RESOLUTION APPROVING THE FIRST AMENDMENT TO THE CONSULTANT CONTRACT WITH CPSI OF FRESNO, CA FOR THE STATE ROUTE 132 FREEWAY/EXPRESSWAY PHASE 1 PROJECT TO INCREASE THE EXISTING CONTRACT BY $864,687 TO PROVIDE ADDITIONAL RIGHT OF WAY CONSULTANT SERVICES PLUS $86,500 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL CONTRACT AMOUNT OF $1,759,687 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE CONTRACT

WHEREAS, Stanislaus Council of Governments (StanCOG), City of Modesto, Stanislaus County and the California Department of Transportation (Caltrans) are completing the formal studies for the Project Approval and Environmental Document (PA&ED) Phase for the State Route 132 West Freeway/Expressway Project (Ultimate Project), and

WHEREAS, the Ultimate Project is presently in the final stage of the environmental approval process, with approval expected in mid-March of 2018, and

WHEREAS, the SR132 West Freeway/Expressway – Phase 1 Project (Phase 1 Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue, and

WHEREAS, delivery of the PA&ED phase of the Ultimate Project has been slowed due to problems with gaining environmental clearance of contaminated soils stockpiles, and Project construction must commence on or before June 30, 2019, and

WHEREAS, the combination of environmental clearance delay along with a shortened window for startup of construction has resulted in the need to accelerate
supporting services of the final design (PS&E) phase of the Phase 1 Project to meet the construction startup deadline of June 2019, and

WHEREAS, this acceleration must be performed so that approximately $25.5 million of construction funding will not be lost, and

WHEREAS, it is anticipated that Caltrans will complete CEQA and NEPA review in mid-March 2018 as part of the current PA&ED Phase and select a Project alternative at that time. It is anticipated that Caltrans will select one of the two build alternatives, but there is potential risk that Caltrans will select the no-build alternative, which would mean no Project would go forward, and

WHEREAS, on August 8, 2017, the City Council approved an agreement to engage the services of CPSI to commence Right Of Way (ROW) Support services for the Phase 1 Project (Agreement), in an amount not to exceed $735,000, plus $73,500 for additional services, if needed, and

WHEREAS, on August 15, 2017, staff issued a Notice to Proceed to begin these support services, and CPSI has been conducting on-going activities for the clearance of the right of way that is necessary for Project construction, in anticipation of approval of the Project Environmental Document (ED), and

WHEREAS, the scope of work for CPSI has increased from the initial 39 cases (29 acquisitions and 10 relocations) to a total of 76 cases (54 acquisitions and 22 relocations), and Caltrans has notified staff that significant additional environmental study will be required, and

WHEREAS, this added work significantly impacts the originally contemplated scope of work for CPSI and represents over a 100% increase in scope for CPSI, and
WHEREAS, due to the urgency of the need for these support services to continue, the City is requesting an amendment to the existing agreement with CPSI to increase the amount of the Agreement by $864,687, plus $86,500 for additional services, if needed as determined by the City Manager, for a total amount of $1,759,687.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the Agreement with CPSI, increasing the contract amount for professional services by $864,687, plus $86,500 for additional services, if needed, for a total amount of $1,759,687.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to execute the First 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 27th day of February, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-85

RESOLUTION AUTHORIZING STAFF TO ENGAGE IN REAL PROPERTY NEGOTIATIONS AND TO PROCEED WITH ACQUISITIONS NOT TO EXCEED $3.54 MILLION, AUTHORIZING THE CITY OF MODESTO INTERIM CITY MANAGER TO ESTABLISH THE AMOUNT OF JUST COMPENSATION TO BE OFFERED TO PROPERTY OWNERS, AND DELEGATING SIGNATURE AND SETTLEMENT AUTHORITY UP TO CERTAIN SPECIFIED AMOUNTS TO CITY OF MODESTO PROJECT MANAGER, CITY ENGINEER AND CITY MANAGER FOR RIGHT OF WAY TO SUPPORT THE CONSTRUCTION OF THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT

WHEREAS, the SR132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue,

WHEREAS, the Project Environmental Document (ED) has been delayed, but is expected to be approved in mid-March 2018, with expected approval of the authorization to spend federal funds (E-76) mid-April to early May 2018, and

WHEREAS, the delay in ED approval places significant risk to the Project’s programmed construction funding, and all final design elements of the Project are presently being progressed at risk and significant funds have already been expended in an effort to complete these activities within the agreed schedule, and

WHEREAS, the right of way acquisition process usually takes about 21-months to complete, and usually begins immediately following the approval of the Environmental Document, and

WHEREAS, construction must be commenced by no later than June 2019, or the Project will lose approximately $25.5 million of construction funding, and
WHEREAS, real property must be acquired early and prior to ED approval to meet the June 2019 construction start date and prevent the loss of approximately $25.5 million of construction funding, and

WHEREAS, Staff has requested approval to make offers and commence acquisition and relocation activities necessary for the Project to meet the shortened window of opportunity, and

WHEREAS, Staff has requested that authority be delegated to the City of Modesto Project Manager, City Engineer and Interim City Manager, to execute documents and approve settlements for the purpose of acquiring right of way for the Project, as specified below, and

WHEREAS, acquisitions and relocations will follow State and Federal law, including the provisions of the Uniform Act and regulations in 49 CFR part 24, and the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d-2000d-4), so as not to jeopardize State and Federal funding for the project, and

WHEREAS, these early acquisitions will not influence the environmental review process for the Project, and any properties that are acquired will not be put to any use prior to ED approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Staff is authorized to engage in real property negotiations and to proceed with acquisitions not to exceed $3.54 Million,

BE IT FURTHER RESOLVED, that:

1. The City of Modesto Project Manager is authorized to recommend the amounts of just compensation for properties to be acquired for the Project,
and the Interim City Manager is authorized to establish the amounts of just
compensation for such properties, based on approved appraisals;

2. The Interim City Manager is authorized to execute Purchase and Sale
Agreements for properties that are acquired pursuant to the authority
granted under this Resolution;

3. That Offer Letters and Purchase and Sale Agreements presented to
property owners prior to ED approval will include language notifying the
property owner that the purchase and sale negotiations are voluntary, and
not subject to eminent domain actions. Pre-ED approval offers that do not
result in an agreement to purchase the property will be withdrawn;

4. That settlement authority for the purchase and sale of properties for the
Project is delegated to the following designated City of Modesto staff up
to the following specified amounts in excess of the appraised values:

   - City of Modesto Project Manager: up to $5,000 in excess of
     appraised value and for properties valued up to $125,000 the lesser
     of 20% of the appraised value or $25,000
   - City of Modesto City Engineer: for properties valued up to
     $200,000 the lesser of 20% of the appraised value or $40,000
   - City of Modesto City Manager: for properties valued up to $300,000
     the lesser of 20% of the appraised value or $60,000
   - City of Modesto City Council approval will be required for any
     properties valued in excess of $300,000 and for settlements that
     exceed the appraised value by more than $60,000.
5. That the Interim City Manager is authorized to approve claims and invoices relating to Project right of way acquisition and relocation assistance in amounts up to $50,000.

6. That pursuant to Government Code section 27281, the City of Modesto City Engineer is authorized to execute Certificates of Acceptance accepting ownership of property for the Project and to have the transfer document recorded.

7. That the City of Modesto City Engineer is authorized to execute documents associated with property acquisitions and relocations necessary for the Project, which may include Escrow Instructions, Amended Escrow Instructions, Relocation eligibility and entitlement documents, and similar documents which are necessary for such purposes.

8. That once Project environmental approval is achieved, purchase offers will be tendered, and property acquisitions will proceed under the reimbursement strategy following State and Federal guidelines and laws.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 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 APPROVING A TWO-YEAR AGREEMENT WITH THREE (3) ONE YEAR RENEWAL OPTIONS FOR UMPIRE SERVICES WITH THE GREATER SAN JOAQUIN UMPIRE ASSOCIATION, FOR AN ANNUAL AMOUNT NOT TO EXCEED $35,000 AND A TOTAL OF $175,000 OVER FIVE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Parks, Recreation and Neighborhoods Department offers a wide variety of sports and leisure activities to the citizens of Modesto, and

WHEREAS, one of the most popular offerings is adult softball leagues serving more than 3,000 participants and generating more than $60,000 in revenue annually, and

WHEREAS, the program produces positive park use and promotes healthy outdoor activities, and

WHEREAS, in September 2015, the City entered into an agreement with the Greater San Joaquin Umpire Association to provide umpire services for city softball leagues, with an automatically renewed term ending date, and

WHEREAS, in accordance with the information provided at the January 23, 2018 Council Meeting regarding contracts, Parks, Recreation and Neighborhoods Department staff is terminating all “evergreen” contracts and bringing to council any contracts requiring council approval, and

WHEREAS, the Greater San Joaquin Umpire Association has agreed to enter into a new contract which includes an ending term date, and both annual and total funding limits that are not to be exceeded, and
WHEREAS, the USA Softball Association of Central California has jurisdiction based on their membership with the USA Softball, the services provided by the Greater San Joaquin Umpire Association are a sole source and not requiring formal bid, and

WHEREAS, the professional services provided through this umpire agreement ensure there are trained, insured, and well qualified officials at all softball programs to maximize the quality of play and minimize the risks, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the two-year Agreement with three (3) one year renewal options for Umpire Services with the Greater San Joaquin Umpire Association, for an annual amount not to exceed $35,000 and a total of $175,000 over five years.

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 27th day of February, 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

(Seal)

ATTEST: Stephanie Lopez, City Clerk

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-87

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF FEDERAL AND SPEER BRAND DUTY-USE AMMUNITION FOR THE MODESTO POLICE DEPARTMENT TO SAN DIEGO POLICE EQUIPMENT CO., INC., SAN DIEGO, CA, FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN AMOUNT NOT TO EXCEED $97,155 ANNUALLY AND $485,775 OVER FIVE YEARS

WHEREAS, the Interim City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of Federal Brand ammunition, and

WHEREAS, the Purchasing Division issued RFB No. 1718-22 Federal Brand Ammunition, posted the RFB on the City’s website and formally advertised by law, and

WHEREAS an Addendum to the bid was subsequently sent out stating that the Police Department would accept Remington Brand or an equivalent for training ammunition, and

WHEREAS, bids were formally opened in the City Clerk’s Office. Two companies chose to respond. Both companies provided responsive and responsible bids, and

WHEREAS, the Modesto Police Department conducted a comparison study for both duty and range training ammunition, for the sole reason that training ammunition is cheaper and would result in a cost savings to the City. It was determined that Federal and Speer brand ammunition could provide the better duty-use ammunition and Remington could provide a more cost effective range training-use ammunition, and
WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid for the purchase of Federal and Speer brand duty-use ammunition to San Diego Police Equipment Co., Inc., San Diego, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of Federal and Speer brand duty-use ammunition for the Modesto Police Department to San Diego Police Equipment Co., Inc., San Diego, CA, conforms to the Modesto Municipal Code, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby authorizes the award of bid for the purchase of Federal and Speer brand duty-use ammunition for the Modesto Police Department to San Diego Police Equipment Co., Inc., San Diego, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized issue a purchase agreement for a two year agreement with three one-year extension options, for an annual amount not to exceed $97,155, for a total five-year agreement amount not to exceed $485,775.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 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 AWARD OF BID FOR THE PURCHASE OF REMINGTON BRAND TRAINING-USE AMMUNITION FOR THE MODESTO POLICE DEPARTMENT TO PROFORCE LAW ENFORCEMENT, PRESCOTT, AZ, FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN AMOUNT NOT TO EXCEED $123,605 ANNUALLY AND $618,025 OVER FIVE YEARS

WHEREAS, the Interim City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of Federal Brand ammunition, and

WHEREAS, the Purchasing Division issued RFB No. 1718-22 Federal Brand Ammunition, posted the RFB on the City’s website and formally advertised by law, and

WHEREAS, an Addendum to the bid was subsequently sent out stating that the Police Department would accept Remington Brand or an equivalent for training ammunition, and

WHEREAS, bids were formally opened in the City Clerk’s Office. Two companies chose to respond. Both companies provided responsive and responsible bids, and

WHEREAS, the Modesto Police Department conducted a comparison study for both duty and range training ammunition, for the sole reason that training ammunition is cheaper and would result in a cost savings to the City. It was determined that Federal and Speer brand ammunition could provide the better duty-use ammunition and Remington could provide a more cost effective range training-use ammunition, and
WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid for the purchase of Remington brand range training-use ammunition to Proforce Law Enforcement, Prescott, AZ, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of Remington brand range training-use ammunition for the Modesto Police Department to Proforce Law Enforcement, Prescott, AZ, conforms to the Modesto Municipal Code, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby authorizes the award of bid for the purchase of Remington brand duty-use ammunition for the Modesto Police Department to Proforce Law Enforcement, Prescott, AZ.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized issue a purchase agreement for a two year agreement with three one-year extension options, for an annual amount not to exceed $123,605, for a total five-year agreement amount not to exceed $618,025.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 27th day of February, 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 SOLE SOURCE PURCHASING AGREEMENT WITH HACH, LOVELAND, CO, FOR FIELD SERVICE OF ON-LINE INSTRUMENTS, WHICH ARE USED AT THE WASTEWATER TREATMENT FACILITY TO MONITOR THE TREATMENT PROCESS, FOR A TOTAL COST NOT TO EXCEED $59,904 OVER THREE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE A PURCHASING AGREEMENT

WHEREAS, the Wastewater Treatment Plants have installed various Hach instruments throughout its facilities, and

WHEREAS, these instruments ensure process control and compliance by monitoring and collecting critical data needed for the City’s National Pollutant Discharge Eliminate System Permit, and

WHEREAS, the instruments also assist the operations staff in maintaining equipment and processes with real time data, and

WHEREAS, this Hach field service agreement includes but is not limited to on site calibration, on site routine maintenance, and parts necessary to keep equipment in service and new equipment it will be added to this agreement for a nominal fee, and

WHEREAS, in the past, Operations staff have calibrated and performed minimum routine maintenance on Hach instruments estimated to take approximately 100 labor hours per year ($3,818/year), and

WHEREAS, this maintenance does not include tasks such as firmware updates, controller services and replacements, and electronics repairs/replacements that staff is not qualified to perform, and
WHEREAS, these labor hours will be spent by staff developing crucial Standard Operating Procedures for the new Phase 2 Treatment Facility at the Jennings Treatment Plant, and

WHEREAS, this Hach field service agreement is crucial to the reliability of critical process control and compliance instrument, and

WHEREAS, since the construction and commissioning of Phase 2 of our tertiary treatment facility, Hach meters needing regular service have increased from nine to twenty-seven and this contract will ensure dependable service and warranty compliance for these units, and

WHEREAS, Hach’s factory-trained service personnel are authorized to perform any repair, start-up service, or maintenance on these instruments and this will ensure accuracy of critical data points required for plant optimization and regulatory compliance, as well as dependability of the instruments to minimize downtime of the facility and potential lost water sales to the North Valley Regional Recycled Water Project, and

WHEREAS, staff will receive field service reports that will demonstrate a proper maintenance program and will be especially valuable during State audits of our maintenance records for compliance required meters, and

WHEREAS, a maintenance program performed by authorized field service technicians is subject to less scrutiny than a City operated maintenance program, and

WHEREAS, this contract will also limit additional costs associated with spare parts, calibration standards and equipment, replacement units and manufacturer service fees which were $68,487 since 2015 and Hach will also provide full replacement of any failed units under this agreement for as long as the unit is a supported product, and
WHEREAS, under this Hach field service agreement, all of the work required to maintain Hach instruments will be performed by a certified Hach technician, thereby guaranteeing their work and replacement parts, and ensuring parts remain under warranty, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; however, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, staff recommends the award of agreement with Hach, Loveland, CO, should be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(b) since they are the sole provider of these services, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a purchasing agreement with Hach, Loveland, CO, for sole source field service of on-line instruments at a cost not to exceed $59,904 over three years and authorizing the Purchasing Manager, or her designee, to execute a purchasing agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 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 APPROVING THE STANISLAUS MULTI-AGENCY REGIONAL STORM WATER RESOURCE PLAN MEMORANDUM OF UNDERSTANDING FOR LOCAL MATCH COMMITMENTS AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, Proposition 1 (Prop 1) was passed by voters in November 2014 and provided $7.5 billion in general obligation bonds to be used throughout the state for various types of water resource related projects, and

WHEREAS, the State Water Resources Control Board (State Water Board) will administer $200 million in grant funds for public agencies to develop multi-beneficial storm water management type projects, and

WHEREAS, Stanislaus County, as the lead agency, was successful in obtaining the Proposition 1 Planning Grant in the amount of $499,840 to develop a Stanislaus Multi-Agency Regional Storm Water Resource Plan (SWRP), and

WHEREAS, in general, a SWRP includes information needed for effective regional management of storm water as a resource; it will identify, evaluate, and prioritize potential storm water resource-related capital improvement projects, and

WHEREAS, a SWRP is also a prerequisite to receiving future grants from voter approved bond funds for storm water and dry weather runoff capture projects, as per the California Legislature Senate Bill 985, for any bond approved by voters after January 2014, and

WHEREAS, the City has partnered in this effort to be eligible for Round 2 Implementation Round in 2018, which will provide a total of $90,000,000 in construction monies throughout the State, and
WHEREAS, the Prop 1 Planning Grant received by Stanislaus County requires a local match to the grant amount, and

WHEREAS, the local match monies can be made up of labor-in-kind or cash, and were estimated to be $744,004 for the combined multiagency efforts, and

WHEREAS, on March 28, 2017, when the Stanislaus County Board of Supervisors approved the Grant for the SWRP, they also approved funding of $104,000 for the County’s portion of the local match, and

WHEREAS, this cash will only be used if the State Water Boards does not approve some of the proposed labor-in-kind, and

WHEREAS, the majority of the local match is comprised of labor-in-kind from work completed by the Cities of Modesto, Oakdale, and Patterson, and the Eastside Water District, and

WHEREAS, the City of Modesto has contributed $140,000 in labor-in-kind in the form of the following studies:

City of Modesto Municipal Storm Water Program – Annual Progress Report 2015-16
City of Modesto Municipal Storm Water Program – Annual Progress Report 2014-15
City of Modesto Wastewater Collection System Master Plan, and

WHEREAS, a Memorandum of Understanding between the Cities of Modesto, Oakdale and Patterson, the Eastside Water District and the County of Stanislaus, has been developed to memorialize the Stanislaus Multi-Agency Regional Storm Water Resource Plan coordination, including the labor-in-kind efforts, and documentation to meet the Prop1 requirements of local match, and
WHEREAS, Stanislaus County will continue to be the lead agency, and will contract with a consultant (Woodard and Curran) to complete the project work for the Regional Storm Water Resource Plan at no charge to the other parties, and

WHEREAS, City of Modesto staff time to participate in the development and review of the SWRP is estimated to be less than $20,000, with funding available in the current fiscal year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Stanislaus Multi-Agency Regional Storm Water Resource Plan Memorandum of Understanding for Local Match Commitments.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of 
the City of Modesto held on the 27th day of February, 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 APPROVING PLANS AND SPECIFICATIONS FOR THE MPD HVAC RENOVATION PROJECT (ADMINISTRATION BUILDING), ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH AMERICAN CHILLER SERVICE, INC., MODESTO, CA, IN THE AMOUNT OF $779,700 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the MPD HVAC Renovation Project (Administration Building), and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the MPD HVAC Renovation Project (Administration Building) were opened at 11:00 a.m. on January 23, 2018 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 $779,770 received from American Chiller Service, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to American Chiller Service, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for MPD HVAC Renovation Project (Administration Building) and accepts the bid of $779,770 and awards American Chiller Service, Inc., of Modesto, CA the construction contract for the MPD HVAC Renovation (Administration Building) 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 27th day of February, 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 AMENDING THE FISCAL YEAR 2017-18 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $896,736 TO BE TRANSFERRED INTO THE PROJECT FROM MPD'S OPERATING BUDGET TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE MPD HVAC RENOVATION PROJECT (ADMINISTRATION BUILDING)

WHEREAS, certain budgetary transactions are necessary in the amount of $896,736, in order to fund construction, contingency, construction administration, and design support during construction for the MPD HVAC Renovation Project, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in Exhibit A, attached hereto.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 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
Exhibit A

To fully fund CIP project 101034 – MPD HVAC Systems Replacement the following budget adjustment is necessary:

**Operating Budget Adjustments:**
0100-19490-53300  
General Fund – MPD Building Services – Professional Services  
0100-19320-51403  
General Fund – Field Operations – Salary Adj. – Decrease  
0100-19320-51903  
General Fund – Field Operations – Benefits Adj. – Decrease

**Transfer Budget Adjustments:**
0100-19490-71342  
GF – MPD Building Services – Transfer Out to Fund 1342  
1342-19999-60100-101034  
Special Fund for Capital Outlay – Transfer In from Fund 0100

**Project Budget Adjustments:** 101034 MPD HVAC Systems Replacements

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RESOLUTION AWARDING A DESIGN BUILD CONTRACT TO DIEDE CONSTRUCTION, OF WOODBRIDGE, CA FOR THE WATER CORPORATION YARD PROJECT IN THE AMOUNT OF $14,100,000 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Utilities Department – Water Services Division has been in search of a replacement Corporation Yard since 2013, and

WHEREAS, on November 4, 2015, by Resolution Numbers 2015-424 and 2015-426, Council approved the purchase of a 48.62 acre property located on Litt Road in northeast Modesto for the Water Corporation Yard Project, and

WHEREAS, the project site is approximately 3,000 feet north of Sylvan Avenue and 850 feet south of Plainview Road, just outside of City limits but within the City’s sphere of influence., and

WHEREAS, to achieve an anticipated project completion by fall of 2019, the City will need to expedite the project delivery (design and construction), and

WHEREAS, staff recommends pursuing a Design-Build (D-B) approach, which expedites the design and construction process by compiling the design and construction services under a single entity, and

WHEREAS, this methodology should minimize risks, reduce the project delivery schedule, reduce bid times, decrease disputes, enhance communication, and

WHEREAS, on August 2, 2017, the City issued a Request for Qualifications (RFQ) to invite interested parties to submit their team’s D-B experience and qualifications to create a pre-qualified short-list of proposers, and
WHEREAS, on September 14, 2017, RFPs were issued to the three D-B teams and proposals were received on December 1, 2017, and

WHEREAS, interviews were held on December 7, 2017, with the panel selecting Diede Construction of Woodbridge, CA, as the most qualified D-B team to design and construct the Water Corporation Yard project, and

WHEREAS, the stipulated sum D-B contract price for the construction of the Water Corporation Yard Project is $14,100,000, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards Diede Construction, of Woodbridge, CA, the contract for the Water Corporation Yard Project in the amount of $14,100,000.

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 27th day of February, 2018, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A PARTIAL REIMBURSEMENT IN AMOUNT OF $75,000 TO FLINT BUILDERS, INC. OF ROSEVILLE, CA AND $75,000 TO HARRIS CONSTRUCTION, INC. OF FRESNO, CA FOR THE WORK COMPLETED IN ATTEMPTING TO OBTAIN A DESIGN BUILD CONTRACT FOR THE WATER CORPORATION YARD PROJECT

WHEREAS, the City of Modesto Utilities Department – Water Services Division has been in search of a replacement Corporation Yard since 2013, and

WHEREAS, on November 4, 2015, by Resolution Numbers 2015-424 and 2015-426, Council approved the purchase of a 48.62 acre property located on Litt Road in northeast Modesto for the Water Corporation Yard Project, and

WHEREAS, the project site is approximately 3,000 feet north of Sylvan Avenue and 850 feet south of Plainview Road, just outside of City limits but within the City’s sphere of influence., and

WHEREAS, to achieve an anticipated project completion by fall of 2019, the City will need to expedite the project delivery (design and construction), and

WHEREAS, staff recommends pursuing a Design-Build (D-B) approach, which expedites the design and construction process by compiling the design and construction services under a single entity, and

WHEREAS, this methodology should minimize risks, reduce the project delivery schedule, reduce bid times, decreased disputes, enhance communication, and

WHEREAS, on August 2, 2017, the City issued a Request for Qualifications (RFQ) to invite interested parties to submit their team’s D-B experience and qualifications to create a pre-qualified short-list of proposers, and
WHEREAS, on September 14, 2017, RFPs were issued to the three D-B teams and proposals were received on December 1, 2017, and

WHEREAS, interviews were held on December 7, 2017, with the panel selecting Diede Construction of Woodbridge, CA, as the most qualified D-B team to design and construct the Water Corporation Yard project, and

WHEREAS, the stipulated sum D-B contract price for the construction of the Water Corporation Yard Project is $14,100,000, and

WHEREAS, due to the nature of the RFP and the level of effort provided in preparing a design-build proposal for the City, a partial reimbursement of $75,000 was included in the RFP, and

WHEREAS, the partial reimbursement would be paid to those shortlisted firms that were unsuccessful in obtaining a contract with the City, and

WHEREAS, it is industry standard practice for the level of effort involved in preparing a proposal for vertical construction design build projects, and

WHEREAS, the partial reimbursement would be considered works for hire, cover some of the costs of the proposal and presentation, and

WHEREAS, the partial reimbursement constitutes an agreement by the firms that the City of Modesto may use ideas or approaches developed from their proposals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a partial reimbursement in an amount of $75,000 to Flint Builders, Inc. of Roseville, CA and $75,000 to Harris Construction, Inc. of Fresno, CA for the work completed in attempting to obtain a design build contract for the Water Corporation Yard Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2018, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(APPROVED AS TO FORM:)

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH CONSOLIDATED CM, INC., OAKLAND, CA, FOR OWNER’S ADVISOR CONSTRUCTION SERVICES AND ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE WATER CORPORATION YARD PROJECT, IN AN AMOUNT NOT TO EXCEED $856,289 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $85,629 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $941,918 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, Consolidated CM, Inc. (CCM) is the Design-Build (D-B) owner’s advisor consultant for the Water Corporation Yard Project, and

WHEREAS, due to staffing and lack of in-house expertise of D-B projects, as well as the size and complexity of the project, engineering support during construction (ESDC) by CCM is necessary to facilitate construction activities and promote timely and successful completion of the project, and

WHEREAS, the scope of services to be provided under the ESDC agreement includes: 1) Technical oversight of project activity, including review of submittals and shop drawings; 2) Review and response to Requests for Information and change order requests; 3) Technical observation and inspection of construction activities; 4) Final commissioning of all facilities built and 5) Project management through design and construction phase, and

WHEREAS, these support services will promote timely and successful construction of the facilities, while also reducing risk to the City, and

WHEREAS, staff recommends approving the agreement with CCM for construction and engineering services during construction for the Water Corporation Yard Project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Consolidated CM, Inc., Oakland, CA for Owner's Advisor Construction Services and Engineering Support During Construction for the Water Corporation Yard Project, in an amount not to exceed $856,289 for the identified scope of services, plus $85,629 for additional services (if needed), for a maximum total amount of $941,918.

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 special meeting of the Council of the City of Modesto held on the 27th day of February, 2018, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-96

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $3,897,500 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE WATER CORPORATION YARD PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $3,897,500, in order to fund construction, contingency, construction administration, City construction forces, design support during construction plus City staff support for the Water Corporation Yard Project, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in Exhibit A, attached hereto.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2018, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:
By: [Signature]

ADAM U. LINDGREN, City Attorney
Exhibit A

Due to construction costs being higher than initially anticipated for the project, a budget adjustment is necessary for CIP account:

100812 - Water Corporation Yard

To fully fund the above account, $3,897,500 will be transferred from Water Fund Reserves as follows:

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