RESOLUTION ACCEPTING THE COMPLETED PORTION OF PUBLIC IMPROVEMENTS FOR HILLGLEN PARKS SUBDIVISION, LOCATED AT THE INTERSECTION OF HILLGLEN AVENUE AND CADEN DRIVE

WHEREAS, NHC Holdings, LLC, a California limited liability company ("Subdivider"), is the subdivider of a tract of land situated in the City of Modesto, consisting of 10.56 acres, known as the HILLGLEN PARKS SUBDIVISION ("Subdivision"), and

WHEREAS, the Public Works Department has verified that a portion of the required public improvements for this project have been satisfactorily completed and all inspection fees have been paid on that portion of the project, and

WHEREAS, the Public Works Department will not assume maintenance responsibilities until all of the public improvements for the entire subdivision have been completed and accepted by City Council, and

WHEREAS, pursuant to the Subdivision Agreement, Subdivider has filed Faithful Performance Bonds in the amount of $189,444 for Hillglen Parks, and

WHEREAS, pursuant to the Subdivision Agreement, Subdivider has filed Payment Bonds in the amount of $94,722 for Hillglen Parks, and

WHEREAS, pursuant to the Subdivision Agreement, Subdivider will file Warranty Bonds in the amount of $170,870 for all required public improvements for Hillglen Parks after all public improvements have been completed, and

WHEREAS, the developer has requested that the completed portion of the improvements be accepted and the Bonds be reduced to the amount required for the remaining improvements only, and
WHEREAS, the Public Works Director has indicated that it would be appropriate for the City Council to accept said public improvements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the completed portion of public improvements for Hillglen Parks Subdivision, located at the intersection of Hillglen Avenue and Caden Drive, constructed by the Subdivider are hereby accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd 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, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE FINAL MAP OF HILLGLEN PARKS SUBDIVISION, AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A SUBDIVISION AGREEMENT WITH NHC HOLDINGS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER’S OFFICE

WHEREAS, NHC HOLDINGS, LLC, a California limited liability company (“Subdivider”), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.56 acres, known as the HILLGLEN PARKS SUBDIVISION (“Subdivision”), in the Village One specific plan and the precise plan number 15, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on January 27, 2014 with conditions of approval as noted in Planning Commission resolution Number 2014-04, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the project is currently under construction and 90% of the public improvements have been completed as determined by the City, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the Subdivider has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Subdivision meets all of the provisions of the California Subdivision Map

MODESTO CITY COUNCIL
RESOLUTION NO. 2018-17
Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the Subdivider has furnished securities for improvements that have not been built, as set forth in Section 4-4.605 of the Modesto Municipal Code, and which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Final Map of Hillglen Parks Subdivision; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use.

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

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd 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, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST:

(SEAL)

APPROVED AS TO FORM:

BY:

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS, ACCEPTING THE BID, AND AWARDING THE CONSTRUCTION CONTRACT TO CAZADORO CONSTRUCTION, INC. OF SAN FRANCISCO, CA IN THE AMOUNT OF $735,115 FOR THE RIGHT TURN LANE AT PRESCOTT ROAD AND PLAZA PARKWAY PROJECT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE CONTRACT

WHEREAS, the City is ready to construct the Right Turn Lane at Prescott Road and Plaza Parkway project, and

WHEREAS, the original timeline for construction of this project was for construction to begin in June, 2013 and be complete by December, 2013, and

WHEREAS, in late October, 2016 all dry utility relocation work was completed by the outside agencies, and

WHEREAS, the project was advertised for bids on November 8, 2016, bids were opened on December 6, 2016, only two bids were received, the apparent low bidder was 55.10% above the engineer’s estimate and the second bidder was 101.96% above engineer’s estimate, and

WHEREAS, on January 24, 2017, by Resolution 2017-27, Council rejected all bids for this project with the intention of having staff make some modifications to the scope and rebid the project with the hope of attracting a higher number of contractors, and

WHEREAS, staff made modifications to the scope of the project, and

WHEREAS, the project was re-advertised for bids on June 26, 2017, bids were publicly opened on July 18, 2017 pursuant to Modesto Municipal Code 8-3.403 and
Charter Section 1307 and only one responsive bid was received from Cazadoro
Construction, Inc. of San Francisco, California, and

WHEREAS, the proposed award of bid to Cazadoro Construction, Inc., of San
Francisco, CA conforms to Modesto Municipal Code section 8-3.403 and Modesto
Charter Section 1307 and Cazadoro Construction Inc., is the lowest responsive and
responsible bidder, and

WHEREAS, with this project having been advertised twice, the relatively few
contractors that have bid on the project, the Interim City Manager and staff have
determined that it would be in the best interest of the City to move forward with the
project and recommend approving the plans and specifications, accept the bid, and award
the construction contract to Cazadoro Construction, Inc., of San Francisco, CA.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the plans and specifications, accepts the bid, and awards the
construction contract to Cazadoro Construction, Inc. of San Francisco, CA in the amount
of $735,115 for the Right Turn Lane at Prescott Road and Plaza Parkway 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 23rd day of January, 2018, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember
Ridenour, 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 ACCEPTING THE REGIONAL SURFACE TRANSPORTATION PROGRAM GRANT IN THE AMOUNT OF $125,000 FOR THE RIGHT TURN LANE AT PRESCOTT ROAD AND PLAZA PARKWAY PROJECT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, the City is ready to construct the Right Turn Lane at Prescott Road and Plaza Parkway project, and

WHEREAS, the original timeline for construction of this project was for construction to begin in June, 2013 and be complete by December, 2013, and

WHEREAS, the project was advertised for bids on November 8, 2016, bids were opened on December 6, 2016, only two bids were received, the apparent low bidder was 55.10% above the engineer’s estimate and the second bidder was 101.96% above engineer’s estimate, and

WHEREAS, on January 24, 2017, by Resolution 2017-27, Council rejected all bids for this project with the intention of having staff make some modifications to the scope and rebid the project with the hope of attracting a higher number of contractors, and

WHEREAS, staff made modifications to the scope of the project, and

WHEREAS, the project was re-advertised for bids on June 26, 2017, bids were opened on July 18, 2017, only one bid was received, the apparent low bidder was 30.39% above the engineer’s estimate, and

WHEREAS, staff worked with Caltrans and the Stanislaus Council of Governments (StanGOC) staff to receive approval for an additional $125,000 in Regional Surface Transportation Program (RSTP) funds to be added to this project.
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Regional Surface Transportation Program grant in the amount of $125,000 for the Right Turn Lane at Prescott Road and Plaza Parkway project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute all necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-20

RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT PROGRAM BUDGET, PROJECT #100633 IN THE AMOUNT OF $125,000 FOR THE RIGHT TURN LANE AT PRESCOTT ROAD AND PLAZA PARKWAY PROJECT

WHEREAS, the City is ready to construct the Right Turn Lane at Prescott Road and Plaza Parkway project, and

WHEREAS, certain budgetary transactions are necessary in the amount of $125,000 in order to fund construction, contingency, construction administration, and engineering/design support during construction plus City staff support for the Right Turn Lane at Prescott Road and Plaza Parkway project, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget, PROJECT #100633 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 amending the Fiscal Year 2017-2018 Capital Improvement Program Budget, project #100633 in the amount of $125,000 for the Right Turn Lane at Prescott Road and Plaza Parkway project 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 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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
LOCAL TRANSPORTATION FUNDS - REGIONAL
TRANSIT CLAIM
FISCAL YEAR 2018/19

TO: Stanislaus Council of Governments
1111 I Street, Suite 308
Modesto, CA  95354

FROM: Applicant: City of Modesto
Address: P.O. Box 642
City: Modesto    Zip: 95353

Contact Person: Adam Barth / Maria Garnica    Phone: 577-5298/577-5249
E-mail Address: abarth@modestogov.com    Fax: 341-2939

The City of Modesto hereby requests, in accordance with the Transportation Development Act and applicable rules and regulations, that its annual transit claim be approved in the amount of $ 1,181,147 for fiscal year 2017/18 to be drawn from the Transportation Development Act Fund as follows:

Local Transportation Fund $ 1,181,147
State Transit Assistance Fund
Total $ 1,181,147

When approved, please transmit this claim to the County Auditor for payment. Approval of the claim and payment by the County Auditor to this applicant is subject to such monies being on hand and available for distribution, and to the provisions that such monies will be used only in accordance with the terms contained in the approving resolution to the Stanislaus Council of Governments.

The claimant certifies that this Transportation Development Act Fund claim and the financial information contained herein is reasonable and accurate to the best of my knowledge and conforms with the requirements of the Transportation Development Act and applicable rules and regulations.

Submitted by: ____________________________
Title: Joseph P. Lopez, Acting City Manager
Date:

StanCOG Board of Directors:

Date of approval: ____________________________
Resolution #: ____________________________

StanCOG Approving Authority

v:\stancog\robin\TDA09-10\Transit Forms\LTF - Regional Claim FY18-19\(draft 2).xml 12/14/2017
## TRANSIT CLAIM
FISCAL YEAR 2018/19
OPERATIONS

<table>
<thead>
<tr>
<th>A. OPERATING REVENUE</th>
<th>2016/17 Actual</th>
<th>2017/18 Estimated</th>
<th>2018/19 Proposed Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 Passenger Fares</td>
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<tr>
<td>402 Special Transit Fares</td>
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<tr>
<td>403 School Bus Service</td>
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<tr>
<td>CEMA - Prop. 1B</td>
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<tr>
<td>406 Auxiliary (inc. Advertising)</td>
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<td>407 Nontransportation (inc. Interest)</td>
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<td>529,926</td>
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<td>LTF - Carryover from fiscal year 2008/09</td>
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<tr>
<td>LTF - New claim</td>
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<tr>
<td>410 Local Special Fare Assistance</td>
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<tr>
<td>411 STA - Carryover from last completed fiscal year</td>
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<tr>
<td>STA - New claim</td>
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<tr>
<td>412 State Special Fare Assistance</td>
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<tr>
<td>413 Federal Operating Grants</td>
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<td>103,496</td>
<td>115,643</td>
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<td><strong>TOTAL REVENUES</strong></td>
<td>705,266</td>
<td>729,076</td>
<td>753,120</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. OPERATING EXPENSE</th>
<th>2016/17 Actual</th>
<th>2017/18 Estimated</th>
<th>2018/19 Proposed Budget</th>
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</thead>
<tbody>
<tr>
<td>501 Labor</td>
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<tr>
<td>502 Fringe Benefits</td>
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<tr>
<td>508 Purchase Transportation Services</td>
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<td>509 Misc Expenses</td>
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<td>511 Interest Expense</td>
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<td>512 Leases &amp; Rentals</td>
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<tr>
<td>Contingencies</td>
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<tr>
<td><strong>TOTAL EXPENDITURES</strong></td>
<td>705,266</td>
<td>729,076</td>
<td>753,120</td>
</tr>
</tbody>
</table>

Account numbers above refer to account numbers in the State Controller's Uniform System of Accounts for Public Transit Operators.

Approved by Operator's Chief Financial Officer or CPA

Note: Any operating cost item for 2018/19 which exceeds 2017/18 by more than 15% must be justified in a statement attached to this claim.
## OPERATING REVENUE

<table>
<thead>
<tr>
<th>Account</th>
<th>2016/17 Actual</th>
<th>2017/18 Estimated</th>
<th>2018/19 Proposed Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 Passenger Fares</td>
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<tr>
<td>402 Special Transit Fares</td>
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<tr>
<td>403 School Bus Service</td>
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<td>404 Freight Tariffs</td>
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<td>405 Charter Service</td>
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<td>406 Auxiliary (inc. Advertising)</td>
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<td>407 Nontransportation (inc. Interest)</td>
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<td>412 State Special Fare Assistance</td>
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<td><strong>TOTAL REVENUES</strong></td>
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<td>142,070</td>
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</table>

## OPERATING EXPENSE

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<tr>
<th>Account</th>
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<td>508 Purchase Transportation Services</td>
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<td>512 Leases &amp; Rentals</td>
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<tr>
<td><strong>TOTAL EXPENDITURES</strong></td>
<td>146,664</td>
<td>142,070</td>
<td>132,621</td>
</tr>
</tbody>
</table>

Account numbers above refer to account numbers in the State Controller’s Uniform System of Accounts for Public Transit Operators.

Approved by Operator’s Chief Financial Officer or CPA

Note: Any operating cost item for 2018/19 which exceeds 2017/18 by more than 15% must be justified in a statement attached to this claim.
### C. CAPITAL REVENUES

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>2015/17</th>
<th>2017/18</th>
<th>2018/19</th>
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<td>CMAQ</td>
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<tr>
<td>Other Federal</td>
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<td>Proposition 1B - Regional share</td>
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<td>Proposition 1B - Direct share</td>
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<tr>
<td>STA - Carryover from last completed fiscal year</td>
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<tr>
<td>STA - New claim</td>
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<tr>
<td>LTF - Carryover from last completed fiscal year</td>
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### D. CAPITAL EXPENDITURES

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<tr>
<th>Project</th>
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<th>2017/18</th>
<th>2018/19</th>
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<tbody>
<tr>
<td>South Parking Lot at Amtrak Station</td>
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<tr>
<td>Restroom Renovation - bringing up to ADA regulations</td>
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<td><strong>TOTAL EXPENDITURES</strong></td>
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Approved by Operator's Chief Financial Officer or CPA

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Note: Any operating cost item for 2018/19 which exceeds 2017/18 by more than 15% must be justified in a statement attached to this claim.
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-21

RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT TO ENTER AND CONSTRUCT IMPROVEMENTS WITH AUTOZONE, INC. FOR THE PROPERTY LOCATED AT 1901 PRESCOTT ROAD (PARCELS A & B OF 47-PM-2, APN 005-082-037); AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT AND ALL RELATED DOCUMENTS

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) CML 5059 (187) — Prescott Road and Plaza Parkway project involves the expansion of Prescott Road to include a southbound right turn lane at the northwest corner of Prescott Road and Plaza Parkway, and

WHEREAS, on March 1, 2012, Caltrans determined this project to be a categorical exclusion pursuant to the National Environmental Policy Act (NEPA) and all other applicable federal environmental laws, regulations and executive orders, and

WHEREAS, the project is consistent and is in conformance to the General Plan Master E.I.R. and no additional California Environmental Quality Act clearance is needed, and

WHEREAS, the City of Modesto desires to construct a portion of the required improvements for a right turn lane at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN 005-082-037) owned by AutoZone, Inc., and

WHEREAS, on February 5, 2013, by Resolution 2013-48, Council approved an Agreement to Enter and Construct Improvements with AutoZone, Inc. located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN 005-082-037), and

WHEREAS, the City had not yet commenced construction of the project and the completion deadline of thirty-six (36) months was February 5, 2016, and
WHEREAS, on March 8, 2016, by Resolution 2016-90, Council approved an Amendment to the Agreement to Enter and Construct Improvements with AutoZone, Inc. located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN 005-082-037), which extended the deadline for completion of the project from thirty-six (36) months to fifty-four (54) months, and

WHEREAS, City of Modesto and AutoZone, Inc. must enter into a Second Amendment to extend the completion deadline from fifty-four (54) months to seventy-two (72) months,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to Agreement to Enter and Construct located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN 005-082-037) owned by AutoZone, Inc.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Second Amendment and all related documents, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 APPROVING A SECOND AMENDMENT TO AGREEMENT TO ENTER AND CONSTRUCT IMPROVEMENTS WITH CAROL CORCORAN WILLIAMS AND PATRICK C. CORCORAN, AS TRUSTEES FOR THE CORCORAN 2004 LIVING TRUST, FOR THE PROPERTY LOCATED AT 1901 PRESCOTT ROAD (PARCEL C OF 47-PM-2, APN 005-082-036); AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT AND ALL RELATED DOCUMENTS

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) CML 5059 (187) – Prescott Road and Plaza Parkway project involves the expansion of Prescott Road to include a southbound right turn lane at the northwest corner of Prescott Road and Plaza Parkway, and

WHEREAS, on March 1, 2012, Caltrans determined this project to be a categorical exclusion pursuant to the National Environmental Policy Act (NEPA) and all other applicable federal environmental laws, regulations and executive orders, and

WHEREAS, the project is consistent and is in conformance to the General Plan Master E.I.R. and no additional California Environmental Quality Act clearance is needed, and

WHEREAS, the City of Modesto desires to construct a portion of the required improvements for a right turn lane at 1901 Prescott Road (Parcel C of 47-PM-2, APN 005-082-036), and

WHEREAS, on February 5, 2013, by Resolution 2013-49, Council approved an Agreement to Enter and Construct Improvements with Patrick G. Corcoran located at 1901 Prescott Road (Parcel C of 47-PM-2, APN 005-082-036), and

WHEREAS, the City had not yet commenced construction of the Project and the completion deadline of thirty-six (36) months was February 5, 2016, and
WHEREAS, there was a change in trustee of the Corcoran 2004 Living Trust, to name Carol Corcoran Williams and Patrick C. Corcoran as trustees, and

WHEREAS, on March 8, 2016, by Resolution 2016-91, Council approved an Amendment to the Agreement to Enter and Construct Improvements with Carol Williams Corcoran and Patrick C. Corcoran located at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036), which extended the deadline for completion of the project from thirty-six (36) to fifty-four (54) months, and

WHEREAS, City of Modesto, Carol Corcoran Williams and Patrick C. Corcoran must enter into a Second Amendment to extend the completion deadline from fifty-four (54) months to seventy-two (72) months,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to Agreement to Enter and Construct located at 1901 Prescott Road (Parcel C of 47-PM-2, APN 005-082-036) owned by the Corcoran 2004 Living Trust.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Second Amendment and all related documents, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 APPROVING A CAPITAL FACILITIES FEES PUBLIC IMPROVEMENT REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND VALLEY CHILDREN’S MEDICAL GROUP, FOR PUBLIC IMPROVEMENTS IDENTIFIED IN THE CAPITAL FACILITIES FEES PROGRAM, THAT THE DEVELOPER WILL CONSTRUCT IN CONNECTION WITH THE VALLEY CHILDREN’S MEDICAL CENTER, AT PELEDALE AVENUE IN AN AMOUNT NOT TO EXCEED $204,210 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in May 2013, By Resolution No. 2013-177, Council adopted the Capital Facilities Fees Policies and Procedures and

WHEREAS, the policy allows developers to install public improvements and be reimbursed for the work if certain parameters are met, and

WHEREAS, in April 2017, Valley Children’s Medical Group (Applicant) submitted a building application to develop a new 63,167 square foot Children’s Specialty Medical Clinic at 3525 Pelandale Avenue, and

WHEREAS, as a condition of the Development Plan Review, the developer was instructed to construct, a center concrete median on Pelandale Avenue which will allow left turns into the driveway but will prohibit left turns out of the driveway, and

WHEREAS, the public improvements are identified in the Capital Facilities Fees Program, and therefore reimbursable to the developer, and

WHEREAS, a Capital Facilities Fees Public Improvement Reimbursement Agreement between the City of Modesto and Valley Children’s Medical Group, (CFF Agreement) must be executed prior to commencement of work in order for the Applicant to be reimbursed for the public improvement costs associated with the project, and
WHEREAS, the proposed CFF Agreement has maximum reimbursement amount of $204,210, reimbursement will be based upon actual expenses incurred, and

WHEREAS, in no event will reimbursement exceed the maximum reimbursement amount. Reimbursement is strictly limited to funds from the Capital Facilities Fees – Streets Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Capital Facilities Fees Public Improvement Reimbursement Agreement between the City of Modesto and Valley Children’s Medical Group, for public improvements identified in the Capital Facilities Fees program that the developer will construct in connection with the new Valley Children’s Medical Center at Pelandale Avenue in an amount not to exceed $204,210.

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 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 AMENDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $204,210 TO CREATE PROJECT 101067 AND ESTABLISH THE BUDGET IN ORDER TO FUND THE DEVELOPER REIMBURSEMENTS FOR THE PUBLIC IMPROVEMENTS ON PELANDALE AVENUE

WHEREAS, a Capital Facility Fees Public Improvement Reimbursement Agreement with Valley Children’s Medical Group for public improvements identified in the Capital Facilities Fees program is being approved, and

WHEREAS, certain budgetary transactions are necessary in the amount of $204,210, to create project 101067 and establish the budget, in order to fund the developer reimbursements for the Pelandale public improvements for the new Valley Children Medical Center, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be increased in the amount of $204,210,

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 in the amount of $204,210 to create project 101067 and establish the budget in order to fund the developer reimbursements for the public improvements on Pelandale Avenue.

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 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 ACCEPTING THE DESTINATION MODESTO REPORT FOR THE FIRST QUARTER OF FISCAL YEAR 2017-18

WHEREAS, in 2015, the City absorbed the functions of the Convention & Visitor’s Bureau within the Community & Economic Development Department and a Destination Modesto Task Force was created to promote travel, tourism and entertainment,

WHEREAS, the Destination Modesto report for the convention and tourism activity are periodically submitted to the City Council for their consideration, and

WHEREAS, subsequent Destination Modesto reports have been expanded to also include activity from the McHenry Mansion, McHenry Museum, all three (3) City-owned golf courses, and City parks, and

WHEREAS, the Destination Modesto Report – Third and Fourth Quarter Fiscal Year 2016-17 reflected activity from all Destination Modesto assets in addition to second quarter Convention & Tourism activity that was not included in earlier reports,

WHEREAS, the Destination Modesto Report – First Quarter Fiscal Year 2017-18 reflects activity from all Destination Modesto assets in addition to groups visiting Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Destination Modesto Report – First Quarter Fiscal Year 2017-18.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 SUBMITTAL OF AN APPLICATION FOR THE 2017 ASSISTANCE TO FIREFIGHTERS GRANT IN AN AMOUNT THAT WILL EXCEED $100,000, WITH A 10% LOCAL MATCH FOR THE PROCUREMENT OF RADIO COMMUNICATIONS EQUIPMENT AND SOURCE CAPTURE EXHAUST SYSTEMS

WHEREAS, the Department of Homeland Security (DHS), Federal Emergency Management Agency’s (FEMA) Grant Program Directorate implements and administers the Assistance to Firefighters Grant (AFG) program, and

WHEREAS, the purpose of the AFG program is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards by providing direct financial assistance to eligible fire departments for critically needed resources to equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience, and

WHEREAS, the Notice of Funding Opportunity was posted on grants.gov on Tuesday, December 19, 2017, and

WHEREAS, the application period opened on December 26, 2017, and will close on February 2, 2018, and

WHEREAS, the Modesto Fire Department is seeking authorization to submit grant applications for the 2017 AFG program in an amount that will exceed $100,000 and requires a 10% local match of funds, and
WHEREAS, these known variables meet the threshold outlined in Administrative Directive 7.2 Grant Management that requires the department to seek pre-approval to apply for the grant from the Finance Director, City Manager and City Council, and

WHEREAS, if awarded the grant, the Fire Department is required to come before Committee and Council for approval to accept the grant, and

WHEREAS, the department intends to apply for the replacement of the remaining phases needed to update the aging radio communications equipment (portable radios, base radios, etc.) as well as installing source capture exhaust systems in fire stations where we do not have adequate systems for apparatus.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application for the 2017 Assistance to Firefighters Grant in an amount that will exceed $100,000, with a 10% local match for the procurement of radio communications equipment and source capture exhaust systems.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to submit the application.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-27

RESOLUTION APPROVING AN AMENDMENT TO THE CITY’S ANTI-DRUG PROGRAM/ALCOHOL MISUSE PROGRAM TO ENSURE CONTINUED COMPLIANCE WITH THE REGULATIONS ESTABLISHED BY THE FEDERAL DEPARTMENT OF TRANSPORTATION

WHEREAS, the Omnibus Transportation Employee Testing Act of 1991 requires drug and alcohol testing of safety-sensitive transportation employees in transportation industries, and

WHEREAS, the City of Anti-Drug/Alcohol Misuse Program and Procedure is governed by both the Federal Motor Carrier Safety Administration and the Federal Transit Administration, and

WHEREAS, the Anti-Drug/Alcohol Misuse Program has been amended on January 10, 2012 by Resolution No. 2012-10, on September 2, 2014 by Resolution No. 2014-318, and on May 24, 2016 by Resolution No. 2016-211, and

WHEREAS, there is a need to revise the current City’s Anti-Drug/Alcohol Misuse Program to incorporate language referring to opioids to ensure compliance with the Federal regulations of the Department of Transportation, and

WHEREAS, the City of Modesto’s Anti-Drug/Alcohol Misuse Program will be updated vis-à-vis the Table of Contents, Prohibited Substances subsection, and the Opiate Fact Sheet to include opioid language in compliance with the DOT Final Rule No. 52229.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the amendment to the City’s Anti-Drug/Alcohol Misuse Program, attached hereto, is
hereby approved to ensure continued compliance with the regulations established by the Federal Department of Transportation.

BE IT FURTHER RESOLVED, that this resolution shall be effective as of January 1, 2018.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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]

STÉPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
City of Modesto
ANTI-DRUG PROGRAM/ALCOHOL MISUSE PROGRAM
As required by the Department of Transportation
Adopted and approved by Modesto City Council
January 23, 2018
Please Note:

The following policy contains information in regards to the City's federally mandated drug and alcohol misuse policy for commercial license holders and safety sensitive positions covered by these regulations.

Employees and supervisors should be aware that there are other rules and policies that pertain to the subject of drug and alcohol use and this policy should not be considered a sole source for direction in all circumstances.

Additional related information may be found in the following documents as well as other sources not listed:

- Employee Handbook
- Personnel Rules
- City Alcohol and Drug Abuse Policy
- Memorandums of Understanding

Please contact Human Resources for guidance and questions.
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1. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended, 49 CFR Part 40, as amended, and 49 CFR Part 382, as amended. All drug and alcohol testing is conducted in accordance with these regulations.

Copies of Parts 382, 655 and 40 are available in the Anti-Drug Program/Alcohol Misuse Program Manager’s office and can be found on the internet at the Office of Drug & Alcohol Policy & Compliance's website http://www.dot.gov/ost/capc/index.html.

The City of Modesto has written and implemented its Anti-Drug/Alcohol Misuse Program to ensure compliance with Federal Regulations of the Department of Transportation. This program is implemented in addition to the City’s Drug-Free Workplace Program. This policy and these procedures are adjunct to the City of Modesto’s Alcohol and Drug Abuse Policy, dated October 7, 2009. In the event that Federal Regulations conflict with the City’s Drug-Free Workplace Program, the Federal Regulations shall prevail. In the event that Federal Regulations fail to provide language for a particular situation, the employee shall be subject to this policy, the City’s 2009 Drug-Free Workplace Program or other applicable City Policies.

It is the goal of the City of Modesto to attract and maintain a work force that is free of alcohol or drugs that impair judgment, impact job performance or result in accident or injury to employees or the general public. For the purpose of this program an employee who tests positive on a drug test, as defined by DOT, shall be considered impaired.

2. Statement of Philosophy

A. City Philosophy

As stated in the City of Modesto’s Alcohol and Drug Abuse Policy, employees shall not utilize or be impaired by alcohol or drugs while in City vehicles, at work locations, or while on duty or paid standby; shall not possess alcohol or drugs while on duty, or in City vehicles; shall not sell or provide or participate in or arrange for the selling or provision of prescription or illegal drugs to any other employee or to any person while such employee is on duty or paid standby; nor have their ability to work impaired as a result of the use of alcohol or drugs. Employees must be able to perform their duties safely and efficiently, in the interest of the public and their fellow workers, as well as themselves. The influence of drugs and alcohol on employees is not consistent with this objective.

The City will act to eliminate any substance abuse. Examples include alcohol, illegal drugs, prescription drugs, or any other substance which could impair an employee’s ability to perform safely and effectively the functions of the particular job that increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or damage to the City’s reputation.
3. Scope

A. Covered Employees

This policy applies to every employee whose position requires the possession of a commercial driver’s license (CDL); every employee performing a “safety-sensitive function” as defined herein, and any employee applying for such positions. Compliance with all required testing is a condition of employment.

Under Federal Motor Carrier Safety Administration (FMCSA), an employee is performing a safety-sensitive function if they are:

- Driving a commercial motor vehicle which requires the driver to have a commercial driver’s license (CDL),
- Inspecting, servicing, or repairing any commercial motor vehicle,
- Waiting to be dispatched to operate a commercial motor vehicle,
- Performing all other functions in or upon a commercial motor vehicle,
- Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipment being loaded or unloaded,
- Performing driver requirements associated with an accident, or
- Repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

Under Federal Transportation Authority (FTA), you are a safety-sensitive employee if you perform any of the following:

- Operation of a revenue service vehicle, whether in or out of revenue service,
- Operation of a non-revenue vehicle requiring a CDL,
- Controlling movement or dispatch of a revenue service vehicle,
- Security personnel who carry firearms,
- Maintenance (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment being used on revenue service, or
- Contract employees that stand in the shoes of Transit System employees who have to comply.

Covered employee means a person, including an applicant or transferee, who performs or will perform a safety-sensitive function. A volunteer is a covered employee if: (1) The volunteer is required to hold a commercial driver’s license to operate the vehicle; or (2) The volunteer performs a safety-sensitive function for an entity subject to CFR 49 Part 655, 40 or 382 and receives remuneration in excess of his or her expenses incurred while engaged in the volunteer activity.

See Attachment A and B for a list of covered positions by job title.

B. Contact

For questions regarding the City’s anti-drug use and alcohol misuse program, please contact the Risk & Loss Control Coordinator at 209-577-5446.
4. Prohibited Substances

- Marijuana
- Cocaine
- Amphetamines
- Opiates & Opioids
- Phencyclidine (PCP)

Use of these five substances is prohibited at all times and a covered employee may be tested for these drugs any time while on duty.

5. Prohibited Behavior- Alcohol

Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report to duty. If the covered employee claims ability to perform his or her safety-sensitive function despite prior consumption of alcohol, they must take an alcohol test, with a negative result, before being allowed to work.

No department shall permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.

Each covered employee is prohibited from reporting to work or remaining on duty requiring performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.

No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

6. Testing Procedure

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability using techniques, equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (HHS). All testing will be conducted consistent with the procedures as required in 49 CFR Part 40 (as amended). The following types of tests and testing protocols apply:

A. Pre-Employment Testing

Pre-employment tests are conducted after making a conditional offer of employment or transfer that is subject to the employee passing the pre-employment test.

FTA Procedures: A negative pre-employment drug test result is required before an employee can first perform safety-sensitive duties.

A pre-employment test, with a verified negative result, is required for covered employees who are away from work for more than 90 consecutive calendar days, are removed from the random testing pool, during that time, and plan to return to a safety-sensitive function.
When a covered employee or applicant has previously failed or refused a DOT pre-employment drug and/or alcohol test, the employee must provide proof of having successfully completed a referral, evaluation and treatment plan meeting DOT requirements.

**FMCSA Procedures:** A negative pre-employment drug test result is required before an employee can first perform safety-sensitive duties. An employer is required to administer a pre-employment controlled substances test if:

1. The driver has participated in a controlled substances testing program that meets the requirements of this part within the previous 30 days; and

2. While participating in that program, either:
   a) Was tested for controlled substances within the past six months (from the date of application with the City of Modesto), or
   b) Participated in the random controlled substances testing program for the previous twelve months (from the date of application with the City of Modesto); and

3. The City of Modesto ensures that no prior employer of the driver (of whom the City of Modesto has knowledge) has records of a violation of this part or the controlled substances use rule of another DOT agency within the previous six months.

4. A pre-employment test, with a verified negative result, is required for covered employees who are away from work for more than 30 consecutive calendar days, are removed from the random testing pool during that time, and plan to return to a safety-sensitive function.

**B. Reasonable Suspicion Testing**

As currently provided in the City of Modesto’s Alcohol and Drug Abuse Policy, the City shall conduct a drug and/or alcohol test when the City has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.

The determination that reasonable suspicion exists shall be based on specific, contemporaneous, objective observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor or other City official, trained in detecting the signs and symptoms of drug use and alcohol misuse, must make the required observations and document them in writing on the form provided. (Attachment D)

The City allows you to ask to have a representative with you prior to being tested for non-DOT reasons. We will provide access to a telephone to contact a representative. Your representative must be present within one and one half hours of the time we directed you to take the test. If the representative cannot be present or is not present within that time, we may allow additional time at our discretion or we may choose to have you undergo the evaluation and/or testing without your representative being present.

The City of Modesto may direct a covered employee to undergo DOT reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. However, all City employees (DOT and non-DOT) can be tested under the City’s Alcohol and Drug Abuse Policy for reasonable suspicion.
If an alcohol test is not administered within two (2) hours following the determination to conduct a reasonable suspicion test, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight (8) hours following the determination to test, the City shall cease attempts to administer an alcohol test and update the record with the reasons for not administering the test in a timely manner.

Where there is reasonable suspicion that the employee is impaired by alcohol or drugs, the manager or supervisor should arrange for the employee to be safely transported home after the employee has undergone testing. The employee shall be placed on paid administrative leave pending the outcome of the test.

C. Post-Accident Testing

**FMCSA and FTA Procedures:** Covered employees shall be subject to post-accident alcohol and controlled substances testing under the following circumstances:

**Fatal Accidents:** As soon as possible following an accident involving the loss of human life, DOT drug and alcohol tests are conducted on all surviving covered employees. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.

**Non-Fatal Accidents:** Post-accident testing is required if one of the following conditions is met,

- An accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident,

or

- One or more vehicles receive disabling damage and have to be towed from the scene, and the covered employee may have contributed to the accident.

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.

Disabling damage means damage which prevented the departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs.

Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, tail lights, turn signals, horn, or windshield wipers that makes them inoperative.

If an alcohol test is not administered within two hours following the time of the accident, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the determination to test, the City shall cease attempts to administer an alcohol test and update the record with the reasons for not administering the test in a timely manner. The drug test should be taken as soon as possible. Attempts to conduct the drug test shall cease after 32 hours.
Any decision not to administer a drug and/or alcohol test under this section shall be based on the City’s determination, using the best available information at the time of the determination that the employee’s performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making progress used to reach the decision not to test (Attachment C).

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

D. Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimal annual percentage rate set each year by the DOT Administrator. The current year testing rates can be viewed on line at http://www.dot.gov/ost/dapc/rates.html. The FMCSA minimum testing requirement is to annually perform drug tests on 50% and alcohol tests on 10% of the average number of commercial driver positions. The FTA minimum testing requirement is to annually perform drug tests on 25% and alcohol tests on 10% of the average number of safety-sensitive employees. If a given agency or driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing of more than one DOT agency for the same employer, the drivers shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the driver’s function.

The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees’ Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

Each employee selected for testing shall be tested during the selection period. A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing shall proceed to the test site immediately.

E. Test Refusal

You have refused to take a test if you:

1. Fail to provide a breath or urine sample,
2. Provide an insufficient volume without valid medical explanation,
3. Fail to appear within a reasonable time,
4. Leave the scene of an accident without just cause,
5. Fail to permit an observed or monitored collection when required,
6. For an observed collection, fail to follow the observer’s instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process,

7. Possess or wear a prosthetic or other device that could be used to interfere with the collection process,

8. Admit to the collector or MRO that you adulterated or substituted the specimen. Fail to take a second test when required,

9. Fail to undergo a medical examination when required,

10. Fail to cooperate with any part of the testing process,

11. Fail to sign Step 2 of alcohol test form,

12. Once test is underway, fail to remain at site and provide a specimen, or

13. The MRO verifies that you provided an adulterated/substituted sample.

For pre-employment tests only, failure to appear, aborting the collection before the test commences, or failure to remain at site prior to commencement of test is NOT a test refusal.

F. Shy Bladder

If an employee is unable to provide at least 45 milliliters of urine, collection site personnel shall direct the individual to drink not more than 40 ounces of fluids and, after a period up to three (3) hours time, attempt to provide a complete sample. If employee is still not able to give an adequate sample the MRO shall refer the individual for a medical evaluation to determine if the individual’s inability to provide a sample is a genuine medical condition or constitutes a refusal to test. An employee’s refusal to be examined by a physician shall be regarded as a refusal to test.

G. Dilute Samples

In instances where the employee produces a dilute negative specimen, he or she must undergo a second test. Dilute negative results of 2-5 mg/dl require an immediate recollection under direct observation (see §40.155(c)). The result of the second test is the result of record.

H. Split Sample

Any covered employee who questions the results of a required drug test under this policy may request that the split sample be analyzed. The analysis must be conducted on the split sample that was provided by the employee at the time of the primary specimen. The employee’s request must be made to the Medical Review Officer within 72 hours of notice of the verified results from the original sample. Requests after 72 hours will only be accepted at the discretion of the MRO. The split specimen test will be sent to a different DHHS-certified laboratory to analyze for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The split specimen analysis will be at the employee’s expense if it confirms the original result.

I. Consequences

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee is immediately removed from safety-sensitive duties, referred to a substance abuse professional (SAP), and put on administrative leave pending disciplinary action.
**FTA Procedures:** Following a BAC of 0.02 or greater, but less than 0.04, the employee is immediately removed from safety-sensitive duties for at least eight hours unless a retest results in the employee’s alcohol concentration of less than 0.02.

**FMCSA Procedures:** Following a BAC of 0.02 or greater, but less than 0.04, the employee is immediately removed from safety-sensitive duties until the start of the driver’s next regularly scheduled duty period, but not less than 24 hours following administration of the test.

**J. Return to Duty Testing**

Any employee who is allowed to return to duty after a refusal to submit to a test or failing an alcohol and/or drug test, must first be evaluated by a substance abuse professional (SAP), and provide a negative drug, alcohol (or both) return-to-duty test result.

**K. Follow-Up Testing**

Employees returning to duty following a leave for substance abuse rehabilitation will be required to undergo unannounced follow-up alcohol and/or drug testing as directed by the SAP. The number and frequency of such follow-up testing shall be directed by the SAP. The employee will be subject to follow-up testing for a period of 1 to 5 years as determined by the SAP. All testing will be conducted in accordance with 49 CFR Part 40, subpart O.

**L. Compensation**

Time spent in conjunction with pre-duty (first test to add into the Random pool), post-accident, random and reasonable suspicion testing shall be considered as paid time. The City shall also pay for the cost of these tests, pre-employment tests and the initial evaluation by the SAP. Cost of SAP-required treatment and testing, time spent while testing for return to duty, and time spent on follow-up testing shall be borne by the employee.

**7. Employee admission of alcohol and controlled substances use**

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under the City of Modesto’s policy, any employee who voluntarily discloses a substance abuse problem before a disciplinary matter develops and/or before notification for a required test, will be subject to return-to-duty and follow-up testing under the City of Modesto’s authority (using non-DOT testing paperwork). The purpose of the return to duty testing is to provide a degree of assurance that the employee is drug and alcohol free and that the employee is able to return to work without undue concern of continued drug abuse or alcohol misuse.

The employee must be referred to EAP and evaluated by a substance abuse counselor and pass a non-DOT return-to-duty test. The non-DOT return-to-duty test must include both drug and alcohol testing as well as meet other return-to-duty requirements. The employee must have a verified negative drug test result and a breath alcohol test result of less than 0.02 before returning to his/her safety-sensitive functions. Once returned and as a condition of ongoing employment, the employee must follow the recommended frequency and duration of follow-up testing from the EAP/substance abuse counselor. Any employee who refuses or fails to comply with requirements for treatment, after care, or return-to-duty shall be subject to disciplinary action, up to and including termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider.
Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

Any follow-up testing will be apart from and in addition to participation in the random testing program.

8. Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. It is however, the employee’s responsibility to explain to their physician their job duties and ask their physician, or other health care professional, whether or not the prescribed drug may impair their job performance or mental or motor function. It is the responsibility of the employee to remove themselves from service if they are unfit for duty due to prescription drug use.

The City requires employees to report the use of medically authorized drugs or other substances that may create a direct threat by impairing performance of safety-sensitive functions to his/her supervisor, and to provide written medical authorization to work from a physician.

Failure to report the use of such drugs or failure to provide proper evidence of medical authorization to work may result in disciplinary action, up to and including termination.

9. Over-The-Counter Medications

The City requires its employees, when selecting an over-the-counter medication, to read all warning labels before selecting medications for use while performing safety-sensitive function. Medications known to affect mental function, motor skills or judgment should not be selected. The advice of a pharmacist, if available at the purchase site may be helpful in making a selection that is appropriate for the safety-sensitive functions. If no alternate medication is available for the condition, the employee should seek professional assistance from a pharmacist or physician. Ultimately, the employee may be the best judge of how a substance is impacting him/her. It is the responsibility of the employee to refrain from using any over-the-counter medication that may cause altering side effects inconsistent with doing their job.

10. Evaluation/Rehabilitation

The Substance Abuse Professional (SAP) must be a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, social worker, employee assistance professional; or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse.

The SAP will perform responsibilities and retain confidential records as required by 49 CFR Part 40 (as amended).

An employee who fails a drug test, alcohol test (0.02 or greater), or refuses to be tested will be referred to a substance abuse professional who shall determine what assistance the employee needs in resolving problems associated with alcohol misuse or drug use. Applicants not hired and employees who are to be disciplined as a result of a violation of this policy shall also be referred to the SAP. Each employee identified as needing assistance in resolving problems associated with alcohol misuse or drug use shall be evaluated by a substance abuse
professional to determine if the employee has properly followed a rehabilitation program and shall be subject to unannounced follow-up alcohol and controlled substance testing.

Participation in rehabilitation through the SAP will not result in disciplinary action. However, successful completion of the prescribed program, if it is determined that participation in such a program is needed, will be required for the employee to continue in the employment of the City of Modesto. The employee shall be placed on sick leave, vacation leave, or leave without pay if sick or vacation leave is not available, in order to enter into an approved rehabilitation program.

Participation in rehabilitation through the SAP will not prevent or prohibit disciplinary action where warranted for violations of rules and regulations.

Return to duty will be conditioned upon agreement to substance/alcohol retesting as determined by the SAP for a time period not to exceed 60 months. City policy states that positive results on a follow-up test or other evidence of relapse will be grounds for disciplinary action, up to and including termination.

The SAP’s determination that an employee is medically qualified to be returned to duty will not prevent or prohibit disciplinary action for violation of rules and regulations.

Employees who have been determined to need treatment to resolve an alcohol misuse or drug use problem shall be referred to the City’s Employee Assistance Program.

11. Employee and Supervisor Training

Every safety-sensitive employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Part 40 and Part 655 (as amended) on the City’s Intranet, by contacting the Program Manager, or by contacting the Risk & Loss Control Coordinator.

All covered employees will undergo a minimum of 60 minutes of initial training on the signs and symptoms of drug use including the side effects and consequences of drug use on personal health, safety, and the work environment. Follow-up training will be done as regulations and requirements change. The initial training also includes manifestations and behavioral cues that may indicate prohibited drug use. Upon completion of the training, employees will sign and date the Employee Acknowledgement Form to confirm receiving the document and the training. Training forms will be forwarded to Human Resources for retention.

All supervisory and management personnel who are in a position to determine employee fitness for duty will receive a minimum of 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Follow-up training will be done as regulations and requirements change.

Information on the signs, symptoms, health effects, and consequences of substance abuse is found in Attachment G of this policy.

12. Medical Review Officer (MRO)

The MRO must be a licensed physician or doctor of osteopathy who is responsible for receiving laboratory results generated by the drug testing program and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s
confirmed positive test result together with his/her medical history and any other relevant biomedical information.

The MRO will perform responsibilities, perform notifications, and retain confidential records as required by 49 CFR Part 40 as amended.

13. Testing Laboratory

The City shall use a drug testing laboratory certified under HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; 53 FR 11970, April 11, 1988 and subsequent amendments.

The testing laboratory will comply with all methods and procedures of 49 CFR Parts 40, 382, and 655 (as amended). The laboratory shall have a qualified individual to assume professional, organizational, educational, and administrative responsibilities for the laboratory’s urine drug testing facility.

14. Reporting of Anti-Drug/Alcohol Testing Results

The City shall prepare and maintain an annual calendar year summary of the results of its alcohol and controlled substances testing programs. By March 15 of each year, the City shall complete the annual summary covering the previous calendar year.

If the City is notified, during the month of January, of a request by the FMCSA and/or FTA to report the employer’s annual calendar year summary information, the City shall prepare and submit the report to FMCSA and/or FTA by March 15 of that year. The report shall be in the form and manner prescribed by FMCSA and/or FTA in their requests. When the report is submitted to FMCSA and/or FTA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official.

Each annual calendar year, a summary containing information on controlled substances and alcohol screening test results shall include all informational elements as required by the FTA.

15. Confidentiality

Each individual’s record of testing and results under this policy will be maintained as private and confidential. Except as provided by law or expressly authorized by DOT regulations, the results of individual drug/alcohol tests will not be released to anyone without the specific, written consent of a safety-sensitive employee authorizing release of the information to an identified person. Prior to testing, the individual will be informed about who will receive test data (e.g., testing laboratory, MRO, Program Manager, or Department Administrator if removal from safety-sensitive function is necessary).

All written records will be stored in locked containers or in a secure location with access available only by the Program Manager and DOT upon request. Drug and alcohol testing and/or rehabilitation records shall only be released to subsequent DOT covered employers upon written consent from the covered employee. Under these circumstances, only the specific information requested by the employee shall be released.
Terms and Definitions

**Accident** – The types of accidents requiring testing can be found under Post-Accident Testing.

**Air Blank** – A reading by an Evidential Breath Testing Device (EBT) of ambient air containing no alcohol.

**Alcohol** – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

**Alcohol Concentration** – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath testing device.

**Alcohol Use** – The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

**Blind Sample or Blind Performance Test** – A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens. This specimen is spiked with known quantities of specific drugs or can be blank, containing no drugs.

**Breath Alcohol Technician** – An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

**Canceled or Invalid Test** – In drug testing, a drug test that has been declared invalid by a Medical Review Officer. A canceled test is neither a positive nor a negative test. A sample that has been rejected for testing by a laboratory is treated the same as a canceled test. In alcohol testing, a test that is deemed to be invalided under §40 Subpart N – Problems in Alcohol Testing is considered canceled or invalid.

**Certification** – A recipient’s (of federal funds) written statement, authorized by the organization’s governing board or other authorizing official, that the recipient has complied with the provisions of this part (FTA).

**Chain of Custody** – Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that an appropriate drug testing custody form from a Department of Health & Human Services (DHHS) certified laboratory be used from time of collection to receipt by the laboratory.

**Collection Site** – A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

**Collection Site Person** – A person who instructs and assists individuals at a collection site and who receives and makes a screening examination of the urine specimen provided by those individuals.

**Commercial Motor Vehicle (CMV)** – means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor 1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds; or 2) Has a gross vehicle weight rating of 26,001 pounds; or 3) Is designed to transport 16 or more passengers, including the driver; or 4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous
Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulation (49 CFR Part 172, subpart F).

**Confirmation Test** – For alcohol testing this means a second test, following a screening test with a result of 0.02 or greater, which provides quantitative data of alcohol concentration. For controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

**Covered Position (Safety-Sensitive position)** – A duty position or job category that requires the performance of safety-sensitive (covered) function(s).

**Covered Function (Safety-Sensitive Function)** (1) FMCSA: operation of a commercial motor vehicle. (2) FTA: (a) Operating a revenue service vehicle, including when not in service; (b) Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver’s License; (c) Maintaining a revenue service vehicle or equipment used in revenue service; (d) Carrying a firearm for security purposes; (e) Controlling the movement or dispatch of a revenue service vehicle.

**Dilute Specimen** – A specimen with creatinine and specific gravity values that are lower than expected for human urine.

**DOT Agency** – An agency of the United States Department of Transportation administering regulations related to drug or alcohol testing. The Federal Motor Carrier Safety Administration and Federal Transit Administration are DOT agencies.

**Drug Metabolite** – The specific substance produced when the human body metabolizes a given drug as it passes through the body and is excreted in the urine.

**Drug Test** – The laboratory analysis of urine specimen collected in accordance with 49 CFR part 40 and analyzed in a DHHS-approved laboratory.

**Education** – Efforts that include the display and distribution of informational materials, a telephone number for employee assistance, and the City’s policy regarding drug use in the workplace.

**Employee Assistance Program (EAP)** – A program provided to assist employees in dealing with drug or alcohol dependency and other personal problems. Rehabilitation and reentry to the work force are usually arranged through the EAP.

**Employer or operator** – (1) FMCSA: means any person who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle. (2) FTA: A recipient or other entity that provides mass transportation service or which performs a safety-sensitive function for such recipient or other entity.

**Evidential breath testing device (EBT)** – A device approved by the National Highway Traffic Safety Administration (NHTSA) for evidential testing of breath and placed on NHTSA’s conforming products list of evidential breath measurement devices (CPL), and identified on the CPL as conforming to the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

**Federal Motor Carrier Safety Administration (FMCSA)** – The DOT operating authority that regulates commercial motor vehicles.
**Large Operator** – 1) FMCSA: an employer who has more than 50 covered employees, 2) FTA: A recipient or sub-recipient primarily operating in an area of 200,000 or more in population.

**Medical Review Officer (MRO)** – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

**Performing a Covered Function**: An employee is considered to be performing a covered function during any period in which he or she is actually performing, ready to perform, or immediately available to perform such covered functions.

**Permanent Employee** – An employee hired for a period of more than 120 days.

**Post-Accident Test** – A drug test administered to an employee when an accident has occurred and the employee performed a safety-sensitive function that either contributed to the accident, or cannot be completely discounted as a contributing factor in the accident.

**Pre-Employment Test** – A drug test given to an applicant or employee who is being considered for a safety-sensitive position. The applicant or employee must be informed of the purpose for the urine collection prior to actual collection.

**Prohibited Drug** – Marijuana (including all hemp products), cocaine, opiates & opioids, phencyclidine (PCP), and amphetamines.

**Random Test** – A drug test of safety-sensitive employees who are selected on a scientifically defensible random and unannounced basis. The number of tests performed is based on a percentage of safety-sensitive employees as directed by DOT.

**Reason to Believe** – Objective information indicating that a particular individual may alter or substitute a urine specimen.

**Recipient** – FTA: An entity receiving Federal financial assistance under Section 3, 9, or 18, of the FT Act, or under Section 103(e)(4) of Title 23 of the United States Code.

**Refuse to Submit to Test** – means, among other things, that a covered employee (1) Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing; (2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she has received notice of the requirement for urine testing; or (3) Engages in conduct that clearly obstructs the testing process.

**Return to Duty Test** – An initial drug or alcohol test prior to return to duty and additional unannounced drug tests (Follow-up Tests) given to employees performing in safety-sensitive functions who previously tested positive, or refused a drug/or alcohol test and are returning to safety-sensitive positions.

**Revenue Service Vehicle** – A vehicle used to transport passengers, including a bus, van, car, railcar, locomotive, trolley car, trolley bus, ferry boat, or a vehicle used on a fixed guideway or inclined plane.

**Screening Test (Initial Test)** - In alcohol testing, it means an analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his/her system.
In controlled substances testing, it means an immunoassay screen to eliminate “negative” urine specimens from further consideration.

*Specimen Bottle* – The bottle that, after being labeled and sealed, is used to transmit a urine sample to the laboratory.

*Split Specimen* – An additional specimen collected with the original specimen, to be tested in the event the original specimen tests positive for drugs.

*Substance Abuse Professional (SAP)* – The Substance Abuse Professional for this program must be a 1) licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, social worker, employee assistance professional; or 2) an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse.

*Training* – Providing information about the effects and consequences of drug use on personal health, safety, and the work environment; and about manifestations and behavioral clues that may indicate drug use or abuse.

*Verified Positive (Drug Test Result)* – A drug test result reviewed by a Medical Review Officer and determined to have evidence of prohibited drug use.

*Volunteer* – A permanent, temporary, or part-time worker who is not compensated for his/her service. Volunteers are included in the requirements of FTA drug and alcohol regulations if a CDL is required to operate the vehicle.
ATTACHMENT A

Classifications covered by the DOT Drug & Alcohol Testing Policy - FMCSA

Incumbents in the following Classifications are “covered employees” if they perform “safety sensitive functions” as described in Section C of the DRUG AND ALCOHOL TESTING POLICY.

Airport Maintenance Crewleader
Airport Maintenance Worker
Electrician Assistant I/II/III
Electrician-Traffic & Buildings
Equipment Mechanic
Equipment Mechanic Crewleader
Equipment Service Technician
Equipment Operator
Heavy Equipment Mechanic
Heavy Equipment Mechanic Crewleader
Maintenance Worker I (only when hired with a Class B)
Maintenance Worker II
Operations Crewleader
Parks Maintenance Mechanic
Parks Maintenance Crewleader
Plant Mechanic I/II
Senior Equipment Operator
Senior Utilities Plant Operator
Senior Utilities Services Worker
Tree Trimmer
Tree Trimmer Crewleader
Utilities Plant Operator I/II
Utilities Services Worker I/II/III
Water Meter Technician

Exempt Classifications

Building Maintenance Technician
Compost Heavy Equipment Mechanic
Cross Connection Specialist
Custodian I/II
Electrical and Instrumentation Technician
Environmental Compliance Inspector I/II
Environmental Compliance Technician
Fire Engineers
Fleet Procurement Technician
Groundskeeper (3522)
Head Groundskeeper (3522)
Laboratory Analyst I/II/III
Parking Facilities Crewleader
Production Technician
Senior Utilities Plant Operator
Traffic Operations Crewleader
Utilities Plant Operator I/II
Water Conservation Specialist
Welder/Fabricator
ATTACHMENT B

Classifications covered by the DOT Drug & Alcohol Testing Policy - FTA

Incumbents in the following Classifications are "covered employees" if they perform "safety sensitive functions" as described in Section C of the DRUG AND ALCOHOL TESTING POLICY.

Bus Fueler
Equipment Mechanic
Equipment Mechanic Crewleader
Equipment Service Technician
Equipment Operator
Fire Equipment Mechanic
Heavy Equipment Mechanic
Heavy Equipment Mechanic Crewleader
Maintenance Worker I (when working at Bus Facility)
Senior Equipment Operator
Senior Fire Equipment Mechanic

Exempt Classifications
Police Transit Center Duty
Police Command Unit
ATTACHMENT C

DOT Post-Accident Drug and Alcohol Testing Decision and Documentation Form

Accident Information:

Date of Accident ________________  Time of Accident __________ a.m./p.m.

Employee Name ____________________  Location of Accident ____________________

Covered under ______ FTA or ______ FMCSA?

Decision Questions:

Was there a fatality? Yes _____ No _____ (If yes, DOT drug and alcohol testing required)

If there was NO fatality, answer the following questions:

Did any individual involved in the accident suffer bodily injury and immediately receive medical treatment away from the scene of the accident?

Yes _____ (If yes, drug and alcohol testing required)  No _____

Did the commercial vehicle or any other vehicle involved in the accident sustain disabling damage* requiring any of the vehicles to be transported away from the scene by a tow truck or other vehicle?

Yes _____ (If yes, drug and alcohol testing required)  No _____

If there was No fatality AND you checked YES for either or both of the answers above, a DOT Post-Accident DRUG and ALCOHOL test is required unless you determine, using the best information available at the time of the decision, that the employee’s performance can be completely discounted as a contributing factor in the accident. Any reason for discounting the employee’s performance as a contributing factor to the accident MUST be documented on page two of this form.

Could the actions of any other safety-sensitive employee have contributed to the accident (e.g., mechanic)?

Yes _____ (If yes, contact the employee’s supervisor to report the testing requirement)  No _____

*DISABLING DAMAGE is damage that precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight hours after simple repairs. Disabling damage includes: damage to vehicles that could have been operated, but would have caused further damage if so operated. Disabling damage does not include: damage that could be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without
other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperable.

**If ALCOHOL testing is not conducted within 2 hours after the accident, document the reason for the delay on page two of this form. If no alcohol test is administered within 8 hours, cease all efforts to have the test administered and update the documentation.**

**If DRUG testing is not conducted within the first 8 hours after the accident, document the reason for the delay on page two of this form. If no drug test is administered within 32 hours, cease all efforts to have the test administered and update the documentation.**

DOT Alcohol Testing Location: ____________________________

DOT Alcohol Testing Time: ____________________________

DOT Urine Drug Testing Location: ____________________________

DOT Urine Drug Testing Time: ____________________________

If testing is delayed, document the reasons below:

Reason the ALCOHOL test was not conducted within 2 hours after the accident. Update this statement if no test conducted within 8 hours.

________________________________________________________________________

Reason the DRUG test was not conducted within 8 hours after the accident. Update this statement if no test conducted within 32 hours.

________________________________________________________________________

Reason the employee’s performance was completely DISCOUNTED as a contributing factor to the accident and therefore, FTA post-accident testing was not conducted.

________________________________________________________________________

____________ (Supervisor Initial) I have evaluated the employee and determined that there is no reasonable suspicion to believe that the employee was under the influence of drugs and alcohol. If reasonable suspicion exists, document per Reasonable Suspicion Test Memorandum (Attachment D)

Supervisor Signature: ____________________________

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Reasonable Suspicion Test Memorandum

Date:___________  Time:__________

TO: ______________________________
FROM: ______________________________

(Department Director or designee or designated city management staff) is directing you to submit to a drug or alcohol screening test and/or a medical evaluation. You are being directed to submit to the screening and/or evaluation because I suspect you have misused alcohol or drugs so that your ability to perform the functions of your job efficiently and safely is impaired. I observed or have information regarding the following:

- Odor of alcoholic beverage on breath
- Slurred and/or thick speech
- Staggered gait (Unsteady walking and movement)
- Vertical and/or horizontal nystagmus (involuntary eye movement)
- Abnormally constricted pupils (below 2.5 mm), which are non-responsive to light
- Abnormally dilated pupils (above 6.5 mm), which are non-responsive to light
- Loss of attention span under controlled conditions
- Inability to comprehend under controlled conditions
- Hallucinating
- An accident involving City property, where there is reason to believe that employee impairment may have been a factor
- Possession of alcohol on the job
- Possession of an illegal drug
- Possession of a prescription drug without a valid prescription
- Objective symptoms of drug usage identified by a trained medical practitioner or law enforcement officer
- Other ______________________________________________________

This/these were observed by_________________________ at _______________________

You will be transported to _______________________________
There you may be evaluated by professional health care staff. At the site, you may also be required to provide a sample for drug and/or alcohol testing. If you refuse to submit to the testing, you may be disciplined, up to and including termination. If you leave the worksite or testing site without my permission or the permission of ___________ prior to testing or evaluation, you may be disciplined. Because I believe your ability to drive may be impaired, I may arrange for you to be transported home at an appropriate time.

You may ask to have a representative with you prior to being tested. We will provide access to a telephone to contact a representative. Your representative must be present within one and one half hours of the time we directed you to take the test. If the representative cannot be present or is not present within that time, we may allow additional time at our discretion or we may choose to have you undergo the evaluation and/or testing without your representative being present.
Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for the enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

**Signs and Symptoms of Use**

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stupor like condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

**Health Effects**

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces/serving], whiskey [1 ounce/serving], or wine [6 ounce/serving]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

**Social Issues**

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

- 25 -
The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver.
- 16,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 15,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.
Amphetamine Fact Sheet

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

**Description**

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored "mini-bennies." It is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.
- Trade/street names include Biphetamine, Delcobese, Desotyn, Detedrine, Chetrol, Ritalin, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.

**Signs and Symptoms of Use**

- Hyper-excitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior

**Health Effects**

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.

**Workplace Issues**

Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.

Low-dose amphetamine use will cause a short-term improvement in mental and physical
functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.
Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are tenser, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Description

The source of cocaine is the coca bush, grown almost exclusively in the mountainous regions of northern South America. Cocaine Hydrochloride "snorting coke" is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per "line" (about 60 to 90 milligrams). Common paraphernalia include a single-edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine. Cocaine Base is a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven seconds. Common paraphernalia includes a "crack pipe" (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating. Trade/street names include Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignment
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent non-business visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations
- Hyper-excitability and overreaction to stimulus
- Insomnia
- Paranoia and hallucinations
- Profuse sweating and dry mouth
- Talkativeness

Health Effects

Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur. Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks. Strong psychological dependency can occur
with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug. Treatment success rates are lower than for other chemical dependencies. Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths has tripled in the last four years. Cocaine overdose was the most common drug emergency.

**Workplace Issues**

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.
Cannabinoids (Marijuana) Fact Sheet

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood- and perception-altering effects it produces.

Description

Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed sometimes tar-like substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid. Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense. Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking "bongs" (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls. Trade/street names include Marinol, THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Sinsemilla, Thai Sticks, Hash, and Hash Oil.

Signs and Symptoms of Use

- Reddened eyes (often masked by eye drops)
- Slowed speech
- Distinctive odor on clothing
- Lackadaisical "I don't care" attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat

Health Effects

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus Aspergillus, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

Pregnancy Problems and Birth Defects

The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes. Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users. Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone. Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life. In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine.
Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands. One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies. Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

**Mental Function**

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as "acute brain syndrome," which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition

**Acute Effects**

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic Paranoid reaction
- Unpleasant distortions in body image

**Workplace Issues**

The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance. A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 2008. In 2009 over 16.7 million Americans admitted to using marijuana at least once a month. Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.
Opiates & Opioids (Narcotics) Fact Sheet

Opiates & semi-synthetic opioids (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

Description

Varieties of opiates/opioids include natural and natural derivatives—opium, morphine, codeine, and heroin as well as synthetics such as meperidine (Demerol), oxymorphone (Numorphan), oxycodone (Percodan), hydrocodone (Acetaminophen), and hydromorphone. Some common names for semi-synthetic opioids include OxyContin®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, and Exalgo®. Opiates/opioids may be taken in pill form, smoked, or injected, depending upon the type of narcotic used. Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White.

Signs and Symptoms of Use

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation
- Impaired respiration

Health Effects

IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles. Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity. Narcotics’ effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

Social Issues

There are over 600,000 heroin addicts in the U.S., most of whom are IV needle users. An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions. Because of tolerance, there is an ever-increasing need for the narcotic to produce the same effect. Strong mental and physical dependency occurs. The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

Workplace Issues

Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident. Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.
Phencyclidine (PCP) Fact Sheet

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

Description

PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper "packets." It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine. Trade/street names include Angel Dust, Dust, and Hog.

Signs and Symptoms of Use

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Profuse sweating
- Rapid heartbeat
- Dizziness.

Health Effects

The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body. PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction. Misdiagnosing the hallucinations as LSD induced, and then treating with Thorazine, can cause a fatal reaction. Use can cause irreversible memory loss, personality changes, and thought disorders. There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

Workplace Issues

PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs. However, use in the workplace can expose the user and others to extreme safety hazards.
ATTACHMENT G

COPY OF MODESTO CITY COUNCIL RESOLUTION AUTHORIZING THE ADOPTION OF THE ANTI-DRUG PROGRAM/ALCOHOL MISUSE PROGRAM.
City of Modesto Employee Acknowledgement Form

Name: ___________________________  Date: ___________________________

Job Title: ________________________

In accordance with the City's Department of Transportation's Anti-Drug/Alcohol Misuse Program, please be advised that you have been placed in the pool of employees subject to the drug/alcohol testing procedures as mandated by the Federal Department of Transportation.

Attached is a copy of the Anti-Drug/Alcohol Misuse Program, version dated January 23, 2018. Your signature below certifies that you have received the Program. Please sign and return this form to the DOT Program Manager. Contact the Program Manager at 209-571-5134 if you have any questions.

______________________________
Signature of Employee
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-28

RESOLUTION APPROVING THE SUBMISSION OF THE CITY’S LOCAL TRANSPORTATION FUND (LTF) FY 2017/18 CLAIM FOR NON-MOTORIZED PURPOSES IN THE AMOUNT OF $167,572 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) funds have been apportioned by StanCOG for allocation to the City, and

WHEREAS, this Claim for Non-motorized Purposes is the formal request by the City to StanCOG to release its apportionment of LTF funds for non-motorized purposes during the current fiscal year, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of non-motorized projects (bicycle and pedestrian pathways), and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects, and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2017-2018 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code, and

WHEREAS, Council action authorizing submission of the claim is required by the rules and regulations governing the Transportation Development Act Funds, including StanCOG’s approved Transit Cost Sharing Procedures before any LTF funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of the City’s Local Transportation Fund Claim for

01/23/2018/PRNMGarnica/Item 15 1 2018-28
Fiscal Year 2017-2018 Non-motorized Funds, in the amount of $167,572, to the Stanislaus Council of Governments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 RALSTON TOWER PARK MASTER PLAN AS DEVELOPED BY O’DELL ENGINEERING OF MODESTO, CA

WHEREAS, Ralston Tower Park is a 0.3 acre City owned park at the corner of Downey Avenue and I Street, and

WHEREAS, the park is ideally suited for use by all residents, especially senior residents of the City and the park is in need of renovation, and

WHEREAS, the planned renovation has been partially funded by HUD funds and the design was completed by O’Dell Engineering of Modesto, CA following a series of public meetings, and

WHEREAS, the Master Plan emphasizes quality value engineered design methods, ADA accessibility, security elements and utilization of energy and water saving technologies, and

WHEREAS, the design includes an open, hardscape area for activities such as Tai Chi, multiple durable low-impact exercise events, formal seating areas, drinking fountain, trash cans, pathway lighting, perimeter fencing, water efficient site landscaping and a small play structure, and

WHEREAS, the project meets the needs of the HUD annual action plan and has a current estimated cost of approximately $1,100,000 for which the Parks Planning and Development Division will be working toward obtaining grant funding to leverage the funding that is anticipated to be provided for this project from Community Development Block Grant funding over the next couple years.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Ralston Tower Park Master Plan as developed by O'Dell Engineering of Modesto, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-30

RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE LAND AND WATER CONSERVATION FUND PROGRAM IN AN AMOUNT OF $550,000 TO FUND DEVELOPMENT AND CONSTRUCTION OF THE RALSTON TOWER PARK RENOVATION PROJECT AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, AS AGENT TO CONDUCT ALL NEGOTIATIONS AND TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE PROJECT

WHEREAS, the Congress under the Land and Conservation Water Act Fund of 1965, Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes, and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing applications by local agencies under the program, and

WHEREAS, the applicant is required to certify by resolution the approval of the application and the availability of eligible matching funds prior to submission of the application to the State, and

WHEREAS, this grant opportunity does require a fifty percent (50%) match that is anticipated to be provided by Community Development Block Grant funding over the next couple years in an estimated total amount of $550,000, and

WHEREAS, it is not anticipated that any General Fund money will be needed for this project.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby:

1. Approves the filing of an application for Land and Water Conservation Fund assistance for the proposed Ralston Tower Park Renovation Project.

2. Agrees to abide by section 6(f)(3) of Public Law 88-578 which states "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

3. Certifies that said agency has matching funds from eligible source(s) and can finance 100 percent of the Project, which up to half may be reimbursed; and

4. Appoints the city manager as agent of the applicant to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 APPROVING AN AMENDMENT TO A SOLE SOURCE CONTRACT FOR THREE YEARS AND TEN MONTHS WITH REMIX SOFTWARE, INC., SAN FRANCISCO, CA, FOR THE TRANSIT PLANNING AND SCHEDULING SOFTWARE UTILIZED BY MODESTO AREA EXPRESS, FOR A TOTAL COST OF $194,160 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT AMENDMENT

WHEREAS, on October 14, 2016, the City entered into an Agreement with Remix Software, Inc., for the transit planning software system for the Modesto Area Express bus system, and

WHEREAS, City staff has been very satisfied with the software and would like to continue using the Remix software for transit planning and analysis, and

WHEREAS, Remix has developed new functionality that allows users to convert the planning work in Remix software to timetables, blocking, run cuts and paddles, and

WHEREAS, Modesto would like to create efficiencies in the work product by using the Remix software as a tool to better plan new routes and modify existing routes, and

WHEREAS, based on the findings that Remix Software, Inc. is the only vendor qualified to perform this service, staff finds that the justification meets the City’s sole source criteria as required under the Modesto Municipal Code 8-3.204(b) and 8-3.204(d). The planning module of the software is unique and not available from other suppliers. The scheduling modules of the software is not unique and can be supplied by other vendors, however the integration between planning and scheduling that exist enable to quick transition in functionality. If two different software was used for the process, the
labor and potential for error in transferring the information manually from the planning to
the scheduling software would not be efficient, and

WHEREAS, on January 10, 2018, this item was presented to the Economic
Development Committee for their acceptance and the Committee recommended
forwarding to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves an Amendment for three years and ten months with Remix
Software, Inc. in the amount of $194,160 for transit planning and scheduling software.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer
who moved its adoption, which motion being duly seconded by Councilmember
Ridenour, 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 AN AMENDMENT TO THE AGREEMENT WITH COMPLETE COACH WORKS, RIVERSIDE, CA, FOR THE REFURBISHMENT OF FOURTEEN TRANSIT BUSES IN THE AMOUNT OF $70,249 FOR A TOTAL AMOUNT NOT TO EXCEED $2,836,162, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the refurbishment of model year 2003 Gillig transit buses, and

WHEREAS, on March 16, 2016, the Purchasing Division issued RFP No. 1516-38, Repower Model Year 2003 Gillig Transit Buses, to multiple prospective proposers, none of which were local vendors, posted the RFP on the City’s website and formally advertised as required by law at a local, state and national level, and

WHEREAS, proposals were formally opened in the City Clerk’s Office. One company, Complete Coach Works, choose to respond. The company provided a responsive and responsible proposal, and

WHEREAS, based on evaluation criteria, the evaluation committee recommended the award of proposal and contract for the refurbishment of model year 2003 Gillig transit buses to Complete Coach Works, Riverside, CA, and

WHEREAS, Council approved the contract with Complete Coach Works by Resolution 2016-316, and

WHEREAS, Complete Coach Works identified various components of the bus that needed to be repaired that were not included in the original contract price because the majority of the repair items involved parts that could only be identified through a careful examination and removal of exterior parts, and
WHEREAS, the estimated cost for this additional work is $70,249, and

WHEREAS, the proposed amendment will amend the original contract with Complete Coach Works to include those additional components that were not included in the original contract price, and

WHEREAS, funds are budgeted in Fiscal Year 2017-2018 for the refurbishment of model year 2003 Gillig transit buses within the Bus Fixed Route Fund 4510, and

WHEREAS, the refurbishment of the buses is funded by various sources including Federal Transportation (FTA) Grants, Local Transportation Funds (LTF)-carryover and Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA), and

WHEREAS, on January 10, 2018, this item was presented to the Economic Development 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 an amendment to the agreement with Complete Coach Works, Riverside, CA for the refurbishment of fourteen model year 2003 Gillig transit buses in the amount of $70,249 for a total agreement amount not to exceed $2,836,162.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the amendment, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 AMENDING THE FISCAL YEAR 2017-18 OPERATING BUDGET IN THE AMOUNT OF $70,249 TO FUND THE INCREASE IN CONTRACT AMOUNT WITH COMPLETE COACH WORKS (CCW) FOR THE REFURBISHMENT OF FOURTEEN MODEL YEAR 2003 GILLIG TRANSIT BUSES

WHEREAS, the estimated cost of refurbishing fourteen model year 2003 Gillig Transit Buses was estimated at $2,765,913, and

WHEREAS, on August 3, 2016 by Resolution 2016-316, the contract was authorized by Council, and

WHEREAS, during the course of the project additional repairs were identified in the amount of $70,249 and,

WHEREAS, the increase of the contract will be funded with LTF and PTMISEA grants awarded to transit for capital purposes, and

WHEREAS, the Fiscal Year 2017-18 Operating Budget must be amended as shown in Exhibit A, which is attached hereto and 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 2017-18 Operating Budget as shown in Exhibit A, attached hereto.

BE IT FURTHER RESOLVED that the Acting Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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

2018-33
AMENDMENT TO AGREEMENT

This Amendment is made with reference to the “Agreement” entered into between the CITY OF MODESTO, a municipal corporation of the State of California (hereinafter the “City”) and COMPLETE COACH WORKS, a California Corporation (hereinafter “Consultant”) entered into by the parties on the 3rd day of August, 2016 (hereinafter referred to as “Original Agreement”). The City and Consultant shall be collectively referred to as the “Parties.”

This Amendment to the Original Agreement is made with regard to the following recitals:

WHEREAS, the Modesto City Council adopted Resolution No. 2016-316 authorizing the award of proposal and contract for the refurbishment of fourteen (14) transit buses; and

WHEREAS, the Original Agreement, Section 1, “SCOPE OF WORK” provides, in part, that the “Consultant shall undertake and complete the preparation of the scope of work as set forth and described in the documents attached hereto and referred to as Exhibit “A” or “project”; and

WHEREAS, after Consultant commenced its refurbishment work pursuant to the Original Agreement, Consultant determined that there was additional unanticipated repairs and part replacements that could not have been identified or anticipated in the Original Agreement; and

WHEREAS, the Parties agree that those additional necessary repairs and part replacements should be added to the Section 1, SCOPE OF WORK, Exhibit A to allow for the repair and/or replacement of additional components that were unanticipated in the original scope of work; and

1
WHEREAS, the parties agree that the additional work contemplated in this Amendment shall increase the Original Agreement by $70,249.07 for a contract total of $2,836,162.07; and

WHEREAS, since neither party anticipated the additional work contemplated in this Amendment and the parties have worked diligently to address this issue, there shall not be any late fees or penalties charged to City for payment relating to the additional work not anticipated in the Original Agreement.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and stipulations contained herein and the mutual promises, covenants, and stipulations contained in the Original Agreement, the parties agree as follows:

1. The parties agree that each of the recitals set out above are factually true and correct.

2. Section 10 of the Original Agreement provides as follows:

“Both parties to this Agreement understand that it may become desirable or necessary during the execution of this Agreement, for City or Consultant to modify the scope of services provided under this Agreement. Any Material extension or change in the scope of work shall be discussed with City and the change and cost shall be memorialized in a written amendment to the original contract prior to the performance of the additional work.”

The parties agree that this Amendment shall memorialize that agreement for the additional work contemplated herein.
3. Section 1, SCOPE OF WORK, shall be deleted and the parties agree to and hereby do substitute the following in its place:

"Consultant shall undertake and complete the preparation of the scope of work as set forth and described in the documents attached hereto and referred to as Exhibit “A” or “project”. The Consultant shall perform the services as described in Exhibit “A” in a manner compatible with the standards of its profession, and shall produce a fully complete project that is acceptable to City.”

4. Section 3, COMPENSATION shall be deleted and the parties agree to and hereby do substitute the following in its place:

"Consultant agrees to accept a sum not to exceed $2,836,162.07 as full remuneration for performing all services and furnishing all staffing and materials called for in Exhibit “A” and for performance by Consultant of all of its duties and obligations under this Agreement.

The Compensation shall be paid pursuant to and in the manner and at the times set forth below:

Paid in full within thirty (30) days after completion and acceptance."

5. Except as herein amended or modified, the provisions of the Original Agreement, and all exhibits attached thereto, are expressly reaffirmed and remain in full force and effect.
IN WITNESS WHEREOF, City has authorized the execution of this Amendment to Agreement for the refurbishment of transit buses, in duplicate, by its Interim City Manager and attestation by its City Clerk, on the ___ day of ______________, 2017, and Consultant has caused this Amendment be executed in duplicate.

CITY OF MODESTO, a municipal corporation

By: ____________________________________________________________
   JOSEPH P. LOPEZ,
   Interim City Manager

ATTEST:
By: ____________________________________________________________
   STEPHANIE LOPEZ,
   City Clerk
   (SEAL)

APPROVED AS TO FORM:

City Attorney

By: ____________________________________________________________
   ADAM U. LINDGREN

APPROVED AS TO FORM:

By: ____________________________________________________________
   BEVERLY JENSEN,
   Risk Manager

COMPLETE COACH WORKS:

By: ____________________________________________________________
   Dale Carson
   President
   (Signature)
   (Name, Title)

By: ____________________________________________________________
   Michael J. DeSantis
   CFO
   (Signature)
   (Name, Title)

Consultant's Federal Tax ID
SCOPE OF WORK

2.0 PROJECT DESCRIPTION
The City of Modesto operates Modesto Area Express (MAX) which currently serves the City of Modesto, portions of the City of Ceres, Salida, Empire, and other unincorporated areas of Stanislaus County. MAX provides 23 urban bus routes on Mondays through Friday, 19 routes on Saturday and 12 on Sunday.

Contractor is to provide fourteen (14), model year 2003 refurbished low floor transit buses in accordance with the following technical specifications. Proposer shall provide a complete Work Plan to be approved by the City of Modesto Transit Manager. The Work Plan must address each task identified in this section. It must include estimated hours to complete each task of work, projected timelines for completion noting milestones, proposed subtasks, and subcontractors (if applicable).

2.1 DOCUMENTATION
Contractor is to provide a complete list of manufacturers part number for all parts used. Contractor is to provide all training manuals, parts manuals, operating manuals, electrical schematic and software for each system installed. Manuals, schematics and software are to arrive with the completion of the first vehicle.

2.2 BODY

Exterior Paint
Paint and decal schematic shall match Attachment A. Paint shall be applied smoothly and evenly, with all surfaces free of dirt, runs, sags, peels or other imperfections including an orange peel effect. Old paint shall not show through new paint. The application of decals, including bus numbers shall be consistent with City of Modesto - Modesto Area Express existing fleet.

Body
The body of each vehicle shall be inspected for damage. Damage is to be repaired using materials, workmanship, and design conforming to the best practices in the transit industry. Functionally damaged panels are to be replaced with new parts. All finished buses are to be durable in construction in all respects.

Understructure
The understructure of each bus shall be inspected. All broken welds are to be repaired. Frame shall be inspected for cracks and rust. Cracks shall be repaired by best industry practices. Visible rust is to be removed and metal treated with a rust inhibitor to prevent further spreading. After understructure repairs are complete, new undercoating is to be applied. All mud flaps are to be replaced.

Passenger Doors and Windows
All door, window frames, tracks, seals and welting are to be inspected and replaced with OEM approved parts if damaged. All window graffiti guards are to be replaced with new OEM approved parts. Windows and all glass are to be reinstalled in a manner to guarantee that no water can enter into coach. Passenger doors shall be thoroughly cleaned and serviced. Front and Rear air door motors are to be removed and Vapor electric door motor systems with a Vapor touch control systems shall be installed with silver power coated touch bars on the rear passenger door. All sensitive edges shall be replaced. Any worn, damaged or defective door components shall be replaced. Door closing speed shall be checked and adjusted to meet OEM specifications.

Exhibit A - December 4, 2017
**Exhibit A**

**Scope of Work**

**Roof Escape Hatch Ventilator**
Seal and hardware shall be replaced with new OEM components on roof escape hatch and ventilator. New decals shall be installed.

Emergency exit and window release levers shall be tested for proper operations and repaired or replaced as needed. Operation instructions are to be attached to window frame rail adjacent to each seat, emergency decal must be visible.

**Engine Confinement**
The interior of the bus shall be inspected, repaired and resealed as necessary to ensure there is no transfer of engine compartment gasses or exhaust fumes from the engine and exhaust system while coach is operating at any road speed.

**Driver Compartment**
Driver's seat is to be a new Recaro Ergo Metro AM80, or current model equal. The seat shall be upholstered in black vinyl. Seat shall feature a notification through cushion programed when seat is unoccupied and engine running or seat is unoccupied and parking brake not set.

Driver window shall be removed, thoroughly checked and cleaned. And damaged or corroded window tracks shall be replaced. Any cracked, scratched or chipped glazing shall be replaced with glazing that is consistent with all other windows. Any convenience items such as mirrors and sun visors that are functionally damaged shall be replaced with new OEM like components. When reassembled, window shall be tested for ease of operation.

**Seats**
Passenger seats are to be removed from the vehicle and disassembled. Seat frames are to be repaired as required, then repainted. Passenger seats are to be fitted with a Sardo Velcro insert. Seating at, or before the rear passenger door is to be padded with half inch foam, seating behind the rear passenger door are not to be padded. Seats are to be recovered with YV46PTV4620 or approved equal. Seat spacing, hip to knee = 27.75 inches minimum, aisle width = 24 inches minimum.

**Fender and Rear Bumpers**
Rubber fender flares shall be replaced with new OEM fenders.

**2.3 INTERIOR**
Interior of the vehicle is to be inspected for damage and excessive wear. Items shall be replaced/repairs as necessary with like OEM materials to create a uniform like new interior.

Floor covering is to be removed from all areas and replaced with aisle and under seat, Altro, Chroma, Single color TFCR2730 Mineral 2.7mm, and driver platform foot area black. All subfloor is to be replaced with new OEM or approved equal sub flooring material. All floor covering is to be replaced with a yellow standee line and stepwell area trim to comply with all applicable ADA requirements.

**Exterior**
Filler strips on rub rails shall be replaced with new OEM product.
2.4 POWER STEERING SYSTEM

Power Steering Gearbox
Power steering gearbox shall be rebuilt to the OEM’s rebuild specifications. Mounting hardware and hoses shall be replaced with new.

Steering Column
Steering column and tilt assembly shall be inspected, repaired or replaced to be in like new OEM condition. Bearings and bushing shall be replaced as required. At floor all steering column U joints shall be replaced with new. Front end shall be aligned to OEM specifications.

Steering Wheel
Steering wheel shall be replaced with a new factory OEM wheel. Horn button shall be with a new OEM product along with new horn button hardware.

2.5 ELECTRICAL

Exterior Lighting
All exterior lamps shall be replaced with new Light Emitting Diode (LED) lighting. All new mounting hardware shall be provided. Driver switches for turn signals and dimmer shall be replaced.

Interior Lighting
All interior lighting including dome lights shall be replaced with LED lighting. Light lenses are to be cleaned, inspected and replaced when foggy or cracked. All light lenses are to match for a like new uniform appearance.

2.6 MOBILITY DEVICE - AMERICAN WITH DISABILITIES (ADA) COMPLIANCE

Ramp
A factory Lift-U LUG-03-03 remanufactured front door ramp that is compliant with all current year ADA requirements including total capacity, all current safety and interlock requirements and shall be installed with Camira (Holdworth) seat insert cover.

Mobility Device Tie-Down
Each bus shall be equipped with two (2) new ADA compliant; Q’Straint fully integrated wheelchair securement station Q’Pod’s. Unit must be fully integrated wheelchair securement station designed and tested for a variety of scooters and wheelchairs. The integrated wheelchair securement station shall have the following characteristics: 3-Point Wheelchair Securement System approved for ADA use. Front tie down system with an integrated scootering. Automatic retractor tightening device mechanism to secure chair to bumper to prevent chair tipping. Unit will have a stabilizing bumper to act as the 4th wheelchair contact point to ensure correct wheelchair positioning. Simple accesses handle for tightening and releasing the front retractor securement belt. Integrated rear barrier with time delayed remote release of rear securements. All wheelchair securements are to feature J-hooks to reduce belt twisting. Integrated rear barrier to have easy access maintenance panel. Xpress paddle handle for timed delay of rear retractor belts. A red indicator will provide the driver 15-second time delay to allow the operator to properly secure and disconnect restraints. An Interlock connection for any electronics. System to function without power in the event of electrical failure. An audible or visual indicator to advise the driver when the unit is unlocked. Includes rear tie down restraint retractors with automatic and self-tensioning mechanism for webbing slack adjustment. Prevents tripping hazards associated with webbing slack. Barrier will contain an integrated occupant lap belt. Flip seats shall be the 4ONE’Aries’s stainless...
Exhibit A
Scope of Work

steel seat model shall contain a stowage button for easy to reach access to occupant lap belt. Barrier will contain the pre-positioned integrated shoulder belt. Rear securing retractors are enclosed and protected to prevent tripping hazards and increase the longevity of the securements. Signage location under seat shall be visible to user and explain operation.

2.7 PASSENGER INFORMATION SYSTEM
Display
Contractor shall furnish and install a digital destination sign system. The display shall consist of white colored LED’s. All white LED’s used for the destination signs shall be rated for 50,000 hours. The entire display area of the all signs shall be clearly visible and readable both in direct sunlight and at night with a viewing angle of at least 140 degrees. The Characters formed by the LED’s are to meet current ADA standards. Software will give the user the capability to select from a selection of fonts, preprogrammed fonts and Microsoft True Type Directory’s fonts for display. All destination signs shall be supplied with an ambient light detection sensor that controls the LED intensity according to the exterior light conditions. This adjustment shall be continuously linear, not stepped from 10-100% output.

Front Destination
Shall consist of a matrix of 160 Columns by 17 Rows and should have no less than 2720 LED’s with a maximum display height of no less than 8.75”s and at least 64.75” wide. The outer housing should fit within the envelope. The sign shall be readable from at least 250 feet. Total weight is not to exceed 20.5 pounds.

Side Destination(s)
Shall consist of 112 Columns by 15 Rows and shall have no less than 1680 LED’s with message display area of no less than 6” high by no less than 42.5” wide. The sign enclosure itself will be no longer than 44.5” by no more than 8.25” high and 2” deep. The destination sign is to be readable by a person with 20/20 vision from a distance of 250 feet. The sign shall have equal readability at 70 degrees on either side of the line perpendicular to the center of the mean plane of display. The sign should be no more than 12 pounds. The power connector will be sealed ‘weather pack’ model.

Route Number Destination
Shall be 48 Columns by 15 Rows. Shall have no less than 720 LED’s with a message display area of no less than 6” high by no less than 18” wide. The sign enclosure itself will be no longer than 20”, by no more than 8.25” high and less than 2” deep. The destination message shall be readable by a person with 20/20 vision from a distance of 250 feet. The sign shall have equal readability at 70 degrees on either side of the line perpendicular to the center of the mean plane of display. The sign should weigh no more than 7 pounds. The power connector will be a sealed ‘weather pack’ model.

Rear Route Number
Shall be 48 Columns by 15 Rows, shall have no less than 720 LED’s with a message display area of no less than 6” high by no less than 18” wide. The sign enclosure itself will be no longer than 24”, by no longer than 12” high and less than 2” deep. The destination message shall be readable by a person with 20/20 vision from a distance of 250’. The sign shall have equal readability at 70 degrees on either side of the line perpendicular to the center of the mean plane of display. The sign should weigh no more than 8.5 pounds. The power connector will be a quarter-turn Amphenol model.
On-Board Next Stop Sign
Shall be 120 Columns by 8 Rows, one line sign. Shall have no less than 960 LED’s, in red or amber on 6x6mm pitch, with a message display area of not less than 2.25” high by not less than 28.75” wide. The sign enclosure itself will be no longer than 30” by no more than 3.75” high and 2.25” deep. The internal sign message shall be readable by a person with 20/20 vision from a distance of 20’. The sign shall have equal readability at 70 degrees on either side of the line perpendicular to the center of the mean plane of the display. The sign should weigh no more than 6.5 pounds.

2.8 HEATING AND AIR CONDITIONING
The exterior of the air conditioning condenser is to be washed and interior to be flushed. If inspection reveals it is required, it shall be replaced. New air filters are to be installed in evaporator unit. Condenser and evaporator motors are too be rebuilt to like new OEM condition. Air conditioning compressor is to be rebuilt to OEM like new condition. A new discharge line filter will be installed. Control valves and relays are to be replaced as required. Insulation on A/C tubing is to be replaced. A/C shall be charged with R-134A and the oil changed in the system to match. All A/C ducting is to be inspected and replaced to make like new OEM condition. Boost pump is to be rebuilt and hoses going to heater core replaced. Heaters shall be rebuilt with OEM like components. Air conditioning unit including ducting, service doors unit mounting to interior are to be sealed in a way to prevent engine fumes, gasses and exhaust fumes into interior of coach during any operational speed.

2.9 ELECTRICAL FAN CONVERSION
Contractor shall replace the Hydraulic based engine fan based cooling system with a kit that retrofits and converts the OEM supplied hydraulic cooling system to an electric based mini hybrid cooling system. The thermal management system shall be specifically designed for installation in the engine compartment after the existing radiator, charged air cooler, and hydraulic fan drive system has been removed. The kit shall be a coolant based, pressure type, cooling system that does not permit boiling or coolant loss during typical operation.

System kit shall have components such as, but not limited to, alternator, power distribution center, fans. Fan controllers, radiator, charged air cooler, mounting brackets, connectors, fittings, hardware, wiring harness, conversion piping that are mutually compatible. The bidder shall ensure this compatibly with the specified Gillig bus. The bidder shall ensure that the alternator and charging system can adequately supply the electrical demand or load to run all of the systems on the coach at once along with the New Electric Fan Mini Hybrid system running at full fan speed while the engine is running at idle speed.

All components required for one thermal management system shall be included and packaged as one kit. System shall be tested for proper operation. Supplier shall warrant the kit components for three years or 100,000 miles.

2.10 AVAIL
Buses shall be equipped with a full suite of ITS technologies, including equipment and cabling, to provide the following capabilities: Mobile Data Computer, AVL (Automatic Vehicle Location,) ADA Automatic Next Stop Annunciation and Passenger Information Sign, APC (Automatic Passenger Counter,) Single Point of Logon interface to Destination Sign and Data Radio Communications.

ITS system shall be compatible with existing CAD (Computer Aided Dispatch) system from Avail Technologies, Inc.
2.11 SAFETY VISION

The proposed mobile video recorder solution combines a vehicle mounted network video recorder (NVR), 8 interior IP cameras, 5 exterior cameras, passive GPS and system status/event module.

Hardware

The NVR shall be a RoadRecorder® 7000 series. The NVR shall be mounted in an unobtrusive and secure space on the vehicle at City of Modesto’s direction. All cameras, status module and GPS antennas connect to the NVR. The NVR records the data provided by these connections to the internal 1 TB SSD. The RoadRecorder® 7000 series NVR has the ability be configured to record video at a resolution of 1080P, 720P, D1, or CIF and a frame rate up to 30 FPS. The NVR can be configured at City of Modesto’s discretion to record continuously, on a scheduled basis, or in an event-based mode (where the NVR records when a sensor become active or when the driver presses a button on the LCD panel). Both pre- and post-event recording times can be configured up to 30 minutes. Each camera can be configured independently and includes clear audio (that can be enabled/disabled). Video is recorded in a secure, proprietary format.

The secure web-based configuration of the NVR can be accessed by connecting a laptop PC to the front panel via a standard Ethernet cable. Configuration files can be saved and easily copied to multiple vehicles. The configuration menu is organized in several pages (each with convenient help windows):

- **Product Details** – displays the serial number, firmware version, etc, as well as the state, capacity, and capacity used of each storage device
- **Administrator Settings** – provides access to configure file sizes (adjustable to maximize network performance), export or import configuration files, format or reboot the NVR
- **Network Settings** – configures how the NVR communicates with the wireless network
- **Firmware Update** – provides an interface to update the NVR’s firmware manually
- **System Settings** – configures information such as the NVR’s name, time zone, and GPS format
- **Audio/Video Settings** – configures each individual camera. For each camera, configure two different streams (continuous and event) for codec, resolution, FPS, bit rate, rotation, audio on/off, etc.
- **Startup & Shutdown** – configures how the NVR starts up and shuts down with the vehicle’s ignition
- **Threshold Settings** – configures assorted status thresholds and the actions taken by the NVR when these occur
- **Firmware Settings** – configures how the NVR manages data such as the ability to overwrite old data when the SSD is full and the duration of pre-and post-event time
- **Tag Events** – provides an interface to initiate an event from the web configuration
- **Snapshot Viewer** – provides an interface to view still image “snapshots” taken by individual cameras when they are configured in Audio/Video settings to record in MJPEG format
- **Live View** – provides an interface to view the live feed from each connected camera, useful to confirm camera function and adjust field of view and focus during camera installation
- **Change Password** – configures the password required to log into the NVR’s web configuration interface

The primary on-board storage device shall be a 1 terabyte (TB) solid-state drive (SSD). The SSD provides superior data storage capabilities in a mobile environment with a design that includes no moving parts.
The SSD is secured in the NVR by means of a mechanical lock. When the NVR is powered off and parked, SAFESTOR automatically transfers all recorded video, audio, and metadata to the larger capacity, removable HDD, thereby ensuring large capacity onboard storage with the highest reliability recording. The HDD can be removed and inserted into a proprietary Hard Drive Reader connected to a PC with viewing software installed to review recorded data. The primary means of driver interaction with the NVR shall be the 50-000001 LCD Control Panel. The Control Panel will be installed in an area on or near the vehicle’s dashboard within easy reach of the driver without impacting safety. The Control Panel provides a means of providing the status of the NVR, allowing the driver to visually confirm correct operation. Using the Control Panel’s LCD display and navigation buttons, operators can view system details (firmware version, etc), system logs, event logs, and error logs. The Control Panel provides the means to download specific video clips to a Secure Digital (SD) card inserted into the front panel of the NVR. This action requires a secure password. Located on the Control Panel is an event (or “panic”) button the driver can press to manually trigger an event.

Cameras
Safety Vision Gen 2 and Gen 3 IP cameras shall be located on the vehicle in accordance with City of Modesto’s requirements as shown in Attachment D. Safety Vision can offer three different camera models to provide the optimal image in different locations as described below.

Front Windshield: The camera located in the position facing out of the front windshield shall be the Safety Vision 60-200003 Gen 2 interior camera. The Gen 2 camera connects to the NVR via a single Ethernet cable that provides power and communication. The Gen 2 uses a 2.7 inch progressive CMOS image sensor to provide image resolutions up to 1080p and uses H.264 compression. An IR cut filter provides automatic day/night operation with a 0.1 lux rating. The Gen 2 camera utilizes a built-in microphone for clear crisp audio recordings. The camera is housed in a low-profile IP 66 vandal-resistant housing and can operate in temperatures from 14°F to 122°F. The camera includes a web-based configuration menu that can be accessed from the NVR’s configuration menus.

Interior: The camera located in all other interior positions shall be the Safety Vision Gen 3 interior camera. The Gen 3 camera connects to the NVR via a single Ethernet cable that provides power and communication. The Gen 3 uses a 2.8 inch progressive CMOS image sensor to provide image resolutions up to 1080p and uses H.264 compression. 24 IR illuminators provide clear images in low-light conditions with a 0.2 lux rating. The Gen 3 camera utilizes a built-in microphone for clear crisp audio recordings. The camera is housed in an IP66 rated vandal-resistant housing and can operate in temperatures from 14°F to 122°F. The camera includes a web-based configuration menu that can be accessed from the NVR’s configuration menus.

Exterior: The camera located in all exterior positions shall be the Safety Vision Gen 3 exterior camera. The Gen 3 camera connects to the NVR via a single Ethernet cable that provides power and communication. The Gen 3 uses a 2.8 inch progressive CMOS image sensor to provide image resolutions up to 1080p and uses H.264 compression. 24 IR illuminators provide clear images in low-light conditions with a 0.2 lux rating. The Gen 3 camera utilizes a built-in microphone for clear crisp audio recordings. The camera is housed in a ruggedized IP67 rated housing and can operate in temperatures from 14°F to 122°F. The camera includes a web-based configuration menu that can be accessed from the NVR’s configuration menus.
RESOLUTION APPROVING SUBMISSION OF THE CITY’S TRANSPORTATION DEVELOPMENT ACT (TDA) REGIONAL TRANSIT CLAIM FOR FISCAL YEAR 2018-2019 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) IN THE AMOUNT OF $1,181,147

WHEREAS, the greatest portion of the City’s funding for the Transit Service Program is made available under the Transportation Development Act (TDA), which includes Local Transportation Fund (LTF) funds and State Transit Assistance (STA) funds, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that TDA funds can be claimed for regional projects, and

WHEREAS, the Transit Center and Amtrak Station are considered regional projects as multiple transportation providers utilize these stations, and

WHEREAS, the City has prepared a regional project claim to StanCOG for funds allocated to public transit agencies pursuant to Article 4 of Chapter 4 of the California Public Utilities Code (PUC), and

WHEREAS, the City’s regional project TDA Claim for Fiscal Year 2018-2019 is $1,181,147, and

WHEREAS, the total Operating and Capital Budget for Fiscal Year 2018-2019 is $1,435,741, and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99233.11 of the California PUC before any TDA funding can be released to the City.
WHEREAS, on January 10, 2018, this item was presented to the Economic Development 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 submission of the TDA regional transit claim for Fiscal Year 2018-2019 to StanCOG in the amount of $1,181,147.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF CERES, CA, FOR THE RETURN AND DISPOSITION OF A TRANSIT VAN, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on July 28, 2003, the City of Ceres ("Ceres") entered into an agreement ("Lease") with the City of Modesto ("Modesto") to lease from Modesto a bus for use with Ceres Area Transit, and

WHEREAS, per the terms of the Lease, the initial cost of the bus was split between Modesto (88.53%) and Ceres (11.47%), and

WHEREAS, said bus was leased to Ceres at no additional cost, and

WHEREAS, the bus has exceeded its useful life and Ceres is ready to surrender it to Modesto, and

WHEREAS, the lease requires Modesto to pay Ceres a portion of the proceeds from Modesto’s sale of the bus, and

WHEREAS, a Memorandum of Understanding has been prepared articulating the process by which the City of Ceres will be paid its share of the proceeds.

WHEREAS, on January 10, 2018, this item was presented to the Economic Development Committee, which recommended that the item be forwarded to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding with the City of Ceres articulating the process by which the City of Ceres will be paid its share of any proceeds realized by Modesto’s sale of the leased transit van.
BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Memorandum of Understanding, 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 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 THE SOFTWARE LICENSE AGREEMENT AND FOUR SOLE SOURCE AGREEMENTS WITH AVAIL TECHNOLOGIES, INC., STATE COLLEGE, PA, FOR THE MAINTENANCE AND SUPPORT OF THE EXISTING COMPUTER AIDED DISPATCH AND AUTOMATIC VEHICLE LOCATION SYSTEM, PULLOUT/YARD MANAGEMENT SOFTWARE, INCIDENT REPORTING SOFTWARE, BUSINESS INTELLIGENCE SOFTWARE AND REPLACEMENT CELLULAR MODEMS UTILIZED BY MODESTO AREA EXPRESS FOR A TOTAL COST OF $427,914, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, The City Council, on March 6, 2007, by Resolution No. 2007-161, awarded a development and installation contract in the approximate amount of $948,000 to Avail Technologies, Inc., to install a Computer Aided Dispatch/Automatic Vehicle Location (CAD/AVL) system on the Modesto Area Express (MAX) bus fleet, and

WHEREAS, on December 11, 2007, the City entered into an Agreement with Avail Technologies, Inc., for the development of a CAD/AVL system for the MAX bus fleet, and

WHEREAS, on June 7, 2016, by Resolution 2016-234, the Council awarded a sole source agreement to Avail Technologies, Inc. to continue maintaining and supporting the software through April 18, 2018 at a cost of $112,652.

WHEREAS, in April 2017, Avail Technologies upgraded and began hosting the software to enable the real-time bus information to be made available to the public via website and myStop smart phone application. In addition, most of the buses started transmitting data via a stable cellular connection vs. the less reliable data radio connection. Avail included the server hosting services as part of the annual agreement approved in June 2016, with no additional cost to the City, and
WHEREAS, on July 11, 2017, by Resolution 2017-277, the Council authorized the purchase of additional hardware to enable all buses to transmit the signal with a cellular connection, along with other upgraded hardware, so that the real-time data was accurate and all buses had the same equipment installed. That equipment upgrade is currently scheduled for January 2018, and

WHEREAS, this additional software will enhance the MAX system by providing better tools to the operations staff to ensure that the Avail system is producing correct data for the traveling public and the management staff will have the reports needed to effectively convey the story of MAX service in Modesto, and

WHEREAS, Avail Technologies, Inc. is the sole provider of Avail applications and is the only vendor that can provide Avail maintenance for their products. The City conducted a competitive bid process and found no other reseller that can provide maintenance for the Avail system. As a result, the Purchasing Manager has determined that purchase of software and maintenance and modem equipment meet the City’s sole source criteria as required under the Modesto Municipal Code 8-3.204, and

WHEREAS, on January 10, 2018, this item was presented to the Economic Development 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 software license agreement and four sole source agreements with Avail Technologies, Inc., State College, PA, for the maintenance and support of the existing Computer Aided Dispatch and Automatic Vehicle Location system, Pullout/Yard Management software, Incident Reporting software, Business Intelligence software and
replacement cellular modems utilized by Modesto Area Express for a total cost of $427,914.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Agreements, 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 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 A BUDGET ADJUSTMENT IN THE AMOUNT OF $427,914 TO FUND THE PURCHASE MAINTENANCE AND SUPPORT OF THE EXISTING COMPUTER AIDED DISPATCH AND AUTOMATIC VEHICLE LOCATION SYSTEM, PULLOUT/YARD MANAGEMENT SOFTWARE, INCIDENT REPORTING SOFTWARE, BUSINESS INTELLIGENCE SOFTWARE AND REPLACEMENT CELLULAR MODEMS UTILIZED BY MODESTO AREA EXPRESS

WHEREAS, certain budgetary transactions are necessary in the amount of $427,914 in order to fund the purchase of maintenance and support of the existing Computer Aided Dispatch and Automatic Vehicle Location System, Pullout/Yard Management software, Incident Reporting software, Business Intelligence software and replacement cellular modems for the Modesto Area Express (MAX) bus system, and

WHEREAS, the City was awarded Proposition 1B funds under the Public Transportation Modernization, Improvement and Service Enhancement Account program (PTMISEA) in the amount of $75,466 for the purchase of the Computer Aided Dispatch and Automatic Vehicle Location System components, and

WHEREAS, the City was awarded Federal Transit Administration funds in the amount of $234,036 for the purchase of the maintenance and support of the Computer Aided Dispatch and Automatic Vehicle Location System, and

WHEREAS, Local Transportation Funds awarded to the City for Transit purposes only in the amount of $118,412 will be used to fund this purchase, and

WHEREAS, the Fiscal Year 2017-2018 operating budget must be amended as shown in Exhibit A, which is incorporated by reference herein.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Operating 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 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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
**Request for Budget Adjustment**

**Contact Person:** Maria Garnica  
**Telephone:** 206-777-2280  
**Submitting Department:** PW

**Project Name:** PW - MAX ITS equipment purchase  
**Project Fund:** 4510  
**Fiscal Year being Adjusted:** FY17/18

### Revenues

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### Justification for Budget Adjustment

$427,914

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<td>Maria Garnica</td>
<td>11/16/2017</td>
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To be Completed by Finance Staff

Transfer Number: 2

Complied By:  


RESOLUTION APPROVING THE SUBMISSION OF A PROJECT LIST, COMPLY WITH THE CERTIFICATIONS AND ASSURANCES FOR THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 FOR THE MODESTO AREA EXPRESS BUS SYSTEM, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL REQUIRED DOCUMENTS OF THE PROGRAM

WHEREAS, the City of Modesto is an eligible project sponsor and may receive State Transit Assistance funding from the State of Good Repair Account (SGR) now or sometime in the future for transit projects, and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations, and

WHEREAS, Senate Bill 1 (2017) named the Department of Transportation (Department) as the administrative agency for the SGR, and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing SGR funds to eligible project sponsors (local agencies), and

WHEREAS, a project list has been developed to improve the conditions of the facilities, rolling stock and equipment needed to operate the Modesto Area Express bus system, and

WHEREAS, on January 10, 2018, this item was presented to the Economic Development Committee for their consideration and the Committee recommended forwarding to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of the project list for the Road Repairs and Accountability Act of 2017 for the City of Modesto Transit Division.
BE IT FURTHER RESOLVED that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all State of Good Repair funded transit projects.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute and file all required documents of the State of Good Repair program and any Amendments thereto with the California Department of Transportation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 FIVE-YEAR LEASE AGREEMENT WITH THREE ADDITIONAL FIVE-YEAR EXTENSION OPTIONS WITH GREYHOUND LINES, INC., DALLAS, TX, FOR THE LEASE OF SPACE AT THE CITY TRANSPORTATION CENTER FOR TOTAL ANNUAL REVENUE OF $63,000 AND TOTAL REVENUES OF $321,363 FOR THE INITIAL FIVE-YEAR TERM OF THE AGREEMENT AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has leased space to Greyhound Lines, Inc., since 1994, when the Transportation Center opened to serve Modesto Area Express, and

WHEREAS, the lease agreement expired in 2009 and continued as a month-to-month tenancy since that time, and

WHEREAS, the City and Greyhound Lines, Inc. have developed a new lease to continue the arrangement, and

WHEREAS, Greyhound Lines, Inc. provides a transportation service to the community by providing bus service between communities, and

WHEREAS, there are no other companies that provide this type of regular scheduled bus service, and

WHEREAS, the length of the lease is an initial five years, with three additional five year options for a total of twenty years if all extension options are exercised, and

WHEREAS, the total amount of the lease would be $1,401,069 if all option years are exercised, and

WHEREAS, on September 13, 2017, this item was presented to the Healthy Economy 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 a five-year lease agreement with three additional five-year extension options with Greyhound Lines, Inc., Dallas, TX, for the lease of space at the City Transportation Center for total annual revenue of $63,000 and total revenues of $321,363 for the initial five-year term of the agreement.

BE IT FURTHER RESOLVED, that the Interim City Manager or his designee is authorized to execute the lease 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 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. TO PROVIDE ENGINEERING AND DESIGN SERVICES FOR THE RECONSTRUCTION OF TAXIWAYS E AND D, IN AN AMOUNT NOT TO EXCEED $174,629, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto City-County Airport (Airport) is a federally obligated facility and is required to meet Federal Aviation Administration (FAA) standards, including maintaining a Pavement Maintenance Management Plan per FAA Regulation (FAR) 139.305, and

WHEREAS, the FAA is requiring the Airport to implement an Airport Pavement Management System, and

WHEREAS, the FAA has made a grant offer 3-06-0153-039-2015 (AIP 39) for the design of the Taxiways E and D Reconstruction Project, and

WHEREAS, the FAA required the City to retain a qualified airport engineer, and

WHEREAS, City Council approved, by Resolution 2015-114, Kimley-Horn and Associates, Inc. as the most qualified and responsible consultant, and

WHEREAS, the FAA reviewed and approved the Independent Fee Estimate ("IFE") performed by the City on the proposed services by Kimley Horn and Associates, Inc. to determine cost reasonableness, and

WHEREAS, The IFE proposal meets the requirements of the Modesto Municipal Code 8-4.208(a) related to professional services requirements as it is an agreement for professional services and FAA Advisor Circular 150/5100.
WHEREAS, on January 10, 2018, this item was presented to the Economic Development 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 agreement with Kimley-Horn and Associates, Inc. to provide engineering and design services to reconstruct taxiways E and D in an amount not to exceed $174,629.

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 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-41

RESOLUTION APPROVING AMENDING THE FISCAL YEAR 2017-2018
CAPITAL IMPROVEMENT BUDGET TO ESTABLISH A BUDGET IN AN
AMOUNT NOT TO EXCEED $174,629, WHICH INCLUDES $157,166 IN GRANT
FUNDING AND $17,463 TRANSFERRED FROM FUND 4330-STANISLAUS
COUNTY AIRCRAFT TAX FUND TO CIP #100905

WHEREAS, the Modesto City-County Airport (Airport) is a federally obligated
facility and is required to meet Federal Aviation Administration (FAA) standards,
including maintaining a Pavement Maintenance Management Plan per FAA Regulation
(FAR) 139.305, and

WHEREAS, the FAA has made a grant offer 3-06-0153-039-2015 (AIP 39) for
the design of Taxiway E and D Reconstruction Project, and

WHEREAS, the FAA required the City to retain a qualified airport engineer, and

WHEREAS, Council approved, by Resolution 2015-114, Kimley-Horn and
Associates, Inc. as the most qualified and responsible consultant, and

WHEREAS, the FAA reviewed and approved the Independent Fee Estimate
performed by the City on the proposed services by Kimley Horn and Associates, Inc. to
determine cost reasonableness.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the budget amendment for AIP 39 in an amount not to exceed
$174,629 to perform engineering and design services to reconstruct taxiways E and D.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is
hereby authorized to implement the budget adjustment and create an appropriate revenue
and expense account for project AIP 39.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 TRANSFER OF PORTIONS OF APNS 135-029-038 AND 135-029-039 TO BOTH STANISLAUS COUNTY AND STATE OF CALIFORNIA, PORTIONS OF APNS 135-029-040 AND 135-029-041 TO THE STATE OF CALIFORNIA, AND PORTIONS OF SALIDA BOULEVARD AND SISK ROAD TO THE STATE OF CALIFORNIA FOR THE STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO TRANSFER THE PROPERTIES

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, State Route 99/Pelandale Avenue Intersection Reconstruction Project funds were programmed in accordance with California Department of Transportation’s (Caltrans) Project Development Procedures Manual, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the city’s consultant and submitted to the State of California Department of Transportation (Caltrans) for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on July 10, 2012, by Resolution No. 2012-277, City Council approved an Agreement between the City of Modesto and the California Department of Transportation (Caltrans) for maintenance of improvements within State Highway Right of Way on Route 99 (Pelandale Avenue) within the City of Modesto for the State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on February 25, 2014, by Resolution No. 2014-71, City Council approved the contract with Teichert/MCM, a Joint Venture, Fowler, California in an
amount of $30,999,968.53, and authorized the City Manager, or his designee, to execute
the contract, and

WHEREAS, on April 25, 2017, by Resolution number 2017-154, City Council
accepted the State Route 99/Pelandale Avenue Interchange Reconstruction Project
improvements as complete, and

WHEREAS, a Record of Survey must be submitted to the State for final closeout
of the project to be completed, and

WHEREAS, for the Record of Survey to be submitted, City Council must first
approve the relinquishment of land to both County and State, and

WHEREAS, on January 10, 2018, this item was presented to the Economic
Development 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 transfer of real property, portions of APNs 135-029-038 and
135-029-039 to both Stanislaus County and State of California, portions of APNs 135-
029-040 and 135-029-041 to the State of California, and portions of Salida Boulevard and
Sisk Road to the State of California for the State Route 99/Pelandale Avenue Interchange
Reconstruction Project.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee is
authorized to execute all documents necessary to transfer the properties.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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
MODesto City Council
Resolution No. 2018-43

Resolution Approving an Increase of $700,000 to the Annual Purchasing Agreement with West Coast Sand & Gravel, Inc., Modesto, Ca, for Rock, Sand, and Gravel, for an Agreement Total Not to Exceed $2,637,070, and Authorizing the Purchasing Manager, or Her Designee, to Increase the Annual Purchase Agreement

WHEREAS, the City of Modesto entered into a contract purchase agreement No. 66240 with West Coast Sand & Gravel, Inc. by Resolution No. 2014-352 in 2014 for an estimated annual cost of $387,414 which equals $1,937,070 over a five year period, and

WHEREAS, since 2014, the City has continued to see an increased need for rock, sand and gravel services, and

WHEREAS, this demand significantly exceeded staff estimates in 2014 when the original agreement was competitively bid and has resulted in the need to increase the amount of the annual agreement with West Coast Sand & Gravel, Inc. and

WHEREAS, West Coast Sand & Gravel, Inc. has successfully been able to meet the demands by the City for rock, sand and gravel services, and

WHEREAS, the cost of rock, sand and gravel by West Coast Sand & Gravel, Inc. has increased due to flood mitigation, installation of additional flush lines and price increases, and

WHEREAS, the current purchase agreements for rock, sand and gravel expires on September 8, 2019, and

WHEREAS, in the interim, staff anticipates it will continue to need rock, sand and gravel from West Coast Sand & Gravel, Inc. in an amount not to exceed $2,637,070, and
WHEREAS, per MMC Section 8-3.204(c), the Purchasing Manager has the authority to recognize the department’s current situation as an exigent circumstance. Acting within the scope of this authority, the Purchasing Manager recommends staff be allowed to increase spending authority under this purchase agreement to $2,637,070, in accordance with MMC Section 8-3.204(c) ensuring the repair and maintenance of the City’s infrastructure. If these repair and maintenance services are interrupted, this could result in potential safety hazards to the public.

WHEREAS, this item was considered by the Finance Committee at the December 14, 2017 meeting and was recommended to forward to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase of $700,000 to the annual purchasing agreement with West Coast Sand & Gravel, Inc., Modesto, CA, for rock, sand, and gravel, for an agreement total not to exceed $2,637,070.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to increase the annual purchase agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Ridenour, 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: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AMENDMENT TO THE PURCHASING AGREEMENT WITH NATIONAL METER AND AUTOMATION, INC., SANTA ROSA, CA, FOR ADDITIONAL WATER METERS AND PARTS FOR AN ANNUAL COST NOT TO EXCEED $842,748 FOR THE REMAINING FOUR YEARS OF THE AGREEMENT, AND A NEW TOTAL AMOUNT NOT TO EXCEED $4,100,327 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO INCREASE THE ANNUAL PURCHASE AGREEMENT

WHEREAS, the City of Modesto entered into a contract purchase agreement No. 99391 with National Meter and Automation, Inc., by Resolution No. 2016-235, for an estimated annual cost of $729,333 which equals $3,646,665 over a five year period, and

WHEREAS, this agreement expires on June 6, 2021, and

WHEREAS, the City is in the second year of its agreement with National Meter and Automation, Inc. and needs to add additional meters and parts to continue the maintenance program for commercial and industrial accounts to the current annual agreement No. 99391, and

WHEREAS, these include Parts for Meter Testing and Repair. The original agreement lists full assemblies and no parts. Staff does annual meter testing and needs parts for this purpose. In the past, parts were requested through Stores and now the Utilities Department must order directly from the vendor, and

WHEREAS, Model 35/55/70 Bronze Bodied Meters that were not original included on the contract and in the past Stores purchased them as needed, and the Utilities Department now needs to purchase directly from the vendor, and

WHEREAS, the full list of additional parts and equipment to be added to the National Meter and Automation, Inc. Agreement is attached, and
WHEREAS, per MMC Section 8-3.204(c), the Purchasing Manager has the authority to recognize the department’s current situation as an exigent circumstance. In addition, since the water meter system throughout the City are manufactured by National Meter only National Meter parts are compatible with the existing system. Since the purchasing requirements can only be satisfied by purchase of National Meter water meter parts, the bidding requirements are further exempt due to the sole source exemption per MMC Section 8-3.204(b). Acting within the scope of this authority, the Purchasing Manager recommends staff be allowed to increase spending authority under this purchase agreement to $4,100,327, in accordance with MMC Section 8-3.204(c) ensuring water meter installation/repairs are not interrupted and needed work is not significantly delayed, and

WHEREAS, based on manufacturer recommendations for equipment and parts, staff anticipates costs at an estimate of approximately $113,415 annually, for a total increase four year cost of $453,661, for the remainder four years of the contract, and

WHEREAS, sufficient funds are budgeted in the Water Fund to cover this increase, and

WHEREAS, this item was considered by the Finance Committee at the December 14, 2017 meeting and was recommended to forward to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the purchasing agreement with National Meter and Automation, Inc., Santa Rosa, CA, for additional water meters and parts, for an annual cost not to exceed $842,748 for the remaining four years of the agreement, and a new total amount not to exceed $4,100,327 over five years.
List of New Products for National Meter Agreement

MODESTO PARTS

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>SIZE</th>
<th>PART NUMBER</th>
<th>SELL</th>
<th>Annual Estimated Quantity</th>
<th>Estimated Annual Cost</th>
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</table>
BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to increase the annual purchase agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, 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. 2018-45

RESOLUTION APPROVING AN INCREASE OF $50,000 PER YEAR TO THE PURCHASING AGREEMENT WITH ROOT TAMERS, INC., BROOKINGS, OR, FOR THE FURNISHING OF SEWER ROOT CONTROL SERVICES FOR AN AGREEMENT TOTAL NOT TO EXCEED $362,615 OVER THE FIVE YEAR TERM OF THE AGREEMENT AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO INCREASE THE PURCHASE AGREEMENT

WHEREAS, on April 12, 2016, by Resolution No. 2016-151, Council authorized the award of bid for the purchase of a sewer root control program to Root Tamers, Inc., of Brookings, OR, in the amount of $32,523 per year, for a total amount of $162,615 over five years, and

WHEREAS, the State Water Resources Control Board (SWRCB) adopted a General Waste Discharge Requirement (WDR) (Order No. 2006-0003) for all publicly owned sanitary sewer collection systems in California with more than one mile of sewer pipe, and

WHEREAS, the goal of the WDR is to provide a consistent statewide approach for reducing Sanitary Sewer Overflows (SSOs) which requires public agencies to develop and implement a Sewer System Management Plan (SSMP) aimed at reducing SSOs, and

WHEREAS, Council approved the City’s SSMP with Resolution No. 2009-150 on April 7, 2009 and approved the latest update with Resolution No. 2017-357, and

WHEREAS, as part of the SSMP, the Wastewater Collections Section has created detailed and comprehensive maintenance programs in an effort to reduce SSOs and the Integrated Root Control Program is a key component of these efforts, and
WHEREAS, the anticipated amount of Root Control Services has grown significantly from what was estimated in the original award, and the additional work performed and request for additional funding for this agreement is due to:

- **Heavy to Medium root intrusion discovered during maintenance activities.** When Heavy to Medium roots are discovered intruding into the City's sewer system, the Wastewater Collections staff creates a root foaming Preventive Maintenance Work Order and schedules root treatment of that section of sewer line. This is a critical component of a proactive maintenance program.

- **Increased Closed Circuit Television (CCTV) work.** The Wastewater Collections crews have been performing more CCTV work and finding significant roots in the piping.

- **Re-treatment of areas previously treated.** The Wastewater Collections contractor has been re-treating areas that were previously treated so that all lines are re-treated within the 3 to 5 year timeframe.

- **Drought conditions.** Due to the drought conditions of 2013-2016, trees were more aggressively attacking the sewer system in search of water.

WHEREAS, during the first year of this agreement, Staff discovered more root intrusion than anticipated, and

WHEREAS, this resulted in expenditures totaling $120,282 for the first two years of the Root Tamers Agreement, and

WHEREAS, these expenditures did not exceed the amounts authorized by City Council, however the annual amounts were greater than expected, and

WHEREAS, the revised annual expenditure for on-going root control work is anticipated to be approximately $72,523 each year requiring the agreement to be increased $200,000 to a total of $362,615, and

WHEREAS, this was considered by the Finance Committee at the December 13, 2017 meeting and was recommended to forward to Council for approval, and

WHEREAS, per MMC Section 8-3.204(c), the Purchasing Manager has the authority to recognize the department’s current situation as an exigent circumstance, and
WHEREAS, based on the increase requested by the department, the Purchasing Manager, within the scope of this authority, recommends staff be allowed to increase spending authority under this purchase agreement to $362,615 in accordance with MMC Section 8-3.204(c) ensuring root control 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 $50,000 per year to the Purchase Agreement with Root Tamers, Inc., Brookings, OR, for the furnishing of sewer root control services for an Agreement total not to exceed $362,615 over the five year term of the Agreement.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby 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 23rd day of January, 2018, by Councilmember Ridenour,
who moved its adoption, which motion being duly seconded by Councilmember Grewal,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
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 PLANS AND SPECIFICATIONS FOR THE
GRAYSON REPLACEMENT WELL 274 PROJECT, ACCEPTING THE BID,
AND AWARDING A CONSTRUCTION CONTRACT TO MAGGIORA BROS.
DRILLING, INC., OF WATSONVILLE, CA, IN THE AMOUNT OF $408,420,
AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Grayson Replacement
Well 274 Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Grayson Replacement Well 274 Project
were opened at 11:00 a.m. on December 19, 2017 pursuant to Modesto Municipal Code
section 8-3.403 and Charter section 1307, and

WHEREAS, the Director of Utilities and the Interim City Manager has
recommended that the bid of $408,420 received from Maggiora Bros Drilling, Inc., be
accepted as the lowest responsible and responsive bid and the contract be awarded to
Maggiora Bros. Drilling, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the plans and specifications for Grayson Replacement Well 274
Project, accepts the bid of $408,420 and awards Maggiora Bros. Drilling, Inc., of
Watsonville, CA the construction contract for the Grayson Replacement Well 274
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 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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 AN INCREASE IN THE DIRECTOR’S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE GRAYSON REPLACEMENT WELL 274 PROJECT FROM 10 PERCENT ($40,842) TO 25 PERCENT ($102,105) OF THE CONSTRUCTION CONTRACT AMOUNT

WHEREAS, on January 23, 2018, the City Council is concurrently awarding a $408,420 contract to Maggiora Bros. Drilling, Inc., of Watsonville, CA for the construction of the Grayson Replacement Well 274 Project, and

WHEREAS, the City operates and maintains Well 274 in the outlying service area of Grayson, and

WHEREAS, a feasibility study addressing nitrate concentrations in Well 274 was completed in January 2015, and recommends a replacement well due to the age and relative shallow depth of the current well, and

WHEREAS, by Resolution 2015-454, Council accepted a 9,945 square foot site from Stanislaus County, expanding the Well 274 site to accommodate drilling a replacement well, and

WHEREAS, given the nature of the project, additional work may be needed to address unexpected conditions that require changes in project scope that may exceed the Director’s change order authority of 10%, as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $40,842, and

WHEREAS, staff recommends that the Director’s change order authority be increased to 25%.
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Grayson Replacement Well 274 Project from 10 percent ($40,842) to 25 percent ($102,105) of the construction contract price of $408,420 with Maggiora Bros. Drilling, Inc., of Watsonville, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following

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. 2018-48

RESOLUTION APPROVING AN AMENDMENT INCREASING THE CONTRACT AMOUNT WITH ARAMARK UNIFORM SERVICES, MODESTO, CA, FOR THE FURNISHING OF UNIFORM AND LAUNDRY SERVICES BY $50,000 FROM $950,000 TO $1,000,000, AND EXTENDING THE TERM OF THE AGREEMENT FROM FEBRUARY 1, 2018, TO JUNE 30, 2018; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO THE AGREEMENT

WHEREAS, Article 22 of the Memorandum of Understanding (MOU) between the City of Modesto and Modesto City Employees Association (MCEA) requires the City to provide uniform and laundry services for Non-Sworn City employees, and

WHEREAS, in addition to the above article, the City is required to provide coveralls, pants, and rain gear for employees, dependent upon classification, and

WHEREAS, on August 14, 2012 by Resolution 2012-321, Council approved an agreement with Aramark Uniform Services, Modesto, CA for the furnishing of uniform and laundry services for a 2 year agreement with 3 one-year extension options at the sole discretion of the City for an estimated annual cost of $100,000 and a total cost of $500,000 for the five year term of the agreement, and

WHEREAS, in December 2015, the City reached the five-year spending amount and the Purchasing Division increased the agreement from $500,000 to $800,000 without Council approval; In August 2017, once the $800,000 limit was reached, an additional $50,000 expenditure was authorized to ensure the uniform and laundry services continued, and

WHEREAS, on the December 12, 2017 Council meeting, Council approved, via Resolution 2017-529, the extension of the agreement to January 31, 2018 and payment of $100,000 for the period of August 8, 2017 to January 31, 2018, and
WHEREAS, Council also directed the Finance Department to review the Aramark invoices already paid to determine if the City was being billed at the contract rate approved by Council, and

WHEREAS, the Finance Department contacted Aramark and Aramark promptly completed an internal audit on the billed services to the City in which Aramark found that a credit was due back to the City in the amount of $49,510 and a correction plan was identified to monitor the control of this agreement, and

WHEREAS, due to the urgency of the need for these services to continue, the City is requesting we increase this agreement an additional $50,000 and extend the term of the Agreement to June 30, 2018 to allow the Purchasing Division time to complete the bidding process for laundry services no later than June of 2018.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the Agreement with Aramark Uniform Services, Modesto, CA, increasing the contract amount for the furnishing of uniform and laundry services by $50,000 from $950,000 to $1,000,000; and extending the term of the Agreement from February 1, 2018, to June 30, 2018.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to execute the Second Amendment to 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 23rd day of January, 2018, 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: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-49

RESOLUTION APPROVING AMENDMENTS TO VARIOUS ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS WITH REVISED NOT TO EXCEED AMOUNTS AND TERMS FOR THE SERVICES STATED HEREIN AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO INCREASE THE IDENTIFIED ANNUAL PURCHASE AGREEMENTS IN AN AMOUNT NOT TO EXCEED THE SPECIFIC AMOUNT APPROVED BY COUNCIL

WHEREAS, the City has conducted a comprehensive review of past and current contracting and purchasing practices, and

WHEREAS, that review has found various agreements, contracts, purchase orders and other purchasing documents that are not in conformance with Title 8 of the Modesto Municipal Code, and

WHEREAS, the City has found the below listed Annual Agreements need to be amended to conform with the Municipal Code, and

WHEREAS, Council needs to approve expenditures that exceeded the amounts previously authorized by the City Council, and

WHEREAS, the City also has a critical need for continued use for the goods and services listed below as those goods and services are essential to maintain City business, and

WHEREAS, staff intends to conduct formal Request for Bids but requires time to complete them along with the other competing demands identified from this purchasing review, and

WHEREAS, departments need these same goods and services until the Request for Bids is completed and replacement agreements are approved, and
WHEREAS, the Purchasing Manager has determined that calling for bids on a competitive basis for those goods and services is undesirable due to exigent circumstances, in accordance with MMC 8-3.204(c), since the City cannot have any lapse in the goods and services represented in the list below, and

WHEREAS, the history and explanation for the necessary changes to each Purchase Agreement are set forth more fully in the Agenda Report submitted to Council on January 23, 2018 and accompanying Council presentation, as well as the Purchasing Review Findings which is attached hereto as Attachment A.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the changes in the term dates of the Purchase Agreements and an increase to the annual Purchase Agreements by the amounts, and not to exceed amounts listed below.

<table>
<thead>
<tr>
<th>Annual Agreement/Goods &amp; Services</th>
<th>Approval of Previous Expenses</th>
<th>Additional Amount</th>
<th>Changes in Term</th>
<th>Revised Not to Exceed Amount</th>
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<td>Delta Wireless Inc.—radio equip. &amp; repair</td>
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<td>Zap Manufacturing Inc.—road sign repair</td>
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<td>$50,000</td>
<td>Sept. 30, 2018</td>
<td>$243,951</td>
</tr>
<tr>
<td>Fastenal Company Inc.—safety supplies</td>
<td>$59,848</td>
<td>$108,000</td>
<td>Sept. 30, 2018</td>
<td>$176,848</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to increase the Purchase Agreements to conform to the above-referenced amounts and terms.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Zoslocki, 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
<table>
<thead>
<tr>
<th>#</th>
<th>Vendors/Account Name</th>
<th>Agreement Unit/Amount</th>
<th>Agreement Terms (Yearly)</th>
<th>Effective Date (Y/MD/YY)</th>
<th>Effective Period (Year/Period)</th>
<th>Example Agreement Amount</th>
<th>Actual Agreement Amount</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1140 - AEP Systems, Inc.</td>
<td>$16,429.00</td>
<td>0%</td>
<td>01/01/2017</td>
<td>01/01/2017 - 12/31/2017</td>
<td>$16,429.00</td>
<td>$16,429.00</td>
<td>Fee is charged for actual usage; the City is reimbursed for expenses incurred.</td>
</tr>
<tr>
<td>2</td>
<td>AET NA, Inc.</td>
<td>$1,286,683.00</td>
<td>0%</td>
<td>01/01/2017</td>
<td>01/01/2017 - 12/31/2017</td>
<td>$1,286,683.00</td>
<td>$1,286,683.00</td>
<td>Fee is charged for actual usage; the City is reimbursed for expenses incurred.</td>
</tr>
<tr>
<td>3</td>
<td>ACTUAL, INC.</td>
<td>$72,200.00</td>
<td>0%</td>
<td>01/01/2017</td>
<td>01/01/2017 - 12/31/2017</td>
<td>$72,200.00</td>
<td>$72,200.00</td>
<td>Fee is charged for actual usage; the City is reimbursed for expenses incurred.</td>
</tr>
<tr>
<td>4</td>
<td>ACONIC, INC.</td>
<td>$8,000.00</td>
<td>0%</td>
<td>01/01/2017</td>
<td>01/01/2017 - 12/31/2017</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
<td>Fee is charged for actual usage; the City is reimbursed for expenses incurred.</td>
</tr>
<tr>
<td>5</td>
<td>ACTUAL, INC.</td>
<td>$30,000.00</td>
<td>0%</td>
<td>01/01/2017</td>
<td>01/01/2017 - 12/31/2017</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
<td>Fee is charged for actual usage; the City is reimbursed for expenses incurred.</td>
</tr>
<tr>
<td>6</td>
<td>ACTUAL, INC.</td>
<td>$16,429.00</td>
<td>0%</td>
<td>01/01/2017</td>
<td>01/01/2017 - 12/31/2017</td>
<td>$16,429.00</td>
<td>$16,429.00</td>
<td>Fee is charged for actual usage; the City is reimbursed for expenses incurred.</td>
</tr>
<tr>
<td>7</td>
<td>ACTUAL, INC.</td>
<td>$50,000.00</td>
<td>0%</td>
<td>01/01/2017</td>
<td>01/01/2017 - 12/31/2017</td>
<td>$50,000.00</td>
<td>$50,000.00</td>
<td>Fee is charged for actual usage; the City is reimbursed for expenses incurred.</td>
</tr>
<tr>
<td>8</td>
<td>ACTUAL, INC.</td>
<td>$25,000.00</td>
<td>0%</td>
<td>01/01/2017</td>
<td>01/01/2017 - 12/31/2017</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
<td>Fee is charged for actual usage; the City is reimbursed for expenses incurred.</td>
</tr>
<tr>
<td>9</td>
<td>ACTUAL, INC.</td>
<td>$72,200.00</td>
<td>0%</td>
<td>01/01/2017</td>
<td>01/01/2017 - 12/31/2017</td>
<td>$72,200.00</td>
<td>$72,200.00</td>
<td>Fee is charged for actual usage; the City is reimbursed for expenses incurred.</td>
</tr>
<tr>
<td>10</td>
<td>ACTUAL, INC.</td>
<td>$8,000.00</td>
<td>0%</td>
<td>01/01/2017</td>
<td>01/01/2017 - 12/31/2017</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
<td>Fee is charged for actual usage; the City is reimbursed for expenses incurred.</td>
</tr>
<tr>
<td>11</td>
<td>ACTUAL, INC.</td>
<td>$30,000.00</td>
<td>0%</td>
<td>01/01/2017</td>
<td>01/01/2017 - 12/31/2017</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
<td>Fee is charged for actual usage; the City is reimbursed for expenses incurred.</td>
</tr>
<tr>
<td>12</td>
<td>ACTUAL, INC.</td>
<td>$16,429.00</td>
<td>0%</td>
<td>01/01/2017</td>
<td>01/01/2017 - 12/31/2017</td>
<td>$16,429.00</td>
<td>$16,429.00</td>
<td>Fee is charged for actual usage; the City is reimbursed for expenses incurred.</td>
</tr>
</tbody>
</table>

**Vendor Definitions:**
1. A number typically refers to an agreement and associated documents, but in some cases may refer to a single entity, process, or system that precedes or supports the primary agreement. The example above highlights a vendor who provides software services for the City of A村镇.
2. Agreement Terms: The agreement terms vary, but generally include payment terms, contract duration, renewal options, and any other terms negotiated for the agreement. Agreements are typically used to facilitate ongoing transactions and ensure compliance with regulatory requirements.
3. Effective Dates: Effective dates specify the start and end periods of the agreement, allowing for tracking and monitoring of compliance.
4. Example Agreement Amounts: The amounts listed are examples intended to illustrate the types of agreements that may be entered into by the City of A村镇. Actual amounts may vary depending on specific requirements.
5. Additional Information: Details regarding the terms, conditions, and implications of the agreements are provided to ensure transparency and compliance.
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-50

RESOLUTION APPROVING AMENDMENTS TO VARIOUS ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS WITH REVISED NOT TO EXCEED AMOUNTS FOR THE SERVICES STATED HEREIN AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO INCREASE THE IDENTIFIED ANNUAL PURCHASE AGREEMENTS IN AN AMOUNT NOT TO EXCEED THE SPECIFIC AMOUNT APPROVED BY COUNCIL

WHEREAS, the City has conducted a comprehensive review of past and current contracting and purchasing practices, and

WHEREAS, that review has found various agreements, contracts, purchase orders and other purchasing documents that are not in conformance with Title 8 of the Municipal Code, and

WHEREAS, the City has found the below listed Annual Agreements need to be amended to conform with the Municipal Code, and

WHEREAS, the Council needs to approve expenditures that exceeded the amounts previously authorized by the City Council, and

WHEREAS, staff does not intend to use these agreements anymore, thus there is no change in term dates. Additionally, with the exception of Greater San Joaquin, the City does not intend to replace the Purchase Agreements with new agreements, and

WHEREAS, the history and explanation for the necessary changes to each Purchase Agreement are set forth more fully in the Agenda Report submitted to Council on January 23, 2018 and accompanying Council presentation, as well as the Purchasing Review Findings, attached hereto as Attachment B.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the annual Purchase Agreements listed below by the amounts, and not to exceed amounts also listed below.

<table>
<thead>
<tr>
<th>Ann. Agreement/Goods &amp; Services</th>
<th>Approval of Previous Expenditures</th>
<th>Additional Amounts</th>
<th>Revised Not to Exceed Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Groeniger/Ferg.—water repair parts</td>
<td>$1,383,511</td>
<td>$1,383,511</td>
<td>$2,398,081</td>
</tr>
<tr>
<td>San Diego Police Equip.—ammunition</td>
<td>$157,805</td>
<td>$157,805</td>
<td>$619,340</td>
</tr>
<tr>
<td>ASA Greater San Joaquin—officiating</td>
<td>$67,148</td>
<td>$67,148</td>
<td>$67,148</td>
</tr>
<tr>
<td>Fletcher Landscaping—lands. services</td>
<td>$73,812</td>
<td>$73,812</td>
<td>$73,812</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to increase the Purchase Agreements to conform to the above-referenced amounts.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AMENDMENTS TO VARIOUS BLANKET PURCHASE ORDERS WITH VARIOUS VENDORS WITH REVISED NOT TO EXCEED AMOUNTS FOR THE SERVICES STATED HEREIN AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO INCREASE THE IDENTIFIED BLANKET PURCHASE ORDERS IN AN AMOUNT NOT TO EXCEED THE SPECIFIC AMOUNT APPROVED BY COUNCIL

WHEREAS, the City has conducted a comprehensive review of past and current contracting and purchasing practices, and

WHEREAS, that review has found various agreements, contracts, purchase orders and other purchasing documents that are not in conformance with Modesto’s City Code, and

WHEREAS, the City has found the below listed Blanket Purchase Orders need to be amended to conform with the Municipal Code, and

WHEREAS, the expenditure trends in this fiscal year and in previous years highly suggest that the Purchase Orders identified herein will exceed the City Manager’s approval authority of $50,000 per purchase pursuant to Modesto Municipal Code section 8-3.102, and

WHEREAS, the City will be replacing these Blanket Purchase Orders referenced in this resolution with Annual Purchase Agreements in the next fiscal year, and

WHEREAS, the City also has a critical need for continued use for the goods and services listed below as those goods and services are essential to maintain City business, and

WHEREAS, the Purchasing Manager has determined that calling for bids on a competitive basis for those goods and services is undesirable due to exigent
circumstances, in accordance with MMC 8-3.204(c), since the City cannot have any lapse in the goods and services represented in the list below, and

WHEREAS, the history and explanation for the necessary changes to each Blanket Purchase Order are set forth more fully in the Agenda Report submitted to Council on January 23, 2018 and accompanying Council presentation, as well as the Purchasing Review Findings, attached hereto as Attachment C.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the Purchase Orders listed below by the amounts, and not to exceed amounts also listed below.

<table>
<thead>
<tr>
<th>Blanket Purchase Orders /Goods &amp; Services</th>
<th>Increase In Expenditure Authority</th>
<th>Revised Not to Exceed Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dittos—copy services</td>
<td>$49,500</td>
<td>$99,500</td>
</tr>
<tr>
<td>FleetPride Inc.—brake parts</td>
<td>$72,000</td>
<td>$122,000</td>
</tr>
<tr>
<td>Gillig Corp.—bus parts</td>
<td>$112,500</td>
<td>$162,500</td>
</tr>
<tr>
<td>Grainger Inc.—field supplies</td>
<td>$76,500</td>
<td>$126,500</td>
</tr>
<tr>
<td>Groeniger/Ferguson—equip. repair parts</td>
<td>$90,000</td>
<td>$140,000</td>
</tr>
<tr>
<td>Home Depot—field supplies</td>
<td>$63,900</td>
<td>$113,900</td>
</tr>
<tr>
<td>Motor Parts Dist. Inc.—vehicle parts</td>
<td>$82,800</td>
<td>$132,800</td>
</tr>
<tr>
<td>Normac—landscape/irrigation svcs.</td>
<td>$53,100</td>
<td>$103,100</td>
</tr>
<tr>
<td>Platt Electric—field supplies</td>
<td>$60,300</td>
<td>$110,300</td>
</tr>
<tr>
<td>Rayco Industrial Supply—field supplies</td>
<td>$82,800</td>
<td>$132,800</td>
</tr>
<tr>
<td>Valley Tire Sales Inc.—tires</td>
<td>$56,250</td>
<td>$106,250</td>
</tr>
<tr>
<td>Wille Electric Supply Co. Inc.—field sup.</td>
<td>$75,600</td>
<td>$125,600</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to increase the Blanket Purchase Orders to conform to the above-referenced amounts.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

(SEAL)

APPROVED AS TO FORM:

By:

ADAM U. LINDGREN, City Attorney
<table>
<thead>
<tr>
<th>#</th>
<th>Standard/Contract Name</th>
<th>Agreement Amount Total</th>
<th>Agreement Terms Breakdown</th>
<th>Department Assigned to Financial Activity</th>
<th>Payment Methodology</th>
<th>Risk Analysis</th>
<th>Background on Vendor</th>
<th>Purpose of Saving</th>
<th>Total Amount Saved</th>
<th>Increase in Departmental Federal Funds Available for More Pervasive</th>
<th>Revised Total Agreement Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>LONCO</td>
<td>$ 96,000.00</td>
<td>1-3-2017</td>
<td>30-June-2018</td>
<td>50,000.00</td>
<td></td>
<td>Phased Payment</td>
<td>Phase 1: 10%</td>
<td>36,000.00</td>
<td>$ 36,000.00</td>
<td>$ 96,000.00</td>
</tr>
<tr>
<td>22</td>
<td>ASHTURY          Inc.</td>
<td>$ 50,000.00</td>
<td>1-3-2017</td>
<td>30-June-2018</td>
<td>50,000.00</td>
<td></td>
<td>Phased Payment</td>
<td>Phase 1: 30%</td>
<td>15,000.00</td>
<td>$ 15,000.00</td>
<td>$ 50,000.00</td>
</tr>
<tr>
<td>23</td>
<td>BALE COOP</td>
<td>$ 96,000.00</td>
<td>1-3-2017</td>
<td>30-June-2018</td>
<td>50,000.00</td>
<td></td>
<td>Phased Payment</td>
<td>Phase 2: 50%</td>
<td>24,000.00</td>
<td>$ 24,000.00</td>
<td>$ 96,000.00</td>
</tr>
<tr>
<td>24</td>
<td>GROBBERI             Inc.</td>
<td>$ 50,000.00</td>
<td>1-3-2017</td>
<td>30-June-2018</td>
<td>50,000.00</td>
<td></td>
<td>Phased Payment</td>
<td>Phase 1: 30%</td>
<td>15,000.00</td>
<td>$ 15,000.00</td>
<td>$ 50,000.00</td>
</tr>
<tr>
<td>25</td>
<td>SPARKLE CROSSMARK</td>
<td>$ 96,000.00</td>
<td>1-3-2017</td>
<td>30-June-2018</td>
<td>50,000.00</td>
<td></td>
<td>Phased Payment</td>
<td>Phase 2: 50%</td>
<td>24,000.00</td>
<td>$ 24,000.00</td>
<td>$ 96,000.00</td>
</tr>
<tr>
<td>26</td>
<td>DOW JENNY</td>
<td>$ 96,000.00</td>
<td>1-3-2017</td>
<td>30-June-2018</td>
<td>50,000.00</td>
<td></td>
<td>Phased Payment</td>
<td>Phase 2: 50%</td>
<td>24,000.00</td>
<td>$ 24,000.00</td>
<td>$ 96,000.00</td>
</tr>
<tr>
<td>27</td>
<td>NANCY PENN DISTRIBUTOR</td>
<td>$ 96,000.00</td>
<td>1-3-2017</td>
<td>30-June-2018</td>
<td>50,000.00</td>
<td></td>
<td>Phased Payment</td>
<td>Phase 2: 50%</td>
<td>24,000.00</td>
<td>$ 24,000.00</td>
<td>$ 96,000.00</td>
</tr>
<tr>
<td>28</td>
<td>MURRAYLIND</td>
<td>$ 96,000.00</td>
<td>1-3-2017</td>
<td>30-June-2018</td>
<td>50,000.00</td>
<td></td>
<td>Phased Payment</td>
<td>Phase 2: 50%</td>
<td>24,000.00</td>
<td>$ 24,000.00</td>
<td>$ 96,000.00</td>
</tr>
<tr>
<td>29</td>
<td>BLATT ESTATE</td>
<td>$ 96,000.00</td>
<td>1-3-2017</td>
<td>30-June-2018</td>
<td>50,000.00</td>
<td></td>
<td>Phased Payment</td>
<td>Phase 2: 50%</td>
<td>24,000.00</td>
<td>$ 24,000.00</td>
<td>$ 96,000.00</td>
</tr>
<tr>
<td>30</td>
<td>PORTY INDUSTRIES</td>
<td>$ 96,000.00</td>
<td>1-3-2017</td>
<td>30-June-2018</td>
<td>50,000.00</td>
<td></td>
<td>Phased Payment</td>
<td>Phase 2: 50%</td>
<td>24,000.00</td>
<td>$ 24,000.00</td>
<td>$ 96,000.00</td>
</tr>
<tr>
<td>31</td>
<td>LONCO ELECTRIC 45 46 57</td>
<td>$ 96,000.00</td>
<td>1-3-2017</td>
<td>30-June-2018</td>
<td>50,000.00</td>
<td></td>
<td>Phased Payment</td>
<td>Phase 2: 50%</td>
<td>24,000.00</td>
<td>$ 24,000.00</td>
<td>$ 96,000.00</td>
</tr>
<tr>
<td>32</td>
<td>LONCO ELECTRIC 45 46 57</td>
<td>$ 96,000.00</td>
<td>1-3-2017</td>
<td>30-June-2018</td>
<td>50,000.00</td>
<td></td>
<td>Phased Payment</td>
<td>Phase 2: 50%</td>
<td>24,000.00</td>
<td>$ 24,000.00</td>
<td>$ 96,000.00</td>
</tr>
</tbody>
</table>

- **Total** $474,500 $474,500
RESOLUTION APPROVING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS; RATIFYING PAST EXPENDITURES; APPROVING REVISED NOT TO EXCEED AMOUNTS AND TERMS FOR THE SERVICES STATED HEREIN; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE IDENTIFIED ANNUAL PURCHASE AGREEMENTS IN AN AMOUNT NOT TO EXCEED THE SPECIFIC AMOUNT AND TERMS APPROVED BY COUNCIL

WHEREAS, the City has conducted a comprehensive review of past and current contracting and purchasing practices, and

WHEREAS, that review has found various agreements, contracts, purchase orders and other purchasing documents that are not in conformance with Title 8 of the Modesto Municipal Code, and

WHEREAS, the City has found purchasing activities that relied on the competitive processes from other governmental agencies but without apparent City Council review and authorization, and

WHEREAS, the City found that some purchases were made that exceeded the City Manager’s approval authority of $50,000 per purchase pursuant to Modesto Municipal Code section 8-3.102, and

WHEREAS, some of the vendors have been providing goods and services to the City for a number of years and as such, there is no clearly identifiable commencement date for the term of agreement, and

WHEREAS, Council needs to approve all expenditures that exceeded the amounts previously authorized by the City Council or purchases that exceed the City Manager’s authority, pursuant to Modesto Municipal Code section 8-3.102, and
WHEREAS, MMC 8-3.202 (h) allows the Purchasing Manager to “[w]ith approval of the Council, join with the State of California and other units of government in cooperative purchasing plans when the best interest of the City would be served thereby”, and

WHEREAS, the City also has a critical need for continued use for the goods and services listed below as those goods and services are essential to maintain City business, and

WHEREAS, staff intends to conduct formal Request for Bids or Proposals but requires time to complete them along with the other competing demands identified from this purchasing review, and

WHEREAS, departments need these same goods and services until the Request for Bids or Proposals are completed and replacement agreements are approved, and

WHEREAS, the Purchasing Manager has determined that calling for bids on a competitive basis for those goods and services is undesirable due to exigent circumstances, in accordance with MMC 8-3.204(c), since the City cannot have any lapse in the goods and services represented in the list below, and

WHEREAS, the history and explanation for the necessary changes to each Purchase Agreement are set forth more fully in the Agenda Report submitted to Council on January 23, 2018 and accompanying Council presentation, as well as the Purchasing Review Findings, attached hereto as Attachment D.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase Agreement with Office Depot, a vendor that provides the City with office supplies; approves joining with other units of government in
cooperative purchasing plans; ratifies the past expenditures of $7,895,861; approves an additional amount of $500,000 for a total maximum amount not to exceed $8,395,861; and approves a term that begins with the date commensurate with previous expenditures and ends September 30, 2018.

BE IT FURTHER RESOLVED, that Council hereby approves a Purchase Agreement with Emergency Vehicle Outfitters (EVO), a vendor that outfits emergency vehicles with emergency lighting and related equipment; approves joining with other units of government in cooperative purchasing plans; ratifies past expenditures of $20,080; approves an additional amount of $135,000 for a total maximum amount not to exceed amount of $155,080; and approves a term that begins with the date commensurate with previous expenditures and ends September 30, 2018.

BE IT FURTHER RESOLVED, that Council hereby approves a Purchase Agreement with Adesa Golden Gate, a vendor that provides an auction house which is a source for the City to purchase used vehicles; approves joining with other units of government in cooperative purchasing plans; ratifies past expenditures of $230,020; approves an additional amount of $70,000 for a total maximum amount not to exceed $300,020; and approves a term that begins with the date commensurate with previous expenditures and ends September 30, 2018.

BE IT FURTHER RESOLVED, that Council hereby approves a Purchase Agreement with Enterprise Vehicle Exchange, a vendor that is a source for used cars within the City; approves joining with other units of government in cooperative purchasing plans; ratifies past expenditures of $226,420; approves an additional amount
of $70,000 for a total maximum amount not to exceed $296,420; and a term that begins with the date commensurate with previous expenditures and ends September 30, 2018.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to issue the Purchase Agreements to conform to the above-referenced amounts and terms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Zoslocki, 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: 

ST PHAN LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
## Attachment D—Detailed Explanations for Resolution #4
Purchasing Disclosed Findings - Annual Agreements

<table>
<thead>
<tr>
<th>#</th>
<th>Vendor/Contractor Name</th>
<th>Agreement Unit Amount</th>
<th>Agreement Term Start Date</th>
<th>Agreement Term End Date</th>
<th>Expired/Revised Agreement Term Start Date</th>
<th>Expired/Revised Agreement Term End Date</th>
<th>Vendor验收或 Purchasing Payment</th>
<th>Amount Remaining on Agreement</th>
<th>Department Assigned to manage</th>
<th>Backlog on scatter</th>
<th>Explain how we reached the operating above $100,000</th>
<th>Amount Already Recorded</th>
<th>Notes on any additional amount needed or what issues related to the agreement</th>
<th>Revised Total Agreement Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>AFRICAN WOODWORKS</td>
<td>$12,843.00</td>
<td>1/1/2019</td>
<td>30-Jun-2019</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>3,281.00</td>
<td>NA</td>
<td>Finance Department</td>
<td></td>
<td></td>
<td></td>
<td>$9,562.00</td>
</tr>
<tr>
<td>16</td>
<td>AFRICAN WOODWORKS</td>
<td>$12,843.00</td>
<td>1/1/2019</td>
<td>30-Jun-2019</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>3,281.00</td>
<td>NA</td>
<td>Public Health</td>
<td></td>
<td></td>
<td></td>
<td>$9,562.00</td>
</tr>
<tr>
<td>18</td>
<td>BACKUP VEHICLE</td>
<td>$25,000.00</td>
<td>1/1/2019</td>
<td>30-Jun-2019</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>25,000.00</td>
<td>NA</td>
<td>Public Works</td>
<td></td>
<td></td>
<td></td>
<td>$25,000.00</td>
</tr>
<tr>
<td>20</td>
<td>BACKUP VEHICLE</td>
<td>$25,000.00</td>
<td>1/1/2019</td>
<td>30-Jun-2019</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>25,000.00</td>
<td>NA</td>
<td>Public Works</td>
<td></td>
<td></td>
<td></td>
<td>$25,000.00</td>
</tr>
</tbody>
</table>

Vendor Definitions:

- **#**:
  - The number typically associated with an agreement and any purchasing records, but in some cases may be an internal numbering process that resulted in multiple agreements for separate vendors.

- **Vendor Name**:
  - The name of the company against whom the agreement is to be issued and the representative of the City of Nashville.

- **Agreement Unit Amount**:
  - The amount expressed in dollars and represents the amount payable to the vendor and the total amount to be paid over the term of the agreement.

- **Agreement Term Start Date**:
  - The date on which the agreement becomes effective.

- **Agreement Term End Date**:
  - The date on which the agreement expires.

- **Expire/Revised Agreement Term Start Date**:
  - The date on which the agreement is to be renewed or modified.

- **Expire/Revised Agreement Term End Date**:
  - The date on which the agreement is renewed or modified.

- **Vendor验收或 Purchasing Payment**:
  - The amount payable to the vendor for the work performed up to the date of the payment.

- **Amount Remaining on Agreement**:
  - The amount remaining to be paid under the agreement.

- **Department Assigned to manage**:
  - The department to which the agreement is assigned for management purposes.

- **Backlog on scatter**:
  - The backlog of work that needs to be completed.

- **Explain how we reached the operating above ($100,000)**:
  - The explanation for the operating above ($100,000) amount.

- **Amount Already Recorded**:
  - The amount already recorded against the agreement.

- **Notes on any additional amount needed or what issues related to the agreement**:
  - Notes on any additional amount needed or any issues related to the agreement.

- **Revised Total Agreement Amount**:
  - The revised total amount for the agreement.

---

The vendor provides all city offices and employees with additional support services. The vendor is responsible for providing all support services for the fiscal year 2019. The agreement will expire on September 30, 2019. The agreement will be renewed on an annual basis with a maximum of three years. The City of Nashville will also have the option to terminate the agreement at any time.
RESOLUTION APPROVING PROFESSIONAL SERVICE AGREEMENTS WITH VARIOUS VENDORS; AMENDING VARIOUS PROFESSIONAL SERVICE AGREEMENTS; RATIFYING PAST EXPENDITURES; APPROVING REVISED NOT TO EXCEED AMOUNTS AND TERMS FOR THE SERVICES STATED HEREIN; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE IDENTIFIED PROFESSIONAL SERVICES AGREEMENTS AND AMENDMENTS IN AN AMOUNT NOT TO EXCEED THE SPECIFIC AMOUNT AND TERMS APPROVED BY COUNCIL

WHEREAS, the City has conducted a comprehensive review of past and current contracting and purchasing practices, and

WHEREAS, that review has found various agreements, contracts, purchase orders and other purchasing documents that are not in conformance with Title 8 of the Modesto Municipal Code, and

WHEREAS, the City has found various professional services agreements that either exceeded the City Council authorized amounts or the City Manager’s approval authority of $50,000 per purchase pursuant to Modesto Municipal Code section 8-3.102, and

WHEREAS, the City has found various professional services agreements with the same scope of work and the same vendor that when combined exceed the City Manager’s approval authority of $50,000 per purchase pursuant to Modesto Municipal Code section 8-3.102, and

WHEREAS, as a result of the review, it has been determined that the City should move away from the practice of entering into professional service agreements with no termination dates (also referred to as “evergreen contracts”) to ensure periodic review of the terms of the agreement, and
WHEREAS, the various professional service agreements, identified in this resolution, need to be amended to add a termination date, and

WHEREAS, Council needs to ratify expenditures that exceeded the amounts previously authorized by the City Council or what is delegated in the Municipal Code, and

WHEREAS, the City also has a critical need for continued use for the goods and services listed below as those goods and services are essential to maintain City business, and

WHEREAS, the history and explanation for the necessary changes to each agreement are set forth more fully in the Agenda Report submitted to Council on January 23, 2018 and accompanying Council presentation, as well as the Purchasing Review Findings, attached hereto as Attachment E.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the professional service agreement with Moss Adams, LLP (7th Amendment), a vendor that provides an internal auditing services, to increase the agreement amount by $364,697 (from $1,245,000) with a total not to exceed amount of $1,609,697 which includes two additional projects: the permit efficiency study and a fleet utilization study.

BE IT FURTHER RESOLVED, that Council approves an amendment to the professional service agreement with Cooper and Scully, PC (FKA Davidovitz and Bennett), a vendor that provided specialized attorney services relating to the MID litigation, to increase the agreement in the amount of 275,553 (from $200,000) for a total
not to exceed amount of $475,553 for Expert Fees and Expenses. Council hereby ratifies past expenditures of $275,553.

BE IT FURTHER RESOLVED, that Council approves amendments to two professional service agreements with Loomis Armored Carrier, a vendor that provides daily armored transport of cash at various City locations and cash counting services, to reflect a combined not to exceed amount of $659,887 and to reflect a termination date of September 30, 2018. Council hereby ratifies past expenditures of $407,887.

BE IT FURTHER RESOLVED, that Council approves an amendment to the professional services agreement with Du-All Safety, a vendor that provides mandatory OSHA safety training to increase the agreement amount by $198,902 (from $30,000) to a not to exceed amount of $228,902 and to reflect a termination date of September 30, 2018. Council hereby ratifies past expenditures of $165,902.

BE IT FURTHER RESOLVED, that Council hereby approves an amendment to the professional services agreement with North American Youth Activities, LLC dba "Kidz Love Soccer," a vendor that provides recreation classes, to increase the agreement amount to a total not to exceed amount of $126,837 and to reflect a termination date of September 30, 2018. Council hereby ratifies past expenditures of $104,337.

BE IT FURTHER RESOLVED, Council hereby approves a professional service agreement with Armistead Research and Investigative Services, a vendor that provides investigation services, to reflect a not to exceed amount of $103,200 (no cap was previously provided) and to reflect a termination date of September 30, 2018.

BE IT FURTHER RESOLVED, Council hereby approves an amendment to the professional services agreement with Public Group, LLC, aka "Public Surplus," a vendor
that provides auction and other online services to sell City surplus property, to reflect a
total not to exceed amount of $140,945 and to reflect a termination date of September
30, 2018.

BE IT FURTHER RESOLVED, Council hereby approves the professional
services agreement with Segal Consulting, a vendor that provided actuarial evaluations of
postemployment liabilities. Council hereby ratifies the total amount paid to Segal
Consulting that accumulated to $153,746.

BE IT FURTHER RESOLVED, Council hereby approves a professional services
agreement with Willdan Financial Advisory Services, a vendor that provided arbitrage
rebate calculations, to increase the agreement amount to a total not to exceed amount of
$77,074 and to reflect a termination date of September 30, 2018. Council hereby ratifies
past expenditures of $59,074.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is
authorized to prepare and execute the agreements and amendments, in a form approved
by the City Attorney, to conform to the above-referenced amounts and terms.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-54

RESOLUTION APPROVING AN INCREASE TO VARIOUS ANNUAL PURCHASE AGREEMENTS AND BLANKET PURCHASE ORDERS WITH VARIOUS VENDORS WITH REVISED NOT TO EXCEED AMOUNTS FOR THE SERVICES STATED HEREIN AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO INCREASE SAID ANNUAL PURCHASE AGREEMENTS AND BLANKET PURCHASE ORDERS IN AN AMOUNT NOT TO EXCEED THE SPECIFIC AMOUNT APPROVED BY COUNCIL

WHEREAS, the City has conducted a comprehensive review of past and current contracting and purchasing practices, and

WHEREAS, that review has found various agreements, contracts, purchase orders and other purchasing activity that are not in conformance with Title 8 of the Modesto Municipal Code, and

WHEREAS, none of the Annual Purchase Agreements or Blanket Purchase Orders referenced in this resolution violate the Municipal Code, and

WHEREAS, the expenditure trends in this fiscal year and in previous years suggest that the Annual Purchase Agreements and the Blanket Purchase Orders referenced in this resolution will exceed the City Manager’s approval authority of $50,000 per purchase pursuant to Modesto Municipal Code section 8-3.102, and

WHEREAS, the City has found the Annual Purchase Agreements and Blanket Purchase Orders referenced in this resolution need to be amended to ensure conformance with Title 8 of the Modesto Municipal Code during the terms of the Annual Purchase Agreements and the Blanket Purchase Orders, and

WHEREAS, the City will be replacing the Blanket Purchase Orders referenced in this resolution with Annual Purchase Agreements in the next fiscal year, and
WHEREAS, the City also has a critical need for continued use for the goods and services listed below as those goods and services are essential to maintain City business, and

WHEREAS, the Purchasing Manager has determined that calling for bids on a competitive basis for those goods and services is undesirable due to exigent circumstances, in accordance with MMC 8-3.204(c), since the City cannot have any lapse in the goods and services represented in the list below, and

WHEREAS, the history and explanation for the necessary changes to each Annual Purchase Agreement and Blanket Purchase Order are set forth more fully in the Agenda Report submitted to Council on January 23, 2018 and accompanying Council presentation, as well as the Purchasing Review Findings, attached hereto as Attachment F.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the Annual Purchase Agreements and Blanket Purchase Orders listed below by the amounts, and not to exceed amounts also listed below.

<table>
<thead>
<tr>
<th>Annual Purchase Agreements</th>
<th>Increase In Expenditure Authority</th>
<th>Revised Not to Exceed Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>LN Curtis—fire protection equip.</td>
<td>$125,000</td>
<td>$592,500</td>
</tr>
<tr>
<td>Barton—fire OH door repair</td>
<td>$45,000</td>
<td>$85,000</td>
</tr>
<tr>
<td>Prime Shine—car wash services</td>
<td>$64,000</td>
<td>$114,000</td>
</tr>
<tr>
<td>Advanced Chemical—waste cleanup</td>
<td>$45,000</td>
<td>$120,000</td>
</tr>
<tr>
<td>Blanket Purchase Orders</td>
<td>Increase In Expenditure Authority</td>
<td>Revised Not to Exceed Amounts</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>MSC Ind.—machining tool, etc.</td>
<td>$60,000</td>
<td>$110,000</td>
</tr>
<tr>
<td>Lowe’s—bldg. repair supplies</td>
<td>$20,000</td>
<td>$70,000</td>
</tr>
<tr>
<td>Ferguson/Groeniger—repair parts</td>
<td>$50,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>Cummins Pacific—bus repair parts</td>
<td>$60,000</td>
<td>$110,000</td>
</tr>
<tr>
<td>Cumulus Broadcasting—radio adv.</td>
<td>$36,325</td>
<td>$86,325</td>
</tr>
<tr>
<td>Central Sanitary—sanitary supplies</td>
<td>$20,000</td>
<td>$70,000</td>
</tr>
<tr>
<td>Interstate Truck Ctr—parts &amp; svcs.</td>
<td>$14,000</td>
<td>$64,000</td>
</tr>
<tr>
<td>Superior Soils—playground chips</td>
<td>$4,744</td>
<td>$54,774</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to increase the Purchase Agreements and Blanket Purchase Orders to conform to the above-referenced amounts.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2018, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(Seal)

STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
<p>| # | Vendor/Supplier Name | Type of Purchasing Document | Agreement Unit Amount Total | Agreement Unit Number | Grade Agreement | Vendor Increment Amount | Number Increases Proposed/ Pending Payment | Increase Remaining on Agreement | Department/Program/Institutional Contact | Equipment or Service | Estimate to be Finalized | Increase Amount Requiring Council Approval | Increase Amount Requiring Mayor Approval | Increase Amount Requiring Board Approval |  |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | LAUDI &amp; SONS | Annual Agreement | $ 43,549.36 | 7-4-2016 | 6-30-2021 | $ 42,062.05 | - | $ 14,587.31 | $ 0 | | | | | | | |
| 2 | CASCATE-PRESS EQUIPMENT | Annual Agreement | $ 96,000.00 | 7-3-2016 | 5-30-2021 | $ 30,000.00 | - | $ 66,000.00 | | | | | | | |
| 3 | TCLUSION SAFETY | Annual Agreement | $ 22,500.00 | 7-5-2016 | 5-30-2021 | $ 20,000.00 | - | $ 2,500.00 | $ 2,500.00 | | | | | | |
| 4 | Switch Overhead Doors Inc | Annual Agreement | $ 48,999.00 | 5-31-2016 | 11-30-2021 | $ 40,000.00 | - | $ 8,999.00 | $ 13,000.00 | | | | | | |
| 5 | FINKE HEAT SYSTEM | Annual Agreement | $ 50,000.00 | 10-30-2016 | 10-30-2021 | $ 24,000.00 | - | $ 26,000.00 | $ 26,000.00 | | | | | | |
| 6 | ADVANCED CHEMICALS | Annual Agreement | $ 79,999.00 | 6-5-2016 | 6-30-2021 | $ 70,000.00 | - | $ 9,999.00 | | | | | | | |
| 7 | MCC INDUSTRIAL SUPPLY | Retail/Wholesale Order | $ 58,360.00 | 6-30-2016 | 3-31-2017 | $ 50,000.00 | - | $ 8,360.00 | $ 8,360.00 | | | | | | |</p>
<table>
<thead>
<tr>
<th>#</th>
<th>Vendor/Producer Name</th>
<th>Type of Purchasing Document</th>
<th>Agreement #</th>
<th>Agreement Amount Total</th>
<th>Agreement Start Date</th>
<th>Agreement End Date</th>
<th>Units Billed to Date</th>
<th>Units Agreement Amount</th>
<th>Units Excess Paid to Purchasing</th>
<th>Amount Remaining on Agreement</th>
<th>Department Assigned to Manage Vendor</th>
<th>Background on Service</th>
<th>Percentage Increase in Spending Compared to Previous Year</th>
<th>Increase Annual Spending by Council Approval</th>
<th>Increase Total Agreement Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>COUNCIL Subscriber</td>
<td>Resolution Purchase Order</td>
<td>$20,819.05</td>
<td>1/21/2017</td>
<td>30/4/2018</td>
<td>$20,819.05</td>
<td>$20,014.05</td>
<td>$309.05</td>
<td>Finance Department</td>
<td>This vendor is allotted for filling meat parts and supplies for the City. The contractor has consistently increased due to incurring additional wholesale costs.</td>
<td>10.75%</td>
<td>$30,075.00</td>
<td>15,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>WATSON SUBSIRIBBER</td>
<td>Resolution Purchase Order</td>
<td>$20,819.05</td>
<td>1/21/2017</td>
<td>30/4/2018</td>
<td>$20,819.05</td>
<td>$20,014.05</td>
<td>$309.05</td>
<td>Finance Department</td>
<td>This vendor is allotted for filling meat parts and supplies for the City.</td>
<td>10.75%</td>
<td>$30,075.00</td>
<td>15,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>EMERSON LIVING</td>
<td>Resolution Purchase Order</td>
<td>$20,819.05</td>
<td>1/21/2017</td>
<td>30/4/2018</td>
<td>$20,819.05</td>
<td>$20,014.05</td>
<td>$309.05</td>
<td>Finance Department</td>
<td>This vendor is allotted for filling meat parts and supplies for the City.</td>
<td>10.75%</td>
<td>$30,075.00</td>
<td>15,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>FRESH RUZZO</td>
<td>Resolution Purchase Order</td>
<td>$20,819.05</td>
<td>1/21/2017</td>
<td>30/4/2018</td>
<td>$20,819.05</td>
<td>$20,014.05</td>
<td>$309.05</td>
<td>Finance Department</td>
<td>This vendor is allotted for filling meat parts and supplies for the City.</td>
<td>10.75%</td>
<td>$30,075.00</td>
<td>15,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>INTEGRITY DISTRIBUTION</td>
<td>Resolution Purchase Order</td>
<td>$20,819.05</td>
<td>1/21/2017</td>
<td>30/4/2018</td>
<td>$20,819.05</td>
<td>$20,014.05</td>
<td>$309.05</td>
<td>Finance Department</td>
<td>This vendor is allotted for filling meat parts and supplies for the City.</td>
<td>10.75%</td>
<td>$30,075.00</td>
<td>15,400</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Novelty:**

- The vendor includes narrative on the agreement and any processing issues, but in some cases may require more proactive invoices that exceed multiple agreements for similar vendors.
- Vendor's vendor name is the captain over the agreement to provide goods and services to the City of interest.
- Type of Purchasing Document: defines the type of agreement the City entered into with the vendor. This is driven by the City of Malibu Municipal Code and the Purchasing Manual.
- Agreement Total Amount Paid: the amount represents the total amount paid to the vendor.
- Agreement Start Date: the date the agreement began to be effective or the date the service was delivered to the City.
- Agreement End Date: the date the agreement ended or the service was no longer provided or the service is no longer needed.
- Units Billed to Date: the number of units billed to the City.
- Units Agreement Amount: the amount paid to the vendor for the units agreed upon in the agreement.
- Units Excess Paid to Purchasing: the amount paid to the vendor that is in excess of the units billed to the City.
- Amount Remaining on Agreement: the amount remaining to be paid to the vendor.
- Department Assigned to Manage Vendor: the department assigned to manage the vendor.
- Background on Service: the background on the service provided by the vendor.
- Percentage Increase in Spending Compared to Previous Year: the percentage increase in spending compared to the previous year.
- Increase Annual Spending by Council Approval: the increase approved by the Council.
- Increase Total Agreement Amount: the increase in the total agreement amount.

| Total | 644,000 | 1,571,000 |

**Attachment F—Detailed Explanations for Resolution 28**

**Purchasing Document Amendment Request to Increase the Agreement Amount ONLY**

The following table provides a detailed explanation for the increase in the agreement amount for the vendors listed above. Each vendor has been reviewed and approved by the City's Purchasing Department, and the increased amount is necessary to cover the increased cost of supplies and services provided.

The following vendors have been included in the table for reference:

- **COUNCIL Subscriber**: This vendor provides meat parts and supplies for the City. The increased amount is necessary due to increased costs.
- **WATSON SUBSIRIBBER**: This vendor provides meat parts and supplies for the City. The increased amount is necessary due to increased costs.
- **EMERSON LIVING**: This vendor provides meat parts and supplies for the City. The increased amount is necessary due to increased costs.
- **FRESH RUZZO**: This vendor provides meat parts and supplies for the City. The increased amount is necessary due to increased costs.
- **INTEGRITY DISTRIBUTION**: This vendor provides meat parts and supplies for the City. The increased amount is necessary due to increased costs.

Please review the table carefully to ensure that the increased amounts are justified and necessary. If you have any questions or concerns, please contact the Purchasing Department.