RESOLUTION APPROVING A NEW PURCHASE AGREEMENT WITH AMERICAN CHILLER, INC., IN AN AMOUNT NOT TO EXCEED $75,000 FOR REPAIRS AND MAINTENANCE OF THE CLIMATE CONTROL SYSTEM FOR THE MODESTO CENTRE PLAZA FACILITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASING AGREEMENT

WHEREAS, in 1988 the 24,000 square foot Modesto Centre Plaza (MCP) convention facility was constructed, and

WHEREAS, American Chiller, Inc., installed the climate control system (System) which houses one small and one large chiller unit, and

WHEREAS, quarterly maintenance of the System was initially maintained but later reduced and eventually eliminated due to budget reductions, and

WHEREAS, system failures and disrepairs have increased over the last thirty years, and

WHEREAS, replacement of the chillers, estimated at $425,000, was included as part of the negotiations for a Qualified Management Agreement with the Doubletree Hotel but were later suspended, and

WHEREAS, in 2017, the City contracted American Chiller to recondition the units to prolong the life of the equipment at a cost of $65,000, and

WHEREAS, in 2018, the City contracted American Chiller to upgrade the computer components to monitor and control the operating system at a cost of $49,668, and

WHEREAS, during the 2018 upgrade, additional system repairs necessary to maintain full operation of the climate control system and critical in accommodating large
groups and full use of the facility during warmer months were identified and herein incorporated as Attachment 1, and

WHEREAS, the cost to repair the units, restore quarterly maintenance service, and fund future emergency repairs through June 30, 2019 is approximately $75,000, and

WHEREAS, $55,000 will be encumbered from the Community and Economic Development’s Fiscal Year 2017-2018 Operating Budget, and

WHEREAS, $20,000 will be encumbered from the Community and Economic Development’s Fiscal Year 2018-2019 Operating Budget, and

WHEREAS, any remaining encumbered funds from Fiscal Year 2017-2018 will be rolled over to Fiscal Year 2018-2019, and

WHEREAS, with its longstanding history, knowledge, expertise and service on the units, American Chiller has been identified as the most capable provider for future service and repairs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with American Chiller Inc., in an amount not to exceed $75,000, for repair and maintenance of the climate control system for the Modesto Centre Plaza facility.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Agreement with American Chiller, Inc.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
February 9, 2018

Arbor Room VAV Changeout

Modesto Centre Plaza
1000 L Street
Modesto CA. 95354
Attn: Erik Gonzalez

Dear Erik:

We are providing our proposal for the replacement of current VAV digital controls located in Arbor room as requested. All work is quoted at prevailing wage to be performed M-F during normal business hours. Listed below are the details of our proposal:

Equipment to be Controlled:
- (4) Arbor room VAV’s

Scope of Work:
- ACS will provide labor and parts to replace existing digital controls on two VAV’s in the Arbor room and add digital controls to two additional existing pneumatic VAV’s in the Arbor room. The valves will also be replaced on the two VAV’s that have pneumatic controls only. The other two existing valves to remain and be re-used.

Total Cost: $12,690.00
- Total Cost includes:
  - All wiring, temperature controls, technical drawings, first year parts and labor warranty and programming.

Exclusions:
- Permits or fees, VFD’s, dumpster fees, line voltage work (over 24 vac), equipment protection, fire alarm work, furnish or installation or wiring of smoke detectors, fire smoke dampers, dampers, fire call/stopping, core drilling, any mechanical equipment or devices, repair or replacement of any existing control devices or panels not specifically stated above, any pneumatic control devices or repair, asbestos or hazardous material abatement, bonds, liquidated or consequential damages of any kind, any cutting, patching or painting work.

Thank you for the opportunity to provide this proposal, we look forward to working with you on this project!

Respectfully,
American Chiller Service, Inc.

Kyle Ferguson

Accepted By:

Modesto Centre Plaza

(The Terms and Conditions attached form an integral part of this agreement and are expressly incorporated herein)
January 25, 2018

AHU #1 and #2 Damper Actuators

Modesto Centre Plaza
1000 L Street
Modesto CA 95354
Attn: Erik Gonzalez

Dear Erik:

We are providing our proposal for the replacement of current buildings pneumatic dampers on AHU #1 and #2 with new electronic ones. All work is quoted at prevailing wage to be performed M-F during normal business hours. Listed below are the details of our proposal:

Equipment to be Replaced:
- (4) pneumatic damper actuators on AHU #1 & #2

Equipment to be Included:
- (4) electronic actuators
- (4) Room Sensors

Scope of Work:
- Replace failing AHU 1&2 pneumatic damper actuators with new electronic actuators, (4) in total. Integrate new actuators into control scheme.

Total Cost: $7,238.00

Exclusions:
- Internet Connectivity, Dampers and/or repairs, electrical work or repairs, roof jacks, demo, paint, patch, core drilling, dumpster fees and/or any work outside the above scope of work or scope for control system.

Thank you for the opportunity to provide this proposal, we look forward to working with you on this project!

Respectfully,
American Chiller Service, Inc.

Kyle Ferguson

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(The Terms and Conditions attached form an integral part of this agreement and are expressly incorporated herein)
February 7, 2018

HVAC Annual Service

Modesto Centre Plaza
1000 L Street
Modesto CA 95354
Attn: Erik Gonzalez

Dear Erik:

We are providing our proposal for annual services at your facility. All work is quoted at prevailing wage to be performed M-F during normal business hours. Listed below are the details of our proposal:

Equipment to be Serviced:
- (1) Trane RTWA Chiller
- (1) Trane CVHE Chiller
- (1) Refrigerant Monitor

Scope of Work:
- Provide labor and materials to perform annual services per attached check lists
- Provide written reports at completion of each service

Material Cost: $1,207.00
Labor Cost: $5,305.00
Total Cost: $6,512.00

*Additional Considerations:
- (2) CHW Pumps & (2) CW Pumps Annual Service $1,012.00
- (1) BAC Cooling Tower Annual Service $2,749.00

Thank you for the opportunity to provide this proposal, we look forward to working with you on this project!

Respectfully,

American Chiller Service, Inc.

Kyle Ferguson

Accepted By: Modesto Centre Plaza

(Redacted)

(The Terms and Conditions attached form an integral part of this agreement and are expressly incorporated herein)
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS, ACCEPTING THE BID AND AWARDING THE CONSTRUCTION CONTRACT TO DSS COMPANY, DBA KNIFE RIVER CONSTRUCTION, OF STOCKTON, CALIFORNIA, IN THE AMOUNT OF $1,588,636 FOR THE CLAUS ROAD PAVEMENT REHABILITATION PROJECT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Claus Road Pavement Rehabilitation Project, and City staff recommends approval by the City Council, and

WHEREAS, the project was advertised for bids on February 28, 2018, bids were publicly opened at 11:00 a.m. on April 3, 2018 pursuant to Modesto Municipal Code 8-3.403 and Charter Section 1307 and four responsive bids were received, and

WHEREAS, the proposed award of bid to DSS Company, dba Knife River Construction, of Stockton, CA conforms to Modesto Municipal Code section 8-3.403 and Modesto Charter Section 1307 and is the lowest responsive and responsible bidder, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $1,588,636.00 received from DSS Company, dba Knife River Construction of Stockton, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to DSS Company, dba Knife River Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Claus Road Pavement Rehabilitation Project, accepts the bid of DSS Company, dba Knife River Construction of Stockton, California in the amount of $1,588,636.00, and awards DSS Company, dba
Knife River Construction of Stockton, California the contract for the Claus Road Pavement Rehabilitation Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 

SEAL

05/22/2018/CED/MSacskie/Item 4

2018-176
RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND BID, AWARDING THE CONSTRUCTION CONTRACT TO DSS COMPANY DBA KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA, IN THE AMOUNT OF $2,204,866 FOR THE CARPENTER ROAD STREET IMPROVEMENTS PROJECT AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on May 24, 2016, by Resolution 2016-220, Council approved list of projects to be funded upon the passage of Measure L within the first 5 years, and

WHEREAS, the list includes the Carpenter Road Street Improvements project under the Local Streets and Roads category with a total budget of $2.9 million dollars, and

WHEREAS, in November of 2016 the voters of Stanislaus County approve the county wide, 25-year, half-cent sales tax increase known as Measure L, and

WHEREAS, on July 5, 2017, by Resolution 2017-269, Council approved a list of proposed projects including the Carpenter Road Street Improvements project to be funded with Measure L tax proceeds in Fiscal Year 2017-18, and

WHEREAS, in accordance with Administrative Directive 3.1 staff utilized a pre-qualified local consultant list and requested a proposal from Drake Haglan to perform design services for the Carpenter Road Street Improvements project, and

WHEREAS, on December 12, 2017, by Resolution 2017-502, Council approved an Agreement with Drake Haglan and Associates, Modesto, CA, for professional engineering design services, and
WHEREAS, plans and specifications have been prepared for the Carpenter Road Street Improvements Project, and City staff recommends approval by the City Council, and

WHEREAS, the project was advertised for bids on April 10, 2018, bids were publicly opened at 11:00 a.m. on May 1, 2018 pursuant to Modesto Municipal Code 8-3.403 and Charter Section 1307 and one responsive bid was received, and

WHEREAS, the proposed award of bid to DSS Company, dba Knife River Construction, of Stockton, CA conforms to Modesto Municipal Code section 8-3.403 and Modesto Charter Section 1307 and is the lowest responsive and responsible bidder, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $2,204,866 received from DSS Company, dba Knife River Construction of Stockton, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to DSS Company, dba Knife River Construction,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans, specifications and bid and awards the construction contract to DSS Company dba Knife River Construction of Stockton, California, in the amount of $2,204,866 for the Carpenter Road Street Improvements Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE UTILITY DEPARTMENT DIRECTOR TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $220,487 (10% OF THE ORIGINAL CONTRACT PRICE)

WHEREAS, the contingency cost for Carpenter Road Street Improvements Project has been estimated to be $220,487, 10% of the original contract price, an amount which exceeds the Director’s authority for the project as established by Change Order Policy 1.028, and

WHEREAS, the reason for the increased contingency is because of the accelerated design and review period to construct portions of the project which front Central Catholic High School this summer in order to avoid traffic congestion issues while school is in session, and

WHEREAS, the Director of Utilities shall have authority to approve change orders up to the cumulative amount of $220,487.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Utility Department Director to approve change orders up to the cumulative amount of $220,487 (10% of the original contract price).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A CHANGE ORDER TO PURCHASE ORDER#135006 WITH DOCON, INC., MODESTO, CA IN THE AMOUNT OF $7,161 FOR THE INSTALLATION OF SHADE NETTING FABRIC AT JOHN THURMAN FIELD, AN ADDITIONAL $3,305 IN PROJECT CONTINGENCY (IF NEEDED), AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO ISSUE CHANGE ORDERS TO THE PURCHASE ORDER FOR A TOTAL AMOUNT NOT TO EXCEED $36,360 AS NECESSARY

WHEREAS, Council approved an agreement with HWS Baseball, IV. LLC, operating as The Modesto Nuts (NUTS) for the use, operation and management of John Thurman Field by Resolution No. 2016-503, and

WHEREAS, Council also established a fund for capital improvements to be made to the stadium by Resolution No. 2016-504, and

WHEREAS, the list of 2018 capital improvements were reviewed by Council on October 24, 2017, and

WHEREAS, Council amended the fiscal budget by Resolution No. 2017-413 to fund CIP Project #101019, and

WHEREAS, installing shade netting fabric was determined to be one of the top priority projects to complete prior to the 2018 season, and

WHEREAS, the project was bid on February 1, 2018, and

WHEREAS, DOCON, Inc. of Modesto, CA was the only bidder to respond to the bid request, and

WHEREAS, the one bid was determined to be reasonable and fair, and

WHEREAS, DOCON, Inc. of Modesto, CA was awarded purchase order #135006 in an amount of $25,894 to install shade fabric at John Thurman Field, and
WHEREAS, a change order in the amount of $7,161 is necessary to ensure the longevity of the shad netting and to increase the fabric warranty from 1 year to 10 years, and

WHEREAS, an additional project contingency of $3,305 is necessary to ensure the project can be completed without further delay.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a change order to purchase order #135006 with DOCON, Inc. of Modesto, CA in the amount of $7,161 for the installation of shade netting fabric at John Thurman Field and an additional $3,305 in project contingency (if needed).

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue change orders to the purchase order for a total amount not to exceed $36,360.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE CANCELLATION OF SEVEN COMPLETED BIDS FOR 22 VEHICLES AND PIECES OF EQUIPMENT FROM VARIOUS VENDORS

WHEREAS, funds were approved and allocated in the budget adoption for Fiscal Years 2016-2017 and 2017-2018 for the purchase of 22 new and replacement units to be assigned to various departments and divisions, and

WHEREAS, the Interim City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment through various competitive processes, and

WHEREAS, the Purchasing Division issued seven RFBs in late 2017 and early 2018 for the purchase of 22 new and replacement vehicles and equipment on the City’s website under the appropriate commodity codes for automotive vehicles and related transportation equipment, and

WHEREAS, all bids had detailed bid specifications posted on Planet Bids per the City’s purchasing guidelines and prospective bidders were notified online of the bid opportunity, and

WHEREAS, the City received seven completed bids and all bids received were compliant per bid specifications and many of the vendors were willing to hold the pricing longer than originally required in order to do business with the City, and

WHEREAS, since receiving the completed bids, it was determined to cancel non-urgent, non-awarded bids and RFBs and to remove any posted bids from Planet Bids, pending a Fleet Utilization Study, and

WHEREAS, a Fleet Utilization Study was identified as part of Fleet Efficiency
Study recommendations to examine the existing inventory and determine the necessity of all current equipment and vehicles, and

WHEREAS, the study is scheduled to be completed in late June 2018, and it is anticipated that there will be a reduction in the size of the fleet and therefore an inventory of existing resources that could be transferred across the organization, and

WHEREAS, once the study is complete, staff will reevaluate the need for fleet purchased and adjust the bids accordingly.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the cancellation of seven completed bids for the purchase of 22 vehicles and pieces of equipment from various vendors as listed in Exhibit A.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-181

RESOLUTION APPROVING THE SUBMISSION OF THE CITY’S TRANSPORTATION DEVELOPMENT ACT (TDA) TRANSIT CLAIM FOR FISCAL YEAR 2018-2019 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) IN THE AMOUNT OF $11,815,332

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 Finance Department that TDA funds have been apportioned by the State to StanCOG for allocation to public transit agencies pursuant to Article 4 of Chapter 4 of the California Public Utilities Code (PUC), and

WHEREAS, the City has prepared its TDA claim for Fiscal Year 2018-2019 pursuant to these sections of the California PUC, and

WHEREAS, the City’s Transit TDA Claim for Fiscal Year 2018-2019 is $11,815,332, and

WHEREAS, the total Transit Operating Budget for Fiscal Year 2018-2019 is $20,192,774, 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of the TDA transit claim for Fiscal Year 2018-2019 to StanCOG in the amount of $11,815,332.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING FARE CHANGES ON THE MODESTO AREA EXPRESS (MAX) COMMUTER SERVICE TO THE BAY AREA RAPID TRANSIT (BART) STATION EFFECTIVE JULY 1, 2018, AND AUTHORIZING THE TRANSIT MANAGER TO IMPLEMENT THE CHANGES

WHEREAS, passenger fares for Modesto Area Express (MAX) commuter service to the Bay Area Rapid Transit (BART) station in Pleasanton need to be updated to allow for the new electronic fare media, and

WHEREAS, Transit staff conducted a survey of MAX BART riders and determined that the majority of riders expressed satisfaction with the change, and

WHEREAS, the regular one-way and round trip fares will remain the same, and

WHEREAS, the monthly and partial month passes will be changed to a 31-Day Pass and a 7-Day Pass, to more closely align with regular MAX passes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following fares are hereby changed for passengers riding on the MAX commuter service to the BART station:

<table>
<thead>
<tr>
<th>MODESTO AREA EXPRESS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BART Express Commuter Service</strong></td>
<td></td>
</tr>
<tr>
<td>31-Day Pass</td>
<td>$175.00</td>
</tr>
<tr>
<td>7-Day Pass</td>
<td>$50.00</td>
</tr>
<tr>
<td>One-Way</td>
<td>$14.00</td>
</tr>
<tr>
<td>Round-Trip</td>
<td>$16.00</td>
</tr>
</tbody>
</table>
BE IT FURTHER RESOLVED that these fares shall go into effect on and after July 1, 2018.

BE IT FURTHER RESOLVED that the Transit Manager is hereby authorized to implement the changes to passenger fares.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A TEN-YEAR LICENSE AGREEMENT WITH ORCHARD SUPPLY COMPANY, LLC, FOR THE USE OF PARKING SPACES FOR THE MODESTO AREA EXPRESS (MAX) PARK AND RIDE LOT AT 2800 SISK ROAD FOR A TOTAL AMOUNT OF $6,000 IN THE INITIAL YEAR AND A TOTAL COST NOT TO EXCEED $63,000 FOR THE TERM OF THE AGREEMENT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City has used the parking spaces it currently occupies at the Orchard Supply Hardware (OSH) store at 2800 Sisk Road since 2004 when the City entered into the original agreement, and

WHEREAS, the parking lot is used for a Park and Ride lot for people using the Modesto Area Express (MAX) commuter bus to the Bay Area Rapid Transit (BART) station in Pleasanton.

WHEREAS, the parking lot provides a lighted, convenient and well-maintained location for people to park their vehicles for the day, and

WHEREAS, there has not been a written agreement in place with OSH since 2008, and

WHEREAS, on May 9, 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 license agreement with Orchard Supply Company, LLC, for the use of the parking lot at 2800 Sisk Road for a total amount of $6,000 in the initial year and a total cost not to exceed $63,000 for the ten-year term of the agreement.
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 22nd day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

05/22/2018/PW/ABarth/Item 11
RESOLUTION APPROVING A SOLE SOURCE PURCHASE AGREEMENT WITH AVAIL TECHNOLOGIES, INC., STATE COLLEGE, PA, FOR REPLACEMENT CELLULAR MODEMS UTILIZED BY MODESTO AREA EXPRESS (MAX) FOR A TOTAL COST NOT TO EXCEED $316,144 FOR THREE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENT

WHEREAS, on March 6, 2007, by Resolution No. 2007-161 Council 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 No. 2016-234, 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, and

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 No. 2017-277, 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 23, 2018, by Resolution 2018-36, Council awarded a sole source agreement to Avail Technologies, Inc. to continue maintaining and supporting the software through April 2021, and

WHEREAS, the action in January 2018 included replacement modems that were found not to be in the best interest of the City to save costs in the long term. The newer style of modems will allow multiple devices to use the cellular connection, thus allowing for one data plan and not multiple data plans.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a sole source purchase agreement with Avail Technologies, Inc.,
State College, PA, for replacement cellular modems utilized by Modesto Area Express for a total not to exceed $316,144.

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 22nd day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2017-18 OPERATING BUDGET IN THE AMOUNT OF $43,911 TO FUND THE PURCHASE OF REPLACEMENT CELLULAR MODEMS UTILIZED BY MODESTO AREA EXPRESS (MAX), AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on January 23, 2018, by Resolution 2018-36, Council awarded a sole source agreement to Avail Technologies, Inc. to continue maintaining and supporting the software through April 2021, and

WHEREAS, the action on January 2018 included replacement modems that were found not to be in the best interest of the City to save costs in the long term, and

WHEREAS, the newer style of modems will allow multiple devices to use the cellular connection, thus allowing for one data plan and not multiple data plans, and

WHEREAS, the cost of replacing the modems authorized by Council under the action on January was $75,466, and

WHEREAS, the cost for the newer Sierra Wireless modems is $119,377, and

WHEREAS, a budget adjustment to project 100982 is necessary in the amount of $43,911 to fund the purchase of the Sierra Wireless modems, and

WHEREAS, funding for this project is available through existing transit grants under Proposition 1B under the Public Modernization, Improvement and Service Enhancement Account program (PTMISEA).

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 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 22nd day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
### Projects and Grants

**Contact Person:** Maria Garnica  
**Council Action Date:**  
**Resolution Number:**  
**Date Submitted by Dept:** 5/8/2018  
**Project Name:** Bus Fixed Route Fund  
**Project Fund:** 4510  
**Fiscal Year being Adjusted:** FY17/18

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#### Justification for Budget Adjustment

- **Authorization**
  - Administrative Services Officer (if needed)
  - Deputy Director (if needed)
  - Department Director or Authorized Designee
  - Financial Analyst
  - Finance Director
  - City Manager

#### Transfer Number

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RESOLUTION ACCEPTING THE DOWNSTREAM WATER SYSTEM IMPROVEMENTS-TIER 1 NORTH TANK 11 AND PUMP STATION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $10,693,011.53 TO GATEWAY PACIFIC CONTRACTORS INC., OF SACRAMENTO, CA

WHEREAS, the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station Project has been completed by Gateway Pacific Contractors Inc., of Sacramento, CA. in accordance with the contract agreement dated July 14, 2015,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Downstream Water System Improvements-Tier 1 North Tank 11 and Pump Station Project is hereby accepted as complete by Gateway Pacific Contractors Inc., of Sacramento, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $10,693,011.53 as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd day of May, 2018, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember Grewal,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-187

RESOLUTION ACCEPTING THE TULLY ROAD AND 9TH STREET PAVEMENT REHABILITATION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $601,986.51 TO GEORGE REED, INC., OF MODESTO, CA

WHEREAS, the Tully Road and 9th Street Pavement Rehabilitation Project has been completed by George Reed, Inc., Of Modesto, CA. in accordance with the contract agreement dated September 12, 2017,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Tully Road and 9th Street Pavement Rehabilitation Project is hereby accepted as complete by George Reed, Inc., of Modesto, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $601,986.51 as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE PURCHASE AGREEMENTS FOR THE FURNISHING OF HOT PATCH WORK FROM GARRETT THOMPSON CONSTRUCTION, INC., MODESTO, CA, FOR AN ANNUAL COST NOT TO EXCEED $4,106,500; AND UNITED PAVEMENT MAINTENANCE, HUGHSON, CA, FOR AN ANNUAL COST NOT TO EXCEED $200,000, FOR TWO-YEAR AGREEMENTS WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COMBINED TOTAL COST NOT TO EXCEED $4,306,500; APPROVAL OF ANY OF THE ONE YEAR EXTENSIONS WOULD REQUIRE FUTURE APPROVAL BY THE CITY COUNCIL, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE PURCHASING AGREEMENTS

WHEREAS, the Interim City Manager authorizes the Purchasing Division to issue formal Request for Bids (RFB) for the furnishing of hot patch work, and

WHEREAS, on January 11, 2018, the Purchasing Division issued RFB No. 1718-05-RB for the furnishing of Hot Patch Work on the City’s website, and eleven (11) companies chose to download the RFB document, and

WHEREAS, on February 13, 2018, bids were formally opened in the City Clerk’s Office. Two companies chose to respond and both provided responsive and responsible bids. One local vendor was capable of providing this type of service, and

WHEREAS, to ensure continued services to the City, contracts shall be awarded to more than one contractor to provide for backup in case the primary contractor is unable to meet the City’s needs. A secondary position contractor may be awarded a specific job only if the primary contractor is unable to perform the service, or if the primary contractor is unable to complete the specific job within the time frame required by the City, and

WHEREAS, based on providing lowest responsive and responsible bids, staff recommends the award of bid for the furnishing of hot patch work for the Utilities
Department, Water and Wastewater Divisions, to Garrett Thompson Construction, Inc., Modesto, CA, for an estimated annual cost not to exceed $4,106,500; and United Pavement Maintenance, Hughson, CA, for an estimated annual cost not to exceed $200,000; for an annual combined total cost not to exceed $4,306,500, and

WHEREAS, the above agreements are for a term of two-years with three one-year extension options, and

WHEREAS, approval of any of the one year extensions would require future approval by the City Council, 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 bids for the furnishing of hot patch work to Garrett Thompson Construction, Inc., Modesto, CA, as “primary” contractor and United Pavement Maintenance, Hughson, CA, as “secondary” contractor, conforms to the Modesto Municipal Code, and

WHEREAS, the cost for these services will be covered through existing budget in Water Fund accounts 4100-45020-53150, 4100-45040-53150, and various Water Fund CIP projects, and Wastewater accounts 4210-44313-53100, 4210-44314-53100 and Stormwater account 4480-44222-53100.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreements for the furnishing of Hot Patch Work from Garrett Thompson Construction, Inc., Modesto, CA, for an annual cost not to exceed $4,106,500; and United Pavement Maintenance, Hughson, CA, for an annual cost
not to exceed $200,000, for two-year agreements with three one-year extension options, for an annual combined total cost not to exceed $4,306,500.

BE IT FURTHER RESOLVED, that approval of any of the one year extensions would require future approval by the City Council.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue purchasing agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2018, by Councilmember Madrigal, 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: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney