the remaining 10% ($474,609 total), and
WHEREAS, the County Aircraft Tax Fund will generate most of the revenue for the 10% match, and

WHEREAS, on November 16, 2017, the Airport Advisory Committee recommended the forwarding of this item to Council for consideration of approval, and

WHEREAS, on December 14, 2017, this item was also presented to the Finance Committee for their acceptance and the Committee recommended forwarding to Council for consideration of approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Federal Fiscal Year 2018 – 2023 Airport Capital Improvement Plan (ACIP), attached hereto as Exhibit A.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
<table>
<thead>
<tr>
<th>Project Name</th>
<th>Total Cost</th>
<th>FY2021</th>
<th>FY2022</th>
<th>FY2023</th>
<th>FY2024</th>
<th>FY2025</th>
<th>FY2026</th>
<th>FY2027</th>
<th>FY2028</th>
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</thead>
<tbody>
<tr>
<td>1. Demolition/Disassembly</td>
<td>$1,070,602</td>
<td>$410,950</td>
<td>$107,700</td>
<td>$140,150</td>
<td>$140,150</td>
<td>$140,150</td>
<td>$140,150</td>
<td>$140,150</td>
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<td>2. Property Acquisition</td>
<td>$1,622,000</td>
<td>$612,000</td>
<td>$612,000</td>
<td>$612,000</td>
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<td>3. FAA</td>
<td>$5,846,674</td>
<td>$3,600,000</td>
<td>$2,066,674</td>
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<td>$800,000</td>
<td>$800,000</td>
<td>$800,000</td>
<td>$800,000</td>
</tr>
</tbody>
</table>

**Notes:**
- Total cost includes all projected costs over the 5-year period.
- FY2021 to FY2025 figures are estimates based on current economic conditions.
- FY2026 to FY2028 figures are long-term projections and may be subject to change due to various factors.

**Additional Information:***
- Demolition/Disassembly: includes costs for removal of buildings and debris.
- Property Acquisition: covers costs associated with purchasing land or properties.
- FAA: federal funds allocated for airport infrastructure improvements.

**Total**
- Total projected costs across all projects for the 5-year period are **$10,211,876**.

**Funding Sources:**
- Federal Funds: $4,184,602
- State Funds: $3,000,000
- Local Funds: $2,027,274

**Year-End Update:**
- Total costs as of Year-End 2022: **$9,172,100**
- Year-End 2023: **$10,000,000**
- Year-End 2024: **$10,000,000**
- Year-End 2025: **$10,000,000**
- Year-End 2026: **$10,000,000**
- Year-End 2027: **$10,000,000**
- Year-End 2028: **$10,000,000**
RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH LARRY KILLIAN AND ANGELINA MARY KILLIAN, TRUSTEES OF THE KILLIAN FAMILY TRUST, AND LENORE CATHERINE SETLIFF CHLADEK, TRUSTEE OF THE ERNEST BAXTER SETLIFF, JR. TESTAMENTARY TRUST, AND LENORE CATHERINE SETLIFF CHLADEK AND ALAN SMITH, TRUSTEES OF THE GLADYS C. SETLIFF REVOCABLE TRUST, AND ARNOLD W. SETLIFF AND KATHERINE L. SETLIFF, TRUSTEES OF THE NORMA SETLIFF FAMILY TRUST, FOR A 0.52 ACRE PORTION OF A PARCEL OF LAND IN FEE, LOCATED AT 7121 MCHENRY AVENUE (APN 004-102-003), IN THE AMOUNT OF $21,600 FOR THE DEL RIO REPLACEMENT WELL 271 PROJECT, 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, on July 12, 1995, the City of Modesto acquired the former Del Este Water Company, and

WHEREAS, a part of the Del Este Water Company included the water service system of the Del Rio Community, and

WHEREAS, in January 2005, a Technical Memorandum prepared by West Yost & Associates identified certain capital improvements to maintain existing water service levels and to provide additional service for anticipated new development, and

WHEREAS, in July 2005, in a settlement agreement with the Del Rio Community Association, the City of Modesto agreed to implement the capital improvements identified in the West Yost & Associates Technical Memorandum, and

WHEREAS, Well 271 was identified for replacement in the 2010 Water Systems Engineer’s Report to meet the needs of the existing Del Rio Water System, and

WHEREAS, staff identified a 0.52-acre parcel for sale located at 7121 McHenry Avenue in the Del Rio service area to for Replacement Well 271, and
WHEREAS, the Project was analyzed in the Del Rio Tank and Wells Project EIR and that EIR certified by the City Council in Resolution No. 2017-347, approved at its September 5, 2017 meeting; (2) A Notice of Determination was properly filed with the Stanislaus County Clerk and with the State Clearing House as Number 2015072055, in compliance with Section 21108 or 21152 of the Public Resources Code on September 6, 2017 for the Del Rio Tank and Wells Project; (3) The impacts of this action are analyzed in that EIR and no further environmental review is required under CEQA, and

WHEREAS, a Purchase and Sale Agreement is needed for the acquisition of the property, and

WHEREAS, the property owner’s requested that the Agreement contain a special condition that would allow them to connect into the City’s Water System, and

WHEREAS, the City informed the property owner’s that a promissory Will-Serve Letter would be supplied and be effective upon the City providing sufficient water and storage capacity to meet the demands of the existing and buildout water system as described in the 2010 Water System’s Report.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase and Sale Agreement, in a for approved by the City Attorney, with Larry Killian and Angelina Mary Killian, Trustees of the Killian Family Trust, and Lenore Catherine Setliff Chladek, Trustee of the Ernest Baxter Setliff, Jr. Testamentary Trust, and Lenore Catherine Setliff Chladek and Alan Smith, Trustees of the Gladys C. Setliff Revocable Trust, and Arnold W. Setliff and Katherine L. Setliff, Trustees of the Norma Setliff Family Trust, for a 0.52-acre parcel of land in fee, located
at 7121 McHenry Avenue (APN 004-102-003), in the amount of $21,600 for the Del Rio Replacement Well 271 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 complete the sale and close of escrow and staff is hereby directed to file a Notice of Determination with the County Clerk of Stanislaus County pursuant to Section 21108 or 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, OR HIS
DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE
GRANT DEED FOR THE ACQUISITION OF PROPERTY LOCATED AT 7121
MCHENRY AVENUE, OWNED BY LARRY KILLIAN AND ANGELINA MARY
KILLIAN, TRUSTEES OF THE KILLIAN FAMILY TRUST, AND LENORE
CATHERINE SETLIFF CHLADEK, TRUSTEE OF THE ERNEST BAXTER
SETLIFF, JR. TESTAMENTARY TRUST, AND LENORE CATHERINE
SETLIFF CHLADEK AND ALAN SMITH, TRUSTEES OF THE GLADYS C.
SETLIFF REVOCABLE TRUST, AND ARNOLD W. SETLIFF AND
KATHERINE L. SETLIFF, TRUSTEES OF THE NORMA SETLIFF FAMILY
TRUST, (APN 004-102-003) TO BE PURCHASED BY THE CITY OF MODESTO
FOR THE DEL RIO REPLACEMENT WELL 271 PROJECT

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

WHEREAS, the City of Modesto desires to acquire a 0.52-acre portion of a parcel
located at 7121 Mc Henry Avenue in Del Rio, owned by Larry Killian and Angelina
Mary Killian, Trustees of the Killian Family Trust, and Lenore Catherine Setliff Chladek,
Trustee of the Ernest Baxter Setliff, Jr. Testamentary Trust, and Lenore Catherine Setliff
Chladek and Alan Smith, Trustees of the Gladys C. Setliff Revocable Trust, and Arnold
W. Setliff and Katherine L. Setliff, Trustees of the Norma Setliff Family Trust (APN
004-102-003), to be purchased by the City of Modesto for the Del Rio Replacement Well
271 Project.

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 Grant Deed for the acquisition of property located at 7121
McHenry Avenue owned by Larry Killian and Angelina Mary Killian, Trustees of the
Killian Family Trust, and Lenore Catherine Setliff Chladek, Trustee of the Ernest Baxter Setliff, Jr. Testamentary Trust, and Lenore Catherine Setliff Chladek and Alan Smith, Trustees of the Gladys C. Setliff Revocable Trust, and Arnold W. Setliff and Katherine L. Setliff, Trustees of the Norma Setliff Family Trust, (APN 004-102-003) to be purchased by the City of Modesto for the Del Rio Well Replacement Well 271 Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEphanie LOPEZ, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A PURCHASING AGREEMENT AND TWO SPECIAL WASTE SERVICES AGREEMENTS WITH REPUBLIC SERVICES, INC., FORWARD LANDFILL, OF MANTECA, CA, FOR NON-HAZARDOUS WASTE DISPOSAL FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $60,000, AND NOT TO EXCEED $180,000 OVER THREE YEARS AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO ISSUE THE PURCHASING AGREEMENTS AND EXECUTE THE SPECIAL WASTE SERVICES AGREEMENTS

WHEREAS, the City uses Republic Services, Inc., Forward Landfill (Forward), to dispose of Wastewater Screening and Grit and Sewer Spoils, and

WHEREAS, Forward is located in Manteca, CA, and is the closest landfill to the City that is approved to accept wastewater solids by the Central Valley Regional Water Quality Control Board, and

WHEREAS, there are two other landfills that are able to receive Grit and/or Sewer Spoils, however, these facilities are undesirable due to their distance and would result in higher hauling costs, exceeding any savings in tipping fees, and

WHEREAS, prior to dumping at Forward, the City must perform testing on the grit and sewer spoils and report those findings to Forward before the grit and sewer spoils are accepted for disposal, and

WHEREAS, once cleared for disposal, they will prepare a Special Waste Service Agreement for signature, and

WHEREAS, the Purchasing Agreement is based on the costs identified on the Special Waste Agreement from Republic Services, and

WHEREAS, the Special Waste Agreement from Republic Services represents an agreement for them to dispose of our wastes only, and
WHEREAS, the Special Waste Services Agreement for Non-Hazardous Wastes for grit is at a cost of $31.50 per ton, $2.16 per ton County Fee, $16.25 per load Environmental Fee, and annual increases effective one year from the approval date which is an increase of $1.50 per ton and $1.25 per load, and

WHEREAS, the Special Waste Services Agreement for Non-Hazardous Wastes for sewer spoils is at a cost of $25.00 per ton, $2.16 per ton County Fee, $16.50 per load Environmental Fee, and annual increases effective one year from the approval date which is a decrease of $5.00 per ton and an increase of $3.50 per load.

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, and

WHEREAS, one exception, MMC Section 8-3.204(c), is available where the Purchasing Manager, in her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS, the Purchasing Manager invoked that exception for this purchase due to the limited resources for disposal available, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchasing Agreement and two Special Waste Services Agreements with Republic Services, Inc., Forward Landfill, of Manteca, CA, for sole source non-hazardous waste disposal for an estimated annual cost not to exceed $60,000, and not to exceed $180,000 over three years.
BE IT FURTHER RESOLVED that the Interim City Manager or his designee is hereby authorized to issue the Purchasing Agreement and execute the Special Waste Services Agreements, in a form approved by the City Attorneys.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH HSQ TECHNOLOGY, HAYWARD, CA, FOR REMOTE TERMINAL UNITS AND ALL ASSOCIATED CIRCUIT BOARDS AND PARTS FOR THE MISER SUPERVISOR CONTROL AND DATA ACQUISITION SYSTEM, FOR A TWO-YEAR AGREEMENT, WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $60,000 AND FOR A TOTAL COST NOT TO EXCEED $300,000 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASING AGREEMENT

WHEREAS, the Wastewater and Water Divisions utilize HSQ Technology (HSQ) Remote Terminal Units (RTU’s) to transmit and receive operational data from over 200 remotely located facilities such as wells, storage tanks, sewer lift stations, storm stations, and the Sutter, Jennings and Tertiary Treatment Plants as part of the HSQ Miser SCADA System, and

WHEREAS, other RTU’s are not compatible with the HSQ SCADA System, and

WHEREAS, the RTU’s and the associated circuit boards and parts ensure that there is no interruption of service in the transmission of this operational data, and

WHEREAS, HSQ has providing service for over 20 years and has provided technical support on approximately $4,000,000 worth of equipment, and

WHEREAS, On October 23, 2017, staff went to the Finance Committee with an agreement with EMA, Inc., Tucson, AZ, for consultant services for the planning of the SCADA System replacement for Water and Wastewater Utility Operations, and

WHEREAS, until the City has replaced the HSQ SCADA System, staff will need to keep the systems functioning properly to avoid catastrophic failure of the water and/or wastewater systems, and
WHEREAS, this agreement will allow staff to purchase the parts needed and once the new SCADA System is installed and operating, this agreement will not be renewed or extended.

WHEREAS, the Purchasing Manager has determined that the purchase of RTUs should be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(b) since HSQ is the sole provider of these parts, and

WHEREAS, MMC 8-3.204(b) provides that a purchase may be exempted from the City’s formal bidding requirements where the Purchasing Agency’s requirements can be met solely by a single article or process, therefore, this purchase qualifies for exemption from formal bidding for that reason.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source agreement with HSQ Technology, Hayward, CA for Remote Terminal Units and all associated circuit boards and parts for the Miser Supervisor Control and Data Acquisition System for a two-year agreement, with three one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed $60,000 and a total cost not to exceed $300,000 over five years.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue the purchasing agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE LITT ROAD IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND AWARDING A CONSTRUCTION CONTRACT TO MCFADDEN CONSTRUCTION, INC., OF STOCKTON, CA, IN THE AMOUNT OF $1,533,584, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Litt Road Improvements Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Litt Road Improvements Project were publicly opened at 11:00 a.m. on November 28, 2017, pursuant to Modesto Municipal Code 8-3.403, and

WHEREAS, Staff recommend that the bid of $1,533,584 received from McFadden Construction, Inc., be accepted as the lowest responsible and responsive bid and the construction contract be awarded to McFadden Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Litt Road Improvements Project, accepts the bid of $1,533,584 and awards McFadden Construction, Inc., of Stockton, CA the construction contract for the Litt Road Improvements Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract, 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 16th day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(Seal)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney

STEPHANIE LOPEZ, City Clerk
RESOLUTION APPROVING THE PRE-QUALIFIED CONSULTANT LIST FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR VARIOUS CAPITAL IMPROVEMENT (CIP) PROJECTS FOR A PERIOD OF ONE YEAR, WITH TWO ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE UTILITIES DEPARTMENT DIRECTOR

WHEREAS, the Construction Administration Division for the City of Modesto is housed within the Utilities Department, but is responsible for construction management and inspection services for nearly all capital projects over $50,000, emergency projects, and inspection of all encroachment permits issued by the City, and

WHEREAS, from time to time, project workload and permit workload requires more resources than the City has available internally, and

WHEREAS, retaining a pre-qualified list and on-call agreements with consultants allows the Utilities Department to have accelerated access to specific construction management and inspection services, 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 combined Request for Qualifications (RFQ) and Request for Proposal (RFP) through PlanetBids website, and

WHEREAS, staff received Statements of Qualifications (SOQs) and Proposals from eight firms, three of which were considered local firms, and
WHEREAS, after careful review of the proposals and qualifications it was determined that each of the firms exhibited unique strengths in the different fields of construction management, and

WHEREAS, since assistance can be needed in any of these types of construction work, and since all eight firms are being placed on the Pre-qualified List, and


WHEREAS, when construction management and inspection are required for a particular project, an RFP with a specific scope of work will be issued to either all or select firms from the List, depending on the strengths of the firm and the needs of the project, and

WHEREAS, following proposal evaluation, interviews may be conducted to select the most qualified firm, and

WHEREAS, an agreement for construction management and inspection services will then be presented to City Council for approval, if the total amount of the agreement exceeds $50,000, and

WHEREAS, the Prequalified Consultant List will be active for one year from the date of Council approval, after which the List may be extended via two additional one-year extensions at the written approval of the Director of Utilities, and

WHEREAS, in the event the firms listed are deemed to lack experience or expertise for specific projects, the City may recruit other consultants for individual projects and not be restricted to only using the approved List, and
WHEREAS, the Director will have the authority to request a separate solicitation process and add more firms to this list of pre-qualified firms through a formal selection procedure per Administrative Directive 3.1.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Pre-qualified Consultant List for Construction Management and Inspection Services for various Capital Improvement Program (CIP) Projects for a period of one year, with two additional one-year extensions at the written approval of the Utilities Department Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN ON-CALL AGREEMENT WITH NV5, INC., OF MANTECA, CA FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS, IN AN AMOUNT NOT TO EXCEED $75,000 PER YEAR, WITH TWO ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE UTILITIES DEPARTMENT DIRECTOR, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Construction Administration Division for the City of Modesto is housed within the Utilities Department, but is responsible for construction management and inspection services for nearly all capital projects over $50,000, emergency projects, and inspection of all encroachment permits issued by the City, and

WHEREAS, from time to time, project workload and permit workload requires more resources than the City has available internally, and

WHEREAS, retaining a pre-qualified list and on-call agreements with consultants allows the Utilities Department to have accelerated access to specific construction management and inspection services, 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 combined Request for Qualifications (RFQ) and Request for Proposal (RFP) through PlanetBids website, and

WHEREAS, staff received Statements of Qualifications (SOQs) and Proposals from eight firms, three of which were considered local firms, and
WHEREAS, after careful review of the proposals and qualifications, NV5, Inc. was selected as the most qualified, and

WHEREAS, when construction management and inspection are required on an "as-needed" basis, staff will negotiate a scope, cost, and schedule to complete the specific tasks.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Agreement with NV5 Inc., of Manteca, CA for Construction Management and Inspection Services for various Capital Improvement Program (CIP) Projects, in an amount not to exceed $75,000 per year, with two additional one-year extensions at the written approval of the Utilities Department Director.

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 16th day of January, 2018, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember
Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____________________________

SEAL

APPROVED AS TO FORM:
By: _____________________________

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN ON-CALL AGREEMENT WITH CONSOLIDATED CM INC., OF OAKLAND, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS, IN AN AMOUNT NOT TO EXCEED $75,000 PER YEAR, WITH TWO ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE UTILITIES DEPARTMENT DIRECTOR, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Construction Administration Division for the City of Modesto is housed within the Utilities Department, but is responsible for construction management and inspection services for nearly all capital projects over $50,000, emergency projects, and inspection of all encroachment permits issued by the City, and

WHEREAS, from time to time, project workload and permit workload requires more resources than the City has available internally, and

WHEREAS, retaining a pre-qualified list and on-call agreements with consultants allows the Utilities Department to have accelerated access to specific construction management and inspection services, 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 combined Request for Qualifications (RFQ) and Request for Proposal (RFP) through PlanetBids website, and

WHEREAS, staff received Statements of Qualifications (SOQs) and Proposals from eight firms, three of which were considered local firms, and
WHEREAS, after careful review of the proposals and qualifications, Consolidated CM Inc. was selected as the most qualified, and

WHEREAS, when construction management and inspection are required on an “as-needed” basis, staff will negotiate a scope, cost, and schedule to complete the specific tasks.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Agreement with Consolidated CM, Inc., of Oakland, CA for Construction Management and Inspection Services for various Capital Improvement Program (CIP) Projects, in an amount not to exceed $75,000 per year, with two additional one-year extensions at the written approval of the Utilities Department Director.

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 16th day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN ON-CALL AGREEMENT WITH VALI COOPER AND ASSOCIATES, OF EMERYVILLE, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS, IN AN AMOUNT NOT TO EXCEED $75,000 PER YEAR, WITH TWO ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE UTILITIES DEPARTMENT DIRECTOR, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Construction Administration Section for the City of Modesto is housed within the Utilities Department, but is responsible for construction management and inspection services for nearly all capital projects over $50,000, emergency projects, and inspection of all encroachment permits issued by the City, and

WHEREAS, from time to time, project workload and permit workload requires more resources than the City has available internally, and

WHEREAS, retaining a pre-qualified list and on-call agreements with consultants allows the Utilities Department to have accelerated access to specific construction management and inspection services, 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 combined Request for Qualifications (RFQ) and Request for Proposal (RFP) through PlanetBids website, and

WHEREAS, staff received Statements of Qualifications (SOQs) and Proposals from eight firms, three of which were considered local firms, and
WHEREAS, after careful review of the proposals and qualifications, Vali Cooper and Associates, Inc., was selected as the most qualified, and

WHEREAS, when construction management and inspection are required on an “as-needed” basis, staff will negotiate a scope, cost, and schedule to complete the specific tasks.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Agreement with Vali Cooper and Associates, Inc., of Emeryville, CA for Construction Management and Inspection Services for various Capital Improvement Program (CIP) Projects, in an amount not to exceed $75,000 per year, with two additional one-year extensions at the written approval of the Utilities Department Director.

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 16th day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE CODONI TRANSMISSION MAINS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES AND PAYMENTS TOTALING $2,748,357.47 TO D.A. WOOD CONSTRUCTION, INC., OF MODESTO, CA

WHEREAS, the Codoni Transmission Mains Project has been completed by D.A. Wood Construction, Inc., of Modesto, CA in accordance with the contract agreement dated November 1, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Codoni Transmission Mains Project is hereby accepted as complete from said contractor, D.A. Wood Construction, Inc., of Modesto, CA, and that the City Clerk is authorized to complete all necessary steps to file a Notice of Completion with the County Recorder, release securities and payments totaling $2,748,357.47, 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 16th day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: 

(ADAM U. LINDGREN, City Attorney)
RESOLUTION APPROVING THE FISCAL YEAR 2017-18 MAINTENANCE OF EFFORT (MOE) TO FUND BOTH MEASURE L AND THE CALIFORNIA ROAD REPAIR ACCOUNTABILITY ACT-ROAD MAINTENANCE AND REHABILITATION ACCOUNT AND AMEND THE FISCAL YEAR 2017-18 OPERATING BUDGET IN THE AMOUNT OF $1,538,605 TO BE FUNDED WITH FISCAL YEAR 2016-17 GENERAL FUND CARRYOVER FUNDS

WHEREAS, on November 6, 2016, the County voters approved Measure L, enacting a half-cent sales tax for 25 years to fund transportation improvements, and

WHEREAS, Section 9.03.01 of Measure L includes a Maintenance of Effort (MOE) requirement whereby local jurisdictions must contribute no less than its three-year average of annual expenditures from its general fund during the prior three fiscal years, and

WHEREAS, On April 28, 2017, the Governor approved Senate Bill No. 1, known as the Road Repair and Accountability Act of 2017, and

WHEREAS, the Act establishes a new Road Maintenance and Rehabilitation Account and a percentage of this new funding will be apportioned to eligible cities and counties for basic road maintenance, rehabilitation, and critical safety projects on local streets and roads systems, and

WHEREAS, the Act requires a local agency to meet the MOE requirement in order to receive funding and states that a city must maintain general fund spending for street, road, and high purposes at no less than the average of 2009-10, 2010-11, and 2011-12 fiscal years, and
WHEREAS, the City has confirmed with Stanislaus Council of Governments (StanCOG) regarding the Measure L MOE and confirmed the required amount for FY 2017-18 is $521,505 to meet the MOE requirement, and

WHEREAS, the City has confirmed with the State Controller’s Office regarding the Road Repair Accountability Act-Road Maintenance and Rehabilitation Account MOE and confirmed the required amount for FY 2017-18 is $1,538,605 to meet the MOE requirement, and

WHEREAS, the Fiscal Year 2017-2018 Operating budget must be amended to appropriate and transfer $1,538,605 from FY 2016-17 General Fund carryover funds to meet both the Measure L and Road Repair Accountability Act-Road Maintenance and Rehabilitation Account Maintenance of Effort FY 2017-18 requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fiscal Year 2017-18 Maintenance of Effort (MOE) to fund both Measure L and the Road Repair Accountability Act-Road Maintenance and Rehabilitation Account and amends the Fiscal Year 2017-18 operating budget to appropriate and transfer $1,538,605 from FY 2016-17 General Fund carryover funds.

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 16th day of January, 2018, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney