RESOLUTION ACCEPTING THE RESIGNATION OF DAVID LEAMON FROM THE CITY OF MODESTO CULTURE COMMISSION

WHEREAS, David Leamon was appointed to serve as a member of the Culture Commission on December 15, 2015, and

WHEREAS, David Leamon has tendered his resignation from the Culture Commission, effective June 19, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the resignation of David Leamon from the Culture Commission.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 2018 by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-300

RESOLUTION APPOINTING KARINA JAUREGUI AND JOHN WILSON AS MODESTO RESIDENTS AND MIGUEL JIMENEZ AS A STANISLAUS COUNTY RESIDENT WHO DOES NOT LIVE IN THE CITY OF MODESTO TO THE CITY OF MODESTO CULTURE COMMISSION, WITH A TERM EXPIRATION OF JANUARY 1, 2023

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

WHEREAS, the Appointments Committee met on June 28, 2018, and recommended appointments of Karina Jauregui, John Wilson and Miguel Jimenez to the Modesto Culture Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Council of the City of Modesto hereby appoints Karina Jauregui and John Wilson as City of Modesto residents and Miguel Jimenez as a Stanislaus County Resident who does not reside in the City of Modesto, to the Modesto Culture Commission with a term expiration of January 1, 2023.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Culture Commission, and the Secretary thereof.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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. 2018-301

RESOLUTION APPOINTING DAVID LEAMON TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2023

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

WHEREAS, David Leamon previously served as the Culture Commission representative to the Landmark Preservation Commission and meets the requirements of the position and is willing to serve on the Landmark Preservation Commission, and

WHEREAS, the Appointments Committee met on June 28, 2018, and recommended appointment of David Leamon to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto hereby appoints David Leamon to the Modesto Landmark Preservation Commission with a term expiration of January 1, 2023.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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

ATTEST: ____________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

ADAM U. LINDGREN, City Attorney
RESOLUTION APPOINTING NARAMSEN GORIEL TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2023

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

WHEREAS, Naramsen Goriel meets the requirements of the position and is willing to serve on the Landmark Preservation Commission, and

WHEREAS, the Appointments Committee met on June 28, 2018, and recommended appointment of Naramsen Goriel to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto hereby appoints Naramsen Goriel to the Modesto Landmark Preservation Commission with a term expiration of January 1, 2023.

BE IT FURTHER RESOLVED, The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH THE WEST MODESTO COMMUNITY COLLABORATIVE TO OPERATE AND MANAGE THE KING-KENNEDY MEMORIAL CENTER AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the CITY owns the community center known as the King-Kennedy Memorial Center which was established to address issues impacting the West Modesto community, and

WHEREAS, on February 5, 2008, by Resolution No. 2008-081, Council approved an agreement with the West Modesto Community Collaborative to manage and operate the King-Kennedy Memorial Center, and

WHEREAS, the agreement with the West Modesto Community Collaborative expired on June 20, 2018 requiring the need for a new agreement with an approved operating partner, and

WHEREAS, the CITY issued a Request for Qualifications (RFQ) for the daily operation of the King-Kennedy Memorial Center with the intent to offer community programming for the citizens of Modesto, and

WHEREAS, the West Modesto Community Collaborative submitted a response to the RFQ and was determined to be a qualified applicant, and

WHEREAS, the CITY desires to enter into a 3-year minimum agreement with the West Modesto Community Collaborative to operate the King-Kennedy Memorial Center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with the West Modesto Community Collaborative to operate the King-Kennedy Memorial Center.
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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: 

STÉPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A TRANSFER AGREEMENT WITH THE MODESTO POLICE CANINE ASSOCIATION FOR THE DONATION AND TRANSFER OF CANINE JOKER, TO THE CITY OF MODESTO FOR USE AS A POLICE CANINE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Canine Association purchased Joker, a Dutch Shepherd from Vohne Liche Kennels, Banning, CA on April 17, 2018, for approximately $8,725, with the intent to donate him to the Modesto Police Department once he was certified, and

WHEREAS, Joker was certified on July 10, 2018, and the Modesto Police Canine Association would like to donate Joker to the City, for use as a police canine, and

WHEREAS, the City will assume all liability relating to City’s ownership of Joker, and

WHEREAS, there is no fiscal impact to the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the transfer agreement, referenced herein as Exhibit A, with the Modesto Police Canine Association for the donation and transfer of canine Joker, to the City of Modesto for use as a police canine.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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 POLICE DEPARTMENT CANINE TRANSFER CONTRACT

This AGREEMENT made and entered into in the City of Modesto, State of California, this ___ day of ___, 2018, by and between the City of Modesto, a municipal corporation of the State of California, hereinafter referred to as “CITY”, and Modesto Police Canine Association, hereinafter referred to as “ASSOCIATION”. The CITY and the ASSOCIATION shall collectively be referred to as the “PARTIES”.

Facts:

The ASSOCIATION purchased Joker, a Dutch Shepherd dog, from Vohne Liche Kennels, Banning, CA, on April 17, 2018, for approximately $8,725, with the intent to donate him to the Modesto Police Department. Joker was placed with K-9 Officer Ryan Vander Tuig and was certified on July 10, 2018. ASSOCIATION would like to donate Joker to the CITY, for use as a police canine. Joker tested very well with the proper temperament and abilities for police work. ASSOCIATION is willing to relinquish ownership of the canine to the CITY.

This AGREEMENT is made with regard to the following recitals:

A. CITY wishes to assume ownership and take possession of that certain canine named “Joker”.

B. ASSOCIATION wishes to donate the subject canine to CITY and to divest ownership of the above-referenced canine, subject to his right of redemption, and the CITY wishes to assume ownership and vicarious or direct liability for the subject canine.

C. ASSOCIATION does hereby agree to relinquish all of its right, title and ownership interest in said canine whatsoever, effective upon CITY and ASSOCIATION’s execution of this document. The ownership of said canine will be offered to the assigned canine handler after the canine has fulfilled a minimum of three years’ service, upon retirement of the canine, or when the canine is taken out of service. If the assigned canine handler does not accept
ownership of the canine, the ASSOCIATION shall have the first right of refusal for the canine.

NOW, THEREFORE, in consideration of the matters contained in this AGREEMENT, it is mutually agreed as follows:

1. CITY does agree to assume ownership of the canine named “Joker”, and to assume any and all risks, including, but not limited to, risk of injury or death to third persons, and to hold the ASSOCIATION, and its agents, officers, members, employees, and/or volunteers harmless from and save, defend and indemnify them against any and all liabilities, claims, losses, judgments, or damages from every cause, including but not limited to injury to person or property or wrongful death, including reasonable costs and expenses of defense of any judicial or administrative action, arising directly or indirectly out of any negligent or intentional act or omission of CITY relating to any acts of the subject canine named “Joker” after the date ownership of the canine is transferred pursuant to this AGREEMENT. That date of ownership is hereby fixed by agreement by and among the PARTIES hereto as being July 10, 2018.

2. CITY further agrees to assume all liability for risks and dangers relating to ownership of the subject canine named “Joker” on and after the aforementioned date, and to indemnify and hold ASSOCIATION harmless in the event that any legal or administrative action, whether by claim, demand or otherwise, is made by any person or entity as a consequence of or arising out of any event, act or disturbance involving the subject police canine on or after the date ownership is transferred. These hold harmless provisions shall extend to any direct or vicarious liability arising from any and all losses, liabilities, charges (including reasonable attorney fees and court costs), and any other expenses whatsoever which may arise in any manner after the CITY’s assumption of ownership on the date of ownership identified herein.

3. CITY acknowledges that the foregoing AGREEMENT has been reviewed and understands that it is contractual in nature and understands each of its provisions.
IN WITNESS WHEREOF, the CITY OF MODESTO, a municipal corporation, has
caused this Agreement to be executed in duplicate by its City Manager, or his designee, and
attested by its City Clerk under authority of Resolution No. 2018-_______ adopted by the City
Council of the City of Modesto on the 8th day of August, 2018.

CITY OF MODESTO, a
Municipal Corporation

By: ________________________
JOSEPH P. LOPEZ
City Manager

ASSOCIATION REPRESENTATIVE:

By: ________________________
DAN STARR
President, Modesto Police Canine
Association

ATTEST:

By: ________________________
STEPHANIE LOPEZ
City Clerk

APPROVED AS TO FORM:

By: ________________________
ADAM U. LINDGREN
City Attorney
RESOLUTION ACCEPTING DONATIONS OF POLICE CANINES VALUED UP TO $25,000 FROM THE MODESTO POLICE CANINE ASSOCIATION FOR USE AS POLICE CANINES IN FISCAL YEAR 2018-19

WHEREAS, the Modesto Police Department has utilized working canines to assist officers with searches, apprehension of suspects, and to educate the public with canine demos, and

WHEREAS, over the last few years, the department has had six working canines, and

WHEREAS, since January 2017, the department has retired three of the six canines due to age, health, or ability to perform at an acceptable level and the department is in need of canines to maintain the Canine Unit to full capacity, and

WHEREAS, the Modesto Police Canine Association (MPCA) has graciously offered to donate viable canines purchased from various qualified kennels, in the 2018-19 Fiscal Year, and

WHEREAS, MPCA agrees to relinquish all rights, title and ownership interest in any donated canine, upon execution of the contract, and

WHEREAS, there is no fiscal impact to the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves donations of police canines valued up to $25,000 from the Modesto Police Canine Association for use as police canines in Fiscal Year 2018-19.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any agreement of the donation, in a form approved by the City Attorney.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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 AWARDING THE BID AND PURCHASE AGREEMENT FOR JANITORIAL SUPPLIES TO CENTRAL SANITARY SUPPLY, MODESTO, CA, FOR AN ANNUAL COST NOT TO EXCEED $180,000 AND A TOTAL NOT TO EXCEED AMOUNT OF $900,000 OVER FIVE YEARS AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE THE PURCHASE AGREEMENT

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of janitorial supplies, and

WHEREAS, the Purchasing Division issued RFB No. 1718-33 Janitorial Supplies to fourteen prospective bidders, and posted the RFB on the City’s website, and

WHEREAS, bids were formally opened in the City Clerk’s Office. Six companies chose to respond, two of which were local vendors, and

WHEREAS, all six companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bids, City staff recommends the award of bid for the purchase of janitorial supplies for the City of Modesto to Central Sanitary Supply, Modesto, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed $180,000 and a total not to exceed amount $900,000 over five years, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of janitorial supplies for the City of Modesto, to Central Sanitary Supply, Modesto, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are allocated in Fiscal Year 2018-19 for the purchase of janitorial supplies in the following Appropriation Units: 5800-52120-52150; 0100-52010-
WHEREAS, any expenses over what the departments have budgeted will be paid out of their Appropriation C discretionary budgets.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the purchase of janitorial supplies to Central Sanitary Supply, Modesto, CA, for an estimated annual cost not to exceed $180,000 and a total not to exceed amount of $900,000 over five years.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the purchasing agreement.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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. 2018-307

RESOLUTION APPROVING INDUSTRIAL AND WASTE HAULER USER FEES FOR THE COST OF SERVICES FOR PERMITTING AND OVERSIGHT DURING THE PERMIT TERM

WHEREAS, the Wastewater Division, Environmental Services, permits, inspects, and monitors discharges from industrial and waste hauler users to ensure compliance with Federal and State Law, and

WHEREAS, in addition, Environmental Services ensures that discharges of hazardous or toxic material do not compromise employees, the public's health and welfare, or damage the City's collection and treatment systems, and

WHEREAS, Environmental Services provides immediate response for any industrial or commercial incident that a business may experience and currently these operations are funded through sewer rates, and

WHEREAS, increases in industrial pretreatment program regulatory requirements and recent Pretreatment Compliance Inspection audits by the Environmental Protection Agency have mandated the City perform additional monitoring, reporting and oversight of all permitted industries, and

WHEREAS, additional resources will be necessary to conduct the additional monitoring, sampling, analysis, data review, document preparation and retention, and

WHEREAS, to facilitate these additional expenditures, the City is allowed under MMC 5-6.401(e) to charge a permit fee: "Permit fees and any other associated fees may be collected by the City in an amount adopted from time to time by City Council resolution," and
WHEREAS, currently the City does not collect Permit Fees to cover the cost of the Pretreatment Program, and

WHEREAS, staff hired Black Water Consultants to assist in researching and developing the proposed administrative fee, and included the cost of services for the following program elements: New User Identification, Permit Management, Inspection and Reporting, Sampling and Monitoring Billing, and Local Limits Management, and

WHEREAS, based on the recommendations for these costs of services to develop and issue permits, Environmental Services is proposing the following new permit costs:

Table – 1 Permits Subject to an Administrative Fee

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Permit Term</th>
<th>Proposed Permit Fee</th>
<th>Permit Fees of other Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Significant Industrial User, Permit</td>
<td>5-Years</td>
<td>$2,500</td>
<td>$5,023 High</td>
</tr>
<tr>
<td>Minor Significant Industrial User, Permit</td>
<td>5-Years</td>
<td>$1,500</td>
<td>$1,988 Avg. $100 Low</td>
</tr>
<tr>
<td>Waste Hauler Tier 1 (Annual Discharge &gt; 1.5 Million Gallons)</td>
<td>2-Years</td>
<td>$200</td>
<td>$1,015 High $405 Avg. $100 Low</td>
</tr>
<tr>
<td>Waste Hauler Tier 2 (Annual Discharge &gt; 0.5 Million Gallons &lt; 1.5 million Gallons)</td>
<td>2-Years</td>
<td>$150</td>
<td>$405 Avg. $100 Low</td>
</tr>
<tr>
<td>Waste Hauler Tier 3 (Annual Discharge &lt; 0.5 Million Gallons)</td>
<td>2-Years</td>
<td>$100</td>
<td>$100 Low</td>
</tr>
</tbody>
</table>

WHEREAS, on January 10, 2018, the Economic Development Committee accepted the Environmental Services report proposing to host two stakeholder meetings regarding the proposed permit fees as shown in Table – 1, and

WHEREAS, the purpose of the stakeholder meetings was to inform stakeholders of the proposed fees, the fees of other agencies, permits which would be subject to a fee and the proposed fee duration, and
WHEREAS, invitations were sent to all permitted industries to attend the first meeting, which was held on March 13, 2018 and seven people attended; the following comments received from stakeholders were received: 'We have no objections to the proposed 5-year Permit fees” and "In the future, people may ask for justification in terms of numbers rather than statements that expenses were growing..” and

WHEREAS, on April 19, 2018, the second meeting was held to address these comments and 11 people attended; stakeholders were provided with a breakdown of labor hours (included in the Technical Memorandum) necessary to perform the various elements of the Pretreatment Program, and

WHEREAS, stakeholders were informed that permit fees, if approved, would be prorated to reflect the current permit term, and

WHEREAS, stakeholders did not have any further comments regarding the proposed fees and were satisfied with staff’s response, and

WHEREAS, the proposed fees will cover the cost associated with permit issuance that are not captured in the current sewer rates.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto hereby approves industrial and waste hauler user fees for the cost of services for permitting and oversight during the permit term.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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 THE PLANS AND SPECIFICATIONS FOR THE LAKEWOOD NEIGHBORHOOD STREET IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND AWARDED A CONSTRUCTION CONTRACT TO AMERICAN PAVEMENT SYSTEMS, INC. OF MODESTO, CALIFORNIA, IN THE AMOUNT OF $2,202,576 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

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

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

WHEREAS, on March 13, 2018, by Resolution No. 2018-124, Council amended the approved list of projects to be funded with Measure L tax proceeds in Fiscal Year 2017-2018 and necessary budget adjustments. The amendment to the list of projects allocated $649,758 to the Lakewood Neighborhood Street Improvements project, and

WHEREAS, plans and specifications have been prepared for the Lakewood Street Improvements project, and City staff recommends approval by the City Council, and

WHEREAS, the project was advertised for bids on May 1, 2018, bids were publicly opened at 11:00 a.m. on May 22, 2018 pursuant to Modesto Municipal Code 8-3.403 and Charter Section 1307 and two responsive bids were received, and

WHEREAS, the proposed award of bid to American Pavement Systems, Inc., of Modesto, CA conforms to Modesto Municipal Code section 8-3.403 and Modesto Charter Section 1307 and is the lowest responsive and responsible bidder, and
WHEREAS, the Director of Community and Economic Development has recommended that the bid of $2,202,576.62 received from American Pavement Systems, Inc., of Modesto, be accepted as the lowest responsible and responsive bid and the contract be awarded to American Pavement Systems, Inc.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Lakewood Neighborhood Street Improvements project, accepts the bid and awards a construction contract to American Pavement Systems, Inc. of Modesto, California, in the amount of $2,202,576 for the Lakewood Neighborhood Street Improvements project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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,

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Brandvold

ATTEST:  

(Seal)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT PROJECT (CIP) BUDGET AND ESTABLISHING THE MEASURE L MAINTENANCE OF EFFORT TRANSFER FOR PROJECT #101037 IN THE AMOUNT OF $375,000 FOR THE LAKEWOOD NEIGHBORHOOD STREET IMPROVEMENTS PROJECT

WHEREAS, the Lakewood Neighborhood Street Improvements project will consist of rubberized cape seal, restriping, and ADA ramp upgrades to Sonoma Avenue from Scenic Drive to Laramie Drive, Lakewood Avenue from Scenic Drive to Laramie Drive and neighborhood streets within Sonoma Avenue, Laramie Drive, Lillian Drive and Scenic Drive, and

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

WHEREAS, on July 5, 2017, by Resolution No. 2017-269, Council approved a list of projects including the Lakewood Neighborhood Street Improvements project to be funded with Measure L tax proceeds in Fiscal Year 2017-18, and

WHEREAS, on March 13, 2018, by Resolution No. 2018-124, Council approved an amendment to the list of project funded with Measure L proceeds of which allocated an additional $649,758 to the Lakewood Neighborhood Street Improvements project, and

WHEREAS, the project was advertised for bids on May 1, 2018 and bids were opened May 22, 2018 with the lowest bidder 9.31% above the engineer’s estimate, and

WHEREAS, the Maintenance of Effort funds of $521,505 for Measure L in FY 2017-18 has not been allocated and are available to use, and

WHEREAS, on June 7, 2018 staff recommended to the Citizens Transportation Sales Tax Commission the allocation of $375,000 of the $521,505 Maintenance of Effort
funds available for FY 2017-18 to fund the additional costs for the Lakewood Neighborhood project, and

WHEREAS, the Fiscal Year 2017-18 Capital Improvement Program Budget for Project #101037 – Lakewood Neighborhood Street Improvements must be amended by $375,000 with a transfer from Measure L Maintenance of Effort fund to the project and allocation of funds to the projects expense budget.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby amends the Fiscal Year 2017-2018 Capital Improvement Project (CIP) revenue and expense budget for project #101037 in the amount of $375,000 to continue the project.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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,

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Brandvold

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH VALI COOPER AND ASSOCIATES OF EMERYVILLE, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE LAKEWOOD NEIGHBORHOOD STREET IMPROVEMENTS PROJECT FOR $159,033, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS UP TO A CUMULATIVE AMOUNT OF 15 PERCENT

WHEREAS, On March 13, 2018, by Resolution No. 2018-124, Council amended an approved list of projects including the Lakewood Neighborhood Street Improvements Project to be funded with Measure L tax proceeds in Fiscal Year 2017-2018, and

WHEREAS, Lakewood Neighborhood Street Improvements Project consists of rubberized cape seal, restriping, and ADA ramp upgrades to Sonoma Avenue from Scenic Drive to Laramie Drive, Lakewood Avenue from Scenic Drive to Laramie Drive and neighborhood streets within the boundary of Sonoma Avenue, Laramie Drive, Lillian Drive and Scenic Drive, 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 Lakewood Neighborhood Street Improvements Project for $159,033.00 for the identified scope of services.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney, and is authorized to execute one or more amendments to this agreement in a cumulative amount up to 15 percent of the original agreement amount.

08/08/2018/CED/VDion/Item 12  2  2018-310
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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,

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Brandvold

ATTEST: [Signature]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A DIGITAL FREEWAY BILLBOARD LOCATED AT 4000 SALIDA BOULEVARD

WHEREAS, Modesto Municipal Code Section 10-6.108 (f)(3) allows a digital freeway billboard along State Highway 99 subject to a conditional use permit approval which requires a recommendation by the Planning Commission to the City Council and final approval by the City Council, and

WHEREAS, Outdoor Media LLC (Outdoor Media) applied for conditional use permit to install one digital freeway billboard on property located at 4000 Salida Boulevard, and

WHEREAS, after a public hearing, the Planning Commission on July 2, 2018, by PC Resolution No. 2018-06, recommended to the City Council approval of the conditional use permit for a digital freeway billboard on property located at 4000 Salida Boulevard, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on August 8, 2018, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it finds and determines as follows:

1. The proposed conditional use permit is consistent with the objectives and requirements of Title 10 (Zoning Regulations) because the code allows digital freeway billboards along the state highway.
2. The proposed conditional use and the conditions under which it will operate are consistent with the General Plan because digital freeway billboards contribute to economic development through advertising.

3. The proposed conditional use will not be detrimental to the public health, safety, or welfare or materially injurious to uses, properties or improvements in the vicinity because the digital freeway billboard will be required to meet all applicable Zoning and Building Codes. The Zoning Code includes standards that will address the visual impacts of billboards by limiting the location and level of brightness.

4. The proposed conditions of approval will ensure compatibility with the surrounding uses because the digital freeway billboard will be required to operate in accordance to the City’s Zoning Code which limits message movement, duration, and brightness.

5. The proposed digital freeway billboard will not create a hazard to vehicular or pedestrian traffic since the sign structure will not disrupt vehicular or pedestrian traffic flow on the site. Additionally, the sign is required to display only static messages and will have to meet brightness level and duration requirements that will minimize distraction to drivers on the highway or nearby streets.

6. The advertising on the digital freeway billboard will conform with the Outdoor Advertising Act in the California Business and Professions Code and other applicable state and federal rules and regulations. California Department of Transportation requires the applicant to obtain a permit from Office of Outdoor Advertising.

7. The digital freeway billboard will result in a public benefit to the City in the form of increasing aesthetics, safety and/or economic revitalization efforts for the City’s commercial centers through signage. The public benefit outweighs any adverse impacts, such as light pollution or visual impact that might be caused by the advertising display. There is a community benefit from the removal of four non-digital billboards within the City’s Sphere of Influence in exchange for the new digital freeway billboard, and through the provision of community advertising on the proposed digital billboard.

BE IT FURTHER RESOLVED by the Council that the digital freeway billboard at 4000 Salida Boulevard be approved subject to the following conditions:

1. All development shall conform to the plans from Outfront Media Labeled “Sign A” stamped and approved by the City Council.
2. The digital freeway billboard shall be located and operated in conformance to all requirements and limitations outlined in Section 10-6.108(f)(3)(iii) of the Modesto Municipal Code.

3. The Operating Agreement between the City of Modesto and Outfront Media for the digital freeway billboard at 4000 Salida Boulevard shall be executed prior to issuance of a building permit. The removal of the four billboards identified in the Operating Agreement shall be completed prior to the building permit being finalized.

4. Outfront Media shall obtain a permit from the California Department of Transportation Office of Outdoor Advertising prior to issuance of a building permit.

5. All existing underground and above ground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee.

Failure to comply with any of the above conditions is unlawful and will constitute grounds for revocation of the conditional use permit.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN OPERATING AGREEMENT WITH OUTFRONT MEDIA LLC, FOR THE INSTALLATION OF A DIGITAL FREEWAY BILLBOARD ON PROPERTY LOCATED AT 4000 SALIDA BOULEVARD AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Modesto Municipal Code Section 10-6.108 (f)(3) allows a digital freeway billboard along State Highway 99 subject to a conditional use permit approval which requires a recommendation by the Planning Commission to the City Council and with final approval authority by the City Council, and

WHEREAS, Modesto Municipal Code Section 10-6.108 (f)(3)(iii)(c) allows for the applicant and City to enter into an operating agreement in conjunction with a conditional use permit for a digital freeway billboard with approval authority by the City Council, and

WHEREAS, Outdoor Media LLC (Outdoor Media) applied for conditional use permit to install one digital freeway billboard on property located at 4000 Salida Boulevard, and

WHEREAS, Outfront Media submitted an Operating Agreement in conjunction with a conditional use permit for a digital freeway billboard regarding the removal of four existing billboards and provisions regarding community messaging, and

WHEREAS, after a public hearing, the Planning Commission on July 2, 2018, by PC Resolution No. 2018-06, recommended to the City Council approval of the conditional use permit for a digital freeway billboard on property located at 4000 Salida Boulevard, and

WHEREAS, said matter was set for a public hearing of the City Council to be
held on August 8, 2018, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held for the propose of considering the operating agreement for a digital freeway billboard on property located at 4000 Salida Boulevard, and

WHEREAS, the proposed operating agreement achieves community benefits by the reduction of four old and outmoded billboards and by providing the City community messaging on the new digital freeway billboard.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the operating agreement with Outfront Media for a digital freeway billboard on property located at 4000 Salida Boulevard, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Manager or designee is hereby authorized to execute said Operating Agreement, in a form approved by the City Attorney.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST:  

SEAL

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): DIGITAL FREEWAY BILLBOARD LOCATED AT 4000 SALIDA BOULEVARD

WHEREAS, on October 14, 2008, by Resolution No. 2008-582, Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, Outfront Media LLC (Outfront Media) has proposed freeway digital billboard located at 4000 Salida Boulevard, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2018-09 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on July 19, 2018, the City caused to be published a 20-day notice of the City’s intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on August 8, 2018, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed
freeway digital billboard located at 4000 Salida Boulevard, a copy of which is **attached** hereto and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

**BE IT FURTHER RESOLVED** by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-314

RESOLUTION DENYING THE APPEAL OF UNIFIRST CORPORATION ON BEHALF OF RANDY HOOVER TO A REQUEST FOR BID (RFP 1718-42) DECISION AWARDING A UNIFORM AND LAUNDRY SERVICES CONTRACT TO ARAMARK UNIFORM SERVICES

WHEREAS, On June 4, 2018, the City staff sent the intent to award notices to all companies who submitted a proposal to inform them the bid would be awarded to Aramark Uniform Services pending City Council’s approval, and

WHEREAS, UniFirst Corporation appealed this bid through the City’s Purchasing Policies and Procedures by first appealing to the Purchasing Manager with their points of protest, and

WHEREAS, the Purchasing Manager responded to UniFirst Corporation’s initial appeal via letter on June 18th, 2018, and

WHEREAS, UniFirst Corporation then provided a second letter of appeal to the Interim Deputy City Manager, as allowed by the City’s Purchasing Policies and Procedures, on July 3rd, 2018 which was beyond the seven (7) working day requirement to respond to the Purchasing Manager’s decision as laid out in Section 1, Procedure No. 5, C-2 of the City’s Purchasing Policies and Procedures, and

WHEREAS, the Interim Deputy City Manager provided a response to the second letter of appeal from UniFirst Corporation on July 17th, 2018 which addressed all points of protest in the second letter of appeal, and

WHEREAS, UniFirst Corporation has now exhausted their final route of appeal by bringing forward a letter of appeal to the City Council against the award of RFP 1718-42 to Aramark, and
WHEREAS, this letter has been presented to City Council along with the staff recommendations to deny the appeal from UniFirst Corporation in accordance with the decisions provided by the Purchasing Manager and the Interim Deputy City Manager.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies the appeal of UniFirst Corporation on behalf of Randy Hoover to a Request for Bid (RFP 1718-42) decision that awards a uniform and laundry services contract to Aramark.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 2018 by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Ridenour, Zoslocki,

NOES: Councilmembers: Ah You, Madrigal, Mayor Brandvold

ABSENT: Councilmembers: None

ATTEST: \[Signature\]  

(SEAL)

APPROVED AS TO FORM:

By: \[Signature\]  
ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue; and

WHEREAS, on October 10, 2017, Council approved a Measure L Cooperative Agreement with StanCOG (StanCOG Cooperative Agreement) for the Plans, Specifications and Estimates stage of the Project, through which StanCOG has agreed to reimburse the City up to $10 million for costs relating to the PS&E Phase of the Project; and

WHEREAS, on October 24, 2017, Council approved a Joint Powers Agreement with Stanislaus County (County) to engage right of way acquisition services in County lands outside City limits, through which the County delegated to the City its authority under State law to acquire real property for the purposes of acquisition services in support of the construction of the Project; and

WHEREAS, on February 27, 2018, Council authorized early acquisition of real property prior to Environmental Document approval, and delegated to Staff authority to acquire property up to certain specified amounts; and
WHEREAS, on June 12, 2018, Council approved increases in the amounts of
delegated authority to acquire property for the Project; and

WHEREAS, Council has authorized a total of $11,935,081 for right of way
acquisitions, utilizing City of Modesto Capital Facilities Fees (CFF) funds, Federal
Demonstration Program (DEMO) grant funds, and Stanislaus County Public Facility Fees
(PFF) funds; and

WHEREAS, on March 2, 2018, the California Department of Transportation
(Caltrans) approved the Environmental Document and selected Project Alternative 2; and

WHEREAS, Caltrans requires that the City of Modesto enter into the Cooperative
Agreement prior to submitting a request for funding authorization to Caltrans; and

WHEREAS, the Cooperative Agreement sets forth the roles and responsibilities
of the City and Caltrans with respect to the Project; and

WHEREAS, Caltrans requires execution of the Cooperative Agreement or they
will be unable to continue to provide oversight for the project; and

WHEREAS, to avoid delays and potential loss of $50 Million to $60 Million in
funding, Staff recommends that the City Council approve the Cooperative Agreement as
presented by Caltrans,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the Cooperative Agreement between the City of Modesto and the
California Department of Transportation (Caltrans) for the State Route 132 West
Freeway/Expressway – Phase 1 Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby
authorized to execute that agreement.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 2018 by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A BASELINE AGREEMENT BETWEEN THE CITY OF MODESTO, THE CALIFORNIA TRANSPORTATION COMMISSION (CTC), THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) AND THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG), FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue; and

WHEREAS, on October 10, 2017, Council approved a Measure L Cooperative Agreement with StanCOG (StanCOG Cooperative Agreement) for the Plans, Specifications and Estimates stage of the Project, through which StanCOG has agreed to reimburse the City up to $10 million for costs relating to the PS&E Phase of the Project; and

WHEREAS, on October 24, 2017, Council approved a Joint Powers Agreement with Stanislaus County (County) to engage right of way acquisition services in County lands outside City limits, through which the County delegated to the City its authority under State law to acquire real property for the purposes of acquisition services in support of the construction of the Project; and

WHEREAS, on February 27, 2018, Council authorized early acquisition of real property prior to Environmental Document approval, and delegated to Staff authority to acquire property up to certain specified amounts; and
WHEREAS, on June 12, 2018, Council approved increases in the amounts of delegated authority to acquire property for the Project; and

WHEREAS, Council has authorized a total of $11,935,081 for right of way acquisitions, utilizing City of Modesto Capital Facilities Fees (CFF) funds, Federal Demonstration Program (DEMO) grant funds, and Stanislaus County Public Facility Fees (PFF) funds; and

WHEREAS, on March 2, 2018, the California Department of Transportation (Caltrans) approved the Environmental Document and selected Project Alternative 2; and

WHEREAS, Caltrans requires that the City of Modesto enter into the Cooperative Agreement prior to submitting a request for funding authorization to Caltrans; and

WHEREAS, the Trade Corridor Enhancement (TCE) Program, created by Senate Bill 1 (SB1), provides approximately $300 Million annually for infrastructure improvements on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network, and along other corridors that have high volume of freight movement; and

WHEREAS, in January 2018, StanCOG applied for $30 Million of TCE for the Project, and

WHEREAS, at the California Transportation Commission (CTC) meeting on May 16-17, the CTC approved a list of projects recommended to receive TCE funds; and

WHEREAS, the SR-132 Project was amongst the list of winning projects and was recommended to receive $21 Million in TCE funding, and
WHEREAS, under the CTC’s Accountability and Transparency Guidelines, projects adopted into the TCE Program are required to execute a Baseline Agreement, and

WHEREAS, per those guidelines, the Baseline Agreement sets forth the agreed upon expected benefits, project scope, schedule, and cost, and provides a benchmark for comparison to the current status of the project for reporting purposes, and

WHEREAS, the Baseline Agreement also identifies the agencies responsible for meeting reporting requirements and, for locally implemented projects, identifies the responsibilities relative to the type and location of the project, and

WHEREAS, after execution by both StanCOG and the City of Modesto, the Baseline Agreement will go to the CTC for approval at their October 2018 meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Baseline Agreement between the City of Modesto, the California Transportation Commission (CTC), the California Department of Transportation (Caltrans), and the Stanislaus Council of Governments (StanCOG) for the State Route 132 West Freeway/Expressway – Phase I Project.

BE IT FURTHER RESOLVED, that the City Manager or his designee to is hereby authorized to execute the Baseline Agreement.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 2018 by Councilmember Zos locki, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING PURCHASE AGREEMENTS WITH VARIOUS VENDORS AS DEFINED UNDER ATTACHMENT A; APPROVING TERMINATION DATES FOR THE SERVICES STATED HEREIN; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE IDENTIFIED ANNUAL PURCHASE AGREEMENTS TERMINATION DATES APPROVED BY COUNCIL


WHEREAS, City staff has continued to work diligently in monitoring all purchasing agreements and towards implementing recommendations to establish improvements with the City’s purchasing controls, and

WHEREAS, the Finance Department has implemented bi-monthly purchasing training to educate City Staff about the standards which govern the City’s purchases, including the City’s Charter, Municipal Code, and the City Purchasing Manual, and

WHEREAS, the Finance Department has worked with the departments to address an extensive backlog of competitive bids that need to be completed and have been strategizing the best solution to ensure new agreements can be approved by the time existing agreements expire, and

WHEREAS, the Finance Department, via the Purchasing Division, has identified a number of agreements that require further time extensions (as shown in Attachment A – Purchasing Agreement Extension Dates), and
WHEREAS, the extension of these termination dates for existing agreements will not alter the dollar amount of said agreements nor the terms and conditions of the agreements.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the purchasing agreements with various vendors as attached; approving the extension of termination dates for the services stated herein.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the identified Annual Purchase Agreements terms.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 2018 by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
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<tr>
<th>Number</th>
<th>Description</th>
<th>Vendor/Contractor Name</th>
<th>Oracle Agreement or Purchase Order No.</th>
<th>Oracle Agreement Amount</th>
<th>Vendor Invoices Paid or Pending Payment</th>
<th>Amount Remaining on Agreement</th>
<th>Original Agreement Term Start-Date</th>
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<td>Annual Agreement For The Purchase Of Variable Request To Drive Units Reso 2013-197</td>
<td>West Electric Supply</td>
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<td>Annual Agreement For Legal And Job Advertisements</td>
<td>THE MODERSTE BEE-ADVERTISING</td>
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<td>Annual Agreement For Water Well &amp; Tank Site Painting Services, Reso 2013-335, RFP 1314-04</td>
<td>DC VENT INCORPORATED</td>
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<td>Annual Agreement For Radio &amp; Communication Equipment Service/Repair (89550)</td>
<td>DELTA WIRELESS INC</td>
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<td>$210,154.05</td>
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<td>Annual Agreement For Asphalt Materials Secondary Vendor, RFP No. 1314-01, Reso 2013-356</td>
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<td>Annual Agreement For Asphalt And Emulsion RFP No. 1314-01, Reso 2013-356</td>
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<td>Annual Agreement For Retail Advertising, Reso 2017-520</td>
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<td>10</td>
<td>Annual Agreement - Temporary Employee Labor Services - Reso 2013-359 RFP 2013-13</td>
<td>NELSON FAMILY OF COMPANIES</td>
<td>52793</td>
<td>$3,475,395.00</td>
<td>$1,085,637.72</td>
<td>$2,389,757.28</td>
<td>3-Dec-13</td>
<td>2-Dec-18</td>
<td>31-Jan-19</td>
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<td>11</td>
<td>Annual Agreement - Temporary Employee Labor Services - Reso 2013-439 - RFP 1212-13</td>
<td>PRIDESTAFF</td>
<td>52791</td>
<td>$1,015,000.00</td>
<td>$349,573.57</td>
<td>$665,426.43</td>
<td>3-Dec-13</td>
<td>2-Dec-18</td>
<td>31-Jan-19</td>
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<tr>
<td>13</td>
<td>Annual Agreement For City Wide Document, Storage/Records</td>
<td>PACIFIC STORAGE COMPANY</td>
<td>3942</td>
<td>$305,000.00</td>
<td>$242,263.79</td>
<td>$62,736.21</td>
<td>14-Apr-11</td>
<td>31-Dec-18</td>
<td>31-Mar-19</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2018-318

RESOLUTION AMENDING THE FISCAL YEAR 2018-19 OPERATING BUDGET IN THE AMOUNT OF $100,000 TO BE TRANSFERRED FROM WATER FUND RESERVES TO FUND THE RESPONSE TO THE STATE WATER RESOURCES CONTROL BOARD 2016 BAY-DELTA PLAN AMENDMENT & SUBSTITUTE ENVIRONMENTAL DOCUMENT

WHEREAS, on September 15, 2016, the State Water Resources Control Board (SWRCB) released a revised Draft Substitute Environmental Document (SED) in support of Phase 1 of its Bay-Delta Water Quality Control Plan, which is over 1,850 pages, not including appendices, and

WHEREAS, the state proposes to take 40 percent of unimpaired flow from the Tuolumne River for fish and wildlife beneficial uses and salinity control, and

WHEREAS, this proposal will have a major impact to the existing water supplies and operations of the Don Pedro Reservoir, which is jointly operated by both MID and Turlock Irrigation District (TID) and the City’s domestic water supplies, as the Tuolumne River is the source of Modesto’s surface water, and

WHEREAS, water demands will not be sustainable under the Sustainable Groundwater Management Act, which was effective January 1, 2016, and

WHEREAS, on July 6, 2018, the SWRCB released a Final Draft Bay-Delta Plan Update for the Lower San Joaquin River and Southern Delta, and accepted public comments until July 27, 2018, and

WHEREAS, the City submitted comments, addressing the inadequacy of the Final Draft SED and serious continuing concerns about the proposed plan and environmental analysis, and
WHEREAS, once the SWRCB acts, parties wishing to challenge the decision will have only 30 days to file suit and it appears likely that the City will want to join the litigation against the SWRCB, and

WHEREAS, to prepare for a timely action, staff, including legal counsel, will need to review existing information, and further studies will need to be completed to fully estimate potential short term and long term economic, legal and environmental impacts of the proposed action to the City, and

WHEREAS, the requested action will provide funding for staff and legal counsel to review and prepare for timely action, and

WHEREAS, certain budgetary transactions are necessary in the amount of $100,000, in order to fund all activities relating to our response to the State Water Resources Control Board 2016 Bay-Delta Plan Amendment & Substitute Environmental Document and City staff time in support of effort, and

WHEREAS, the Fiscal Year 2018-2019 Operating Budget must be amended as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2018-2019 Operating Budget as shown in Exhibit A, attached hereto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 2018 by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
EXHIBIT A

A total of $100,000 is being requested from Water Fund Reserves to increase the budget of Cost Center 41010 – UPP Administration to provide funding for the City’s response to the State Water Resources Control Board 2016 Bay-Delta Plan Amendment & Substitute Environmental Document; which is expected to include legal expenses, studies, staff time, and administrative support.