RESOLUTION REAPPOINTING MARY RAMIREZ, FOR A SECOND TERM, TO THE HOUSING REHABILITATION LOAN COMMITTEE WITH A TERM EXPIRATION OF DECEMBER 31, 2021

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, On June 24, 2014 by Resolution No. 2014-240, Mary Ramirez was appointed to the Housing Rehabilitation Loan Committee with an initial term of June 10, 2014 through June 10, 2018; and

WHEREAS, on October 25, 2016, through the adoption of the new by-laws, Resolution No. 2016-424 to January 1, 2018; and

WHEREAS, the Appointments Committee met on June 28, 2018 recommended the reappointment of Mary Ramirez to the Modesto Housing Rehabilitation Loan Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that Mary Ramirez is hereby reappointed, for a second term, to the Housing Rehabilitation Loan Committee with a term expiration of December 31, 2021.

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 Housing Rehabilitation Loan Committee,
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPOINTING CHRISTINA KENNEY TO THE HOUSING REHABILITATION LOAN COMMITTEE 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 committee recommended the appointment of Christina Kenney to serve as our Provider of Service Representative, and

WHEREAS, she will be joining this committee with an extensive background in providing services to homeless and low-income individuals with this perspective allows for a more diverse discussion for the proposed projects, and

WHEREAS, the Appointments Committee met on June 28, 2018, and recommended appointment of Christina Kenney to the Modesto Housing Rehabilitation Loan Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints Christina Kenney to the Housing Rehabilitation Loan Committee 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 Housing Rehabilitation Loan Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  ADAM U. LINDGREN, City Attorney
RESOLUTION APPOINTING GABRIELLA FIERRO TO THE HOUSING REHABILITATION LOAN COMMITTEE 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 committee recommended the appointment of Gabriella Fierro to represent the General Contractor, or construction industry professional, Representative, and

WHEREAS, she is currently working as a Real Estate Asset Manager and currently holds a LEED (Leadership in Energy and Environmental Design) certification and has served on various boards that discusses Urban development and property management, and

WHEREAS, Ms. Fierro will bring knowledge of industry standard to each project proposed, and

WHEREAS, the Appointments Committee met on June 28, 2018, and recommended appointment of Gabriella Fierro to the Modesto Housing Rehabilitation Loan Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto Gabriella Fierro is hereby appointed to the Housing Rehabilitation Loan Committee 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 Housing Rehabilitation Loan Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14\textsuperscript{th} day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \begin{center} \textit{\textbf{Stephanie Lopez, City Clerk}} \end{center}

(SEAL)

APPROVED AS TO FORM:

By: \begin{center} \textit{\textbf{Adam U. Lindgren, City Attorney}} \end{center}
RESOLUTION APPOINTING SANDRA WILSON TO HOUSING REHABILITATION LOAN COMMITTEE 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, Sandra Wilson bringing a general working knowledge and willingness to serve meets the requirements of the position of Citizen-at-Large on the Housing Rehabilitation Loan Committee, and

WHEREAS, the Appointments Committee met on June 28, 2018, and recommended appointment of Sandra Wilson to the Modesto Housing Rehabilitation Loan Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto Sandra Wilson is hereby appointed to the Housing Rehabilitation Loan Committee 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 Housing Rehabilitation Loan Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPOINTING RHODA YARE TO THE HOUSING REHABILITATION LOAN COMMITTEE 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 committee recommended the appointment of Rhoda Yare as the Financial Institution Representative, and

WHEREAS, Ms. Yare is a Realtor by trade making her qualified for the position and, furthermore; she has served that last two years as the representative for the Citizens Housing and Community Development Committee representative on this committee, and

WHEREAS, she has extensive knowledge in the industry and the policy that dictates the programmatic projects that are presented to this committee, and

WHEREAS, the Appointments Committee met on June 28, 2018, and recommended appointment of Rhoda Yare to the Modesto Housing Rehabilitation Loan Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto Rhoda Yare is hereby appointed to the Housing Rehabilitation Loan Committee 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 Housing Rehabilitation Loan Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST:  

STEFHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPOINTING J. DAVID WRIGHT JR. TO THE CITIZEN’S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE 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 committee recommended J. David Wright for the first Citizen-at-Large vacancy based on his unique experience within various non-profit and City boards and commissions, and

WHEREAS, this committee’s focus on homelessness and low-income housing will benefit from Mr. Wright’s vast network of knowledge within our community, and

WHEREAS, the Appointments Committee met on June 28, 2018, and recommended appointment of J. David Wright Jr. to the Citizens Housing and Community Development Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints J. David Wright Jr. to the Modesto Citizens Housing and Community Development Committee 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 Citizens Housing and Community Development Committee.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 14th 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: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPOINTING LISA BATTISTA TO THE CITIZEN’S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE 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 committee recommended Lisa Battista to represent the second Citizen-at-large vacancy, and

WHEREAS, she will be a great asset to the committee discussion with her expensive experience in contract law and her willingness to serve on the non-profit boards within our local community, and

WHEREAS, the Appointments Committee met on June 28, 2018, and recommended appointment of Lisa Battista to the Citizens Housing and Community Development Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints Lisa Battista is hereby appointed to the Modesto Citizens Housing and Community Development Committee 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 Citizens Housing and Community Development Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-326

RESOLUTION APPOINTING BASIL HERNANDEZ AND LISA BATTISTA TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION AND HUMAN RELATIONS COMMISSION AND REAPPOINTING ROSIE ARCE, SANDRA GRAHAM AND PHILIP ANSELMO TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION AND HUMAN RELATIONS COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2022

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 appointment of Basil Hernandez and Lisa Battista to serve on the Equal Opportunity/Disability Commission and Human Relations Commission, and

WHEREAS, the Appointments Committee met on June 28, 2018 and recommended reappointments of Rosie Arce, Sandra Graham And Philip Anselmo to serve on the Equal Opportunity/Disability Commission and Human Relations Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Basil Hernandez and Lisa Battista are hereby appointed to serve on the Equal Opportunity/Disability Commission and Human Relations Commission and Rosie Arce, Sandra Graham and Philip Anselmo are hereby reappointed to serve on the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of January 1, 2022.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Commissions and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPOINTING VINNIE HANSON AS THE CREEKSID GOLF CLUB REPRESENTATIVE, LINDA KENYON AS THE MUNI-NINERS GOLF CLUB REPRESENTATIVE, AND BYRON GREGERSON AND PAM GIUSTO AS MEMBERS-AT-LARGE REPRESENTATIVES TO THE CITY OF MODESTO GOLF COURSES ADVISORY COMMITTEE WITH A TERM EXPIRATION OF DECEMBER 31, 2021

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 Golf Courses Advisory Committee is comprised of five members representing local golf organizations: SIRS Golf Club, Muni-Niners Golf Club, Modesto Golf Club, Creekside Golf Club, and Dryden Park Golf Club, and six members-at-large, and

WHEREAS, the Golf Courses Advisory Committee has vacancies for one representative from Creekside Golf Club, one representative from Muni-Niners Golf Club, and several member-at-large representatives, and

WHEREAS, the Appointments Committee met on June 26, 2018, and recommended the Golf Courses Advisory Committee appointment of Vinnie Hanson as the Creekside Golf Club representative, Linda Kenyon as the Muni-Niners Golf Club representative, and Byron Gregerson and Pam Giusto as members chosen at large.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Vinnie Hanson as a member of the Golf Courses Advisory Committee representing the Creekside Golf Club; Linda Kenyon as a member of the Golf Courses Advisory Committee representing the Muni-Niners Golf Club; and Byron Gregerson and Pam Giusto as members of the Golf Courses Advisory
Committee representing the golfing community at large, each with a term expiration of December 31, 2021.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Golf Courses Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A FIRST AMENDMENT TO THE RESTATED LEGAL SERVICES AGREEMENT WITH ARATA, SWINGLE, VAN EGMOND & GOODWIN IN THE AMOUNT OF $125,000, FOR A TOTAL NOT TO EXCEED AMOUNT OF $255,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Council by Resolution No. 2014-241 had previously approved an agreement with Arata, Swingle, Van Egmond & Goodwin, in the amount of $200,000 to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases; and

WHEREAS, on December 12, 2017, by Resolution No. 2017-500, Council approved a Restated Legal Services Agreement in the amount of $130,000; and

WHEREAS, the City Attorney’s Office is still in need of outside counsel services; and

WHEREAS, the City Attorney’s office has drafted a First Amendment to the Restated Legal Services agreement with Arata, Swingle, Van Egmond and Goodwin.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin, in the amount of $125,000, for a total amount not to exceed $255,000 to continue representing the City of Modesto in tort matters, as provided in Exhibit A attached hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to Exhibit A.

BE IT FURTHER RESOLVED, that the City Manager or his designee, are 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 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
FIRST AMENDMENT TO RESTATED LEGAL SERVICES AGREEMENT

This First Amendment to the Restated Legal Services (this “First Amendment”), is made and entered into on ____ day of _______ 2018 ("Effective Date"), by and between the CITY OF MODESTO, a California Municipal Corporation (“City”), and ARATA, SWINGLE, VAN EGMOND AND GOODWIN, a Professional Corporation (“Attorney”), located at 1207 I Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the “Parties,” and singularly as “Party”.

RECITALS

WHEREAS, City and Attorney entered into a Restated Legal Services Agreement ("Agreement") to provide legal advice, representation and assistance to City in defense of tort claims, as assigned; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Restated Agreement for further service by increasing the previously approved amount of fees from $130,000 to $255,000.

NOW, THEREFORE, it is hereby agreed that the Restated Legal Services Agreement between the City of Modesto and Arata, Swingle, Van Egmond and Goodwin dated December 12, 2017 authorized by Resolution No.2017-500, is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” Hourly Rates is amended to state as follows:

“The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (hereafter the “Service”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of two hundred and fifty-five thousand dollars ($255,000).”

2. Entire Agreement. The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 12, 2017, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.
3. **Authority.** The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By: ____________________________

Print name: Joseph P. Lopez

Title: City Manager

**APPROVED TO AS FORM:**

__________________________________

Adam U. Lindgren, City Attorney

**ATTEST:**

__________________________________

Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]
Federal I.D. No.

State I.D. No.


TYPE OF BUSINESS ENTITY (check one):

______ Individual/Sole Proprietor
______ Partnership
______ Corporation
______ Limited Liability Company
______ Other (please specify: __________________)

Signature of Authorized Person

Title

Additional Signature (if required)

Title
RESOLUTION APPROVING A FOURTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED AUGUST 8, 2016 WITH LIEBERT CASSIDY WHITMORE IN THE AMOUNT OF $110,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $387,500 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN LABOR AND EMPLOYMENT MATTERS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Attorney’s Office is in need of outside counsel services that relate to labor and employment; and

WHEREAS, Liebert Cassidy Whitmore currently represents the City in one lawsuit; and

WHEREAS, the City Attorney’s Office desires to amend the agreement with Liebert Cassidy Whitmore; and

WHEREAS, the City Attorney’s office has drafted a Fourth Amendment to the Legal Services agreement with Liebert Cassidy Whitmore to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fourth Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore in the amount of $110,000, for a total amount not to exceed $387,500 to continue representing the City of Modesto in labor and employment matters, as provided in Exhibit A attached hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to Exhibit A.

BE IT FURTHER RESOLVED, that the City Manager or his designee, are 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 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
FOURTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fourth Amendment for Legal Services (this “Fourth Amendment”), is made and entered into on _____ day of _______ 2018 (“Effective Date”), by and between the CITY OF MODESTO, a California Municipal Corporation (“City”), and LIEBERT CASSIDY WHITMORE, (“Attorney”), located at 5250 N. Palm Avenue, Suite 310, Fresno, California 93704. City and Attorney are hereinafter collectively referred to as the “Parties,” and singularly as “Party”.

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement (“Agreement”) for services for legal advice, representation and assistance on matters involving labor and employment law; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $277,500 to $387,500.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Liebert Cassidy Whitmore, dated August 8th, 2016, amended by Resolution Nos. 2016-510, 2017-273 and 2017-501 is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” Hourly Rates is amended to state as follows:

   a. “Hourly Rates:

      Partners $350.00 per hour
      Senior Counsel $305.00 per hour
      Associates $200.00-$285.00 per hour
      Labor Relations/Human Resources Consultant $195.00 - $230.00 per hour
      Paraprofessionals & Litigation Support $125.00-$170.00 per hour

The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the “Service”), and for all authorized Reimbursable Expenses (as defined hereafter),
shall not exceed a total sum of three hundred eighty-seven thousand and five hundred dollars ($387,500)."

3. **Entire Agreement.** The parties to this Fourth Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated August 8th, 2016, remain in full force and effect to the extent they are not in conflict with this Fourth Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Fourth Amendment. No alteration to the terms of this Fourth Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority.** The person signing this Fourth Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Fourth Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By: ________________________________

Print name: Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

_____________________________________

Adam U. Lindgren, City Attorney

ATTEST:

_____________________________________

Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]
Federal I.D. No.

State I.D. No.


TYPE OF BUSINESS ENTITY (check one):

_____ Individual/Sole Proprietor

_____ Partnership

_____ Corporation

_____ Limited Liability Company

_____ Other (please specify: ___________________________________)

Signature of Authorized Person

Title

Additional Signature (if required)

Title
RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED JANUARY 24, 2017 WITH SHAW LAW GROUP, PC IN THE AMOUNT OF $70,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $115,000, TO CONTINUE CONDUCTING PERSONNEL INVESTIGATION SERVICES AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, On January 24, 2017, the City entered into a standard legal services agreement with Shaw Law Group, PC for confidential personnel investigation services, in the amount of $45,000; and

WHEREAS, the City has a need to continue attorney services for additional confidential investigations involving employees; and

WHEREAS, costs for the Shaw Law Group, PC will be paid by the department of the subject employee or subject department being investigated; and

WHEREAS, the City Attorney’s office has drafted a First Amendment to the Legal Services agreement with Shaw Law Group, PC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Legal Services Agreement with Shaw Law Group, PC, in the amount of $70,000, for a total amount not to exceed $115,000 to continue conducting personnel investigation services, as provided in Exhibit A attached hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to Exhibit A.

BE IT FURTHER RESOLVED, that the City Manager or his designee, are 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 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment to the Legal Services (this “First Amendment”), is made and entered into on ___ day of ______ 2018 (“Effective Date”), by and between the CITY OF MODESTO, a California Municipal Corporation (“City”), and SHAW LAW GROUP, PC a Professional Corporation (“Attorney”), located at 425 University Avenue, Suite 200 Sacramento, California 95825. City and Attorney are hereinafter collectively referred to as the “Parties,” and singularly as “Party”.

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement (“Agreement”) to provide confidential personnel investigation services; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $45,000 to $115,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Shaw Law Group, PC dated January 24th, 2017, is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” Hourly Rates is amended to state as follows:

“The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the “Service”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of one hundred and fifteen thousand dollars ($115,000).”

2. Entire Agreement. The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated January 24, 2017, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. Authority. The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.
IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By: ____________________________

Print name: Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

________________________________________
Adam U. Lindgren, City Attorney

ATTEST:

________________________________________
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]
Federal I.D. No.

State I.D. No.


TYPE OF BUSINESS ENTITY (check one):

_____ Individual/Sole Proprietor

_____ Partnership

_____ Corporation

_____ Limited Liability Company

_____ Other (please specify: __________________________)

Signature of Authorized Person

Title

Additional Signature (if required)

Title
RESOLUTION AWARDING A HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) CHDO SET-ASIDE FUNDS LOAN IN THE AMOUNT OF $98,200 AND A CHDO OPERATING FUNDS GRANT IN THE AMOUNT OF $50,000 TO STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR THE DEVELOPMENT OF AFFORDABLE HOUSING, AND AUTHORIZING THE CITY MANAGER OF HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units, and

WHEREAS, a minimum of 15% of the City’s annual HOME entitlement allocation, plus estimated program income, must be set aside for specific activities to be undertaken by a special type of nonprofit called a Community Housing Development Organization (CHDO), and

WHEREAS, a CHDO is a private nonprofit, community-based service organization with certain capacity and experience and whose primary purpose is to provide and develop decent, affordable housing for the community it serves, and

WHEREAS, the City has approximately $51,944 in HOME CHDO Operating funds and approximately $670,172 in HOME CHDO Set-Aside funds available to be awarded to eligible CHDOs, and

WHEREAS, on June 2, 2018, the Community and Economic Development Department (CEDD) released a Request for Proposals (RFP) for eligible CHDO organizations to submit housing project proposals, and

WHEREAS, two CHDO proposals were received that totaled less than the total amount available, and
WHEREAS, staff conducted a technical review of each application and found both applicants to meet the CHDO certification requirements, and

WHEREAS, the City of Modesto receives Home Investment Partnership Program (HOME) entitlement funds from the Department of Housing and Urban Development (HUD) annually, and

WHEREAS, HOME funds must be committed within 24 months of allocation; unallocated funds could be de-obligated by HUD, and

WHEREAS, the City must award HOME CHDO funding by August 31, 2018, or they are at risk of returning the funds to HUD, and

WHEREAS, on July 12, 2018 the Citizen’s Housing and Community Development Committee reviewed, approved and forwarded the project proposals and funding requests to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby award a HOME Investment Partnerships Program (HOME) CHDO Set-Aside Funds loan in the amount of $98,200 and a CHDO Operating Funds grant in the amount of $50,000 to Stanislaus County Affordable Housing Corporation (STANCO) for the development of affordable housing, and authorizing the City Manager of his designee to execute the agreements.

BE IT FURTHER RESOLVED; that the City Manager or his designee, is hereby authorized to execute all agreements, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-332

RESOLUTION AMENDING THE FISCAL YEAR 2018-19 MULTI-YEAR PROJECT BUDGET TO ESTABLISH A NON-CAPITAL PROJECT TO BE FUNDED IN THE AMOUNT OF $98,200 WITH COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET-ASIDE FUNDS TO STANISLAUS COUNTY AFFORDABLE HOUSING AND UP TO 10% FOR ELIGIBLE ACTIVITY DELIVERY COSTS IN THE AMOUNT OF $9,820 FOR NEW CONSTRUCTION/HOMEOWNERSHIP OF VINE STREET PERMANENT SUPPORTIVE HOUSING AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units, and

WHEREAS, a maximum of 5% of the City’s annual HOME entitlement allocation can fund specific activities to be undertaken by a special type of nonprofit called a Community Housing Development Organization (CHDO), and

WHEREAS, a CHDO is a private nonprofit, community-based service organization with certain capacity and experience and whose primary purpose is to provide and develop decent, affordable housing for the community it serves, and

WHEREAS, certain budgetary transactions are necessary in the amount of $98,200, in order to fund Stanislaus County Affordable Housing with CHDO Operating funds, and

WHEREAS, the Fiscal year 2018-19 Multi-Year Budget must be amended as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby approves the amendment of the Fiscal year 2018-19 Multi-Year
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 provision of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
## Exhibit A

<table>
<thead>
<tr>
<th>CHDO Applicant</th>
<th>Project Name</th>
<th>Project Type</th>
<th>Proposed Number of Units</th>
<th>CHDO Set Aside Funds Amount Requested</th>
<th>CHDO Operating Funds Amount Requested</th>
<th>Total Requested</th>
<th>Activity Delivery up to 10% (EN Funds)</th>
<th>Total Budget</th>
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<tr>
<td>Great Valley Housing Development Corporation</td>
<td>Edwards Estates Homesownership</td>
<td>New Construction</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2018-333

RESOLUTION AMENDING THE FISCAL YEAR 2018-19 MULTI-YEAR PROJECT BUDGET TO ESTABLISH A NON-CAPITAL PROJECT TO BE FUNDED IN THE AMOUNT OF $50,000 WITH COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) OPERATING FUNDS TO STANISLAUS COUNTY AFFORDABLE HOUSING AND UP TO 10% FOR ELIGIBLE ACTIVITY DELIVERY COSTS IN THE AMOUNT OF $5,000 FOR THE VINE STREET PERMANENT SUPPORTIVE HOUSING AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units, and

WHEREAS, a minimum of 15% of the City’s annual HOME entitlement allocation must be set aside for specific activities to be undertaken by a special type of nonprofit called a Community Housing Development Organization (CHDO), and

WHEREAS, a CHDO is a private nonprofit, community-based service organization with certain capacity and experience and whose primary purpose is to provide and develop decent, affordable housing for the community it serves, and

WHEREAS, certain budgetary transactions are necessary in the amount of $50,000, in order to fund Stanislaus County Affordable Housing with CHDO Set-Aside funds, and

WHEREAS, the Fiscal year 2018-19 Multi-Year Budget must be amended as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby approves the amendment of the Fiscal year 2018-19 Multi-Year
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 provision of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
## EXHIBIT A

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08/14/2018/CED/JNarayan/Item 11  
2018-333
RESOLUTION AWARDING A HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) CHDO SET-ASIDE FUNDS LOAN TO GREAT VALLEY HOUSING DEVELOPMENT CORPORATION IN THE AMOUNT OF $488,657 FOR THE DEVELOPMENT OF AFFORDABLE HOUSING, AND AUTHORIZING THE CITY MANAGER OF HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units, and

WHEREAS, a minimum of 15% of the City’s annual HOME entitlement allocation, plus estimated program income, must be set aside for specific activities to be undertaken by a special type of nonprofit called a Community Housing Development Organization (CHDO), and

WHEREAS, a CHDO is a private nonprofit, community-based service organization with certain capacity and experience and whose primary purpose is to provide and develop decent, affordable housing for the community it serves, and

WHEREAS, the City has approximately $51,944 in HOME CHDO Operating funds and approximately $670,172 in HOME CHDO Set-Aside funds available to be awarded to eligible CHDOs, and

WHEREAS, on June 2, 2018, the Community and Economic Development Department (CEDD) released a Request for Proposals (RFP) for eligible CHDO organizations to submit housing project proposals, and

WHEREAS, two CHDO proposals were received that totaled less than the total amount available, and
WHEREAS, staff conducted a technical review of each application and found both applicants to meet the CHDO certification requirements, and

WHEREAS, the City of Modesto receives Home Investment Partnership Program (HOME) entitlement funds from the Department of Housing and Urban Development (HUD) annually, and

WHEREAS, HOME funds must be committed within 24 months of allocation; unallocated funds could be de-obligated by HUD, and

WHEREAS, the City must award HOME CHDO funding by August 31, 2018, or we are at risk of returning the funds to HUD, and

WHEREAS, on July 12, 2018 the Citizen’s Housing and Community Development Committee reviewed, approved and forwarded the project proposals and funding requests to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby award a HOME Investment Partnerships Program (HOME) CHDO Set-Aside funds loan to Great Valley Housing Development Corporation in the amount of $488,657 for the development of affordable housing.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute all agreements, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 MULTI-YEAR PROJECT BUDGET TO ESTABLISH A NON-CAPITAL PROJECT TO BE FUNDED IN THE AMOUNT OF $488,657 WITH COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET-ASIDE FUNDS TO GREAT VALLEY HOUSING DEVELOPMENT CORPORATION AND UP TO 10% FOR ELIGIBLE ACTIVITY DELIVERY COSTS IN THE AMOUNT OF $48,865 FOR NEW CONSTRUCTION/HOMEOWNERSHIP OF EDWARDS ESTATES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units, and

WHEREAS, a minimum of 15% of the City’s annual HOME entitlement allocation must be set aside for specific activities to be undertaken by a special type of nonprofit called a Community Housing Development Organization (CHDO), and

WHEREAS, a CHDO is a private nonprofit, community-based service organization with certain capacity and experience and whose primary purpose is to provide and develop decent, affordable housing for the community it serves, and

WHEREAS, certain budgetary transactions are necessary in the amount of $488,657, in order to fund Great Valley Housing Development Corporation with CHDO Set-Aside funds, and

WHEREAS, the Fiscal year 2018-19 Multi-Year Budget must be amended as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby approves the amendment of the Fiscal year 2018-19 Multi-Year
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 provision of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
**Budget Resolution**

**EXHIBIT A**

<table>
<thead>
<tr>
<th>CHDO Applicant</th>
<th>Project Name</th>
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<th>Proposed Number of Units</th>
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<th>CHDO Operating Funds Amount Requested</th>
<th>Total Requested</th>
<th>Activity Delivery up to 18% (EN Funds)</th>
<th>Total Budget</th>
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<tbody>
<tr>
<td>Great Valley Housing Development Corporation</td>
<td>Edenvale Estates Homeownership New Construction/ Homeownership</td>
<td>2</td>
<td>$468,057</td>
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<td>Stanislaus County Affordable Housing</td>
<td>Prime Street Permanent Supportive Housing New Construction/ Rental Housing</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2018-336

RESOLUTION ACCEPTING THE CONTINUUM OF CARE, PLANNING GRANT IN THE AMOUNT OF $96,288, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY FUNDING AND GRANT DOCUMENTS

WHEREAS, in 1988, the Stanislaus County Housing and Support Services Collaborative/Continuum of Care was formed (Continuum of Care), and

WHEREAS, a Continuum of Care is an integrated system of care that guides and tracks homeless individuals & families through a comprehensive array of housing & services designed to prevent and end homelessness, and

WHEREAS, since inception, this volunteer body has secured millions in grants from the U.S. Department of Housing & Urban Development to combat the impact of homelessness in our community, and

WHEREAS, the City took over the Collaborative Applicant role on July 2017, Resolution 2017-289, and

WHEREAS, as the Collaborative Applicant, the City is responsible to collect and submit the required Continuum of Care application information for all projects the StanCSOC selects for funding, and

WHEREAS, the City is also responsible for monitoring activities and providing technical assistance to the non-profit organizations receiving Continuum of Care funds, and

WHEREAS, additionally the City is responsible for administration and oversight of the HMIS for StanCSOC, and
WHEREAS, the first year a new entity is the Collaborative Applicant for a Continuum of Care, they have the opportunity to apply for a Planning Grant to help offset costs, and

WHEREAS, the City was awarded $96,288 from the U.S. Department of Housing and Urban Development to support the Planning Grant, and

WHEREAS, the award includes funding for salary and benefits, in order to assist with coordination, project evaluation, monitoring and compliance of the COC program fund participants, and

WHEREAS, this item was presented to the Finance Committee on June 25, 2018 and was recommended to be forwarded to Council for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Continuum of Care Planning Grant in the amount of $96,288.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute all necessary funding and grant documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-337

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH RALPH ANDERSEN AND ASSOCIATES IN THE AMOUNT OF $38,600, FOR A TOTAL NOT TO EXCEED AGREEMENT AMOUNT OF $110,100 TO INCLUDE CONDUCTING THE RECRUITMENT FOR TWO DEPUTY CITY MANAGER POSITIONS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT

WHEREAS, on April 3, 2018, by Resolution No. 2018-133, Council approved an agreement with Ralph Andersen and Associates in an amount not to exceed $71,500 to conduct the recruitment for Director of Community and Economic Development, Chief Building Official and Traffic Engineer, and

WHEREAS, the Deputy City Manager positions are currently vacant and are identified as critical positions and difficult to fill, and

WHEREAS, the Deputy City Managers are critical staff needed to meet the City’s strategic commitments, and

WHEREAS, the City has received four proposals from executive recruitment firms, and

WHEREAS, staff recommends the City retain the services of Ralph Andersen and Associates to conduct the recruitments because of their previous successful recruitments, and

WHEREAS, consultant’s professional fee is a total of $38,600 to conduct the recruitment for these positions, and

WHEREAS, in addition to these professional fees, the City is responsible for all candidate expenses related to on-site interviews in an amount not to exceed $5,000 per recruitment.
NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto hereby approves a First amendment to the agreement with Ralph Andersen and Associates in the amount of $38,600, for a total not to exceed agreement amount of $110,100 to include conducting the recruitment for two Deputy City Manager positions.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the First 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 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-338

RESOLUTION ACCEPTING A 2017 PROPOSITION 1 SUSTAINABLE GROUNDWATER PLANNING GRANT AWARD FOR $1,000,000 AND ENTERING INTO A GRANT AGREEMENT WITH DWR, ON BEHALF OF THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION GROUNDWATER SUSTAINABILITY AGENCY AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED DOCUMENTS, AND ANY AMENDMENTS OR CHANGES THERETO

WHEREAS, in September of 2014, Governor Edmund G. Brown signed into law the Sustainable Groundwater Management Act of 2014 which requires, among other items, the formation of Groundwater Sustainability Agencies (GSA) and the preparation of a Groundwater Sustainability Plan (GSP) with a focus on long-term sustainability, and

WHEREAS, the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) has provided a forum for local agencies to work cooperatively to provide for coordinated planning in the pursuit of effective and sustainable management of the Sub-basin, and

WHEREAS, on January 24, 2017, by Resolution No. 2017-30, Council elected to enter into a Memorandum of Understanding with the member agencies to form a GSA for the Sub-basin, providing a mechanism for the agencies to fund the work of the STRGBA GSA, and

WHEREAS, on September 26, 2017, by Resolution No 2017-370, Council authorized the submittal of an application to DWR for the Sustainable Groundwater Planning Grant Program, and

WHEREAS, on April 4, 2018, the City, on behalf of the STRGBA GSA, received a notice of award for a 2017 Proposition 1 Sustainable Groundwater Planning Grant Award for $1,000,000.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepting the award and entering into a funding agreement with the DWR for Proposition 1 Sustainable Groundwater Planning Grant funding for the development of a GSP. 

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to represent the City of Modesto in carrying out the City of Modesto’s responsibilities under the funding agreement, and directed to execute all grant-related documents, and any amendments or changes thereto, and enter into an agreement to receive the grant funds; and signatory of grant invoice forms during requests for reimbursements and to certify disbursement requests.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION GROUNDWATER SUSTAINABILITY AGENCY COST SHARING AGREEMENT FOR THE DEVELOPMENT OF A GROUNDWATER SUSTAINABILITY PLAN, IN AN AMOUNT NOT TO EXCEED $469,296 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $146,930 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT OF $616,226, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on May 7, 2014, the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) Issued Request for Quotes to update their Groundwater Management Plan, and

WHEREAS, through the STRGBA selection process, Todd Groundwater was selected, and

WHEREAS, the process to update the Groundwater Management Plan was put on hold to incorporate the new requirements from the Sustainable Groundwater Management Act (SGMA), and

WHEREAS, in September of 2014, Governor Edmund G. Brown signed into law the Sustainable Groundwater Management Act of 2014 which requires, among other items, the formation of Groundwater Sustainability Agencies (GSA) and the preparation of a Groundwater Sustainability Plan (GSP) with a focus on long-term sustainability, and

WHEREAS, development and adoption of a GSP must occur no later than January 31, 2022 for high and medium priority basins not currently in critical overdraft, such as the Modesto Sub-basin (Sub-basin), and

WHEREAS, the STRGBA member agencies are all local agencies, pursuant to SGMA’s definition, and
WHEREAS, the STRGBA member agencies include the cities of Oakdale, Riverbank, Modesto, and Waterford; Stanislaus County; Oakdale Irrigation District; and Modesto Irrigation District, and

WHEREAS, since its inception in 1994, STRGBA has provided a forum for local agencies to work cooperatively to provide for coordinated planning in the pursuit of effective and sustainable management of the Sub-basin, and

WHEREAS, on January 24, 2017, by Resolution No. 2017-30, Council elected to enter into a Memorandum of Understanding (MOU) with the member agencies to form a GSA for the Sub-basin, and

WHEREAS, the MOU provides a mechanism for the agencies to fund the work of the STRGBA GSA, and

WHEREAS, on August 24, 2017, STRGBA GSA authorized Todd Groundwater to develop and submit a grant application package to Department of Water Resources (DWR) 2017 Sustainable Groundwater Planning Grant Program to help fund the preparation of the GSP, and

WHEREAS, Todd Groundwater’s cost estimate to prepare and submit the GSP is $1,469,296, and

WHEREAS, STRGBA GSA also authorized the City to be the grant applicant and act as the contracting agency with Todd Groundwater, and

WHEREAS, on September 26, 2017, by Resolution No 2017-370, Council authorized the submittal of an application to DWR for the Sustainable Groundwater Planning Grant Program, and authorized the City Manager or his designee to execute all grant-related documents, if awarded, and
WHEREAS, on April 4, 2018, the City, on behalf of the STRGBA GSA, received a 2017 Proposition 1 Sustainable Groundwater Planning Grant Award for $1,000,000, which will cover 68% of the GSP preparation cost, and

WHEREAS, the balance of the GSP cost ($1,469,296) minus the grant amount, ($1,000,000) or $469,296, will be divided equally among the agencies that make up the STRGBA GSA, and

WHEREAS, the STRGBA GSA members have agreed to enter into a cost sharing agreement to provide funding for costs in excess of the grant amount, and

WHEREAS, the governing board for each local agency will authorize the execution of the cost sharing agreement, and

WHEREAS, following Council approval, the City will enter into a grant agreement with DWR, on behalf of the STRGBA GSA, and initiate the preparation of a GSP, as required by SGMA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency Cost Sharing Agreement for the development of a Groundwater Sustainability Plan.

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 regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH TODD GROUNDWATER FOR THE DEVELOPMENT OF A GROUNDWATER SUSTAINABILITY PLAN FOR THE MODESTO SUB-BASIN, IN AN AMOUNT NOT TO EXCEED $1,469,296 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $146,929 FOR ADDITIONAL SERVICES (IF NEEDED) FOR A TOTAL AMOUNT OF $1,616,225 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on May 7, 2014, the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) Issued Request for Quotes to update their Groundwater Management Plan, and

WHEREAS, through the STRGBA selection process, Todd Groundwater was selected, and

WHEREAS, the process to update the Groundwater Management Plan was put on hold to incorporate the new requirements from the Sustainable Groundwater Management Act (SGMA), and

WHEREAS, in September of 2014, Governor Edmund G. Brown signed into law the Sustainable Groundwater Management Act of 2014 which requires, among other items, the formation of Groundwater Sustainability Agencies (GSA) and the preparation of a Groundwater Sustainability Plan (GSP) with a focus on long-term sustainability, and

WHEREAS, development and adoption of a GSP must occur no later than January 31, 2022 for high and medium priority basins not currently in critical overdraft, such as the Modesto Sub-basin (Sub-basin), and

WHEREAS, since its inception in 1994, STRGBA has provided a forum for local agencies to work cooperatively to provide for coordinated planning in the pursuit of effective and sustainable management of the Sub-basin, and
WHEREAS, on January 24, 2017, by Resolution No. 2017-30, Council elected to enter into a Memorandum of Understanding (MOU) with the member agencies to form a GSA for the Sub-basin authorizing the City to be the grant applicant and act as the contracting agency with Todd Groundwater.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Todd Groundwater, Alameda, CA for the Development of a Groundwater Sustainability Plan for the Modesto Sub-basin in an amount not to exceed $1,469,296, for the identified scope of services, plus $146,929 for additional services, if needed, for a maximum total amount of $1,616,225.

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 regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FY 2019 MULTI-YEAR BUDGET IN THE AMOUNT OF $1,776,225 THROUGH THE CREATION OF NON-CAPITAL CIP PROJECT 101131 - GSP MODESTO SUB-BASIN

WHEREAS, certain budgetary transactions are necessary in the amount of $1,776,225, in order to fund a consultant agreement and City staff time in support of the Development of a Groundwater Sustainability Plan for the Modesto Sub-basin, and

WHEREAS, the Fiscal Year 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 2019 Multi-Year 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 regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
EXHIBIT A

A total of $1,776,225 is being requested from Water reserves to establish the budget of this new multi-year account:

<table>
<thead>
<tr>
<th>Multi-Year Account 101XXX</th>
<th>Groundwater Sustainability Plan - Modesto Sub-Basin</th>
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</thead>
<tbody>
<tr>
<td><strong>Expenses</strong></td>
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<tr>
<td>Consultant Agreement</td>
<td>$ 1,616,225.00</td>
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<tr>
<td>City Staff Time</td>
<td>$ 160,000.00</td>
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<tr>
<td><strong>Total Expenses</strong></td>
<td>$ 1,776,225.00</td>
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<tr>
<td><strong>Revenue</strong></td>
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</tr>
<tr>
<td>Prop 1 Sustainable Groundwater Planning Grant</td>
<td>$ 1,000,000.00</td>
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<td>Cost Share Agreement with STRGBA GSA</td>
<td>$ 539,197.40</td>
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<td>Less the City's 1/8 Contribution</td>
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<td><strong>Total Revenue</strong></td>
<td>$ 1,539,197.40</td>
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<tr>
<td><strong>Estimated Net Cost to City</strong></td>
<td>$ 237,027.60</td>
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</table>
RESOLUTION ACCEPTING THE J.M. PIKE PARK AND GARRISON PARK IMPROVEMENTS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $683,444 TO BARIAM, INC. DBA BZ CONSTRUCTION OF CERES, CA

WHEREAS, on March 13, 2018, by Resolution No. 2018-111, Council awarded a contract to Barham, Inc. dba BZ Construction for the construction of the J.M. Pike Park and Garrison Park Improvements project, and

WHEREAS, there were 10 change orders resulting in an overall increase of $33,329 for change order work, and

WHEREAS, the J.M. Pike Park and Garrison Park Improvements project has been completed by Barham, Inc. dba BZ Construction, of Ceres, Ca in accordance with the contract agreement dated March 13, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the J.M. Pike Park and Garrison Park Improvements project is hereby accepted as complete from said contractor, Barham, Inc. dba BZ Construction, of Ceres, Ca, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $683,444 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 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-343

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE AREA 2 STORM WATER TO SANITARY SEWER CROSS CONNECTION REMOVAL PROJECT - PHASE 2 ROOSEVELT PARK, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH D.A. WOODS CONSTRUCTION, INC., MODESTO, CA, IN THE AMOUNT OF $6,124,356 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park, and

WHEREAS, the bids received for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park were opened at 11:00 a.m. on June 5, 2018 pursuant to Modesto Municipal Code section 8-3.403 and Charter section 1307, and

WHEREAS, the Director of Utilities and the City Manager has recommended that the bid of $6,124,355.50 received from D.A. Woods Construction Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to D.A. Woods Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for Area 2 Storm Water to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park and accepts the bid of $6,124,356 and awards D.A. Woods Construction, Inc., of Modesto, CA the construction contract.

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 regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-344

RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,683,893 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE AREA 2 STORM WATER TO SANITARY SEWER CROSS CONNECTION REMOVAL – PHASE 2 ROOSEVELT PARK PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $1,683,893, in order to fund a construction contract and City staff time in support of the Roosevelt Park Cross Connection Project, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2018-2019 Capital Improvement Program 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 regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
EXHIBIT A

A total of $1,683,893 is being requested from wastewater reserves to revise the budget of CIP project 100793 – Roosevelt Park Cross Connection

### 100793 - Roosevelt Park Cross Connection

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<th>PJTD</th>
<th>Budget</th>
<th>Actual</th>
<th>Commitment</th>
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<td>EDA</td>
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<td><strong>Total</strong></td>
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### Agenda Report

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<tr>
<td>CON</td>
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<td><strong>Total</strong></td>
<td><strong>$7,307,363.00</strong></td>
<td><strong>$1,683,894.70</strong></td>
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**$1,683,893**
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CARPENTER ROAD LANDFILL MITIGATION PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH PACIFIC STATES ENVIRONMENTAL CONTRACTORS, INC. OF DUBLIN, CA, IN THE AMOUNT OF $3,776,598 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Carpenter Road Landfill Mitigation Project, and

WHEREAS, the bids received for the Carpenter Road Landfill Mitigation Project were opened at 11:00 a.m. on July 17, 2018 and

WHEREAS, the Director of Utilities has recommended that the bid of $3,776,598 received from Pacific States Environmental Contractors, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Pacific States Environmental Contractors, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for the Carpenter Road Landfill Mitigation Project, accepts the bid of $3,776,598 and awards Pacific States Environmental Contractors, Inc., of Dublin, CA, the contract for the Carpenter Road Landfill Mitigation 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 regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR’S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE CARPENTER ROAD LANDFILL MITIGATION PROJECT FROM 8 PERCENT ($302,128) TO 10 PERCENT ($377,660) OF THE CONSTRUCTION CONTRACT AMOUNT

WHEREAS, on August 14, 2018, the City Council is concurrently awarding a $3,776,598 contract Pacific States Environmental Contractors, Inc. of Dublin, CA, for the construction of the Carpenter Road Landfill Mitigation Project, and

WHEREAS, the City owns and maintains the Carpenter Road Landfill, and

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

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $302,128, and

WHEREAS, staff recommends that the Director’s change order authority be increased to 10%.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Carpenter Road Landfill Mitigation Project from 8 percent ($302,128) to 10 percent ($377,660) of the construction contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [signature]

(SEAL)

APPROVED AS TO FORM:

By: [signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH CONSOLIDATED CM, INC., OF OAKLAND, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE CARPENTER ROAD LANDFILL MITIGATION PROJECT IN THE AMOUNT OF $179,797, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS UP TO A CUMULATIVE AMOUNT OF 35 PERCENT

WHEREAS, the Carpenter Road Landfill is owned and maintained by the City of Modesto, located in Stanislaus County, and

WHEREAS, gas monitoring began in 1993 of the landfill, with the installation of six gas probes along the northern boundary where residences are located, approximately 120-200 feet from the landfill, and

WHEREAS, in 2005, methane was reported in a gas probe at concentrations above the regulatory limit, and

WHEREAS, due to this, in January 2007, CalRecycle required the City to conduct an assessment of the groundwater and landfill gas. A Site Assessment work plan was submitted in July 2007, and

WHEREAS, in February 2014, the Central Valley Regional Water Quality Control Board (RWQCB) met with City staff to discuss the extent of the VOC groundwater impacts, and

WHEREAS, determined that a final closure cap would need to be installed and a Corrective Action Plan and Post Closure Maintenance and Monitoring Plan would need to be submitted, and

WHEREAS, on March 4, 2015, the RWQCB issued a Cleanup and Abatement Order (CAO R5-2015-0700), which specified that the waste on the east landfill area

08/14/2018/Utilities/CYerzy/Item 20  1  2018-347
needed to be excavated and moved to the west landfill area, and that a final cover had to be installed on the west landfill area to address the detection of VOCs in the groundwater, and

WHEREAS, due to the limited availability of the City’s Construction Administration staff and the complexity of this project, staff recommends utilizing a consultant to provide construction management, inspection and materials testing services throughout the construction phase, and

WHEREAS, on January 16, 2018, by Resolution No. 2018-10, Council approved the Pre-qualified Consultant List for Construction Management and Inspection Services for Various Capital Improvement Projects. A Request for Proposals was issued to the top three firms, NV5, Inc., Consolidated CM, Inc., and Vali Cooper and Associates, and after review, Consolidated CM, was selected as the most qualified firm for the project.

Consolidated CM demonstrated experience with multiple projects similar in scope and size, and

WHEREAS, therefore, staff is seeking Council approval for a professional services agreement and is recommending that the Council authorize the City Manager to approve amendments to this agreement up to 35 percent, if needed during construction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Consolidated CM, Inc. for Construction Management and Inspection services for the new Carpenter Road Landfill Mitigation project, for $179,797 and authorizing the City Manager, or his designee, to execute the agreement and any amendments up to a cumulative amount of 35 percent.
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 regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A FIFTH AMENDMENT TO THE AGREEMENT WITH SCS ENGINEERS, INC. OF MODESTO, CA, FOR ENVIRONMENTAL QUALITY ASSURANCE, MONITORING, AND LANDFILL CLOSURE SUPPORT WORK IN AN AMOUNT NOT TO EXCEED $520,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS UP TO A CUMULATIVE AMOUNT OF 10 PERCENT

WHEREAS, the City of Modesto owned and operated the Carpenter Road Landfill from 1956 to 1968, and the landfill includes fill sites on both the east and west sides of Carpenter Road, along the Tuolumne River, and

WHEREAS, the City is required by State law to perform post closure landfill maintenance, monitoring, and reporting for the landfill site, and

WHEREAS, in December 2005, it appeared that methane gas levels at the landfill’s Northern boundary exceeded the maximum limits, and the California Integrated Waste Management Board (CIWMB) required the City to determine the cause and develop a Mitigation and Monitoring Plan, and

WHEREAS, the Central Valley Regional Water Quality Control Board (CVRWQCB) subsequently required the City to assess the potential for groundwater impacts, and

WHEREAS, on June 12, 2007 by Resolution No. 2007-341, Council authorized a Professional Services Agreement with SCS Engineers, Inc. in an amount not to exceed $299,500 to assess the landfill and recommend corrective action, and

WHEREAS, after the initial site assessment, Resolution No. 2007-728 authorized a no-cost Letter Amendment to shift the focus of the work to installation of gas probes,
design and installation of groundwater monitoring wells, and ongoing monitoring and reporting of methane gas and groundwater, and

WHEREAS, the assessment determined that migration of methane gas past the boundaries of the landfill was not a problem, but that a groundwater monitoring event determined that the landfill had experienced a "release" that could potentially have affected groundwater, and

WHEREAS, an engineering feasibility study had to be completed and the CVRWQCB required the City to submit a Corrective Action Plan (CAP), and

WHEREAS, in May 2009 by Resolution 2009-199, Council approved a Second Amendment to the Agreement with SCS Engineers, Inc. to further evaluate the site, develop the CAP, and provide ongoing monitoring and reporting services in an amount not to exceed $242,000, and

WHEREAS, in November 2010, after conducting 12 hydro punch borings to sample groundwater and analyzing them for Volatile Organic Compounds (VOC's), SCS submitted the CAP to the CVRWQCB proposing to use an injection of a hydrogen releasing compound to remediate any groundwater impacts, and

WHEREAS, subsequently, the VOC concentrations began to consistently decline, and City staff and SCS Engineers, Inc. determined that the proposed CAP needed to be re-evaluated, and

WHEREAS, in August 2013, by Resolution No. 2013-277, Council approved a Third Amendment to the Agreement with SCS Engineers, Inc. for ongoing monitoring, lab analysis, compliance reports, corrective action monitoring and maintenance, and re-evaluating and implementing the CAP in a cost not to exceed $290,500, and
WHEREAS, in October 2014, a revised CAP and post closure maintenance plan was submitted to the CVRWQCB and in March 2015, the CVRWQCB issued the City a Cleanup and Abatement Order (CAO R5-2015-0700) requiring the City to clean close the Eastern Fill, move all the waste to the Western Fill, install a final cover atop the Western Fill, and construct a storm water retention basin, and

WHEREAS, in April 2015, SCS Engineers, Inc. submitted the plans and drawings to address the CAO and it was conditionally approved by the CVRWQCB in July 2016, with mitigation to be completed by October 2017, and

WHEREAS, the Central Valley experienced a significant wet winter at the end of 2016 and into the beginning of 2017, with the Tuolumne River above flood stage and not expected to completely recede until September or mid-October 2017, and

WHEREAS, the City petitioned the CVRWQCB in June 2017 for an extension to the CAO due to the groundwater elevation being higher than that of the waste to be excavated, and

WHEREAS, in mid-July the CVRWQCB approved the City’s request to postpone the execution of the Clean Closure Work Plan with the condition that the approved background soil assessment would be completed and submitted to the water board by October 20, 2017 and the Final Construction and Completion Report for the CAO would be submitted no later than October 31, 2018, and

WHEREAS, in September 2017, by Resolution No. 2017-341, the Council approved a Fourth Amendment to the Agreement with SCS Engineers, Inc. to complete these tasks and carry the project through December 31, 2018 in a cost not to exceed $92,349, and

WHEREAS, in October 2014, a revised CAP and post closure maintenance plan was submitted to the CVRWQCB and in March 2015, the CVRWQCB issued the City a Cleanup and Abatement Order (CAO R5-2015-0700) requiring the City to clean close the Eastern Fill, move all the waste to the Western Fill, install a final cover atop the Western Fill, and construct a storm water retention basin, and

WHEREAS, in April 2015, SCS Engineers, Inc. submitted the plans and drawings to address the CAO and it was conditionally approved by the CVRWQCB in July 2016, with mitigation to be completed by October 2017, and
WHEREAS, in order to provide design and environmental compliance support during construction, given the unique and specialized expertise required for clean closing a landfill, and given the SCS has been the Engineer-of-Record for the Project, and to stay in compliance with the CAO and the CVRWQCB, it is necessary to execute a Fifth Amendment, and

WHEREAS, funds are collected in the garbage rate for the mitigation project, estimated to cost $5,039,054, and to date the Carpenter Road Landfill Fund (Fund 4893-56016) has approximately $2.3 million, and

WHEREAS, a loan for $2,300,000 will be taken from the Water Fund Reserves to the Carpenter Road Landfill Clean Closure Mitigation Fund, to be paid back with interest from future revenue collected on the garbage rates.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fifth Amendment to the Agreement with SCS Engineers, Inc. for environmental quality assurance, monitoring, and landfill closure support work for the Carpenter Road Landfill in an amount not to exceed $520,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Fifth Amendment to the Agreement and any amendments up to a cumulative amount of 10 percent, 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 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-349

RESOLUTION APPROVING A SIX YEAR INTERFUND LOAN IN THE
AMOUNT OF $2,300,000 FROM THE WATER FUND RESERVES TO THE
CARPENTER ROAD LANDFILL CLEAN CLOSURE MITIGATION PROJECT,
TO BE PAID BACK WITH INTEREST FROM FUTURE REVENUE
COLLECTED ON THE GARBAGE RATES

WHEREAS, the City of Modesto owned and operated the Carpenter Road
Landfill from 1956 to 1968, and the landfill includes fill sites on both the east and west
sides of Carpenter Road, along the Tuolumne River, and

WHEREAS, the City is required by State law to perform post closure landfill
maintenance, monitoring, and reporting for the landfill site, and

WHEREAS, gas monitoring began in 1993, and in 2005, it appeared that methane
gas levels at the landfill’s Northern boundary exceeded the maximum limits, and the
California Integrated Waste Management Board (CIWMB) required the City to determine
the cause and develop a Mitigation and Monitoring Plan, and

WHEREAS, in January 2007, the Central Valley Regional Water Quality Control
Board (CVRWQCB) required the City to conduct an assessment of the potential for
landfill gas and groundwater impacts, and

WHEREAS, in June 2007 by Resolution No. 2007-341, the Council authorized a
Professional Services Agreement with SCS Engineers, Inc. to assess the landfill and
recommend corrective action, and

WHEREAS, gas probes and groundwater monitoring wells were installed and
confirmed the presence of volatile organic compounds (VOCs), and

WHEREAS, in December 2007 by Resolution No. 2007-730, the Carpenter Road
Landfill Fund was established and mitigation fees were assessed on the garbage rates of
$0.50 per household per month for residential, $0.90 per cubic yard for commercial, and
$5.00 per pull for industrial waste, and

WHEREAS, in February 2014, the Central Valley Regional Water Quality
Control Board (RWQCB) met with City staff to discuss the extent of the VOCs
groundwater impacts, and based on those discussions it was determined a final closure
cap would be needed and a Correction Action Plan and Post Closure Maintenance and
Monitoring Plan would be required, and

WHEREAS, in July 2014 by Resolution No. 2017-207, the residential and
commercial fees were suspended due to the Carpenter Road Landfill Fund having
reached $1.8 million and it was deemed that those funds would sufficiently cover the
mitigation costs, and

WHEREAS, in March 2015, the RWQCB issued a Cleanup and Abatement Order
(CAO R5-2015-0700) and in July 2016, the City submitted a revised Clean Closure Work
Plan, and

WHEREAS, in July 2016 the City received an Engineer’s Estimate from SCS
Engineers of $2.6 million for the final landfill closure and in order to fund the project, in
July 2016 by Resolution No. 2016-307, a residential fee of $0.50 per household per
month and a commercial fee of $0.91 per cubic yard were reinstated as part of the
garbage rates, and

WHEREAS, the project was to start in the spring of 2017, however due to the
significant storm event that occurred in the winter of 2017, the project was delayed, and

WHEREAS, at the end of Fiscal Year 17/18, the Carpenter Road Landfill Fund
had approximately $2.3 million, and
WHEREAS, this project went out to bid and the project construction, the construction administration of the project, and the environmental compliance, quality assurance and design support required for a landfill clean closure project are estimated at $5,039,054, and will be starting in September 2018, and

WHEREAS, approximately $629,500 is received annually in revenue from the garbage rates, and

WHEREAS, staff is proposing an interfund loan in the amount of $2,300,000 from the Water Fund Reserves to the Carpenter Road Landfill Fund to assist with the funding of this project so that the project remains within the parameters of the set schedule approved by the Regional Water Quality Control Board, and

WHEREAS, City policy allows for interfund loans to be made at the interest rate of the City’s investment portfolio, which is currently 1.49%, and

WHEREAS, if a loan of $2,300,000 was established to be repaid over a six year term at 1.49%, the first payment of interest only of $34,270 would be due on 9/4/2020, and the remaining five payments of principal and interest of $480,764 will be due thereafter on 9/4/2021, 9/4/2022, 9/4/2023, 9/4/2024, and 9/4/2025 (see Attachment A – Amortization Schedule), and

WHEREAS, with the current established Carpenter Road Mitigation fees, this loan would be paid off by the end of Fiscal Year 2024 and the project would be completed and fully funded.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a six year loan in the amount of $2,300,000 from the Water Fund Reserves to the Carpenter Road Landfill Fund for the Carpenter Road Landfill Clean
Closure Mitigation Project, to be paid back with interest from future revenue collected on the garbage rate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROJECT BUDGET BY $5,032,466 FOR THE CARPENTER ROAD LANDFILL CLEAN CLOSURE MITIGATION PROJECT (101046), INCLUDING A $2,300,000 LOAN THAT WILL BE TRANSFERED FROM THE WATER FUND (4100) TO THE CARPENTER ROAD LANDFILL FUND (4893)

WHEREAS, the Carpenter Road Landfill is owned and maintained by the City of Modesto and includes two separate waste management units located on the east and west sides of Carpenter Road, and

WHEREAS, no liners are in place beneath the waste on either landfill area, and

WHEREAS, gas monitoring began in 1993 of the landfill, and

WHEREAS, in 2005, methane was reported in a gas probe at concentrations above the regulatory limit, and

WHEREAS, due to this in January 2007, CalRecycle required the City to conduct an assessment of the groundwater and landfill gas, and

WHEREAS, these actions confirmed the presence of volatile organic compounds (VOC’s) in the groundwater, and

WHEREAS, based on these discussions, it was determined by the Central Valley Regional Water Quality Control Board (RWQCB) that a final closure cap would need to be installed and a Corrective Action Plan and Post Closure Maintenance and Monitoring Plan would need to be submitted, and

WHEREAS, based on that submittal the RWQCB issued a Cleanup and Abatement Order (CAO R5-2015-0700), which was to be completed by October 2017, and
WHEREAS, due to the significant storm event that occurred in the winter of 2017, RWQCB extended the project one year, to be completed December 2018, and

WHEREAS, project costs are substantially higher than initially budgeted for project, and

WHEREAS, certain budgetary transactions are necessary in the amount of $5,032,466, are required, including a $2,300,000 loan to be transferred from the Water Fund (4100) to the Carpenter Road Landfill Fund (4893), in order to fund the Carpenter Road Landfill Clean Closure Mitigation Project, and

WHEREAS, an Amortization Schedule has been prepared for the repayment of the loan, and

WHEREAS, the Fiscal Year 2018-2019 Carpenter Road Landfill Clean Closure Mitigation Project 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 Carpenter Road Landfill Clean Closure Mitigation Project 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 regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney

08/14/2018/Utilities/CYerzy/Item 20 3  2018-350
Due to additional unforeseen construction costs as well as the staff time required to adminster the project a budget adjustment in the amount of $5,032,466 is necessary to fully fund the Carpenter Road Landfill Clean Closure Mitigation Project 101046, which will include a $2,300,000 loan to be transferred from the Water Fund Reserves Budget for Fiscal Year 2018-2019 into the Carpenter Road Landfill Clean Closure Mitigation Project 101046. The planned repayment of the loan is anticipated to take 6 years. Project 101046 currently has a budget of $15,000.

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$15,000.00 $5,039,054.00

$6,588.00 $5,032,466.00
RESOLUTION APPROVING THE AWARD OF PROPOSAL AND CONTRACT FOR THE FURNISHING OF UNIFORM AND LAUNDRY SERVICES TO ARAMARK UNIFORM SERVICES, MODESTO, CA, FOR TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ANNUAL COST NOT TO EXCEED $160,323 AND A TOTAL AMOUNT NOT TO EXCEED $801,615 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the furnishing of uniform and laundry services, and

WHEREAS, the Purchasing Division issued RFB 1718-42 for uniform and laundry services for Citywide departments on the City’s website under commodity codes for clothing athletic, casual, dress, uniforms blended fabric, uniforms cotton, uniforms synthetic fabric, work clothes, laundry and dry cleaning services, laundry and linen services, and rental or lease services of clothing services, and

WHEREAS, the proposals were formally opened in the City Clerk’s office. Three (3) companies choose to respond, one of which was a local vendor. All companies provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of seven (7) City staff members evaluated and graded the proposals which included a representative from almost every City department, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal and contract for the furnishing of uniform and laundry services for Citywide use to Aramark Uniform Services, Modesto, CA, and
WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal and contract for the furnishing of uniform and laundry services for Citywide use to Aramark Uniform Services, Modesto, CA, conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the award of proposal for the furnishing of uniform and laundry services for Citywide use to Aramark Uniform Services, Modesto, CA for an annual cost not to exceed $160,323 and a total amount not to exceed $801,615 over five years.

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 regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Ridenour, Zoslocki

NOES: Councilmembers: Ah You, Madrigal, Mayor Brandvold

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-352

RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC
INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF REAL
PROPERTY DIRECTING THE COMMENCEMENT OF EMINENT DOMAIN
PROCEEDINGS FOR THE STATE ROUTE 132 WEST
FREEWAY/EXPRESSWAY PHASE 1 PROJECT RE: 1601 ELM AVE.,
MODESTO, CA (APN 007-039-012), OWNER: RONALD J. JOHNS AND
KRISTIN D. STACKHOUSE-JOHNS, TRUSTEES OF THE RONALD &
KRISTIN JOHNS FAMILY TRUST

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, the Project, will improve regional and interregional circulation,
relieve traffic congestion along existing State Route 132 (SR-132)/Maze Boulevard, and
improve traffic operations by creating a new alignment connecting SR-132 with the City
of Modesto; 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 Phase 1 of the State Route 132 Project; and

WHEREAS, on October 24, 2017, Council approved a Joint Powers Agreement
with Stanislaus County (“City/County JPA”) 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 the Project; and

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

WHEREAS, on August 8, 2018, Council approved a Cooperative Agreement between the City of Modesto and Caltrans ("City/Caltrans Cooperative Agreement"); and

WHEREAS, the City is vested by law with the authority to acquire real property and exercise the power of eminent domain to acquire real property under the provisions and authority of and for the purposes and uses authorized by Article 1, Section 19 of the Constitution of the State of California, Government Code sections 37350.5, 37353, 39792, 40401, 40404, Streets & Highways Code sections 104, 113, 114, 116, 130, 1810, 10102, and by California Code of Civil Procedure sections 1240.110, 1240.120, 1240.150, 1240.410, 1240.510 and 1240.610, and pursuant to the City/Caltrans Cooperative Agreement; and

WHEREAS, pursuant to Code of Civil Procedure section 1240.140, the Joint Exercise of Powers Act (Government Code sections 6500, et seq.), and City/County JPA, Stanislaus County delegated to the City its authority to acquire and condemn property for the Project pursuant to Article I, Section 19 of the Constitution of the State of California, Government Code section 25350.5, Streets and Highways Code sections 104, 116, 130, 760 and 943, Code of Civil Procedure sections 1240.110, 1240.120, 1240.150, 1240.410, 1240.510, and 1240.610, and Streets & Highways Code sections 104, 116, 130 and 760; and

WHEREAS, it is desirable and necessary for the City to acquire certain real property interests in fee, easement, and a 24-month temporary construction easement, from property located at 1601 Elm Avenue, Modesto, California, APN 007-039-012, as more particularly described and depicted in Exhibit A attached hereto and made a part

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2018-352
hereof by this reference, for the construction of the Project; and

WHEREAS, the City and Caltrans have investigated and examined alternatives to the Project and the acquisition of the Property, and concluded that both the Project and the acquisition of the Property for the Project are necessary; and

WHEREAS, the requirements of the California Environmental Quality Act ("CEQA") and National Environmental Policy Act ("NEPA") have been satisfied for the Project; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the City Council of the City of Modesto at the time and place set forth in said notice, regarding the matters specified therein.

NOW, THEREFORE, IT IS FOUND AND DETERMINED as follows:

1. The public interest and necessity require the Project.

2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

3. The property described and depicted in Exhibit A hereto is necessary for the Project.

4. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2.

5. The City has complied with all conditions and statutory requirements,
including those prescribed by CEQA and NEPA, that are necessary for approval and adoption of the Project.

6. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by the City.

7. Insofar as any portion of the property has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

8. The easement described and depicted in Exhibit A as the M.I.D. Easement is being acquired in whole or in part pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330 and 1240.350, as substitute property necessary for the relocation of public utility facilities, and as substitute property that is reasonably necessary and appropriate to provide utility service to property that is not acquired for such public use but will be cut off from utility service as a result of the acquisition by the fee interest;

9. The City Attorney and/or his designee, is hereby authorized and empowered to acquire in the name of the City of Modesto by condemnation the property described and depicted in Exhibit A hereto; to prepare, prosecute and conduct to conclusion in the name of the City of Modesto such proceedings in the proper court as is necessary for such acquisition and to make such action as may be deemed advisable or
necessary in connection therewith; to deposit the probable amount of just compensation, based on an approved appraisal.

10. An order for prejudgment possession may be obtained in said condemnation proceeding and a warrant issued to the State Treasury Condemnation Fund, in the amount based on the approved appraisal, as a condition to the right of immediate possession and use the Subject Property for said public uses and purposes.

**BE IT FURTHER RESOLVED**, that the recitals contained hereinabove are true and correct, and all the findings and determinations made by the City Council pursuant to this Resolution are based upon substantial evidence in the entire record before the City Council, and are not based solely on the information provided in this Resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th 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]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
EXHIBIT “A”
M.I.D. EASEMENT

SR132 Phase 1 Construction Project
The Ronald & Kristin Johns Family Trust to City of Modesto
APN: 007-039-012

Legal description

ALL that certain real property, being a portion of the lands described in Grant Deed to Ronald J. Johns and Kristin D. Stackhouse-Johns, Trustees of the Ronald & Kristin Johns Family Trust, filed for record July 14, 2008 as Document No. 2008-0075777, Stanislaus County Records, and situate in the southwest quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, and more particular described as follows:

A 20-foot wide strip of land, the northerly line of which is coincident with course (6) of the following described line:

COMMENCING at a 3/4″ iron pipe, tagged LS 4876 in a monument well at the center 1/4 corner of Section 25, Township 3 South, Range 8 East, Mount Diablo Meridian, from which a 2″ iron pipe with brass cap, stamped LS 5443, at the East 1/4 corner of said Section 25 bears North 89°31′37″ East 2651.65 feet; thence South 59°35′43″ East 271.57 feet to a point lying within the right-of-way of the future State Highway Route 132, as said right-of-way is shown on sheet 23 of State Highway map STA-132P PM 13.00, last said point being the TRUE POINT OF BEGINNING;

thence (1), South 00°04′34″ West 89.01 feet;

thence (2), South 84°32′34″ East 408.37 feet;

thence (3), South 82°10′44″ East 383.20 feet;

thence (4), South 80°32′15″ East 715.48 feet;

thence (5), South 76°39′16″ East 735.94 feet;

thence (6), North 90°00′00″ East 303.84 feet to a point on the future southerly right-of-way line of State Highway Route 132, as said right-of-way line is labeled “S 49°56′29″ E 88.78″ on sheet 24 of State Highway map STA-132P PM 13.36;
thence (7), along said southerly right-of-way line and its southeasterly extension thereof, South 49°47'53" East 86.18 feet to a point lying within the right-of-way of Carpenter Road, and the terminal point of this description, said terminal point bears South 13°12'56" East 701.02 feet from aforementioned East 1/4 corner of Section 25. The southerly line of said strip to be lengthened or shortened to terminate at course (7), being also the West line of said Johns Family Trust land.

Containing (1,082 square feet Grid) 1,082 square feet [0.02 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 3, NAD83 adjusted to the 2007.00 Epoch of NGS monuments "TRACY" (PID AA4256), "PATTERSON" (PID HS5412) and "TURLOCK" (PID AA4252). All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined factor of 0.999932235. To convert to ground areas, divide grid areas by the combined factor squared (0.99986447).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.
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</tbody>
</table>

**Perimeter:** 6346.35  **Area:** 1,067,879 sq.ft. 24.52 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

**Error Closure:** 0.01  **Course:** S 97-59-52 E

**Error North:** -0.000  **East:** 0.008

**Precision:** 1: 634,636.00
Parcel name: APN 007-032-012 H1D

North: 2057478.11
Line Course: S 90-00-00 E Length: 42.37
  North: 2057478.11
  East: 6408010.54
Line Course: S 49-47-53 E Length: 30.98
  North: 2057458.12
  East: 6408076.57
Line Course: N 90-00-00 W Length: 65.07
  North: 2057458.12
  East: 6408010.70
Line Course: N 00-27-53 W Length: 20.00
  North: 2057478.12
  East: 6408010.54

Perimeter: 159.22  Area: 1,002 sq.ft.  0.02 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: N 25-30-46 W
Error North: 0.002  East: -0.001
Precision 1: 159,220,000.00
EXHIBIT 'B'
MID EASEMENT

EXISTING STATE
RIGHT-OF-WAY LINE

PROPOSED STATE
RIGHT-OF-WAY LINE

EXISTING 20' WIDE
M.I.D. EASEMENT

EASEMENT
1,082 SQ.FT.
0.02 ACRES

APN 007-039-015

APN 007-039-014

APN 007-039-013

APN 007-039-012

ELM AVENUE

PLAT TO ACCOMPANY
LEGAL DESCRIPTION

BEING A PORTION OF THE S. 1/2 OF LOT 10, "MAZE RANCH
SUBDIVISION", 4-M-18, S.C.R., SW 1/4 OF SEC. 30,
T.3 S., R.9 E., M.D.M.

STANISLAUS COUNTY
CALIFORNIA
EXHIBIT “A”
RIGHT-OF-WAY

SR132 Phase 1 Construction Project
The Ronald & Kristin Johns Family Trust to City of Modesto
APN: 007-039-012

Legal description

ALL that certain real property, being a portion of the lands described in Grant Deed to Ronald J. Johns and Kristin D. Stackhouse-Johns, Trustees of the Ronald & Kristin Johns Family Trust, filed for record July 14, 2008 as Document No. 2008-0075777, Stanislaus County Records, and situate in the southwest quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, lying northerly of course (6) of the following described line:

COMMENCING at a 3/4" iron pipe, tagged LS 4876 in a monument well at the center 1/4 corner of Section 25, Township 3 South, Range 8 East, Mount Diablo Meridian from which a 2" iron pipe with brass cap, stamped LS 5443, at the East 1/4 corner of said Section 25 bears North 89°31'37" East 2651.65 feet; thence South 59°35'43" East 271.57 feet to a point lying within the right-of-way of the future State Highway Route 132, as said right-of-way is shown on sheet 23 of State Highway map STA-132P PM 13.00, last said point being the TRUE POINT OF BEGINNING;

thence (1), South 00°04'34" West 89.01 feet;

thence (2), South 84°32'34" East 408.37 feet;

thence (3), South 82°10'44" East 383.20 feet;

thence (4), South 80°32'15" East 715.48 feet;

thence (5), South 76°39'16" East 735.94 feet;

thence (6), North 90°00'00" East 303.94 feet to a point on the future southerly right-of-way line of State Highway Route 132, as said right-of-way line is labeled "S 49°56'29" E 88.78" on sheet 24 of State Highway map STA-132P PM 13.36;

thence (7), along said southerly right-of-way line and its southeasterly extension thereof, South 49°47'53" East 86.18 feet to a point lying within the right-of-way of Carpenter Road, and the terminal point of this description, said terminal point bears South 13°12'56"East 701.02 feet from aforementioned East 1/4 corner of Section 25.

This conveyance is made for the purpose of a freeway and the grantor hereby relinquishes to the grantee any and all abutter’s rights including access rights, appurtenant to grantors' remaining property, in and to said freeway.

Containing (655 square feet Grid) 655 square feet [0.02 acres] Ground, more or less.
The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 3, NAD83 adjusted to the 2007.00 Epoch of NGS monuments “TRACY” (PID AA4256), “PATTERSON” (PID HS5412) and “TURLOCK” (PID AA4252). All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined factor of 0.999932235. To convert to ground areas, divide grid areas by the combined factor squared (0.99986447).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

Rien Groenewoud, P.L.S. 6946
Parcel name: APW 007-039-012 Area

North: 2057501.89 East: 6408010.34
  North: 2057499.07 East: 6408028.11
Line Course: S 49-47-53 E Length: 32.47
  North: 2057478.11 East: 6408052.31
Line Course: N 90-00-00 W Length: 42.37
  North: 2057473.11 East: 6408010.54
Line Course: W 00-27-59 W Length: 23.78
  North: 2057501.89 East: 6408010.35

Perimeter: 116.60 Area: 655 sq.ft. 0.02 acres

Napcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: S 87-08-02 E
  Error North: -0.000 East: 0.004
Precision 1: 116,610,000.00
<table>
<thead>
<tr>
<th>Line Course</th>
<th>North:</th>
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<th>Length:</th>
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<tr>
<td>S 59-35-43 E</td>
<td>2058083.05</td>
<td>6405306.91</td>
<td>271.57</td>
</tr>
<tr>
<td>S 00-01-34 W</td>
<td>2057945.61</td>
<td>6405541.13</td>
<td>85.01</td>
</tr>
<tr>
<td>S 04-32-34 E</td>
<td>2057856.60</td>
<td>6405541.01</td>
<td>408.37</td>
</tr>
<tr>
<td>S 02-10-44 E</td>
<td>2057765.61</td>
<td>6405947.53</td>
<td>303.20</td>
</tr>
<tr>
<td>S 80-32-15 E</td>
<td>2057647.99</td>
<td>6407032.91</td>
<td>715.48</td>
</tr>
<tr>
<td>S 76-39-16 E</td>
<td>2057478.12</td>
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<td>735.34</td>
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<tr>
<td>S 49-47-53 E</td>
<td>2057422.49</td>
<td>6408118.74</td>
<td>86.18</td>
</tr>
<tr>
<td>N 13-12-56 W</td>
<td>2058104.94</td>
<td>6407958.48</td>
<td>711.02</td>
</tr>
<tr>
<td>S 88-31-37 W</td>
<td>2058083.03</td>
<td>6405306.92</td>
<td>2370.65</td>
</tr>
</tbody>
</table>

Perimeter: 6346.35  Area: 1,067,879 sq.ft. 24.52 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01  Course: S 87-59-22 E
Error North: -0.000  East: 0.008
Precision 1: 634,636.00
EXHIBIT “A”
Temporary Construction Easement

SR132 Phase 1 Construction Project
The Ronald & Kristin Johns Family Trust to City of Modesto
APN: 007-039-012

Legal description

ALL that certain real property, being a portion of the lands described in Grant Deed to Ronald J. Johns and Kristin D. Stackhouse-Johns, Trustees of the Ronald & Kristin Johns Family Trust, filed for record July 14, 2008 as Document No. 2008-0075777, Stanislaus County Records, and situate in the southwest quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, lying easterly of the following described line:

COMMENCING at a 2" iron pipe with brass cap, stamped LS 5443, at the West 1/4 corner of said Section 30, from which a 3/4" iron pipe, tagged LS 4876 in a monument well at the center 1/4 corner of Section 25, Township 3 South, Range 8 East, Mount Diablo Meridian, bears South 89°31'37" West 2651.65 feet; thence South 04°30'07" East 597.21 feet to a point lying within the right-of-way of the future State Highway Route 132, as said right-of-way is shown on sheet 24 of State Highway map STA-132P PM 13.36, last said point being the TRUE POINT OF BEGINNING;

thence (1), South 25°59'45" East 138.88 feet;

thence (2), southeasterly 40.66 feet along the arc of a curve concave to the southwest having a radius of 335.61 feet through a central angle of 06°56'32";

thence (3), along a non-tangent line South 03°20'28" East 193.09 feet;

thence (4), North 89°32'01" East 25.20 feet to a point lying within the right-of-way of Carpenter Road, and the terminal point of this description, said terminal point bears South 09°32'27" East 963.44 feet from aforementioned West 1/4 corner of Section 30.

Containing (7,432 square feet Grid) 7,433 square feet [0.17 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 3, NAD83 adjusted to the 2007.00 Epoch of NGS monuments “TRACY” (PID AA4256), “PATTERSON” (PID HS5412) and “TURLOCK” (PID AA4252). All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined factor of
0.999932235. To convert to ground areas, divide grid areas by the combined factor squared (0.99986447).

All as shown on EXHIBIT “B” attached hereto and by this reference made a part hereof.

Rights to the above described temporary easement shall cease and terminate on December 31, 2020.

Said rights may also be terminated prior to the above date by (GRANTEE) upon notice to GRANTOR.
Parcel name: CARPENTER WEST 10E

North: 2058104.94  East: 6407958.47
Line Course: S 04-30-07 E Length: 597.21
North: 2057509.57  East: 6408005.34
Line Course: S 25-59-45 E Length: 138.68
North: 2057304.92  East: 6408066.13
Curve Length: 40.66  Radius: 335.61
Delta: 6-56-32  Tangent: 20.36
Chord: 40.64  Course: S 22-21-29 E
Course In: S 64-06-15 W  Course Out: N 70-56-47 E
R' North: 2057237.82  East: 6407764.47
End North: 2057347.38  East: 6408081.70
Line Course: S 03-70-28 E Length: 193.09
North: 2057154.62  East: 6408092.95
Line Course: N 09-32-01 E Length: 25.20
North: 2057154.82  East: 6408118.15
Line Course: N 09-32-27 W Length: 363.44
North: 2058104.94  East: 6407958.46
Perimeter: 1959.28  Area: 23,115 sq.ft. 0.53 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01  Course: N 82-34-01 W
Error North: 0.001  East: -0.009
Precision 1: 195,898.00
Parcel name: APN 007-039-012 TCR

North: 2057501.89    East: 6408010.34
  North: 2057499.07    East: 6408028.11
Line Course: S 49-17-53 E Length: 88.65
  North: 2057441.85    East: 6408095.82
Line Course: S 00-27-59 E Length: 287.19
  North: 2057154.67    East: 6408098.16
Line Course: S 80-32-01 W Length: 5.20
  North: 2057154.63    East: 6408092.96
Line Course: N 03-20-28 W Length: 193.09
  North: 2057347.39    East: 6408081.71
Curve Length: 40.66
  Radius: 335.61
  Tangent: 20.36
Chord: 40.64
  Course In: S 70-56-47 W
  Course Out: N 64-00-15 E
TP North: 2057237.83    East: 6407764.48
  North: 2057384.93    East: 6408066.14
Line Course: N 25-59-45 W Length: 127.23
  North: 2057499.28    East: 6408010.37
Line Course: N 00-27-59 W Length: 2.62
  North: 2057501.90    East: 6408010.35

Perimeter: 762.63    Area: 7,432 sq.ft. 0.17 acres
Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01
  Course: N 73-10-13 E
  Error North: 0.013
  East: 0.006
Precision 1: 76,263.00
EXHIBIT "B"

3/4" IRON PIPE, TAGGED LS 4876 IN MON. WELL AT C.1/4 COR. SEC. 25, TJS R8E PER 31-M-79; POINT OF COMMENCEMENT TEMPORARY CONSTRUCTION EASEMENT

KANSAS AVENUE

2" IRON PIPE W/BRASS CAP, STAMPED LS 5443 AT W. 1/4 COR. SEC. 30, TJS R8E PER CORNER RECORD #1866

SEEN SHEET 2

ELM AVENUE

PLAT TO ACCOMPANY LEGAL DESCRIPTION


STANISLAUS COUNTY CALIFORNIA
EXHIBIT 'B'
TEMPORARY CONSTRUCTION EASEMENT

EXISTING STATE
RIGHT-OF-WAY LINE

TRUE POINT OF
BEGINNING

EXIST. 20' M.I.D.
EASEMENT

7,433 SQ.FT.
0.17 ACRES

APN 007-
039-015

APN 007-
039-014

APN 007-
039-013

APN 007-
039-012

ELM

AVENUE

N89°32'01"E 25.20'

APN ASSESSOR'S PARCEL NUMBER

PLAT TO ACCOMPANY
LEGAL DESCRIPTION

BEING A PORTION OF THE S. 1/2 OF LOT 10, "MAZE RANCH
SUBDIVISION", 4-M-18, S.C.R. SW 1/4 OF SEC. 30,
T.3 S., R.9 E., M.D.M.

STANISLAUS COUNTY
CALIFORNIA
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC
INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF REAL
PROPERTY DIRECTING THE COMMENCEMENT OF EMINENT DOMAIN
PROCEEDINGS FOR THE STATE ROUTE 132 WEST
FREEWAY/EXPRESSWAY PHASE 1 PROJECT RE 522 NORTH FRANKLIN
ST., MODESTO, CA 95351 (APN 101-002-022), OWNER: RONALD A.
GRESHAM AND JO ANNE R. GRESHAM, TRUSTEES OF THE RONALD A.
GRESHAM AND JOANNE R. GRESHAM 2006 FAMILY TRUST

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, the Project, will improve regional and interregional circulation,
relieve traffic congestion along existing State Route 132 (SR-132)/Maze Boulevard, and
improve traffic operations by creating a new alignment connecting SR-132 with the City
of Modesto; 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 Phase 1 of the State Route 132 Project; and

WHEREAS, on October 24, 2017, Council approved a Joint Powers Agreement
with Stanislaus County (“City/County JPA”) 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 the Project; and
WHEREAS, on March 2, 2018, the California Department of Transportation ("Caltrans") approved the Environmental Document and selected Project Alternative 2; and

WHEREAS, on August 8, 2018, Council approved a Cooperative Agreement Between the City of Modesto and Caltrans ("City/Caltrans Cooperative Agreement"); and

WHEREAS, the City is vested by law with the authority to acquire real property and exercise the power of eminent domain to acquire real property under the provisions and authority of and for the purposes and uses authorized by Article 1, Section 19 of the Constitution of the State of California, Government Code sections 37350.5, 37353, 39792, 40401, 40404, Streets & Highways Code sections 104, 113, 114, 116, 130, 1810, 10102, and by California Code of Civil Procedure sections 1240.110, 1240.120, 1240.150, 1240.410, 1240.510 and 1240.610, and pursuant to the City/Caltrans Cooperative Agreement; and

WHEREAS, pursuant to Code of Civil Procedure section 1240.140, the Joint Exercise of Powers Act (Government Code sections 6500, et seq.), and City/County JPA, Stanislaus County delegated to the City its authority to acquire and condemn property for the Project pursuant to Article I, Section 19 of the Constitution of the State of California, Government Code section 25350.5, Streets and Highways Code sections 104, 116, 130, 760 and 943, Code of Civil Procedure sections 1240.110, 1240.120, 1240.150, 1240.410, 1240.510, and 1240.610, and Streets & Highways Code sections 104, 116, 130 and 760; and

WHEREAS, it is desirable and necessary for the City to acquire the fee interest in the real property located at 522 North Franklin St., Modesto, CA 95351 (APN 101-002-
022), as more particularly described in **Exhibit A attached** hereto and made a part hereof by this reference, for the construction of the Project; and

WHEREAS, the City and Caltrans have investigated and examined alternatives to the Project and the acquisition of the Property, and concluded that both the Project and the acquisition of the Property for the Project are necessary; and

WHEREAS, the requirements of the California Environmental Quality Act ("CEQA") and National Environmental Policy Act ("NEPA") have been satisfied for the Project; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the City Council of the City of Modesto at the time and place set forth in said notice, regarding the matters specified therein.

**NOW, THEREFORE, IT IS FOUND AND DETERMINED** as follows:

1. The public interest and necessity require the Project.
2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property described in **Exhibit A** hereto is necessary for the Project.
4. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2.
5. The City has complied with all conditions and statutory requirements, including those prescribed by CEQA and NEPA, that are necessary for approval and adoption of the Project.

6. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by the City.

7. Insofar as any portion of the property has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

8. The City Attorney and/or his designee, is hereby authorized and empowered to acquire in the name of the City of Modesto by condemnation the property described in Exhibit A hereto; to prepare, prosecute and conduct to conclusion in the name of the City of Modesto such proceedings in the proper court as is necessary for such acquisition and to make such action as may be deemed advisable or necessary in connection therewith; to deposit the probable amount of just compensation, based on an approved appraisal.

9. An order for prejudgment possession may be obtained in said condemnation proceeding and a warrant issued to the State Treasury Condemnation Fund, in the amount based on the approved appraisal, as a condition to the right of immediate possession and use the Subject Property for said public uses and purposes.
BE IT FURTHER RESOLVED, that the recitals contained hereinabove are true and correct, and all the findings and determinations made by the City Council pursuant to this Resolution are based upon substantial evidence in the entire record before the City Council, and are not based solely on the information provided in this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
LEGAL DESCRIPTION

Real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

LOTS 19 THROUGH 28, INCLUSIVE, OF BLOCK 438 OF LOTS 4 THROUGH 6, INCLUSIVE, OF BLOCK 433 OF THE CITY OF MODESTO, AS PER OFFICIAL MAP RECORDED DECEMBER 21, 1942 IN VOLUME OF MAPS, IN THE OFFICE OF THE RECORDER, STANISLAUS COUNTY, CALIFORNIA.

TOGETHER WITH THAT PORTION OF CHESTNUT STREET ABANDONED BY RESOLUTION NO. 988 S.P., RECORDED APRIL 27, 1961 AS INSTRUMENT NO. 13079 IN VOLUME 1679, AT PAGE 305, LYING ADJACENT TO THE ABOVE DESCRIBED PARCEL.

EXCEPTING THEREFROM THAT PORTION OF LAND DEEDED TO THE STATE OF CALIFORNIA BY GRANT DEED DATED MARCH 06, 1961 AND RECORDED APRIL 26, 1961, AS INSTRUMENT NO. 13063 IN VOLUME 1679, AT PAGE 268, IN THE OFFICE OF THE RECORDER STANISLAUS COUNTY, CALIFORNIA.

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, the Project, will improve regional and interregional circulation, relieve traffic congestion along existing State Route 132 (SR-132)/Maze Boulevard, and improve traffic operations by creating a new alignment connecting SR-132 with the City of Modesto; 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 Phase 1 of the State Route 132 Project; and

WHEREAS, on October 24, 2017, Council approved a Joint Powers Agreement with Stanislaus County ("City/County JPA") 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 the Project; and
WHEREAS, on March 2, 2018, the California Department of Transportation ("Caltrans") approved the Environmental Document and selected Project Alternative 2; and

WHEREAS, on August 8, 2018, Council approved a Cooperative Agreement between the City of Modesto and Caltrans ("City/Caltrans Cooperative Agreement"); and

WHEREAS, the City is vested by law with the authority to acquire real property and exercise the power of eminent domain to acquire real property under the provisions and authority of and for the purposes and uses authorized by Article 1, Section 19 of the Constitution of the State of California, Government Code sections 37350.5, 37353, 39792, 40401, 40404, Streets & Highways Code sections 104, 113, 114, 116, 130, 1810, 10102, and by California Code of Civil Procedure sections 1240.110, 1240.120, 1240.150, 1240.410, 1240.510 and 1240.610, and pursuant to the City/Caltrans Cooperative Agreement; and

WHEREAS, pursuant to Code of Civil Procedure section 1240.140, the Joint Exercise of Powers Act (Government Code sections 6500, et seq.), and City/County JPA, Stanislaus County delegated to the City its authority to acquire and condemn property for the Project pursuant to Article I, Section 19 of the Constitution of the State of California, Government Code section 25350.5, Streets and Highways Code sections 104, 116, 130, 760 and 943, Code of Civil Procedure sections 1240.110, 1240.120, 1240.150, 1240.410, 1240.510, and 1240.610, and Streets & Highways Code sections 104, 116, 130 and 760; and

WHEREAS, it is desirable and necessary for the City to acquire certain real property interests in fee and a 24-month temporary construction easement, from property
located at 310 Laurel Ave., Modesto, CA 95355 (APN 101-003-019), as more
particularly described and depicted in Exhibit A attached hereto and made a part hereof
by this reference, for the construction of the Project; and

WHEREAS, the City and Caltrans have investigated and examined alternatives to
the Project and the acquisition of the Property, and concluded that both the Project and
the acquisition of the Property for the Project are necessary; and

WHEREAS, the requirements of the California Environmental Quality Act
(“CEQA”) and National Environmental Policy Act (“NEPA”) have been satisfied for the
Project; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil
Procedure of the State of California, notice has been duly given to the owner(s) of the
property herein, all of whom have been given a reasonable opportunity to appear and be
heard before the City Council of the City of Modesto at the time and place set forth in
said notice, regarding the matters specified therein.

NOW, THEREFORE, IT IS FOUND AND DETERMINED as follows:

1. The public interest and necessity require the Project.

2. The Project is planned or located in the manner that will be most
compatible with the greatest public good and the least private injury.

3. The property described and depicted in Exhibit A hereto is necessary for
the Project.

4. The offer required by Section 7267.2 of the Government Code, together
with the accompanying statement of the amount established as just compensation, has
been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2.

5. The City has complied with all conditions and statutory requirements, including those prescribed by CEQA and NEPA, that are necessary for approval and adoption of the Project.

6. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by the City.

7. Insofar as any portion of the property has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

8. The City Attorney and/or his designee, is hereby authorized and empowered to acquire in the name of the City of Modesto by condemnation the property described and depicted in Exhibit A hereto; to prepare, prosecute and conduct to conclusion in the name of the City of Modesto such proceedings in the proper court as is necessary for such acquisition and to make such action as may be deemed advisable or necessary in connection therewith; to deposit the probable amount of just compensation, based on an approved appraisal.

9. An order for prejudgment possession may be obtained in said condemnation proceeding and a warrant issued to the State Treasury Condemnation
Fund, in the amount based on the approved appraisal, as a condition to the right of immediate possession and use the Subject Property for said public uses and purposes.

**BE IT FURTHER RESOLVED,** that the recitals contained hereinabove are true and correct, and all the findings and determinations made by the City Council pursuant to this Resolution are based upon substantial evidence in the entire record before the City Council, and are not based solely on the information provided in this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th 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
EXHIBIT A
EXHIBIT “A”
RIGHT-OF-WAY

SR132 Phase 1 Construction Project
The Josephine Thompson Burrell Trust to City of Modesto
APN: 101-003-019

Legal description:

ALL that certain real property, being a portion of the lands described in Grant Deed to
Josephine Thompson Burrell, trustee and the Successor Trustees of the Josephine Thompson
Burrell Trust (created by Declaration of the Trust dated March 18, 1999), filed for record April
27, 2000 as Document No. 2000-0032543, Stanislaus County Records, and situate in the
southwest quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Meridian,
County of Stanislaus, State of California, lying northeasterly of the following described line:

COMMENCING at a 6" x 6" concrete monument with a 5" square brass plate in a monument
well at the southwest corner of said Section 29, from which a 2" iron pipe, no tag, at the West
1/4 corner of said Section 29 bears North 00°15'58" West 2646.66 feet, thence
North 10°54'07" West 1714.22 feet to a point on the southwest right-of-way line of State
Highway Route 99, said point being the northwest terminus of the line labeled “N. 52°22'45" W.
452.41’”, as shown on State Highway Map Route 99, Post Mile 16.7, sheet 17 of 23 sheets, on
file at the Surveyor’s Office of the County of Stanislaus as file No. B-9A-PS-32, and the TRUE
POINT OF BEGINNING;

thence (1), along the southwest right-of-way line of said State Highway, South 52°04'22" East
499.84 feet;

thence (2), leaving said southwesterly right-of-way line and proceeding South 51°25'59" East
416.89 feet to the beginning of a curve concave to the southwest having a radius of 2925.00
feet;

thence (3), Southeasterly 721.97 feet along the arc of said curve through a central angle of
14°08'32" to a point on said southwest right-of-way line;

thence (4), along said, non-tangent, southwest right-of-way line South 00°33'18" East 19.66 feet
to the South terminus of the line labeled “24.17'” of said State Highway Map, and the terminal
point of this description, said terminal point bears North 57°07'08" East 1071.36 feet from
aforementioned southwest corner of Section 29.

Containing (506 square feet Grid), 506 square feet [0.01 acres] Ground, more or less.
This conveyance is made for the purpose of a freeway and the grantor hereby relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantors' remaining property, in and to said freeway.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 3, NAD83 adjusted to the 2007.00 Epoch of NGS monuments "TRACY" (PID AA4256), "PATTERSON" (PID HS5412) and "TURLOCK" (PID AA4252). All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined factor of 0.999932235. To convert to ground areas, divide grid areas by the combined factor squared (0.99986447).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

Rien Groenewoud, P.L.S. 6946
EXHIBIT 'B'
RIGHT-OF-WAY

STATE HIGHWAY No. 99

CITY OF
MODESTO ALLEY

MID LATERAL 4

EXIST. STATE
RIGHT-OF-WAY LINE

506 SQ FT.
0.01 ACRES

APN 101-003-019

APN 101-003-020

APN 101-003-023

LAUREL STREET

ACCESS RIGHTS ACQUIRED
S.C.R. STANISLAUS COUNTY RECORDS
M - SUBDIVISION, BOOK & PAGE
P.U.E. PUBLIC UTILITY EASEMENT
APN ASSESSOR'S PARCEL NUMBER

PLAT TO ACCOMPANY
LEGAL DESCRIPTION

BEING A PORTION OF LOTS 16 THRU 22 OF BLOCK 432, CITY OF MODESTO,
BOOK 15 OF MAPS, S.C.R., SW 1/4 SEC. 29, T 3 S., R 9 E., M.D.M.

MODesto STANISLAUS COUNTY CALIFORNIA
Parcel name: APN 101-003-019 Area

North: 2056695.21          East: 6413644.82
Line Course: S 52'-04'-22 E Length: 192.22
  North: 2056577.06          East: 6413706.44
Line Course: N 08'-35'-31 W Length: 6.21
  North: 2056577.20          East: 6413700.24
Line Course: N 51'-25'-59 W Length: 185.95
  North: 2056669.13          East: 6413644.85
Line Course: N 00'-32'-27 W Length: 2.08
  North: 2056695.21          East: 6413644.33

Perimeter: 386.46     Area: 506 sq.ft. 0.01 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00
  Course: N 55'-14'-25 E
  Error North: 0.00
  Error East: 0.003
Precision 1: 386,460,000.00
Parcel name: ROW at Laurel LEGAL

North: 2055407.84  East: 6413460.96
Line Course: N 10-54-07 W  Length: 1714.22
North: 2057091.12  East: 6413136.75
Line Course: S 52-04-22 E  Length: 499.84
North: 2056783.89  East: 6413531.02
Line Course: S 51-25-59 E  Length: 416.89
North: 2056523.99  East: 6413856.98
Curve Length: 721.97  Radius: 2925.00
Delta: 14-08-32  Tangent: 362.83
Chord: 720.13  Course: S 44-21-43 E
Course In: S 38-34-01 W  Course Out: N 52-42-33 E
RP North: 2054236.99  East: 6412033.45
End North: 2056009.13  East: 6414360.49
Line Course: S 00-33-18 E  Length: 19.66
North: 2055989.47  East: 6414360.68
Line Course: S 57-07-08 W  Length: 1071.36
North: 2055407.83  East: 6413460.96

Perimeter: 4443.92  Area: 917,929 sq.ft. 21.07 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00  Course: S 25-11-02 W
Error North: -0.004  East: -0.002
Precision 1: 4,443,940,000.00
EXHIBIT “A”
Temporary Construction Easement

SR132 Phase 1 Construction Project
The Josephine Thompson Burrell Trust to City of Modesto
APN: 101-003-019

Legal description:

ALL that certain real property, being a portion of the lands described in Grant Deed to Josephine Thompson Burrell, trustee and the Successor Trustees of the Josephine Thompson Burrell Trust (created by Declaration of the Trust dated March 18, 1999), filed for record April 27, 2000 as Document No. 2000-0032543, Stanislaus County Records, and situate in the southwest quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, and more particular described as follows:

A strip of land 5.00 feet wide, coincident with and lying southwesterly of the following described line:

COMMENCING at a 6” x 6” concrete monument with a 5” square brass plate in a monument well at the southwest corner of said Section 29, from which a 2” iron pipe, no tag, at the West 1/4 corner of said Section 29 bears North 00°15’58” West 2646.66 feet; thence North 10°54’07” West 1714.22 feet to a point on the southwest right-of-way line of State Highway Route 99, said point being the northwest terminus of the line labeled “N. 52°22’45” W. 452.41’”, as shown on State Highway Map Route 99, Post Mile 16.7, sheet 17 of 23 sheets, on file at the Surveyor’s Office of the County of Stanislaus as file No. B-9A-PS-32, and the TRUE POINT OF BEGINNING;

thence (1), along the southwest right-of-way line of said State Highway, South 52°04’22” East 499.84 feet;

thence (2), leaving said southwesterly right-of-way line and proceeding South 51°25’59” East 416.89 feet to the beginning of a curve concave to the southwest having a radius of 2925.00 feet;

thence (3), Southeasterly 721.97 feet along the arc of said curve through a central angle of 14°08’32” to a point on said southwest right-of-way line;

thence (4), along said, non-tangent, southwest right-of-way line South 00°33’18” East 19.66 feet to the South terminus of the line labeled “24.17” of said State Highway Map, and the terminal point of this description, said terminal point bears North 57°07’08” East 1071.36 feet from aforementioned southwest corner of Section 29.
Containing (903 square feet Grid), 903 square feet [0.02 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 3, NAD83 adjusted to the 2007.00 Epoch of NGS monuments "TRACY" (PID AA4256), "PATTERSON" (PID HS5412) and "TURLOCK" (PID AA4252). All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined factor of 0.999932235. To convert to ground areas, divide grid areas by the combined factor squared (0.99986447).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

Rights to the above described temporary easement shall cease and terminate on December 31, 2020.

Said rights may also be terminated prior to the above date by (GRANTEE) upon notice to GRANTOR.

Rien Groenewoud, P.L.S. 6946
KANSAS Ave.
FD. 2" IRON PIPE, NO TAG
AT W. 1/4 COR. SEC. 29
SECTION LINE
TRUE POINT OF BEGINNING

ELM STREET

LAUREL STREET

MAIZE Blvd. (SR 132)

TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT 'B'

LINDEN STREET

MADISON ST.

LOCUST St.

JEFFERSON ST.

KING DR.

M.L.

FD. 6" x 6" CONC. MON. w/
5" SQ. BRASS PLATE IN MON.
WELL AT SW COR. SEC. 29
POINT OF COMMENCEMENT

SECTION LINE

STATE HIGHWAY No. 99

LAT.: 4

(209) 524-3525 Phone (209) 524-3526 Fax

PLAT TO ACCOMPANY
LEGAL DESCRIPTION

BEING A PORTION OF LOTS 16 THRU 22 OF BLOCK 432, CITY OF MODESTO,
BOOK 15 OF MAPS, S.C.R., SW 1/4 SEC. 29, T.3 S., R.9 E., M.D.M.

MODESTO STANISLAUS COUNTY CALIFORNIA
Parcel name: ROW at Laurel LEGAL

North: 2055407.84 East: 6413460.96
Line Course: N 10-54-07 W Length: 1714.22
  North: 2057091.12 East: 6413136.75
Line Course: S 52-04-22 E Length: 499.84
  North: 2056783.89 East: 6413531.02
Line Course: S 51-25-59 E Length: 416.89
  North: 2056523.99 East: 6413666.98
Curve Length: 721.97 Radius: 2925.00
  Delta: 14-08-32 Tangent: 362.83
  Chord: 720.13 Course: S 44-21-43 E
Course In: S 38-34-01 W Course Out: N 52-42-33 E
RP North: 2054236.99 East: 6412033.45
End North: 2056009.13 East: 6414360.49
Line Course: S 00-33-18 E Length: 19.66
  North: 2055989.47 East: 6414360.68
Line Course: S 57-07-08 W Length: 1071.36
  North: 2055407.83 East: 6413460.96

Perimeter: 4443.32 Area: 917,929 sq.ft. 21.07 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: S 25-11-92 W
  Error North: -0.004 East: -0.002
Precision 1: 4,443,940,000.00
Parcel name: APN 101-003-019 TCE

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<th>Length</th>
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<td>N 51-25-59 W</td>
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<tr>
<td>2056577.40</td>
<td>6413644.89</td>
<td>175.31</td>
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</tbody>
</table>

Perimeter: 375.97  Area: 903 sq.ft.  0.02 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.01  Course: N 89-53-99 W
Error North: 0.000  East: -0.010

Precision 1: 37,597.00
MODESTO CITY COUNCIL  
RESOLUTION NO. 2018-355


WHEREAS, the State Route 132 West Freeway/Expressway – Phase I 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, the Project, will improve regional and interregional circulation, relieve traffic congestion along existing State Route 132 (SR-132)/Maze Boulevard, and improve traffic operations by creating a new alignment connecting SR-132 with the City of Modesto; 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 Phase 1 of the State Route 132 Project; and

WHEREAS, on October 24, 2017, Council approved a Joint Powers Agreement with Stanislaus County ("City/County JPA") 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 the Project; and
WHEREAS, on March 2, 2018, the California Department of Transportation ("Caltrans") approved the Environmental Document and selected Project Alternative 2; and

WHEREAS, on August 8, 2018, Council approved a Cooperative Agreement Between the City of Modesto and Caltrans ("City/Caltrans Cooperative Agreement"); and

WHEREAS, the City is vested by law with the authority to acquire real property and exercise the power of eminent domain to acquire real property under the provisions and authority of and for the purposes and uses authorized by Article 1, Section 19 of the Constitution of the State of California, Government Code sections 37350.5, 37353, 39792, 40401, 40404, Streets & Highways Code sections 104, 113, 114, 116, 130, 1810, 10102, and by California Code of Civil Procedure sections 1240.110, 1240.120, 1240.150, 1240.410, 1240.510 and 1240.610, and pursuant to the City/Caltrans Cooperative Agreement; and

WHEREAS, pursuant to Code of Civil Procedure section 1240.140, the Joint Exercise of Powers Act (Government Code sections 6500, et seq.), and City/County JPA, Stanislaus County delegated to the City its authority to acquire and condemn property for the Project pursuant to Article I, Section 19 of the Constitution of the State of California, Government Code section 25350.5, Streets and Highways Code sections 104, 116, 130, 760 and 943, Code of Civil Procedure sections 1240.110, 1240.120, 1240.150, 1240.410, 1240.510, and 1240.610, and Streets & Highways Code sections 104, 116, 130 and 760; and

WHEREAS, it is desirable and necessary for the City to acquire the fee interest in the real property located at 612 North Franklin Street & 309 Beech Street, Modesto, CA.
95351 (101-002-007 and 101-002-008), as more particularly described in Exhibit A attached hereto and made a part hereof by this reference, for the construction of the Project; and

WHEREAS, the City and Caltrans have investigated and examined alternatives to the Project and the acquisition of the Property, and concluded that both the Project and the acquisition of the Property for the Project are necessary; and

WHEREAS, the requirements of the California Environmental Quality Act ("CEQA") and National Environmental Policy Act ("NEPA") have been satisfied for the Project; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the City Council of the City of Modesto at the time and place set forth in said notice, regarding the matters specified therein.

NOW, THEREFORE, IT IS FOUND AND DETERMINED as follows:

1. The public interest and necessity require the Project.

2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

3. The property described in Exhibit A hereto is necessary for the Project.

4. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2.
5. The City has complied with all conditions and statutory requirements, including those prescribed by CEQA and NEPA, that are necessary for approval and adoption of the Project.

6. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by the City.

7. Insofar as any portion of the property has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

8. The City Attorney and/or his designee, is hereby authorized and empowered to acquire in the name of the City of Modesto by condemnation the property described in Exhibit A hereto; to prepare, prosecute and conduct to conclusion in the name of the City of Modesto such proceedings in the proper court as is necessary for such acquisition and to make such action as may be deemed advisable or necessary in connection therewith; to deposit the probable amount of just compensation, based on an approved appraisal.

9. An order for prejudgment possession may be obtained in said condemnation proceeding and a warrant issued to the State Treasury Condemnation Fund, in the amount based on the approved appraisal, as a condition to the right of immediate possession and use the Subject Property for said public uses and purposes.
BE IT FURTHER RESOLVED, that the recitals contained hereinabove are true and correct, and all the findings and determinations made by the City Council pursuant to this Resolution are based upon substantial evidence in the entire record before the City Council, and are not based solely on the information provided in this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th 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: 

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
LEGAL DESCRIPTION

Real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

PARCEL 1: (APN: 101-002-007-000 (AFFECTS: LOTS 1 THRU 4) AND 101-002-008-000 (AFFECTS: LOTS 5 THRU 10))

LOTS 1 TO 10 INCLUSIVE IN BLOCK 438 OF THE CITY OF MODESTO, ACCORDING TO THE OFFICIAL MAP THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, CALIFORNIA.

PARCEL 2: (APN: 101-002-008-000)

LOTS 11 AND 12 IN BLOCK 438 OF THE CITY OF MODESTO, ACCORDING TO THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON DECEMBER 21, 1942 IN VOL. 15 OF MAPS.

EXCEPTING ALL THAT PORTION DEEDED TO THE CITY OF MODESTO BY DEED RECORDED JULY 11, 2001 AS INSTRUMENT NO. 077081, OFFICIAL RECORDS.
RESOLUTION APPROVING THE ESTABLISHMENT OF A CAPITAL IMPROVEMENT PROJECT FOR EMERGENCY DIGITAL UPGRADES TO THE FIRE DEPARTMENT’S COMMAND 5 RADIO INFRASTRUCTURE, APPROPRIATING A $125,000 TRANSFER FROM THE FIRE DEPARTMENT GENERAL FUND OPERATING BUDGET TO ESTABLISH THE PROJECT’S EXPENDITURE BUDGET

WHEREAS, the Fire Department VHF radio system is outdated and failing, and

WHEREAS, in 2013, the Federal Communication Commission (FCC) required the narrow banding of radio frequencies and the existing infrastructure of the Fire Department’s radio system was not capable of this change, and

WHEREAS, to keep the radio system functional within the FCC regulations, the department has been using out of service equipment that is no longer serviceable, and

WHEREAS, the existing radio system reached a critical failure point in June 2018 when Modesto firefighters in the field were not able to communicate with Stanislaus Regional 911 or each other, and

WHEREAS, the Fire Department has identified a total of $125,000 to be reduced from its existing General Fund Operating Expense Budget to be used to establish a transfer out from the General Fund to the Capital Improvement Project for the equipment to be purchased and the work to be completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the establishment of a Capital Improvement Project for the Fire Department’s Command 5 radio infrastructure emergency upgrade, and the appropriation of $125,000 to said project from a reduction of $125,000 in the Fire Department General Fund Operating Expense Budget to be transferred into the capital project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A PURCHASE ORDER WITH HARRIS CORPORATION, OF LYNCHBURG, VIRGINIA FOR THE COMMAND 5 GATEWAY AND SITE EQUIPMENT AND TRUNKED ANALOG GATEWAY, A PURCHASE ORDER WITH TESSCO TECHNOLOGIES OF HUNT VALLEY, MARYLAND FOR COMMAND 5 SIMULCAST DUPLEXER EQUIPMENT, AND A PURCHASE ORDER WITH HOWELL COMMUNICATIONS INC. OF RAYMOND, CALIFORNIA FOR INSTALLATION OF ANTENNAS AT DESIGNATED COMMUNICATIONS LOCATIONS FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED $125,000 FOR THE FIRE DEPARTMENT'S COMMAND 5 RADIO INFRASTRUCTURE DIGITAL UPGRADE AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASING ORDERS

WHEREAS, the Fire Department VHF radio system is outdated and failing, and

WHEREAS, in 2013, the Federal Communication Commission (FCC) required the narrow banding of radio frequencies and the existing infrastructure of the Fire Department's radio system was not capable of this change, and

WHEREAS, to keep the radio system functional within the FCC regulations, the department has been using out of service equipment that is no longer serviceable, and

WHEREAS, beginning in 2011, the City and Stanislaus County partnered together to address the radio communication needs of law enforcement, and

WHEREAS, beginning in 2011, the City and Stanislaus County partnered together to address the radio communication needs of law enforcement, and

WHEREAS, on December 13, 2011, by Resolution No. 2011-473, Council

authorized Stanislaus County to issue and award the proposal for the P25 Simulcast Cell, Digital Trunking Public Safety Communication Equipment, and

WHEREAS, on April 30, 2012, by County Board of Supervisors Resolution No. 2012-134, the Stanislaus County Board of Supervisors awarded the contract to Tait North
America, Inc., and

WHEREAS, on September 30, 2014, by County Board of Supervisors Resolution No. 2014-500, the Stanislaus County Board of Supervisors approved the contract amendment for Phase Two of the project which entailed completing the installation and commission of four of the five sites. Phase Three, the final stage, would complete the fifth site of the Interoperability Project, and

WHEREAS, on October 14, 2014, by Resolution No. 2014-424, Council authorized installation of a 160 ft. tower at Fire Station No. 6. This addition to the system provided much needed interoperability and improved radio communications, and

WHEREAS, all of the above actions have put into place the core infrastructure needed for law enforcement agencies in Stanislaus County to move away from an outdated communication system, and

WHEREAS, Modesto Fire, like many fire agencies, has not had sufficient funding to be able to keep up with the technology changes, and

WHEREAS, the existing radio system reached a critical failure point in June 2018 when Modesto firefighters in the field were not able to communicate with Stanislaus Regional 911 or each other, and

WHEREAS, Stanislaus Regional 911, the County’s emergency dispatch center and technical expert, has provided pricing for the compatible equipment and labor necessary to upgrade Command 5 and place it back in service, and

WHEREAS, the three vendors that will provide compatible equipment and labor were limited to those who produce equipment that is compatible with the infrastructure already in existence at the dispatch center, and
WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, however, Section 8-3.204 provides exemptions to the formal bid process. Modesto Municipal Code Section 8-3.204(d) states “Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid 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. Such alternatives may include, but are not limited to, a “two step” procurement process or a procurement based solely on a technical evaluation”, and

WHEREAS, in addition, Section 8-204(c) states “Where the Purchasing Manager, in his or her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances”, and

WHEREAS, the purchase of the P25 Simulcast Cell, Digital Trunking Public Safety Communication Equipment conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes purchase orders with Harris Corporation of Lynchburg, Virginia, Tessco Technologies of Hunt Valley, Maryland, and Howell Communications Inc. of Raymond, California for a total project amount not to exceed $125,000 for the Fire Department’s Command 5 radio infrastructure digital upgrade.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue the purchasing orders.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2018, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney