RESOLUTION APPROVING AN AGREEMENT WITH FEHR AND PEERS, WALNUT CREEK, CA, FOR CONSULTANT SERVICES FOR THE SYSTEMIC SAFETY ANALYSIS REPORT PROJECT FOR $183,240 FOR THE IDENTIFIED SCOPE OF SERVICES PLUS $18,324 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $201,564, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City is ready to begin work for the Systemic Safety Analysis Report Project, and

WHEREAS, in February, 2016 the State of California released guidelines for the Systemic Safety Analysis Report Program (SSARP), and

WHEREAS, the guidelines were developed in consultation with the California Highway Safety Improvement Program (HSIP) Advisory Committee, and

WHEREAS, the SSARP program represents a proactive approach focusing on evaluating roadway networks using a defined set of criteria to identify potential improvements to increase pedestrian and bicycle safety, and

WHEREAS, in March, 2016, staff submitted an application to the State of California, Department of Transportation requesting SSARP funds in the amount of $225,000 with a local match of $25,000 for the project, and

WHEREAS, on May 18, 2016, the State of California notified the City that out of 79 SSARP applications received, the City was one of 27 applicants selected to receive funding, and

WHEREAS, on July 5, 2017, by Resolution No. 2017- 269, Council approved the use of $25,000 in Measure L funds to be used as local match funds for the City's Systemic Safety Analysis Report (SSAR) project, and

WHEREAS, the City is ready to begin work for the Systemic Safety Analysis Report Project, and
WHEREAS, on September 26, 2017, by Resolution No. 2017-359, Council accepted the State Systemic Safety Analysis Report Program (SSARP) grant in the amount of $225,000, and

WHEREAS, in accordance with Administrative Directive 3.1 staff solicited and formally advertised for a Request for Qualifications (RFQ) through Planet Bids for consulting services to perform a systemic analysis throughout the City and develop a Systemic Safety Analysis Report (SSAR), and

WHEREAS, four CEDD staff members rated each of the SOQ’s based on the firms cover letter, qualifications and experience, project understanding, approach and proposed scope of work, organization and individual roles and responsibilities, and project schedule, and

WHEREAS, from the ratings of the five SOQ’s that were received, the top two firms were invited for an oral interview, and

WHEREAS, the same four CEDD staff members rated the top two firms based on consultant presentation and responses to questions from the selection panel, and

WHEREAS, the scores from the SOQ and oral interview were added together and averaged, and

WHEREAS, through this process Fehr and Peers received the top score, and

WHEREAS, staff negotiated a final scope of services and cost proposal with Fehr and Peers.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an agreement with Fehr and Peers, (Walnut Creek, CA) for consultant services for the Systemic Safety Analysis Report project, for $183,240 for the
identified scope of services, plus $18,324 for additional services (if needed), for a total amount not to exceed $201,564.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is 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 10th day of July, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: __________

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING SECTION 3 (COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS), SECTION 6 (HOUSING REHABILITATION PROGRAM), AND SECTION 14 (ENVIRONMENTAL REVIEW) OF THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, the City has been a participating jurisdiction in the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development (HUD) since the program was established by Congress in 1974, and

WHEREAS, HUD distributes federal CDBG funds to states, counties and urban cities to provide decent, safe, and sanitary housing; to provide suitable living environments, and to expand economic opportunities principally for low and moderate-income persons, and

WHEREAS, the City, as an entitlement community, receives approximately $1.8 million in CDBG funds annually to support a range of eligible activities, from public services to public infrastructure improvements that benefit low- and moderate-income individuals, families and neighborhoods. Federal regulations governing the CDBG program are in Title 24 of the Code of Federal Regulations Part 570 (24 CFR 570), and

WHEREAS, in October 2016, the Council, by Resolution No. 2016-245, adopted a Housing & Urban Development Policies & Procedures Manual (HUD Manual), and

WHEREAS, Housing & Urban Development Policies & Procedures Manual were last updated on June 12, 2018 by Resolution 2018-215, and

WHEREAS, in order to align with current program guidelines and replace older program policies Section 3 (Community Development Block Grant Programs), Section 6...
(Housing Rehabilitation Program), Section 14 (Environmental Review) needed to be updated, and

WHEREAS, The Citizen’s Housing and Community Development Committee reviewed, approved and forwarded on June 14, 2018 the proposed amended Section 3, Section 6, and Section 14 of the HUD Policies and Procedures to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends Section 3 (Community Development Block Grant Programs) Section 6 (Housing Rehabilitation Program), and Section 14 (Environmental Review) of the Housing and Urban Development Policies & Procedures Manual.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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: 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 INCREASING THE AGREEMENT AMOUNT WITH BANK OF AMERICA MERRILL LYNCH, FOR THE BANKING SERVICES BY $51,034 FROM $460,000 TO $511,034, AND EXTENDING THE TERM OF THE AGREEMENT FROM JULY 31, 2018 TO JUNE 30, 2019 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT TO THE AGREEMENT

WHEREAS, on July 2, 2013, by Resolution 2013-247 the City Council awarded the banking services agreement to Bank of America based on its determination that the City’s financial needs are best served by a full-service financial institution that provides day-to-day banking services in addition to a Direct Pay Letter of Credit (LOC) for its General Fund Lease Revenue Bonds, Series 2008 (Bonds), and

WHEREAS, on June 7, 2016 by Resolution 2016-243, the City approved a 3-year extension of the Letter of Credit for these Bonds at 60 basis points (0.60%) and a reduction in banking pricing modification by around 21% with Bank of America, and

WHEREAS, as part of the amendment to the Letter of Credit with Bank of America, Resolution 2016-242 Section 5 states that the City is authorized and directed to execute and deliver documents necessary to consummate the transactions authorized to carry out the terms and intent of this Resolution which would include the amendment to extend the term of the existing banking services agreement, and

WHEREAS, the Finance Department plans to issue a formal Request for Proposals in early September which will include both the banking services and LOC to utilize the most cost effective opportunities for the City, and

WHEREAS, Modesto Municipal Code section 8-3.204(d) states that where the Purchasing Manager, in his or her discretion, determines that a process other than the
formal proposal procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, the purchase may be exempt from the formal bid process, and

WHEREAS, due to pricing required by a corresponding Letter of Credit contract with Bank of America that does not expire until June 30, 2019, the City requires to continue these banking services for the period July 31, 2018 through June 30, 2019 with Bank of America Merrill Lynch.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to the Agreement with Bank of America Merrill Lynch, increasing the contract amount for the banking services by $51,034 from $460,000 to $511,034; and extending the term of the Agreement from July 31, 2018, to June 30, 2019.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is hereby authorized to execute the 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 10th day of July, 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: 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 ANNUAL OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2017-18.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2017-18 Annual Operating and Capital Improvement budget as shown in Exhibit A, which is attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(ATTEST:)

SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
EXHIBIT A

FISCAL YEAR 2017-18

COMMUNITY AND ECONOMIC DEVELOPMENT
A budget adjustment is necessary to recognize $291,038 of unbudgeted Department of Transportation (Caltrans) revenue in the Capital Grants Capital Improvement Project Fund, Fund 3160, to the Right Turn Lane W B D Street at Northbound 9th Street Capital Improvement Project, #100728, and reallocates funding to Engineering/Design/Administration, Construction, Construction Administration and Contingency in expense as approved by Caltrans per the E-76.

A budget adjustment is necessary to recognize $178,962 of unbudgeted Department of Transportation (Caltrans) revenue in the Streets Capital Facility Fee Fund, Fund 3410, to the Right Turn Lane Southbound McHenry Ave to Westbound Briggsmore Avenue Capital Improvement Project, #100632, and reallocates funding to Engineering/Design/Administration, Construction, Construction Administration and Contingency in expense as approved by Caltrans per the E-76.

A budget adjustment is necessary to recognize $64,500 of unbudgeted revenue related to Annexation Fees for the CFD No. 2018-1 (Woodglen) fund, Fund 3216 and reallocate the funds to the cost center operating expense budget to cover expenses for the current fiscal year.

A budget adjustment is necessary to increase the Village One #2 CFD fund, Fund 3290 expense budget by $90,000 to pay for outstanding invoices in the current fiscal year. The expenses in this fund have come in higher this year due to unanticipated costs related to utilities and staff time. The increase in budget will be covered by Fund 3290 reserves.

PUBLIC WORKS
A budget adjustment is necessary to increase the Fleet Management Fund, Fund 5400 expense budget by $200,000 to pay for outstanding invoices in the current fiscal year. The expenses in this fund have come in higher due to increased fuel and repair/maintenance on equipment and vehicle costs. The increase in budget will be covered by Fund 5400 reserves.
RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH YOSEMITE COMMUNITY COLLEGE DISTRICT AND THE COUNTY OF STANISLAUS FOR THE CONTINUED OPERATIONS OF THE REGIONAL FIRE SCIENCE TRAINING CENTER IN FISCAL YEAR 2018-19

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

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

WHEREAS, a successor agreement was approved in 2014 for the maintenance and operation of the facility for three years, an amendment was approved in 2017 to extend the 2014 agreement through June 30, 2018, and

WHEREAS, the participating agencies are seeking approval of a second amendment to the agreement that will allow the local network to continue use and operation of the RFTC for the 2018-19 fiscal year with an expiration date of June 30, 2019, and

WHEREAS, sufficient funds are budgeted in the Fiscal Year 2018-19 department operating budget, and

WHEREAS, the amendment will allow participating agencies to continue normal operations of the facility while also discussing the future of the partnerships and the facility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the agreement with Yosemite Community College District and the County of Stanislaus for the continued operations of the Regional
Fire Science Training Center in Fiscal Year 2018-19.

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 10th day of July, 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: 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 THIRD AMENDMENT TO THE AGREEMENT WITH DU-ALL SAFETY, INC. TO CONTINUE PROVIDING REGULATORY SAFETY TRAINING TO THE CITY THROUGH JANUARY 1, 2019 AND TO INCREASE THE AMOUNT BY $100,000 TO AN AMOUNT NOT TO EXCEED $328,902, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in January of 2012 the City entered into a contract with Du-All Safety Consulting to perform mandatory safety training for all department divisions, and

WHEREAS, in February of 2012 the City amended the original agreement to increase the contracted amount to expand the scope of work, and

WHEREAS, on January 23, 2018, by Resolution 2018-53, Council approved a second amendment to the agreement with Du-All Safety with a term to expire September 30, 2018 and an amount not to exceed $228,902, of which $165,902 was to ratify past expenditures, and

WHEREAS, at this time, the City has been utilizing Du-All Safety to provide some regulatory training, and

WHEREAS, the City has identified the need for continued safety training, the need to renew a full Request for Proposals (RFP) for Safety Training and Consultation Services and a need to establish a dedicated safety officer to administer a comprehensive city-wide safety program, and

WHEREAS, Du-All is familiar with City operations and policies and is able to provide departments with timely regulatory safety training ensuring the City remains compliant with mandatory federal and state training requirements, and
WHEREAS, the current Council approved contracted amount is reaching the approved limit and the City has an immediate need for continued Safety Consulting and Training, and

WHEREAS, this amendment will authorize the necessary funds to continue to provide mandatory training without interruption until proposal and selection process is closed and completed.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a third amendment to the agreement with Du-All Safety, Inc. to continue providing regulatory safety training to the City through January 1, 2019 and to increase the amount by $100,000 to an amount not to exceed $328,902.

BE IT FURTHER RESOLVED, that the Interim City Manager, or 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 10th day of July, 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: 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 AGREEMENT BETWEEN
GOVERNMENTJOBS.COM, INC., EL SEGUNDO, CA, DOING BUSINESS AS
NEOGOV, FOR AN ELECTRONIC RECRUITMENT, ON-BOARDING AND
OFF-BOARDING PROCESSES WITH AN INITIAL TERM OF JULY 14, 2018
THROUGH FEBRUARY 14, 2021 WITH THE OPTION TO ADD TWO ONE-
YEAR EXTENSIONS FOR A TOTAL AMOUNT NOT TO EXCEED $135,313
AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE THE AGREEMENT

WHEREAS, the City currently uses Neogov Insight Enterprise Edition (IN
Subscription), an electronic platform with an annual subscription for all recruitment
processes, and

WHEREAS, the onboarding process within the Human Resources Administration
division has not automated, and

WHEREAS, the City of Modesto conducted research to recommend NeoGov to
transition the City’s onboarding functions to an online portal, and

WHEREAS, the Director of Human Resources, in conjunction with the Human
Resources Manager, have recommended that NeoGov be accepted as the most viable
option for the City’s continued electronic recruiting service needs as well as a new online
onboarding portal.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto
that it hereby approves an agreement between GovernmentJobs.com, Inc., El Segundo,
CA, doing business as NEOGOV, for an electronic recruitment, on-boarding and off-
boarding processes with an initial term of July 14, 2018 through February 14, 2021 with
the option to add two one-year extensions for a total amount not to exceed $135,313.

BE IT FUTHER RESOLVED, that the Interim City Manager, or 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 10th day of July, 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: 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 CLASSIFICATION PLAN TO CREATE THE CLASSIFICATION OF SAFETY OFFICER

WHEREAS, a Position Classification Plan was adopted Council Resolution No. 2008-681 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to create the classification of Safety Officer at salary range 438.

2. EFFECTIVE DATE. This Resolution shall become effective the pay period in which August 1, 2018 falls, (Pay Period beginning August 6, 2018).
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of July, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

WHEREAS, the City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 26, 2018 was adopted by Council Ordinance No. 3687-C.S., and

WHEREAS, staff desires to amend the Class Range Table for Represented Management and Confidential Non-Sworn Classes Effective June 26, 2018.

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

1. AMENDMENT TO ORDINANCE NO. 3687-C.S. Attachment 12 entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 26, 2018”, of Ordinance No. 3687-C.S., is hereby amended and replaced with Exhibit A attached hereto and made a part hereof as though set forth in full herein and summarized as follows:

   A. Exhibit “A” entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective August 1, 2018”, is amended to:

   i. Add Safety Officer to salary range 438

2. EFFECTIVE DATE. This resolution shall become effective on August 1, 2018.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10\(^{th}\) day of July, 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: 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. 2018-282

RESOLUTION AMENDING THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

WHEREAS, the City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 26, 2018 was adopted by Council Resolution No. 2018-XXX, and

WHEREAS, staff desires to amend the Class Range Table for Represented Management and Confidential Non-Sworn Classes Effective June 26, 2018.

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

1. AMENDMENT TO RESOLUTION NO. 2018-XXX. Attachment xx entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 26, 2018”, of Resolution No. 2018-XXX, is hereby amended and replaced with Exhibit A attached hereto and made a part hereof as though set forth in full herein and summarized as follows:

   A. Exhibit “A” entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective August 1, 2018”, is amended to:

   i. Add Safety Officer to salary range 438

2. EFFECTIVE DATE. This resolution shall become effective on August 1, 2018.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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: 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
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
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</table>
| 410   | Administrative Office Assistant II (Confidential)  
       | Account Clerk I (Confidential) |
| 412   | Police Clerk II (Confidential)  
       | Account Clerk II (Confidential) |
| 414   | Administrative Office Assistant III (Confidential) |
| 417   | Legal Secretary I |
| 418   | Systems Technician I  
       | Senior Administrative Office Assistant (Confidential) |
| 420   | Workers' Compensation Claims Assistant |
| 421   | Administrative Services Technician I (Confidential)  
       | Legal Secretary II  
       | Executive Assistant |
| 422   | Deputy City Clerk  
       | Homeless Management Information System (HMIS) Technician  
       | Systems Technician II |
| 423   | Account Technician (Confidential)  
       | Custodian Supervisor  
       | Senior Legal Secretary  
       | Workers' Compensation Claims Examiner I |
| 424   | Buyer |
| 425   | Administrative Services Technician II (Confidential)  
       | Office Supervisor |
| 426   | Central Stores Supervisor  
       | Employee Benefits Coordinator  
       | Financial Analyst I  
       | Homeless Management Information System (HMIS) Program Coordinator  
       | Senior Systems Technician |
| 427   | Administrative Analyst I  
<pre><code>   | Technology Solutions Analyst I |
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<th>TITLE</th>
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</thead>
<tbody>
<tr>
<td>Utility Dispatch Supervisor</td>
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</tbody>
</table>
| 428 | Animal Control Supervisor  
Human Resources Analyst I  
Workers' Compensation Claims Examiner II |
| 429 | Assistant Planner  
Parking Adjudication Program Coordinator  
Parking Services Supervisor  
Police Range and Training Center Coordinator |
| 430 | Assistant City Clerk  
Financial Analyst II  
Senior Buyer  
Software Analyst I  
Systems Engineer I |
| 431 | Administrative Analyst II  
Events Coordinator  
Police Civilian Supervisor  
Technology Solutions Analyst II |
| 432 | Human Resources Analyst II  
Junior Engineer  
Neighborhood Preservation Supervisor  
Senior Workers' Compensation Claims Examiner |
| 433 | Assistant Surveyor  
Associate Planner  
Water Resources Analyst |
| 434 | Compost Facility Supervisor  
Financial Analyst III  
Operations Supervisor  
Recreation Supervisor  
Recycling Program Coordinator  
Software Analyst II  
Systems Engineer II |
| 435 | Assistant Transportation Planner  
Business Analyst  
Cultural Services Program Manager  
Customer Services Supervisor |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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|       | Emergency Medical Services Coordinator  
|       | Management Analyst  
|       | Organizational Development Coordinator  
|       | Parks Project Coordinator  
|       | Transit Analyst  
|       | Weed and Seed Program Coordinator  
| 436   | Assistant Engineer  
|       | Housing Rehabilitation Supervisor  
|       | Public Safety Information Coordinator  
|       | Senior Crime and Intelligence Analyst  
| 437   | Electrical Supervisor  
| 438   | Economic Development Marketing Specialist  
|       | Plant Maintenance Supervisor  
|       | Property Agent  
|       | Public Safety Business Services Analyst  
|       | Risk and Loss Control Coordinator  
|       | **Safety Officer**  
|       | Senior Community Development Program Specialist  
|       | Senior Financial Analyst  
|       | Senior Human Resources Analyst  
|       | Senior Software Analyst  
|       | Senior Systems Engineer  
| 439   | Administrative Services Officer  
|       | Associate Land Surveyor  
|       | Associate Transportation Planner  
|       | Electrical Supervisor – Utilities  
|       | Senior Business Analyst  
|       | Senior Planner  
| 440   | Associate Engineer  
|       | Community and Media Relations Officer  
|       | Environmental Services Supervisor  
|       | Integrated Waste Specialist  
|       | Materials Management Superintendent/City Arborist  
|       | **Solid Waste Enforcement Supervisor**  
|       | Utilities Plant Operations Supervisor  
|       | Utilities Services Supervisor  
| 441   | Housing and Urban Development Supervisor  

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>441</td>
<td>Infrastructure Financing Program Supervisor</td>
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<tr>
<td></td>
<td>Laboratory Supervisor</td>
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<tr>
<td></td>
<td>Police Civilian Manager</td>
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<tr>
<td></td>
<td><strong>Auditor I</strong></td>
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<tr>
<td>442</td>
<td>Centre Plaza Manager</td>
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<tr>
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<td>Construction Inspection Supervisor</td>
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<td>Principal Information Technology Administrator</td>
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<td></td>
<td>Purchasing Manager</td>
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<td><strong>Auditor II</strong></td>
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<tr>
<td>443</td>
<td>Associate Civil/Traffic Engineer</td>
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<td></td>
<td>Customer Services Manager</td>
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<td></td>
<td>Parks Planning and Development Manager</td>
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RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2018-19 AS ADOPTED IN THE OPERATING BUDGET TO REALLOCATE TWO (0.5) ADMINISTRATIVE OFFICE ASSISTANTS IN THE HUMAN RESOURCES DEPARTMENT TO ONE (1) SAFETY OFFICER IN THE HUMAN RESOURCES DEPARTMENT

WHEREAS, a Position Allocation was adopted by Council on June 12, 2018, as part of the Annual Budget for Fiscal Year 2018-2019, and

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

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

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

WHEREAS, position changes will be effective the pay period in which August 1, 2018 falls, (Pay Period beginning August 6, 2018).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2018-19 Operating Budget for various departments as follows: Reallocate two (0.5) Administrative Office Assistants in the Risk Management Division of the Human Resources Department to one (1) Safety Officer in the Risk Management Division of the Human Resources Department.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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: 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 TWO ARTICULATING LOADERS WITH CLAW BUCKETS TO VOLVO CONSTRUCTION EQUIPMENT AND SERVICES, TURLOCK, CA FOR A TOTAL COST NOT TO EXCEED $184,532 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE A PURCHASE ORDER

WHEREAS, two articulating loaders with claw buckets are replacement units and will be used by the Public Works Department, Green Waste and Community Forestry Divisions, and

WHEREAS, both pieces of equipment in these divisions are 2010 model years and have been seeing very high maintenance costs over the past two years resulting in increased downtime and inefficiency, and

WHEREAS, with funds already collected, approved and allocated in the budget adoption for Fiscal Year 2016-2017 for the purchase of replacement units, staff is seeking to award the bid to Volvo Construction Equipment and Services, Turlock, CA for a total cost of $184,532, 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 five completed bids and all bids received were compliant per bid specifications, and

WHEREAS, Sonsray Machinery, Stockton, CA provided the lowest overall bid of $183,240, however, their bid included an annual subscription fee of $4,800 for diagnostic software which is a critical component of this equipment purchase. Volvo Construction
Equipment and Services, provided the next lowest bid of $184,532, an annual subscription fee of $1,000, and an approximate cost savings of $38,000 over the 10 year life of the equipment, and

WHEREAS, funding for these pieces of equipment was collected, approved and allocated in the Fiscal Year 2016-2017 budget for the purchase of these replacement units through the Internal Service Fund (ISF) via straight line depreciation over the life of the equipment, and

WHEREAS, sufficient funds for two articulating loaders with claw buckets have been encumbered in the Fleet Replacement Fund: 5409-53246-57003.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of two articulating loaders with claw buckets from Volvo Construction Equipment and Services, Turlock, CA for a total cost of $184,532.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to issue a purchase order for an estimated total cost of $184,532.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING AN INCREASE OF THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ON THE LITT ROAD IMPROVEMENT PROJECT FROM 8 PERCENT ($122,687) TO 30 PERCENT ($460,075) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF $1,533,583 WITH MCFADDEN CONSTRUCTION INC., OF STOCKTON, CA, AND INCREASE STAFF BUDGET FROM $138,022 TO $194,559

WHEREAS, on January 15, 2018, by Resolution No. 2018-09, Council awarded a $1,533,583.50 contract to McFadden Construction, Inc. for the construction of the Litt Road Improvement project, and

WHEREAS, the originally authorized construction administration budget was 8 percent ($122,687), and

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

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

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in Director’s Authority to issue change orders for the Litt Road Improvement project from 8 percent ($122,687) to 30 percent ($460,075) and increase staff budget from $138,022 to $194,559.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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: 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 AGREEMENT WITH VALI COOPER AND ASSOCIATES OF EMMERYVILLE, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE STANDIFORD AVENUE PAVEMENT REHABILITATION PROJECT IN AN AMOUNT NOT TO EXCEED $158,741, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS UP TO A CUMULATIVE AMOUNT OF 10 PERCENT

WHEREAS, on March 13, 2018, by Resolution No. 2018-124, Council amended an approved list of projects including the Standiford Avenue Pavement Rehabilitation project to be funded with Measure L tax proceeds in Fiscal Year 2017-2018, and

WHEREAS, on June 26, 2018, by Resolution No. 2018-265, Council awarded a $2,591,417 contract to DSS Company dba Knife River Construction of Stockton, CA for the construction of the Standiford Avenue Pavement Rehabilitation project, and

WHEREAS, Standiford Avenue Pavement Rehabilitation project begins at Dale Road and proceeds 3 miles east to approximately Sherwood Avenue, and

WHEREAS, due to the limited availability of the City’s Construction Administration staff, staff recommends utilizing a consultant to provide construction management and inspection services for the construction phase, and

WHEREAS, the selection process followed the City’s policy, Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, and

WHEREAS, for the construction management and inspection services, a Request for Proposals (RFP) was issued to the 3 on-call firms for construction management and inspection services for this project, and
WHEREAS, after careful review and evaluation by the selection committee, Consolidated CM was selected as the most qualified firm for the Project, and

WHEREAS, Vali Cooper and Associates demonstrated experience with multiple projects similar in scope and size, and

WHEREAS, Vali Cooper and Associates will be the main point of contact for all construction activities and reporting during this project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an agreement with Vali Cooper and Associates, for Construction Management and Inspection Services for the Standiford Avenue Pavement Rehabilitation project in an amount not to exceed $158,740.90 for the identified scope of services.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is hereby authorized to execute the Agreement, and is authorized to execute one or more amendments to this agreement in a cumulative amount up to 10 percent of the original agreement amount.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE MARK RANDY AND TORRID DIABLO LIFT STATION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $1,562,938 TO MOUNTAIN CASCADE INC., OF LIVERMORE, CA

WHEREAS, on October 11, 2016, by Resolution No. 2016-415, Council awarded a contract to Mountain Cascade Inc. for the construction of the Mark Randy and Torrid Diablo Lift Station project, and

WHEREAS, there were 6 change orders resulting in an overall increase of $55,938 for change order work, and

WHEREAS, the Mark Randy and Torrid Diablo Lift Station Project has been completed by Mountain Cascade Inc., of Livermore, Ca in accordance with the contract agreement dated October 11, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Mark Randy and Torrid Diablo Lift Station Project is hereby accepted as complete from said contractor, Mountain Cascade Inc. of Livermore, Ca, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $1,562,937.50, 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 10th day of July, 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: 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 SOLE SOURCE AGREEMENT WITH LABWORKS LLC, LEHI, UTAH, FOR ANNUAL MAINTENANCE SUPPORT FOR THE WATER QUALITY CONTROL LABORATORY, FOR TWO YEARS WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL AMOUNT OF $15,507 IN THE FIRST TWO YEARS AND SLIGHTLY INCREASING OVER THE FIVE YEARS, NOT TO EXCEED $81,657 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASING AGREEMENT

WHEREAS, Labworks LLC is the sole provider for the maintenance support of the Laboratory Information Management System (LIMS) for the City’s Water Quality Control (WQC) Laboratory, and

WHEREAS, LIMS allows the WQC Laboratory to evaluate both water and wastewater quality trends, prepare reports, and supply background data, and ensures that all samples provided to the WQC Laboratory are processed in accordance to all laws and regulations, and

WHEREAS, on January 7, 2014, by Resolution No. 2014-06, Council approved the award of proposal and contract for a LIMS for the Water and Wastewater Divisions to PerkinElmer Health Sciences, Inc./Labworks LLC, for an estimated initial cost of $229,340 and a five year estimated cost of approximately $296,455 including annual maintenance, and

WHEREAS, the five year term for this agreement ends July 31, 2018, and

WHEREAS, the WQC Laboratory has had Labworks in place since its purchase in 2014, and

WHEREAS, Labworks is easy to navigate and has user controls to prevent incorrect data names, and
WHEREAS, with the Labworks program, there are only three staff members that have the ability to create the data names; the previous program did not have these controls in place and staff found it difficult to retrieve the appropriate data when requested, and

WHEREAS, Labworks also allows for scheduling of sampling activities; once the schedule is set, it reoccurs at designated intervals, virtually eliminating human error that existed in the previous LIMS, and

WHEREAS, the replacement of the Labworks program would cost approximately $300,000, require staff to re-customize the program, take a minimum of nine months to complete and need to be maintained as the City’s permit requires ten years of data be available, and

WHEREAS, additionally, included in the new agreement with Labworks, LIMS is preparing to launch a new product that will allow online reads of information through a customer portal when off site, 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, and

WHEREAS, Staff recommends the award of agreement to Labworks LLC, 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 maintenance program for Labworks, 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 and this purchase qualifies for exemption from formal bidding for that reason.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a sole source agreement with Labworks LLC, Lehi, Utah, for annual maintenance support for the Water Quality Control Laboratory, for two years with three one-year extension options, for an annual amount of $15,507 in the first two years and slightly increasing over the five years, not to exceed $81,657 over five years.

BE IT FURTHER RESOLVED 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 10th day of July, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(S Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE AIRPORT NEIGHBORHOOD SEWER IMPROVEMENTS PHASE 2 PROJECT AS COMPLETE, AND ANNEXING SAID IMPROVEMENTS INTO MODESTO MUNICIPAL SEWER DISTRICT NO. 1

WHEREAS, the Airport Neighborhood is an unincorporated, disadvantaged community located on the southeast side of the City of Modesto with 481 parcels that rely on septic systems for treatment of sewage, and

WHEREAS, the Airport Neighborhood’s septic systems are failing and pose a threat to public health and groundwater, and

WHEREAS, the City owns and operates a sanitary sewer system adjacent to the Airport, and is prepared to provide sewer services to the Airport Community, and

WHEREAS, the County’s Airport Neighborhood Sewer Improvements Phase 2 project installed the remaining sanitary sewer system throughout the area, for future service by the City of Modesto’s Wastewater Collection and Treatment System, and

WHEREAS, a report has been filed by the Director of Utilities that the Airport Neighborhood Sewer Improvements Phase 2 Project has been completed dated April 17, 2018, and annexing said improvements into Modesto Municipal Sewer District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Airport Neighborhood Sewer Improvements Phase 2 Project is hereby accepted as complete, and that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and annexing said improvements into Modesto Municipal Sewer District No. 1.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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: 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 BLANKET WILL SERVE LETTER FOR 390 PARCELS IN THE AIRPORT NEIGHBORHOOD ADJACENT TO THE RECENTLY COMPLETED PHASE 2 SEWER IMPROVEMENTS, ALLOWING CONNECTION TO THE CITY OF MODESTO’S EXISTING SANITARY SEWER SYSTEM, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO APPROVE THE WILL SERVE LETTER

WHEREAS, the Airport Neighborhood is an unincorporated, disadvantaged community located on the southeast side of the City of Modesto with 481 parcels that rely on septic systems for treatment of sewage, and

WHEREAS, the Airport Neighborhood’s septic systems are failing and pose a threat to public health and groundwater, and

WHEREAS, the City owns and operates a sanitary sewer system adjacent to the Airport Neighborhood and is prepared to provide sewer services to the Airport Neighborhood, and

WHEREAS, on December 13, 2011, by Resolution No. 2011-477, Council approved a Memorandum of Agreement with the County for City engineering staff to provide sewer design services for the project, and

WHEREAS, the Agreement required that Stanislaus County Public Works Department construct the Airport Neighborhood sewer improvements to City Standards, and

WHEREAS, a Measure M Sewer Advisory Vote was approved to allow City sewer extension in the Airport Community, and

WHEREAS, on June 28, 2016, by Resolution No. 2016-269, Council approved a Memorandum of Agreement with the County for City staff to provide engineering design
support services during construction of Phase 2 of the Airport Neighborhood Sewer Improvement Project and will serve 390 parcels, and

WHEREAS, per the Agreement, the County is to transfer ownership of sewer improvements upon Notice of Completion filed by the County and upon inspection and approval by the City, and

WHEREAS, the Phase 2 sewer improvements have been constructed and are ready to be serviced by the City, and

WHEREAS, residences of the 390 parcels will be allowed to connect to the City’s sewer system, and

WHEREAS, the property owner will be required to pay connection fees and enter into an outside Service Agreement for their property.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Blanket Will Serve letter for 390 parcels in the Airport Neighborhood adjacent to the recently completed Phase 2 Sewer Improvements and allows connection to the City of Modesto’s existing sanitary sewer system.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is hereby authorized to approve the Will Serve letter.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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: 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 AN AGREEMENT WITH HDR, INC., FOR DAM BREACH ANALYSIS AND FLOOD INUNDATION MAPS FOR THE JENNINGS PLANT STORAGE PONDS IN AN AMOUNT NOT TO EXCEED $91,990 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $9,199 FOR ADDITIONAL SERVICES (IF NEEDED), FOR AN ESTIMATED TOTAL COST NOT TO EXCEED $101,189 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City has been directed by the California Division of Safety of Dams to prepare an Emergency Action Plan (EAP) for the Jennings Road Storage Ponds, and

WHEREAS, the EAP is required to follow federal guidelines and must include a dam breach inundation study, and

WHEREAS, these maps will reflect reasonable worst-case scenarios for catastrophic failure and breaching of the jurisdictional dam, and

WHEREAS, information from the study will be used for emergency plans contained in the City’s EAP for the Jennings Road Storage Ponds, and

WHEREAS, Administrative Directive 3.1 allows for an accelerated selection process, if in the best interest of the City, where a consultant may be secured for specific projects to provide professional services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.2504(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and therefore, exempt from the bid requirement, and

WHEREAS, HDR, Inc. is familiar with the Jennings Plant facilities and assisted with the flood protection analysis section in the current 2016 Wastewater Master Plan effort.
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with HDR Inc., Folsom, CA, for Dam Breach Analysis and Flood Inundation Mapping services for the Jennings Plant Storage Ponds in an amount not to exceed $91,990, for the identified scope of services, plus $9,199 for additional services, if needed, for a maximum total amount of $101,189.

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 10th day of July, 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: 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 2018-19 MULTI-YEAR BUDGET TO ESTABLISH A NON-CAPITAL PROJECT (101052) IN THE AMOUNT OF $114,988 TO BE TRANSFERRED TO THE PROJECT FROM WASTEWATER FUND RESERVES TO FULLY FUND THE CONSULTANT AGREEMENT AND STAFF TIME FOR THE DAM BREACH ANALYSIS AND FLOOD INUNDATION MAPS FOR THE JENNINGS PLANT STORAGE PONDS AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $114,988, in order to fund a consultant agreement and City staff time in support of the Jennings Dam Breach Analysis Project, and

WHEREAS, the Fiscal Year 2018-2019 Multi-Year 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 2018-2019 Multi-Year 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 10th day of July, 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: 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
EXHIBIT A

A total of $114,988 is being requested from wastewater reserves to establish the budget of this new multi-year account.

Multi-Year Account 101052

Jennings Dam Breach Analysis

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07/10/2018/Utilities/JFranco/Item 19
RESOLUTION VACATING AND DISPOSING OF THE CERTAIN UTILITY EASEMENT LOCATED ON THE REAL PROPERTY KNOWN AS STANISLAUS COUNTY ASSESSOR’S PARCEL NUMBERS 038-022-011 & 038-022-013, AND AUTHORIZING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS RESOLUTION IN THE OFFICE OF THE STANISLAUS COUNTY CLERK RECORDER

WHEREAS, the City owns an utility easement (the “Existing Easement”) located on that certain real property on Zeff Road in the City of Modesto known as Stanislaus County Assessor’s Parcel Number(s) 038-022-011 & 038-022-013 (the “Property”); and

WHEREAS, the location of Existing Easement is further described and depicted in Exhibits “A” & “B”, attached hereto in incorporated herein; and

WHEREAS, the Owner of the Property has agreed to grant the City a new sanitary sewer easement in a different location on the Property (the “New Easement”), and the location of the New Easement is more beneficial for the City than the location of the Existing Easement; and

WHEREAS, upon recordation of the New Easement, the Existing Easement will no longer be necessary and will be superseded by relocation; and

WHEREAS, the City Council has determined that the Existing Easement is unnecessary for present or prospective public use; and

WHEREAS, there are no public utility facilities in use on the Existing Easement, and the vacation of the Existing Easement is in the best interests of the City of Modesto; and

WHEREAS, pursuant to the provisions of Section 8330 et seq., of the Streets and Highways Code, the City Council seeks to summarily vacate the Existing Easement.
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto as follows:

Section 1. Findings and Determinations.

The City Council hereby finds and determines that the above recitals are true and correct and have served as the basis, in part, for the findings and actions of the City set forth below.

Section 2. No present or prospective public use.

The Existing Easement described and depicted in Exhibits “A” & “B”, attached hereto and incorporated herein, is unnecessary for present or prospective public use and has been superseded by relocation.

Section 3. Vacation of Easement

Pursuant to Chapter 4 of Part 3 of Division 9 of the California Streets and Highways Code, the Easement is hereby summarily vacated and abandoned. From and after the date this resolution is recorded, the Existing Easement shall no longer constitute a public service easement.

Section 4. Notification

All entities having any right, title, or interest in the Existing Easement, if any, have been notified of this action.

Section 5. Certification

The City Clerk shall certify the adoption of this Resolution.

Section 6. Certification and Recordation of Resolution

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to record a certified copy of this Resolution in the office of the Stanislaus County Recorder pursuant to Streets and Highways Code section 8335.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of July, 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: 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
EXHIBIT “A”

LEGAL DESCRIPTION

FOR ABANDONMENT OF SANITARY SEWER EASEMENTS

The land referred to herein below is situated in the City of Modesto, County of Stanislaus, State of California, lying within the east half of Section 5, Township 4 South, Range 9 East, Mount Diablo Meridian, more particularly described as follows:

The purpose of this description is to abandon that portion of the existing 15 foot wide sewer easement recorded as Instrument Number 30338 in Volume 1252 at Page 42, Stanislaus County Records and that portion of the existing 15 foot wide sewer easement recorded as Document Number 2014-0029775, Stanislaus County Records, lying east of the following described line:

COMMENCING at the southwest corner of Parcel No. 5, also being the northwest corner of Parcel No. 1 as described in the Grant Deed recorded September 4, 2009 as Document No. 2009-0087193, Stanislaus County Records; thence along the northerly line of said Parcel No. 1, South 89°47'25" East, 313.94 feet; thence North 21°24'26" West, 10.22 feet to the south line of that existing 15 foot wide sewer easement to the City of Modesto recorded November 18, 1954 as Instrument Number 30338 in Volume 1252 at Page 42, Stanislaus County Records; thence along said south line, South 89°47'25" East, 8.07 feet to the POINT OF BEGINNING of the herein described line; thence leaving said south line, North 00°00'00" East, 25.50 feet to the north line of that existing 15 foot wide sewer easement recorded as Document Number 2014-0029775, Stanislaus County Records, and being the POINT OF TERMINATION of the herein described line.

Containing 11,716 sq. ft., more or less.

END DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the requirements of the Professional Land Surveyor’s Act.

[Signature]
William M. Koch
Professional Land Surveyor
California No. 8092

Date
[Signature]
1/16/2018
EXHIBIT "B"
SANITARY SEWER EASEMENT ABANDONMENT

PARCEL 5
D.N. 2009-0087193, S.C.R.

NORTH LINE PARCEL 1
SEWER EASEMENT 2376-O.R.677, S.C.R.

POINT OF COMMENCEMENT

SEWER EASEMENT 2014-0029775, S.C.R.

SEE DETAIL BELOW

PARCEL 1
D.N. 2009-0087193, S.C.R.

CENTRAL PACIFIC RAILWAY COMPANY
477 O.R. 63, S.C.R.

EASEMENT AREA TO BE ABANDONED
±11,716 SQ. FT.

15' SEWER EASEMENT TO CITY OF MODESTO (1252-O.R.-42)

LEGEND:
D.N. DOCUMENT NUMBER
O.R. OFFICIAL RECORDS
S.C.R. STANISLAUS COUNTY RECORDS
P.O.B. POINT OF BEGINNING
S.E. SEWER EASEMENT
S.E. 1252-OR-42 TO BE ABANDONED
S.E. D.N. 2014-0029775 TO BE ABANDONED

DETAIL

1"=40'

BASIS OF BEARINGS:
A BEARING OF NORTH 89°47'25" WEST
FOR THE NORTH LINE OF PARCEL 1.

LINE TABLE

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<thead>
<tr>
<th>LINE #</th>
<th>DIRECTION</th>
<th>LENGTH</th>
</tr>
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<tbody>
<tr>
<td>L1</td>
<td>S89°47'25&quot;E</td>
<td>313.94'</td>
</tr>
<tr>
<td>L2</td>
<td>N21°24'26&quot;W</td>
<td>10.22'</td>
</tr>
<tr>
<td>L3</td>
<td>S89°47'25&quot;E</td>
<td>8.07'</td>
</tr>
<tr>
<td>L4</td>
<td>N0°00'00&quot;E</td>
<td>25.50'</td>
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DESCRIPTION: SEWER EASEMENT ABANDONMENT

SCALE: 1"=200'
DATE: JANUARY 9, 2018
JOB NO.: 29021
FILE: 29021-SEWER EASEMENTS ABANDONMENT.DWG
EXHIBIT "A"

LEGAL DESCRIPTION FOR SANITARY SEWER EASEMENT

The land referred to herein below is situated in the City of Modesto, County of Stanislaus, State of California, lying within the east half of Section 5, Township 4 South, Range 9 East, Mount Diablo Meridian, more particularly described as follows:

COMMENCING at the southwest corner of Parcel No. 5, also being the northwest corner of Parcel No. 1 as described in the Grant Deed recorded September 4, 2009 as Document No. 2009-0087193, Stanislaus County Records; thence along the northerly line of said Parcel No. 1, South 89°47'25" East, 305.87 feet to the POINT OF BEGINNING; thence leaving said northerly line, South 21°24'26" East, 37.65 feet to a line that is parallel with and 35 feet south of said northerly property line; thence along said parallel line, South 89°47'25" East, 721.69 feet; thence South 00°12'35" West, 10.00 feet; thence South 89°47'25" East, 46.20 feet to the west line of that certain parcel as described in Grant Deed to City of Modesto recorded February 5, 1975 in Book 2681 at Page 543, Stanislaus County Records; thence along said west line, North 00°24'35" East, 16.67 feet to the beginning of a tangent curve to the left having a radius of 15.00 feet; thence along said curve through a central angle of 33°40'45" and an arc length of 8.82 feet to the intersection with a line parallel with and 20 feet south of aforesaid northerly property line; thence along said parallel line, North 89°47'25" West, 24.92 feet; thence North 00°12'35" East, 6.80 feet to the south line of Zeff Road, and being the south line of Parcel No. 1 as described in Grant Deed to the State of California recorded May 29, 1962 in Volume 1770 at Page 402, Stanislaus County Records; thence along said south line, North 89°26'43" West, 16.21 feet; thence leaving said south line, South 00°12'35" West, 6.90 feet to a point on said parallel line being 20 feet south of said northerly property line; thence along said parallel line, North 89°47'25" West, 714.13 feet; thence North 21°24'26" West, 31.73 feet to the south line of that existing 15 foot wide sewer easement to the City of Modesto recorded November 18, 1954 in Book 1252 at Page 42, Stanislaus County Records; thence along said south line, North 89°47'25" West, 16.13 feet; thence South 21°24'26" East, 10.22 feet to the POINT OF BEGINNING.

Containing 12,606 sq. ft., more or less.

END DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the requirements of the Professional Land Surveyor's Act.

[Signature]
William M. Koch
Professional Land Surveyor
California No. 8092

5/15/18
Date

Page 1 of 1
### LINE TABLE

<table>
<thead>
<tr>
<th>LINE #</th>
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<th>LENGTH</th>
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<tbody>
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<tr>
<td>L2</td>
<td>S21°24'26&quot;E</td>
<td>37.65'</td>
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<td>L3</td>
<td>S89°47'25&quot;E</td>
<td>721.69'</td>
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<td>0°12'35&quot;W</td>
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<td>46.20'</td>
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<tr>
<td>L6</td>
<td>N0°24'35&quot;E</td>
<td>16.67'</td>
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<tr>
<td>L7</td>
<td>N89°47'25&quot;W</td>
<td>24.92'</td>
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### LINE TABLE

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<td>6.80'</td>
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<tr>
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<tr>
<td>L10</td>
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<td>6.90'</td>
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<tr>
<td>L11</td>
<td>N89°47'25&quot;W</td>
<td>714.13'</td>
</tr>
<tr>
<td>L12</td>
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<tr>
<td>L14</td>
<td>S21°24'26&quot;E</td>
<td>10.22'</td>
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### CURVE TABLE

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<tr>
<td>C1</td>
<td>15.00'</td>
<td>33°40'45&quot;</td>
<td>8.82'</td>
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**DESCRIPTION:** SEWER EASEMENT

**SCALE:** 1" = 200'

**DATE:** MAY 14, 2018

**JOB NO.:** 29021

**FILE:** 29021-EASEMENTS.DWG
RESOLUTION APPROVING AN EASEMENT FROM SOUTHWEST HIDE CO. AND MODESTO HOLDING CO. FOR A 15-FOOT WIDE SANITARY SEWER EASEMENT LOCATED AT 925 ZEFF ROAD (APN: 038-022-009), CONTAINING APPROXIMATELY 12,606 SQUARE FEET, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE SANITARY SEWER EASEMENT

WHEREAS, the City is making improvements to the Ceres Trunk Sewer Collection System, and

WHEREAS, the project is known as the Ceres Trunk Rehabilitation Project, and

WHEREAS, a part of the rehabilitation work will require a sanitary sewer easement associated with the project, and

WHEREAS, the property owner has agreed to grant to the City the required easement, and

WHEREAS, the City will install a 30" sanitary sewer trunk line in the easement.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Sanitary Sewer Easement with Southwest Hide Company and Modesto Holding Company, for property located at 925 and Zeff Road (APN 038-022-009).

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Certificate of Acceptance.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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: 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 PURCHASING AGREEMENT FOR MATERIAL HAULING SERVICES TO DESTINATION ANYWHERE, TRACY, CA, AND CALIFORNIA MATERIALS INC., STOCKTON, CA, FOR AN ANNUAL COST NOT TO EXCEED $291,600 AND $72,900, RESPECTIVELY, FOR A TOTAL ANNUAL COST OF $364,500, WITH THREE ONE-YEAR EXTENSION OPTIONS AND A TOTAL COMBINED COST NOT TO EXCEED $1,900,846 OVER FIVE YEARS AND AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR’S AVAILABILITY AND DEPARTMENT’S NEEDS, ENSURING THE OVERALL TOTAL COST DOES NOT CHANGE AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE PURCHASE AGREEMENTS

WHEREAS, the Utilities and Public Works Departments require material hauling services for asphalt, dirt, asphalt grindings, rock, road base material and concrete, and

WHEREAS, sewer, water, and street construction operations generate large amounts of materials that must be transported to and from the jobsite and usually require multiple large tractor-trailer end dumps to haul the material away where it is stockpiled or disposed of, and

WHEREAS, material hauling services are also needed for the delivery of new materials to the jobsite, and

WHEREAS, city departments do not have the trucks or the staffing to haul large amounts of materials when needed, and

WHEREAS, the Storm Water Division, Collections Section uses contract haulers when replacing failing rockwells with horizontal drains, and

WHEREAS, the Interim City Manager authorized the Purchasing Division to issue formal Request for Bids (RFB) for Material Hauling Services, and

WHEREAS, on October 20, 2017, the Purchasing Division issued RFB No. 1718-11 for Material Hauling Services on the City’s website, and
WHEREAS, prospective bidders were notified online of the bid opportunity and five companies chose to download the RFB document, and

WHEREAS, on November 21, 2017, bids were formally opened in the City Clerk’s Office and four companies chose to respond and all provided responsive and responsible bids with no local responders, and

WHEREAS, to ensure continued services to the City, contracts shall be awarded to more than one contractor to provide for backup if the primary contractor is unable to meet the City’s needs, and

WHEREAS, a secondary position contractor may be awarded a specific job if the primary contractor is unable to perform the service, if the primary contractor is unable to complete the specific job within the time frame required by the City, or lastly, if the primary contractor is unable to maintain acceptable quality standards required by the City, and

WHEREAS, based on providing responsive and responsible bids, staff recommends the award of bids for the furnishing of material hauling services for the Utilities and Public Works Departments, to the lowest bidder, Destination Anywhere, Inc., Tracy, CA, as “primary” contractor, and the second lowest bidder, California Materials, Inc., Stockton, CA, as “secondary” contractor, each for a two-year agreement with three one-year extension options at the sole discretion of the City, for a combined annual cost not to exceed $364,500, and not to exceed $1,900,846 over five years as shown on the attached cost abstract, and
WHEREAS, since the original bid authorization was initiated on August 22, 2017, for $250,000, costs for material hauling have increased, resulting in all departments that utilize this agreement to increase their anticipated expenses, and

WHEREAS, the Wastewater Division, Collections Section has also developed a new method of replacing rockwells with horizontal drains which requires removing much more soil than previous methods, 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, and

WHEREAS, the award of a purchase order for Material Hauling Services to Destination Anywhere, Tracy, CA, and California Materials, Inc., Stockton, CA, conforms to the Modesto Municipal Code, 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a two-year purchasing agreement for material hauling services to Destination Anywhere, Tracy, CA and California Materials Inc., Stockton, CA, for an annual cost not to exceed $291,600 and $72,900 for a total annual cost of $364,500, with three one-year extension options and a total combined cost not to exceed $1,900,846 over five years.

BE IT FURTHER RESOLVED, that the Director of Finance is hereby authorized to adjust agreement totals between vendors based on contractor’s availability and department’s needs, ensuring the overall total cost does not change and authorizing the Purchasing Manager, or her designee, to issue purchase agreements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 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: 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
### Material Hauling Services

<table>
<thead>
<tr>
<th>ITEM/DESCRIPTION</th>
<th>UNIT OF Issue</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>EXTENSION PRICE</th>
<th>EXTENSION PRICE</th>
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<tr>
<td>California Materials, Inc.</td>
<td>Stockton, CA</td>
<td>2700 Hour</td>
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<td>Merced, CA</td>
<td></td>
<td>$364,500.00</td>
<td>$376,600.00</td>
<td>$266,895.00</td>
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<tr>
<td>Destination Anywhere</td>
<td>Tracy, CA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jeff Rogers Trucking, Inc.</td>
<td>Stockton, CA</td>
<td></td>
<td></td>
<td></td>
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**TOTAL:**

<table>
<thead>
<tr>
<th>Item/Description</th>
<th>California Materials, Inc.</th>
<th>Central Valley Concrete &amp; Trucking</th>
<th>Destination Anywhere</th>
<th>Jeff Rogers Trucking, Inc.</th>
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<tr>
<td>TOTAL:</td>
<td>$364,500.00</td>
<td>$376,600.00</td>
<td>$266,895.00</td>
<td>$417,150.00</td>
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### Equipment List

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<tr>
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<th>Quantity</th>
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<td>16</td>
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<tr>
<td>Transfers</td>
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<td>1</td>
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<tr>
<td>Ten Wheels</td>
<td>3</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2018-296


WHEREAS, Council has adopted various ordinances and resolutions authorizing the establishment of development user fees and non-development user fees, and

WHEREAS, Section 3-1.108 of the Modesto Municipal Code authorizes Council to establish Fire Prevention Division Fire Safety Plan Checking and Inspection fees, and


WHEREAS, development user fees and non-development user fees recover the cost of service delivery, primarily composed of staff time, and

WHEREAS, Council’s direction has been “full cost recovery” in most cases, and

WHEREAS, in order to achieve self-sustaining services, fees must be adjusted periodically to reflect increases in cost for service, and

WHEREAS, Fire Prevention plan check fees are currently broken into five different categories: complete building, shell building, tenant improvement, sprinkler system, and fire alarm system, and are currently assessed based on square footage of the proposed structure, and
WHEREAS, on November 28, 2017, by Resolution No. 2017-459, Council approved to defer fees on S-1 and S-2 occupancies until a new fee analysis was conducted to establish an hourly rate, and

WHEREAS, development user fees have not been increased since 2014, and were largely based on the 2009 fee study conducted by Public Resource Management Group, and

WHEREAS, non-development user fees, with the exception of fireworks booth, have not been revised since their adoption, with many dating back to the late 1980s or early 1990s, and

WHEREAS, staff conducted an internal review of both Fire Prevention development user fees and non-development user fees, with the exception of existing commercial construction plan check fees, and

WHEREAS, Fire Prevention fees reviewed include: Annual State Mandated Inspections, Fireworks Booths, Mobile Food Vendors, Safety Inspections, Private Refueler Vehicles, Spray Booths, Water Flow, On-Site Fire Main, Fireworks Shoots, Underground and Aboveground Tanks, Hood Systems, Medical Gas Systems, Fire Alarm Inspections, Dance Permits, Re-Inspection Fee, and hourly rate for Jails/Detention Facilities and High Rise Occupancies, and

WHEREAS, the formulation used to arrive at the proposed fee rates are based on actual cost for performing the work, and

WHEREAS, the internally computed employee classification composite rates were reviewed and confirmed through the City's Finance and Budget Divisions, and

WHEREAS, average times per activity were based on a 2-year duration, and
WHEREAS, during the internal review of Fire Prevention fees activities for
Residential Fire Sprinkler Inspections, Commercial Fire Sprinkler System Inspections
(for Tenant Improvement activities), and an hourly rate for inspection of hospital
facilities were identified as needing to be established, and

WHEREAS, Residential fire sprinklers became state mandated in one-and-two
family dwellings in 2011, and

WHEREAS, an additional fee within the Fire Department identified as needing to
be established was an Excessive False Alarm Fee for false alarm emergency calls on the
third and subsequent calls within a 12 month period, and

WHEREAS, staff recommends an update to the fees schedule as shown in
“Attachment 1”, and

WHEREAS, staff recommends including fees that were not reviewed into this
Resolution as shown in “Attachment 2”, and

WHEREAS, staff recommends that activities with an hourly rate be billed in half-
hour increments with a 1-hour minimum, and

WHEREAS, staff recommends that a deposit of $2,000 be collected for plan
check and inspection activities on S-1 and S-2 occupancy plan submittals, and

WHEREAS, staff further recommends that all Fire Prevention Development User
Fees, which are included in the Development User Fees annual cost of living
adjustments, using 4th quarter figures of the Department of Labor’s Employee Cost
Index-Compensation Component for State and Local Government, by the Finance
Committee and Council as described in Resolution Nos. 2011-106 and 2014-244 and
previously approved for Fire Prevention inclusion by Council under Resolution Nos. 2003-446 and 2014-286 continue to apply, and

WHEREAS, staff recommends that the new fees proposed for residential fire sprinkler system inspections, commercial fire sprinkler system inspections for tenant improvements, and plan check and inspection activities for S-1 and S-2 occupancies be included as Development User Fees, like their counterpart fees are.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the amendments to Fire Prevention development user fees and non-development user fees, per Section 3-1.108 of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that the City of Modesto Council hereby:


2. Adopts the proposed amendments to the fees on the phase in schedule as shown in Attachment 1 with no future Council action or review required to amend the fees over the next three (3) years until they are at 100% of proposed.

3. Approves that activities with an hourly rate be billed in half-hour increments with a 1-hour minimum.

4. Approves a deposit of $2,000 be collected for plan check and inspection activities on S-1 and S-2 occupancy plan submittals.

5. Approves the new fees proposed for residential fire sprinkler system inspections, commercial fire sprinkler system inspections for tenant improvements and plan check and inspection activities for S-1 and S-2 occupancy plan submittals.
improvements, and plan check and inspection activities for S-1 and S-2
occupancies shall be included as Development User Fees.

6. Approves any fees subject to annual cost of living increases under Resolution
Nos. 2003-446 and 2014-286 to continue to apply.

7. Resolves that this resolution will serve as a comprehensive overview and
reaffirmation of the pertinent provisions of the resolutions listed above for
rescission and that any fees not being amended within the resolutions listed
above be carried forward as-is, which are listed in Attachment 2.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 2018, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
## Existing Fees

<table>
<thead>
<tr>
<th>Fee Type/Activity</th>
<th>Year Adopted</th>
<th>Last Revised</th>
<th>Current Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Apt Insp 3-20 units</td>
<td>2010</td>
<td>-</td>
<td>55</td>
</tr>
<tr>
<td>Annual Apt Insp 21-60 units</td>
<td>2010</td>
<td>-</td>
<td>159</td>
</tr>
<tr>
<td>Annual Apt Insp 61+ units</td>
<td>2010</td>
<td>-</td>
<td>289</td>
</tr>
<tr>
<td>Fireworks Stand</td>
<td>1988</td>
<td>2010</td>
<td>111</td>
</tr>
<tr>
<td>Mobile/Portable Vender</td>
<td>1988</td>
<td>1993</td>
<td>20</td>
</tr>
<tr>
<td>Fire Safety Insp Request</td>
<td>2010</td>
<td>-</td>
<td>109</td>
</tr>
<tr>
<td>Place of Assembly</td>
<td>2010</td>
<td>-</td>
<td>109</td>
</tr>
<tr>
<td>Tent Permit, 401-1,500 sqft</td>
<td>1988</td>
<td>1993</td>
<td>31</td>
</tr>
<tr>
<td>Tent Permit, 1,501-15,000 sqft</td>
<td>1988</td>
<td>1993</td>
<td>61</td>
</tr>
<tr>
<td>Tent Permit, Over 15,000 sqft</td>
<td>1988</td>
<td>1993</td>
<td>101</td>
</tr>
<tr>
<td>Care Facility (25/under)</td>
<td>2003</td>
<td>-</td>
<td>49</td>
</tr>
<tr>
<td>Care Facility (26/over)</td>
<td>2003</td>
<td>-</td>
<td>98</td>
</tr>
<tr>
<td>Private Refueler Vehicle</td>
<td>1989</td>
<td>-</td>
<td>33</td>
</tr>
<tr>
<td>Spray Booth</td>
<td>1989</td>
<td>2014</td>
<td>221</td>
</tr>
<tr>
<td>Field Fire (Water) Flow Test</td>
<td>1988</td>
<td>2014</td>
<td>52</td>
</tr>
<tr>
<td>On-Site Fire Main/Flow Test</td>
<td>1993</td>
<td>2014</td>
<td>122</td>
</tr>
<tr>
<td>Explosive Permit</td>
<td>1989</td>
<td>-</td>
<td>37</td>
</tr>
<tr>
<td>Underground Tank Abdn/Fill</td>
<td>1989</td>
<td>2014</td>
<td>150</td>
</tr>
<tr>
<td>Each Additional Tank</td>
<td>1989</td>
<td>2014</td>
<td>35</td>
</tr>
<tr>
<td>Underground Tank Install</td>
<td>1989</td>
<td>2014</td>
<td>188</td>
</tr>
<tr>
<td>Each Additional Tank</td>
<td>1989</td>
<td>2014</td>
<td>22</td>
</tr>
<tr>
<td>Underground Tank Removal</td>
<td>1989</td>
<td>2014</td>
<td>150</td>
</tr>
<tr>
<td>Each Additional Tank</td>
<td>1989</td>
<td>2014</td>
<td>35</td>
</tr>
<tr>
<td>Convault Tank Install</td>
<td>1989</td>
<td>2014</td>
<td>203</td>
</tr>
<tr>
<td>Each Additional Tank</td>
<td>1989</td>
<td>2014</td>
<td>29</td>
</tr>
<tr>
<td>Hood &amp; Duct System Install</td>
<td>1989</td>
<td>2014</td>
<td>221</td>
</tr>
<tr>
<td>Medical Gas System Install</td>
<td>1989</td>
<td>-</td>
<td>102</td>
</tr>
<tr>
<td>Fire Alarm System Test &amp; Insp</td>
<td>2003</td>
<td>2014</td>
<td>106</td>
</tr>
<tr>
<td>Dance Permit</td>
<td>1989</td>
<td>-</td>
<td>37</td>
</tr>
<tr>
<td>Re-Inspection after 2X</td>
<td>2003</td>
<td>2010</td>
<td>77</td>
</tr>
<tr>
<td>High Rise/Jail Inspection</td>
<td>1990</td>
<td>2010</td>
<td>56</td>
</tr>
</tbody>
</table>

This item was included in a resolution in 1993, with no change at that time to the original rate.

This item was last reviewed in 2014, but the review was based on 2009 data.

This item was last reviewed in 2003, when implemented, but included in ECI adjustments.

This item was last reviewed in 2003, when implemented, but included in ECI adjustments until 2010.
## Flat Rate Fee Implementation

<table>
<thead>
<tr>
<th>Fee Type/Activity</th>
<th>CURRENT</th>
<th>Year 1: 50% Inc to PROPOSED</th>
<th>Year 2: 75% Inc to PROPOSED</th>
<th>Year 3: 100% Inc to PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Apt Insp 3-20 units</td>
<td>55</td>
<td>92</td>
<td>111</td>
<td>129</td>
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<tr>
<td>Annual Apt Insp 21-60 units</td>
<td>159</td>
<td>236</td>
<td>274</td>
<td>313</td>
</tr>
<tr>
<td>Annual Apt Insp 61+ units</td>
<td>289</td>
<td>376</td>
<td>419</td>
<td>462</td>
</tr>
<tr>
<td>Annual Fireworks Stand</td>
<td>111</td>
<td>167</td>
<td>194</td>
<td>222</td>
</tr>
<tr>
<td>Annual Mobile/Portable Vender</td>
<td>20</td>
<td>47</td>
<td>60</td>
<td>73</td>
</tr>
<tr>
<td>Safety/Fire Code Insp Request</td>
<td>109</td>
<td>174</td>
<td>207</td>
<td>239</td>
</tr>
<tr>
<td>Annual Place of Assembly</td>
<td>109</td>
<td>158</td>
<td>182</td>
<td>206</td>
</tr>
<tr>
<td>Tent Permit, 401-1,500 sqft</td>
<td>31</td>
<td>68</td>
<td>87</td>
<td>105</td>
</tr>
<tr>
<td>Tent Permit, 1,501-15,000 sqft</td>
<td>61</td>
<td>99</td>
<td>117</td>
<td>136</td>
</tr>
<tr>
<td>Tent Permit, Over 15,000 sqft</td>
<td>101</td>
<td>179</td>
<td>217</td>
<td>256</td>
</tr>
<tr>
<td>Care Facility (25/under)</td>
<td>49</td>
<td>125</td>
<td>163</td>
<td>203</td>
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<tr>
<td>Care Facility (26/over)</td>
<td>98</td>
<td>153</td>
<td>181</td>
<td>208</td>
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<tr>
<td>Private Refueler Vehicle</td>
<td>33</td>
<td>83</td>
<td>108</td>
<td>133</td>
</tr>
<tr>
<td>Spray Booth</td>
<td>221</td>
<td>288</td>
<td>321</td>
<td>354</td>
</tr>
<tr>
<td>Field Fire (Water) Flow Test*</td>
<td>52</td>
<td>126</td>
<td>162</td>
<td>199</td>
</tr>
<tr>
<td>On-Site Fire Main/Flow Test*</td>
<td>122</td>
<td>304</td>
<td>395</td>
<td>486</td>
</tr>
<tr>
<td>Explosive Permit</td>
<td>37</td>
<td>265</td>
<td>378</td>
<td>492</td>
</tr>
<tr>
<td>Tank Abdn/Fill*</td>
<td>150</td>
<td>248</td>
<td>296</td>
<td>345</td>
</tr>
<tr>
<td>Underground Tank Install*</td>
<td>188</td>
<td>270</td>
<td>310</td>
<td>351</td>
</tr>
<tr>
<td>Tank Removal*</td>
<td>150</td>
<td>287</td>
<td>356</td>
<td>424</td>
</tr>
<tr>
<td>Convault Tank Install*</td>
<td>203</td>
<td>278</td>
<td>315</td>
<td>352</td>
</tr>
<tr>
<td>Hood &amp; Duct System Install*</td>
<td>221</td>
<td>284</td>
<td>315</td>
<td>346</td>
</tr>
<tr>
<td>Medical Gas System Install*</td>
<td>102</td>
<td>235</td>
<td>301</td>
<td>367</td>
</tr>
<tr>
<td>Fire Alarm System Test &amp; Insp*</td>
<td>106</td>
<td>146</td>
<td>166</td>
<td>186</td>
</tr>
<tr>
<td>Dance Permit</td>
<td>37</td>
<td>101</td>
<td>133</td>
<td>165</td>
</tr>
<tr>
<td>Re-Inspection after 2X*</td>
<td>77</td>
<td>89</td>
<td>95</td>
<td>101</td>
</tr>
<tr>
<td>Sprinkler Inspection - Residential*</td>
<td>0</td>
<td>171</td>
<td>257</td>
<td>342</td>
</tr>
<tr>
<td>Sprinkler Inspection - Commerical Ti*</td>
<td>0</td>
<td>252</td>
<td>378</td>
<td>504</td>
</tr>
<tr>
<td>False Alarm (3+ in 12 month period)</td>
<td>0</td>
<td>124</td>
<td>186</td>
<td>248</td>
</tr>
</tbody>
</table>

Potential proposal to phase in the increases over 3 years. For fees that are subject to ECI adjustments will be adjusted based on fully proposed rate (at 100%) and prorated accordingly in each yearly increase step/increment.

## Hourly Rate Fee Implementation

<table>
<thead>
<tr>
<th>Fee Type/Activity</th>
<th>CURRENT</th>
<th>Year 1: 100% of PROPOSED</th>
<th>Year 2</th>
<th>Year 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Rise/Jail Inspection</td>
<td>56</td>
<td>105</td>
<td>105</td>
<td>105</td>
</tr>
<tr>
<td>Hospital Inspections</td>
<td>0</td>
<td>105</td>
<td>105</td>
<td>105</td>
</tr>
<tr>
<td>Plan Check, S1 and S2 Occupancies*</td>
<td>0</td>
<td>220</td>
<td>220</td>
<td>220</td>
</tr>
<tr>
<td>Inspections, S1 and S2 Occupancies*</td>
<td>0</td>
<td>105</td>
<td>105</td>
<td>105</td>
</tr>
</tbody>
</table>

* Fee is classified as a Development User fee
* Fee is proposed to be classified as a Development User Fee in line with similar fees.

Fee Type/Activities shaded blue are existing classifications, unshaded are new fees proposed.
## Existing Fees to Carry Forward

<table>
<thead>
<tr>
<th>Fee Type/Activity</th>
<th>Current</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan Review†</td>
<td>165</td>
<td>Per Plan</td>
</tr>
<tr>
<td>Plan Check, Complete Building†</td>
<td>145</td>
<td>Per 1,000 Sqft</td>
</tr>
<tr>
<td>Plan Check, Shell Building†</td>
<td>70</td>
<td>Per 1,000 Sqft</td>
</tr>
<tr>
<td>Plan Check, Sprinkler System (FS)†</td>
<td>70</td>
<td>Per 1,000 Sqft</td>
</tr>
<tr>
<td>Plan Check, Tenant Improvement (TI)†</td>
<td>60</td>
<td>Per 1,000 Sqft</td>
</tr>
<tr>
<td>Plan Check, Fire Alarm System (FA)†</td>
<td>70</td>
<td>Per 1,000 Sqft</td>
</tr>
<tr>
<td>Engineered/Pre-Engineered Protection System†</td>
<td>225</td>
<td>Per Plan</td>
</tr>
<tr>
<td>Alternative Materials/Methods Evaluation†</td>
<td>570</td>
<td>Per Plan</td>
</tr>
<tr>
<td>Incomplete or Chaned Plan Check†</td>
<td>152</td>
<td>Per Plan</td>
</tr>
<tr>
<td>Additional Tanks - Underground Tank Abdn/Fill†</td>
<td>35</td>
<td>Each</td>
</tr>
<tr>
<td>Additional Tanks - Underground Tank Install†</td>
<td>22</td>
<td>Each</td>
</tr>
<tr>
<td>Additional Tanks - Underground Tank Removal†</td>
<td>35</td>
<td>Each</td>
</tr>
<tr>
<td>Additional Tanks - Convault Tank Install†</td>
<td>29</td>
<td>Each</td>
</tr>
<tr>
<td>Fire Sprinkler System, Test &amp; Inspect - Commerical New Construction†</td>
<td>523</td>
<td>Per Riser</td>
</tr>
<tr>
<td>After Hours Inspections‡</td>
<td>224</td>
<td>Each</td>
</tr>
</tbody>
</table>

† Fee is classified as a Development User fee

* After hours inspections that exceed three (3) hours are billed for each hour over the minimum at a rate of $74.67 (or one-third of the after hours rate). The minimum is three (3) hours due to labor contract requirements.
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-297

RESOLUTION APPOINTING JOSEPH P. ("JOE") LOPEZ AS CITY MANAGER, APPROVING A CITY MANAGER EMPLOYMENT AGREEMENT WITH JOSEPH P. ("JOE") LOPEZ FOR SERVICE AS CITY MANAGER, SETTING TERMS OF EMPLOYMENT, SALARY AND BENEFITS, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS on July 5, 2017, by Resolution No. 2017-265, Council appointed Mr. Lopez as Interim City Manager following the departure of the former City Manager on March 31, 2017; and

WHEREAS, Mr. Lopez has successfully served the City as Interim City Manager for the past 11 months; and

WHEREAS, Council selected the leading search firm CPS HR Consulting to conduct a national search for a permanent City Manager; and

WHEREAS, Mr. Lopez applied for the position, was screened by CPS HR Consulting and interviewed by the City Council; and

WHEREAS, following the selection process, Council reported out of closed session that it had given instructions to negotiate an employment agreement with Mr. Lopez to serve as permanent City Manager.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby appoints Joseph P. ("Joe") Lopez as City Manager, approving a City Manager Employment Agreement with Joseph P. ("Joe") Lopez for service as City Manager, and setting terms of employment, salary and benefits as shown in the attached Employment Agreement.

BE IT FURTHER RESOLVED, that the Mayor 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 10th day of July, 2018, by Councilmember Grewal, 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
CITY OF MODESTO
EMPLOYMENT AGREEMENT
JOSEPH P. LOPEZ

INTRODUCTION
This Employment Agreement (this "Agreement") is made and entered into this 10th day of July, 2018, by and between the CITY OF MODESTO, a municipal corporation, ("Employer" or "City") and JOSEPH P. LOPEZ, an individual ("Employee" or "Lopez"), both of whom agree as follows:

SECTION 1: TERM
Consistent with Section 800 of the Modesto Charter, Employee is appointed for an indefinite term.

SECTION 2: DUTIES AND AUTHORITY
Employer agrees to employ Lopez as City Manager to perform the functions and duties specified in the Modesto Charter and the California Government Code, and to perform other legally permissible and proper duties and functions.

SECTION 3: COMPENSATION

A. Base Salary: Employer agrees to pay Employee an annual base salary of Two Hundred Fourteen Thousand Three Hundred and Seventy Six Dollars ($214,376), plus an education incentive as compensation for his Master's Degree in the amount of an additional One and One-Half percent (1.5%) for total annual base salary of Two Hundred Seventeen Thousand Five Hundred and Ninety Two Dollars ($217,592) payable in installments at the same time that the other employees of Employer are paid.

B. Consideration shall be given on an annual basis to increase compensation following an annual performance evaluation as set forth in Section 12 of this Agreement.

C. Employee shall be the highest paid employee of the City. The total annual base salary of Employee (base salary plus all educational incentives) shall remain at least One and One-Half percent (1.5%) higher than that of the next highest paid City employee (including, without limitation, the Chief of Police, the Fire Chief, and Charter Officers). In the event that the total annual base salary of the City's next highest paid employee increases, Employee's total annual base salary shall automatically be increased in the next pay period to maintain such separation.
SECTION 4: HEALTH , LONG TERM DISABILITY AND LIFE INSURANCE BENEFITS

A. Employer agrees to provide health, vision, dental, long term disability and comprehensive medical insurance coverage for Employee and his/her dependents equal to that which is provided to all other unrepresented management employees of the City. Employer's contribution toward the premiums for said coverage shall be equal to that which Employer contributes to other non-sworn unrepresented management employees.

B. Employer shall pay the amount of premium due for a term life insurance policy of Three Hundred Thousand Dollars ($300,000). Employee shall name the beneficiary of the life insurance policy.

SECTION 5: VACATION, SICK, AND MANAGEMENT/EXECUTIVE LEAVE

The parties recognize the importance of taking regular time off. Accordingly, Employee is encouraged to take regular vacations and to utilize his management/executive leave on an annual basis.

A. Employee shall accrue sick leave on an annual basis at the highest rate provided to non-sworn management employees up to a cap of eighty (80) hours. Upon assuming office, Employee shall be allowed to retain all the sick leave that he had previously accrued in his employment with Employer.

B. Employee shall be provided with one (1) physical exam per year at Employer's expense.

C. In the event Employee's employment is terminated, either voluntarily or involuntarily, Employee shall be compensated for all accrued vacation, and holiday leave.

D. Employee shall receive one hundred and sixty hours (160) of vacation leave annually, which accrual rate shall automatically be adjusted on his anniversary consistent with the policy for all unrepresented management employees. Upon assuming office, Employee shall be allowed to retain all the vacation leave that he had previously accrued in his employment with Employer. Employee shall accrue vacation up to a cap of one hundred sixty (160) hours.

E. Employee shall on January 1st of each calendar year be credited with eighty (80) hours of executive/management leave, forty (40) hours of which shall be credited upon assuming office. Employee may cash out up to eighty (80) hours of unused leave in accordance with City policy.
SECTION 6: AUTOMOBILE ALLOWANCE

Employer agrees to pay to Employee, during the term of this Agreement and in addition to other salary and benefits herein provided, the sum of Six Thousand Dollars ($6,000) per year, payable in equal monthly installments, as a vehicle allowance to be used to purchase, lease, or own and operate and maintain a vehicle. Employee shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses attendant to the purchase, operation, maintenance, repair, and regular replacement of said vehicle. Employer shall reimburse Employee at the IRS standard mileage rate for any business use of the vehicle beyond the greater Modesto area. For purposes of this Section, use of the car within the greater Modesto area is defined as travel to locations within a seventy-five (75)-mile radius of the Modesto City Hall.

SECTION 7: RETIREMENT

A. Employer agrees to enroll Employee into the California Public Employees Retirement System ("CalPERS") in accordance with applicable CalPERS law.

B. Employer shall provide a qualified 401(a) defined contribution plan offered through ICMA Retirement Corporation for Employee in the form of a money purchase plan to which Employee can contribute up to five percent (5%) of Employee’s base salary. Employer shall match Employee’s contribution up to a maximum of five percent (5%) of Employee’s base salary.

C. Employer agrees to pay an annual amount equal to one and one-half percent (1.5%) of Employee’s base salary into an ICMA 457 deferred compensation plan. Employer shall match Employer’s contribution.

D. Employer shall continue to receive contributions to a Retiree Health Savings Account in the same amounts as provided to other Charter Officers of the City.

E. Any or all of Employer and Employee contribution amounts designated in this Section are subject to change in the event that the City Council authorizes such change for Charter Officers of the City.

SECTION 8: GENERAL BUSINESS EXPENSES.

A. Employer appreciates the importance of Employee’s participation and leadership in leading professional organizations. In its discretion, Employer shall budget for and pay travel and subsistence expenses of Employee for professional and official travel, meetings, courses, institutes and seminars to continue his professional development and to adequately pursue necessary official and other functions on behalf of Employer, including but not limited to, the annual conference of the League of California Cities, the International City/County Management Association, California City Management Foundation, the Alliance for Innovation,
What Works Cities and such other regional, state, and local governmental groups and committees.

B. Employer acknowledges the value of having Employee, at Employer's discretion, participate and be directly involved in local or regional clubs, associations and organizations necessary and desirable for Employee's continued professional participation, growth and advancement, and for the good of Employer. Accordingly, Employer shall pay for the reasonable membership fees and/or dues to enable Employee to become an active member in local civic clubs or organizations.

C. In lieu of being provided with a cellular smartphone for City related matters, Employee shall receive a cellular smartphone stipend in the amount of $150 per month.

SECTION 9: TERMINATION

A. Employee is an at-will employee who shall serve at the pleasure of the City Council. The City Council may terminate Employee's employment at any time, subject to any restrictions in the City Charter, with or without cause. Nothing in this Agreement is intended to, or does, confer upon Employee any right to any property interest in continued employment or any due process rights of any kind.

B. For the purpose of this Agreement, termination shall occur when the majority of the governing body votes to terminate the Employee at a duly authorized closed or open meeting.

C. Employee may terminate this Agreement without cause and without payment of severance, by providing Employee written notice of Employer's intent to terminate Employee's employment with the City ("Notice of Termination"). The date of the termination shall not be less than the number of months that Employee is eligible for in severance, pursuant to Section 10 of this Agreement. The City Council's decision to provide Employee with the Notice of Termination at a duly authorized closed or open meeting shall satisfy Section 10(B) above.

SECTION 10: SEVERANCE

A. In the event City terminates Employee's employment without cause and without Notice of Termination consistent with the provisions of Section 10, Employee shall be entitled to severance pay of a lump sum payment equal to six (6) months base salary during this Agreement. The severance under this Agreement shall be subject to the restrictions set forth in Government Code section 53260. Said payment of severance pay shall be conditioned upon Employee signing a waiver and release agreement forever releasing and waiving any and all claims against the City in a form acceptable to the City. Employee shall receive the severance payment in a lump sum payment minus all applicable deductions fifteen (15) business days after execution of the waiver and release agreement. Employee shall
not receive any severance payments if he resigns, is terminated for cause, or if a waiver and release agreement is not executed by the parties.

B. This provision does not confer any property rights on Employee, as he remains an at-will employee. The phrase “termination for cause” only pertains to Employee’s eligibility for severance as described in this Section. A “termination for cause” for purposes of severance may include, but shall not be limited to, the following:

i. Violation of any policies or procedures;
ii. Failure to properly perform assigned duties;
iii. Theft of City property;
iv. Insubordination;
v. Conviction of a felony or misdemeanor relating to Employee’s fitness to perform assigned duties;
vi. Unauthorized absence from employment;
vii. Failure to maintain satisfactory working relationships with other employees or the public;
viii. Improper use of City funds;
ix. Unauthorized use of City property;
x. Willful misconduct or malfeasance;
xii. Any act of moral turpitude or dishonesty; and
xii. Other failure of good behavior either during or outside of employment such that the Employee’s conduct causes discredit to the City.

C. The parties acknowledge that pursuant to Section 800 of the Modesto City Charter Employee shall not be removed from office during or within a period of ninety (90) days next succeeding the election of a member of the Council.

D. Pursuant to Government Code section 53243.2, any cash settlement related to the termination of this Agreement received by Employee from Employer shall be fully reimbursed to City if Employee is convicted of a crime involving an abuse of his office or position as defined in California Government Code section 53243.4.

SECTION 11: RESIGNATION

In the event that Employee voluntarily resigns his position with Employer, Employee shall provide a minimum of sixty (60) days advance written notice unless the parties agree otherwise.

SECTION 12: PERFORMANCE EVALUATION

Annual performance evaluations are an important way for the City Council and the City Manager to ensure effective communications about expectations and performance. On or before August 31, 2018, and annually thereafter, City Council and Employee shall meet and establish performance standards for the position of City Manager to be used in the review and evaluation of the performance of the Employee in the following year. If either City Council or the City Manager requests it, a professional facilitator may be hired to
assist in the performance evaluation process. The City Council and Employee shall further establish a relative priority among those various standards to be reduced to writing. These standards shall be obtainable generally within the time limits as specified, and within the annual operating budgets and appropriations as provided. The achievement of these performance standards shall be considered part of Employee’s performance duties. The 2018-19 performance standards shall be adopted in an open session amendment to this Agreement.

SECTION 13: HOURS OF WORK

It is recognized that Employee must devote a great deal of time outside the normal office hours on business for Employer, and to that end Employee shall be allowed to establish an appropriate work schedule.

SECTION 14: OUTSIDE ACTIVITIES

The employment provided for by this Agreement shall be the Employee’s sole employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to Employer and the community, Employee may elect, with the prior written approval of the Mayor, and written notification to the full Council, to accept limited teaching, consulting or other business opportunities with the understanding that such arrangements shall not constitute interference with nor a conflict of interest with his responsibilities under this Agreement.

SECTION 15: RESIDENCY

Employee currently resides in the City.

SECTION 16: INDEMNIFICATION

Employer shall provide for the defense of Employee in any action or proceeding alleging an act or omission within the scope of Employee’s employment in accordance with California Government Code sections 825, 993 et seq., and other applicable law. Notwithstanding anything to the contrary in this Agreement, in accordance with California Government Code section 825, subdivision (5), Employer reserves the right to not pay any judgment, compromise or settlement subject to that section until it is established that the injury arose out of an act or omission occurring within the scope of Employee’s employment pursuant to this Agreement. Further, notwithstanding anything to the contrary in this Agreement, Employer reserves the right to refuse to provide for the defense of Employee for the reasons set forth in California Government Code section 995.2 or other applicable provisions of law. Any City funds provided for the legal criminal defense of Employee shall be fully reimbursed in accordance with California Government Code section 53243.1 if Employee is convicted of a crime involving an abuse of his office or position as defined in California Government Code section 53243.4.
SECTION 17: ABUSE OF OFFICE

Government Code sections 53243, 53243.1, 53243.2, and 53243.3 are incorporated by this reference as if fully set forth herein.

SECTION 18: OTHER TERMS AND CONDITIONS OF EMPLOYMENT

Employer, only upon agreement with Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Modesto Charter or any other law.

Except as otherwise provided in this Agreement, Employee shall be entitled to the highest level of benefits that are enjoyed by other non-sworn management employees of Employer as provided in the Charter, Code, Personnel Rules and Regulations or by practice.

SECTION 19: NOTICES

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

EMPLOYER: City Clerk, City of Modesto, P.O. Box 642, Modesto, CA 95353
EMPLOYEE: Joseph P. Lopez, PO Box 583, Modesto, CA 95353

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

SECTION 20: GENERAL PROVISIONS

A. Integration. This Agreement sets forth and establishes the entire understanding between Employer and Employee relating to the employment of Employee by Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provisions of this Agreement during the life of this Agreement. Such amendments shall be incorporated and made a part of this Agreement.

B. Binding Effect. This Agreement shall be binding on Employer and Employee as well as their heirs, assigns, executors, personal representatives and successors in interest.

C. Effective Date. This Agreement shall become effective on June 27, 2018.

D. Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision
of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties.

IN WITNESS WHEREOF the CITY OF MODESTO, a municipal corporation, has authorized the execution of this Agreement in duplicate by its Mayor and attestation by its City Clerk under authority of Resolution ________ adopted by the Council of the City of Modesto on the 10th day of July, 2018, and EMPLOYEE has caused this Agreement to be duly executed.

CITY OF MODESTO, a municipal corporation

EMPLOYEE

By: Ted Brandroid, Mayor

By: Joseph P. Lopez

ATTEST:

By: Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney

2018.06.15
RESOLUTION APPROVING THE SUBMITTAL OF A FEDERAL GRANT APPLICATION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION’S PUBLIC WORKS AND ECONOMIC ADJUSTMENT ASSISTANCE PROGRAM REQUESTING UP TO $3 MILLION FOR FIBER OPTIC NETWORK INFRASTRUCTURE EXPANSION AND IMPROVEMENT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS RELATING TO SUBMITTING THE APPLICATION

WHEREAS, the City is seeking to expand its fiber infrastructure and has worked with Kimley Horn to complete a Fiber Infrastructure Master Plan, and

WHEREAS, the Fiber Infrastructure Master Plan has Identified an estimated cost of $6,981,250 for Phase 1, and

WHEREAS, the Economic Development Administration solicits applications from applicants in rural and urban areas to provide investments that support construction, non-construction, technical assistance, and revolving loan fund projects under Economic Development Administration’s Public Works and Economic Adjustment Assistance programs, and

WHEREAS, the proposed grant could fund up to $3 million towards the City’s project, and

WHEREAS, the Information Technology Department’s Chief Information Officer (CIO) is exploring other funding sources to support the required match amount, and

WHEREAS, if the City is awarded the grant, staff will return to Council with an update as to potential funding sources for the match portion of the grant and any shortfall, and

WHEREAS, this effort for funding identification is to ensure this project has little
to no impact on the General Fund, and

WHEREAS, while appropriate funding sources for the City’s match portion of the grant and any shortfall are being secured, staff has identified loans from the Public Educational Governmental (PEG) Fund 1321 of $500,000 to $1 million and from the Employee Benefits Fund 5510 of $2.0 to $2.5 million, and

WHEREAS, staff will work diligently over the coming months to secure the proper funding for the project with the goal of not using any of the loans above, particularly the Employee Benefit Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the City Council hereby authorize the Chief Information Officer to submit a grant application for the City’s Fiber Infrastructure project to the Economic Development Administration.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is hereby authorized to execute all steps needed for the grant application submission.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 2018, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk