RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND CTC INVESTORS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY TO CONNECT TO THE CITY OF MODESTO’S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 4024 MCHENRY AVENUE (APN: 052-060-002), AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, CTC Investors, LLC, a California limited liability company owns
the mobile home park located at 4024 McHenry Avenue which is located outside of
Modesto City Limits and inside the City’s Sphere of Influence, and

WHEREAS, the property located at 4024 McHenry Avenue, is not connected to
City’s sewer system and is requesting a sewer connection due to a failing septic system,
and

WHEREAS, on November 25, 2014, City Council approved Resolution No.
2014-473 amending City Council Policy 5.002, and

WHEREAS, on December 9, 2014, City Council approved adoption of Ordinance
No.3612-CS. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS both of these amendments included language allowing the City
Manager, upon the recommendation of the Director responsible for utility system
planning to approve standard agreements of service for extension of sewer services into
certain unincorporated areas without City Council approval, and

WHEREAS, the property located at 4024 McHenry Avenue is not located within
one of those designated areas and therefore requires City Council approval prior to
allowing the sewer connection, and
WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to provide sewer service to this property, and

WHEREAS, consistent with adopted LAFCO Policy 15, the extension of sewer service is proposed to remedy a health and safety concern in an area with a failing septic system, and

WHEREAS, the sewer connection fees shall be paid and associated permits will be obtained prior to connecting to the City sewer system, and

WHEREAS, the property owner has executed an Outside Service Agreement for sewer service with the City as required to receive sewer service outside the City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for sewer service for the property located at 4024 McHenry Avenue (APN: 052-060-002) in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve letter and execute the Outside Service Agreement for sewer service.
The foregoing documents were introduced at a regular meeting of the Council of
the City of Modesto held on the 25th day of September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-405

RESOLUTION ACCEPTING THE LANDMARK PRESERVATION
COMMISSION ANNUAL REPORT FOR FISCAL YEAR 2017 - 2018

WHEREAS, Section 1104 of the City Charter specifies that appointed
commissions shall report on their fiscal year activities to City Council on or before
September 1 of each year, and Section 9-10.03(d) of the Modesto Municipal Code
specifies that the Landmark Preservation Commission shall report its activities to City
Council on or before June 30 of each year, and

WHEREAS, the Landmark Preservation Commission has had difficulty reaching
quorum, and

WHEREAS, at its regular meeting of August 20, 2018, at 1010 10th Street,
Modesto, California, the Landmark Preservation Commission accepted the Annual
Report for Fiscal Year 2017 - 2018, and

WHEREAS, said matter was scheduled for the regular City Council meeting of
September 25, 2018, in the Tenth Street Place Chambers located at 1010 Tenth Street,
Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby finds and determines that the Landmark Preservation Commission Annual
Report for Fiscal Year 2017 - 2018 as described in Exhibit “A”, attached hereto and
incorporated herein by reference, is accepted.
The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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

Landmark Preservation Commission Annual Report for FY 2017 - 2018
LANDMARK PRESERVATION COMMISSION ANNUAL REPORT
FOR FISCAL YEAR 2017-2018

The City of Modesto Landmark Preservation Commission (Commission) was formed by the City Council to promote public recognition and appreciation for Landmark Preservation Sites and for the City’s history; to conduct continuing surveys and research in order to identify and classify as to their relative importance, properties which have historic, architectural, archaeological, engineering, or cultural significance to the community; to recommend properties which meet the criteria of significance for designation as Landmark Preservation Sites; to protect Landmark Preservation Sites by public review of proposed alterations, relocations, demolitions, or new construction affecting those properties; and to advise property owners and educate the public in appropriate maintenance, rehabilitation, or restoration methods and to encourage continued use of such properties. The Commission is also responsible for requesting of the Board of Zoning Adjustment, the Planning Commission, various City departments, or the City Council adoption of measures required or appropriate for the preservation, protection, or maintenance of Landmark Preservation Sites; providing general preservation plans and guidelines to owners of Landmark Preservation Sites regarding appropriate maintenance, restoration, and rehabilitation; promoting public recognition and appreciation for Landmark Preservation Sites; and for the solicitation of gifts and contributions to support the activities and purposes of the Commission.

The Commission meets on the third Monday of the month at 1:00 p.m. The 2017-2018 Annual Report highlights a few key projects the Commission has worked on this year.

I. MEMBERSHIP

The Landmark Preservation Commission is currently comprised of a total of five (5) registered voters residing in Modesto, with two vacant positions. A total of nine (9) commissioners have served during the past fiscal year.

Current Commissioners:
- Joseph Cahill
- Joanna Esparza
- David Leamon (Culture Commission appointee)
- Matthew Lippert (Chair)
- David Roddick (Vice Chair)
- vacant
- vacant

Former Commissioners:
- Jonathon Bruno *
- Samuel Gonzalez *
- Joseph Sanchez *
- Barrett Lipomi

* Resigned from Landmark Preservation Commission for personal reasons.
II. BYLAWS

No bylaws amendments were proposed or adopted during the fiscal year.

III. PROJECTS

Submittal Requirements and Processing of Applications

As part of the transfer of the Landmark Preservation Program into the Planning Division, the Commission and City Council established formal application procedures to ensure the uniform collection of information to support decision making. Procedures and forms for Mills Act contracts were completed and approved. No additional procedures are expected to be needed. Fees to process each entitlement have been proposed as part of the 2018 Fees Update, which are expected to become effective fiscal year 2018 - 2019.

Web Pages

In addition to the Landmark Preservation Commission page, the Landmark Preservation Program now has web pages to promote Modesto’s history and raise the profile of established landmarks, as well as other historic properties. The web site is regularly updated with agendas, minutes, and resolutions. A new Historic Guide to Modesto: Modesto Landmarks 1870 - 1940 [http://www.modestogov.com/1967/History-of-Modesto] brochure has been added to the web site that can be used on mobile phones or printed.

Mills Act Contract Monitoring

In accordance with the existing Mills Act contracts on 12 landmark properties, staff has requested property owners update the list of improvements that is attached to each contract. Mills Act contracts require the list be updated to ensure the properties are being maintained as required by the contract. Nine of the 12 property owners have responded by providing an updated list of improvements.

Applications and Permits Reviewed

Landmark 19: The Commission reviewed and approved an expansion of the Southern Pacific Transportation Center building to better accommodate modern transit dispatch service for Modesto Area Express.

Future Projects

In addition to evaluating resources nominated for landmark status, the Commission is responsible for reviewing proposed alterations to historic resources and proposed demolitions. Applications are processed on a case-by-case basis.
Other projects that may be undertaken by the Commission include:

Update the status of buildings in the historic resources survey  More than 20 years have passed since Modesto hired Carey & Co. to prepare a survey of some of Modesto’s historic resources that were 50 years old or older at the time of the survey. During that time, many buildings have been altered or demolished and the city’s records should be updated. This is a multi-year project.

Develop historic brochures  Cities often highlight their historic resources by preparing walking tours or brochures, often themed. Brochures promote the city’s unique history, civic involvement and pride, and offer added appeal for visitors. Three brochures have been produced to date highlighting Modesto’s landmarks, buildings from the Establishment Period, and Mid-Century Modern buildings. Additional brochures will feature other periods of Modesto’s development. This is a multi-year project.

Develop a list of high-priority resources and pursue landmark status  Modesto’s historic resources survey, prepared in the 1990s by Carey & Co., has been used as a starting point for preservation efforts. The survey was performed in-depth on a few properties known to have significance in addition to architectural qualities, but most of the survey was limited to architecture. In the past, the historic resources survey served to promote designation of potential historic resources for landmark status by the Commission. This is a multi-year project.

IV. PURPOSE OF THE ANNUAL REPORT

This annual report is prepared in compliance with Article XI, Section 1104, of the City Charter, which states in part, “Each board and commission shall prepare and submit to the Council an annual report of its activities. Such report shall be made on the fiscal year basis and shall be submitted on or before September 1 of each year.” Modesto Municipal Code Section 9-10-03(d) requires the Annual Report to be submitted to City Council on or before June 30. Staff intends to propose updates to the Municipal Code to make it consistent with the City Charter.
RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH ASSOCIATED RIGHT OF WAY SERVICES FOR ADDITIONAL RIGHT OF WAY SERVICES FOR THE HETCH HETCHY AND CLARATINA AVENUE STRUCTURAL CROSSING PROJECT FOR AN AMENDED AMOUNT OF $11,085, A NEW NOT TO EXCEED AMOUNT OF $57,585 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the Hetch Hetchy and Claratina Avenue Structural Crossing Project (Project) intends to build a structural utility crossing as part of its widening of Claratina Avenue between McHenry Avenue and Coffee Road, and

WHEREAS, in order to construct the Project, the City will need to acquire narrow strips of land from five properties along Claratina Avenue, and

WHEREAS, on May 31, 2017, City Manager approved an agreement with Associated Right of Way Services (ARWS) to provide negotiation and acquisition services in an amount not to exceed $36,500, and

WHEREAS, it was discovered that the existing residence at A.P.N. 082-009-003, Parkwood Seventh-Day Adventist Church has renters and would require relocation planning and assistance services as part of property acquisition, and

WHEREAS, on October 9, 2017, City Manager approved the First Amendment to the Agreement to provide relocation planning and assistance services pertaining to 301 Claratina Avenue, Modesto CA for an amount not to exceed $10,000, and

WHEREAS, as right of way services continued additional services were needed outside the current scope of services for drafting/obtaining permits to enter, coordination and preparation of additional documentation requested by Hetch Hetchy, and review of additional appraisals completed by property owners, and
WHEREAS, the cost of the Second Amendment to the Agreement with ARWS is $11,085, and

WHEREAS, the total cost of the original Agreement, First Amendment, and Second Amendment for ARWS equates to $57,585, and

WHEREAS, per Modesto Municipal Code 8-3.102 – Contracting Authority, “The City Manager may approve and authorize all contracts and purchase orders involving an expenditure of City funds in the total amount of fifty thousand dollars or less. Except as noted below, no contract involving an expenditure in excess of fifty thousand dollars may be authorized, approved, or executed without City Council approval.”

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Agreement with Associated Right of Way Services for additional right of way services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project for an amended amount of $11,085, and a new not to exceed amount of $57,585.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment, in a form approved by the City Attorney.
The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION CLAIMING FISCAL YEAR 2017-2018 UNCLAIMED FUNDS OF $38,003 HELD IN THE CITY’S TRUST FUND FOR MORE THAN THREE YEARS AND AUTHORIZING THE TRANSFER TO THE GENERAL FUND

WHEREAS, the City issues checks from time to time that remain uncashed the payee, and such checks that are not cashed remain in the accounting records as Outstanding Checks; and

WHEREAS, California Government Code Sections 50050-50053 and 50055 establishes provisions for the escheatment of such unclaimed money to the City’s General Fund; and

WHEREAS, State law requires unclaimed funds in the amount of $15 or more, held in the City’s Trust fund, be published in a newspaper of general circulation in the City of Modesto, for two successive weeks; and

WHEREAS, after a forty-five day period from the date of the first publication any funds that are not claimed become the property of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves $38,003 in Fiscal Year 2017-2018 unclaimed funds to be transferred to the General Fund.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this Resolution.
The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE ACCOUNTS RECEIVABLE WRITE-OFF REPORTS FROM THE CITY MANAGER AND FINANCE DIRECTOR THROUGH JUNE 30, 2018 TOTALING $857,108 AND DIRECTING A REPORT OF DISPOSITION TO BE FILED WITH THE CITY CLERK

WHEREAS, the Finance Department maintains a billing system to track monies owed to the City, and

WHEREAS, occasionally the responsible party does not pay the City as required, and

WHEREAS, it is the City’s policy to actively pursue collection of past-due accounts and write off amounts deemed to be uncollectible, and

WHEREAS, the City employs various different means of trying to collect past-due accounts, and

WHEREAS, collection efforts continue until the legal statute restricts the City’s collections actions, and

WHEREAS, the City’s Write-off of Uncollectible Accounts Receivable policy, as allowed under by Section 2-3.406 of Article 4 of Title 2 of the Municipal Code, requires the following approval authority: the Director of Finance is authorized to approve the write-off of accounts with an outstanding balance due of up to $5,000, and the City Manager is authorized to approve the write-off of accounts with an outstanding balance due in excess of $5,000 and up to $25,000; and

WHEREAS, the following amounts with an outstanding balance less than $5,000 have been approved for write-off by the Director of Finance for the Fiscal Year 2017-
2018 and as such all available collection remedies have been exhausted: (1) Utilities Accounts - $530,109 and (2) Miscellaneous Receivables - $294,837 and

WHEREAS, the following amounts with an outstanding balance less than $25,000 have been approved for write-off by the City Manager for the Fiscal Year 2017-2018 and as such all available collection remedies have been exhausted: (1) Utilities Accounts – $6,075 and (2) Miscellaneous Receivables - $26,087.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the City Manager’s and Director of Finance reports of uncollectible utility and accounts receivable in the total amount of $857,108, and approve a report of disposition be filled with the City Clerk.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINGREN, City Attorney
RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH CIVICPLUS FOR THE CONTINUED WEBSITE MAINTENANCE FOR THE CITY OF MODESTO (WWW.MODESTOGOV.COM) AND MODESTO AREA EXPRESS (WWW.MODESTOAREAEXPRESS.COM) FOR A FOUR YEAR AGREEMENT IN AN ESTIMATED COST OF $61,702 WITH A 5% CONTINGENCY IN THE AMOUNT OF $3,085, FOR A TOTAL AMOUNT NOT TO EXCEED $64,787; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on September 22, 2015, by Resolution No. 2015-356, Council approved the award of agreement for website maintenance to CivicPlus, and

WHEREAS, during the period of the initial contract Modesto Area Express website (www.modestoareaexpress.com) funded and added to the agreement an additional $3,000 in annual maintenance, which caused separate agreement dates for each website, and

WHEREAS, the City’s website agreement and the Modesto Area Express website agreement will be co-terminated into one agreement for easier management for a total cost of $61,701.70, which will be broken down in payments over four years and there is a pro-rated amount of $1,275 that will be included in the year one payment, and

WHEREAS, the contingency amount of 5%, in the amount of $3,085 is being included to cover various items such as implementation work, logo and branding, training and consulting, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, and
WHEREAS, staff recommends the upgrade and renewal of this agreement to CivicPlus should be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(b) since they are the sole provider of this service, and

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

WHEREAS, this purchase of these services conforms to the Modesto Municipal Code, and

WHEREAS, under this agreement, the maintenance for year one will be $15,190.30 that includes the pro-rated amount of $1,275 for the Modesto Area Express website maintenance, and

WHEREAS, this additional amount is required to co-terminate agreements for both the City of Modesto and Modesto Area Express website maintenance, and

WHEREAS, the maintenance for year two will be $14,761.07 and includes a 5% increase of maintenance for both websites and a charge of $150.00 to renew the security sockets layer (SSL) certificates for the City of Modesto Website, and

WHEREAS, the maintenance for year three will be $15,341.62 and includes a 5% increase of maintenance for both websites, and

WHEREAS, the maintenance cost for year four will be $16,408.71 and includes a 5% increase of maintenance for both websites and $300.00 to renew the security sockets layer (SSL) certificates for both websites.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source agreement with CivicPlus for the continued
website maintenance for the City of Modesto and Modesto Area Express for a four year agreement in an estimated cost of $61,702 with a 5% contingency in the amount of $3,085, for a total amount not to exceed $64,787.

BE IT FURTHER RESOLVED, that the City Manager or his designee are hereby authorized to execute the agreement.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-410

RESOLUTION IN SUPPORT OF THE REAUTHORIZATION OF AND FULL FUNDING FOR THE LAND AND WATER CONSERVATION FUND (LWCF)

WHEREAS, the Land and Water Conservation Fund (LWCF), established by Congress in 1964, is one of the most successful government programs in preserving our country’s precious natural and cultural resources and improving equitable access to the outdoors in urban and rural communities, which is essential to California’s health, culture, economic opportunity and the future of our children and grandchildren, and

WHEREAS, LWCF has been instrumental in creating opportunities for Californians in urban, suburban, and rural areas to get outdoors; it has been a critical tool in conserving national parks and historic sites; national wildlife refuges and monuments; watersheds; working forests; wildlife areas; and state and local parks, trails and ball fields, and

WHEREAS, LWCF is based on the simple premise that as we extract natural resources that belong to our nation—offshore oil and gas—we should in turn protect and invest in onshore resources for future generations, and

WHEREAS, LWCF takes a portion of royalties from offshore oil and gas development and invests that money in protecting America’s important public lands for future generations—be that an iconic national park or an urban playground, and

WHEREAS, though LWCF is authorized to receive $900 million annually, this cap has been met only twice during the program’s nearly five decades of existence and, instead of being fully funded, nearly every year Congress diverts much of this funding to purposes other than conserving our most important lands and waters, and
WHEREAS, despite receiving only a fraction of its intended funding over the last 53 years, LWCF has led to the protection of land in every state and nearly every county, has improved access to these public lands, and has provided matching grants for the creation of more than 41,000 state and local park projects, and

WHEREAS, LWCF supports and maintains the economic asset that our federal, state and local public lands represent; Hunting, fishing, camping, hiking, paddling and other outdoor recreation activities contribute to California’s economy and support jobs in our state, and

WHEREAS, California has received more than 1,500 state side LWCF grants to local governments and state parks, totaling over $2.4 billion and touching all of the state’s counties, and

WHEREAS, over the last 53 years, LWCF funding has contributed to the enhancement of local parks and recreational opportunities that are part of the fabric of the City of Modesto, including the Tuolumne River Regional Park Gateway, Creekwood Neighborhood Park, George Rogers Neighborhood Park, Dry Creek Regional Park, Mark Twain Neighborhood Park and Mellis Neighborhood Park, Fairway Neighborhood Park, Beyer Community Park, Muncy Neighborhood Park, and the Virginia Corridor Trail, and

WHEREAS, the parks, trails, and recreation projects dependent upon LWCF funding are green spaces that contribute to the health and well-being of Californian families, and

WHEREAS, the Land and Water Conservation Fund was initially authorized in 1965 by the President and Congress and will expire on September 30, 2018.
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it expresses support for, and urges Congress to act swiftly to enact full funding for and permanent reauthorization of the Land and Water Conservation Fund given the important contributions it makes to our nation’s and California’s health, well-being, economic opportunity and access to our nation’s natural treasures.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the entire California Congressional Delegation to show support for the fully funding and permanent reauthorization of the Land and Water Conservation Fund.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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: __________________________

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: __________________________

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE AWARD OF BID AND PURCHASE OF FOUR BACKHOE LOADERS FROM GARTON TRACTOR, TURLOCK, CA, FOR A TOTAL COST NOT TO EXCEED $432,031 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASING AGREEMENT

WHEREAS, funds were approved and allocated in the budget adoption for Fiscal Years 2017-2018 for the purchase of four new backhoe loaders to be assigned to various departments and divisions, and

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

WHEREAS, in April 2018, the Purchasing Division issued RFB 1718-54 for the purchase of four backhoe loaders on the City’s website under the commodity codes for automotive vehicles and related transportation equipment, trucks (one ton and less capacity), trucks (over one ton capacity, trucks (with specialized bodies), and

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

WHEREAS, on May 15, 2018, the City received four completed bids and all bids received were compliant per bid specifications and based on providing the overall lowest responsive and responsible bid, staff recommends the award of bid for the purchase of four backhoe loaders to Garton Tractor, Turlock, CA, and,

WHEREAS, sufficient funds for four backhoe loaders were encumbered in Fiscal Year 2017-2018 and subsequently been carryforward and budgeted in FY 2018-2019, in
the Fleet Replacement Fund No: 5409-53246-57003.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the purchase of four backhoe loaders from Garton Tractor, Turlock, CA for a total cost not to exceed $432,031.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue this purchase agreement.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE RELEASE OF $1,500,000 OF PROPOSITION 1B FUND SAVINGS BACK TO THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) FOR THE STATE ROUTE 99 / PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, State Route 99/Pelandale Avenue Intersection Reconstruction Project funds were programmed in accordance with California Department of Transportation’s (Caltrans) Project Development Procedures Manual, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City’s consultant and submitted to the State of California Department of Transportation (Caltrans) for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on July 10, 2012, by Resolution No. 2012-277, Council approved an Agreement between the City and Caltrans for maintenance of improvements within State Highway Right of Way on Route 99 (Pelandale Avenue) within the City of Modesto for the State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on February 25, 2014, by Resolution No. 2014-71, Council approved the contract with Teichert/MCM, a Joint Venture, Fowler, California in an amount of $30,999,969, and authorized the City Manager, or his designee, to execute the contract, and
WHEREAS, on April 25, 2017, by Resolution number 2017-154, Council accepted the State Route 99/Pelandale Avenue Interchange Reconstruction Project improvements as complete, and

WHEREAS, a Record of Survey must be submitted to the State for final closeout of the project to be completed, and

WHEREAS, for the Record of Survey to be submitted, Council must first approve the relinquishment of land to both County and State, and

WHEREAS, on January 23, 2018, by Resolution number 2018-42, Council approved the transfer of portions of APNs 135-029-038 and 135-029-039 to both Stanislaus County and State of California, portions of APNs 135-029-040 and 135-029-041 to the State of California, and portions of Salida Boulevard and Sisk Road to the State of California for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on June 20, 2018, Caltrans requested the City submit estimated completion costs of the construction funds since the project has been substantially completed, and

WHEREAS, Caltrans is currently paying interest on the $41.6 million Prop 1B money designated for construction and wanted to return the money back to CTC to be used on other projects, and

WHEREAS, there are currently $2,055,888 of Proposition 1B savings remaining in the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, only $1,500,000 will be released back to CTC at this time because of projected future costs.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the release of $1,500,000 of Proposition IB fund savings back to the California Transportation Commission for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE TRANSIT ASSET MANAGEMENT (TAM) PLAN, AND AUTHORIZING THE TRANSIT MANAGER TO IMPLEMENT THE PLAN

WHEREAS, according to the Federal Transit Administration (FTA), transit asset management is a set of strategic and systemic processes and practices for managing performance, risks, and costs of transit assets across the entirety of their lifecycle in order to deliver service reliably, safely, and cost effectively, and

WHEREAS, the Transit Asset Management (TAM) plan is a business model that prioritizes funding based on the condition of transit assets, and

WHEREAS, in July 2016, the FTA issued a final rule requiring transit agencies to maintain, document and report minimum TAM standards, and

WHEREAS, federal law requires recipients and sub-recipients of federal dollars to develop a TAM plan that is due to be completed by October 1, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Transit Asset Management (TAM) Plan.

BE IT FURTHER RESOLVED, that the Transit Manager is hereby authorized to implement the plan.
The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-414

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH KENNEDY/JENKS CONSULTANTS, INC., SACRAMENTO, CA, FOR CONTINUED ENGINEERING SERVICES DURING CONSTRUCTION FOR THE NEW DEL RIO WELL 68 PROJECT IN THE AMOUNT OF $35,198, PLUS $16,764 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL NOT TO EXCEED AMOUNT OF $184,413 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City owns and operates the outlying water system in the community of Del Rio, located in Stanislaus County, and

WHEREAS, per the City’s 2010 Water System Engineer’s Report, a hydraulic assessment of the system was performed to evaluate the system’s ability to meet the community’s current and build-out demands, and

WHEREAS, this assessment identified the need to construct a new 1,000-gallon per minute domestic well, 250,000-gallon storage tank, and 1 million-gallon per day booster pump station to correct existing supply and pressure deficiencies, and

WHEREAS, on December 12, 2017, by Resolution No. 2017-517, Council approved an agreement with Kennedy/Jenks Consultants, Inc. to provide Engineering Services During Construction for the New Del Rio Well 68 project and awarded a construction contract to Roadrunner Drilling Company, by Resolution No. 2017-516 to drill the New Del Rio Well 68, and

WHEREAS, Kennedy/Jenks Consultants, Inc. was required to oversee Roadrunner Drilling Company’s drilling activities to ensure that the design, as intended, was able to be met and that the goal of producing a 1,000 gpm production well for the Del Rio Well 68 could be achieved, and
WHEREAS, during the course of drilling operations, water quality sampling results indicated the presence of dibromochloropropane (DBCP). Sample test results indicated a DBCP concentration of 0.55 micrograms per liter (ug/L) which exceeds California Title 22 Drinking Water Standard of 0.2 ug/L, and

WHEREAS, staff is requesting Kennedy/Jenks Consultants, Inc. continue with engineering services during construction and coordinate with Roadrunner Drilling Company to perform additional step testing with water quality analysis to determine the source of the DBCP to explore the potential methods to rehabilitate the well and reduce the concentrations to acceptable levels below the maximum containment level of 0.2 ug/L, and

WHEREAS, it is in the best interest of the project moving forward to have continuity with the same hydro-geologist and thus seek an amended agreement with Kennedy/Jenks Consultants, Inc., and

WHEREAS, the scope of services to be provided under the amended engineering services during construction agreement will include increases to the following tasks: Post Construction Services, Well Completion Report and Project Management.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a first amendment to the agreement with Kennedy/Jenks Consultants, Inc., Sacramento, CA, for Engineering Services During Construction for the New Del Rio Well 68 Project in the amount of $35,198, plus $16,764 for additional services, if needed, for a revised not to exceed amount of $184,413,
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the first amendment to the agreement in a form approved by the City Attorney.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH ATLAS COPCO COMRESSORS OF FREMONT, CA, FOR LABOR AND PARTS FOR ATLAS COPCO COMRESSORS, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $15,000, AND A TOTAL NOT TO EXCEED $75,000 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASING AGREEMENT

WHEREAS, the City of Modesto, Wastewater Division owns and operates seven Atlas Copco air compressors for various treatment processes at the Wastewater Treatment Plant located at 7007 Jennings Road, and

WHEREAS, these air compressors are critical for the day-to-day operations of the plant and an outage of compressed air can cause a cascading effect, shutting down critical processes which ultimately affect the City’s ability to produce recycled water and could potentially initiate permit violations, and

WHEREAS, to maintain and repair these air compressors, parts and onsite services are required on a regular basis, and

WHEREAS, parts and materials for these types of services are procured through open market sources through the competitive bid process, City plant mechanics also perform major repairs to the compressors in-house, utilizing Atlas Copco replacement parts, and

WHEREAS, Atlas Copco performs the computer diagnosis and new programing when the City has Human Machine Interface or Programmable Logic Control failures (computer controlled systems), and also supplies the City with replacement parts for repairs, and
WHEREAS, staff has attempted to obtain bids for parts and computer programming/diagnosis services through alternate sources and vendors for these air compressors, and

WHEREAS, while many vendors can perform preventative services and mechanical repairs of the Atlas Copco compressors, parts must still be obtained directly through Atlas Copco, as none of the compressor repair companies are able to diagnose or service the electronic computer controllers, and

WHEREAS, the computer controlled system services are done with proprietary software and programs that are not accessible to other vendors, and

WHEREAS, staff has also been unable to obtain bids for replacement parts (except for common filters, oil and belts) through any other sources, and

WHEREAS, an annual agreement for Atlas Copco Compressor Repairs, Agreement No. 50352, was initiated by the Purchasing Department with a contract term amount of $45,000 over five years and expires on October 30, 2018, and

WHEREAS, expenditures during the term of the agreement are $26,450, and

WHEREAS, the original agreement covered four compressors at the Jennings facilities, but the city now has three additional compressors that were installed with the Phase 2 Biological Nutrient Removal/Tertiary Treatment project, and

WHEREAS, this new agreement will cover these additional compressors and any additional Atlas Copco compressors purchased, and

WHEREAS, Modesto Municipal Code Section 8-3.204 states that all purchases, in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for
any purchase of fifty thousand dollars ($50,000) or less, shall follow formal bid procedures, except for the following which shall be exempt from the bid requirement, and

WHEREAS, the agreement with Atlas Copco meets 8-3.204(b) where the Purchasing Agency’s requirements can be met solely by a single article or process and 8-3.204(d) where the Purchasing Manager, in 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, and

WHEREAS, Atlas Copco should be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(b) and (d) since they are the original equipment manufacturer and therefore are the desired provider of labor and parts, and

WHEREAS, this purchase qualifies for exemption from formal bidding for that reason.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Atlas Copco Compressors of Fremont, CA, for labor and parts for Atlas Copco Compressors, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $15,000, and a total not to exceed $75,000 over five years.

BE IT FURTHER RESOLVED the Purchasing Manager, or her designee, is hereby authorized to issue purchasing agreements.
The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT FOR THE PURCHASE OF CHESTERTON SEALS AND RELATED PARTS TO PAN-PACIFIC SUPPLY COMPANY, CONCORD, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $45,000, AND A TOTAL NOT TO EXCEED $225,000 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASING AGREEMENT

WHEREAS, Chesterton Seals and parts are used for different pumps at the Sutter and Jennings Treatment Plants, Lift Stations, water wells and tanks throughout the City,

and

WHEREAS, Chesterton seals have been specified by Engineering and installed on most pumps with mechanical seals, and

WHEREAS, staff solicited vendors of alternative seals pricing on an equivalent complete seal replacement and seal repair kit, and

WHEREAS, after receiving quotes from two alternate manufacturers, the Chesterton Seals were less expensive from the two alternative seal manufacturers by $518 to $4,406 and the Chesterton Seal Kits were less expensive from other manufacturer by $1,467 to $3,110, and

WHEREAS, based on this information and employee time to reconfigure all of the current pump seals as they fail, staff has confirmed that continuing to utilize the Chesterton seal is the best value to the City, and

WHEREAS, Pan-Pacific Supply Company is the exclusive authorized distributor of all Chesterton products for Northern California, and
WHEREAS, on November 6, 2013, by Resolution No. 2013-390, Council authorized the award of sole source procurement for the purchase of Chesterton seals and related parts from Pan-Pacific Supply Company, Concord, CA, and

WHEREAS, the agreement for Chesterton Seals from Pan-Pacific Supply Company expires on November 14, 2018, and

WHEREAS, staff would like to award sole source procurement to Pan-Pacific Supply Company for another five year agreement, and

WHEREAS, Modesto Municipal Code Section 8-3.204 states that all purchases, in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for any purchase of fifty thousand dollars ($50,000) or less, shall follow formal bid procedures, except for the following which shall be exempt from the bid requirement, and

WHEREAS, the agreement with Pan-Pacific meets 8-3.204(b) where the Purchasing Agency’s requirements can be met solely by a single article or process and 8-3.204(d) where the Purchasing Manager, in 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 and

WHEREAS, Pan-Pacific should be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(b) and (d) since they are the original equipment manufacturer and therefore are the desired provider of labor and parts, and

WHEREAS, this purchase qualifies for exemption from formal bidding for that reason.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement for the purchase of Chesterton seals and related
parts to Pan-Pacific Supply Company, Concord, CA, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $45,000, and a total not to exceed $225,000 over five years.

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney
RESOLUTION REJECTING ALL BIDS RECEIVED FOR RFB NO. 1718-59 FOR PAINTING AT WATER WELL AND TANK SITES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO REISSUE A RFB AT A FUTURE DATE, WITH AN AMENDED SCOPE OF SERVICES

WHEREAS, the Water Services Division has a need for painting of water well and tank site services on an “as needed” basis, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Bids (RFB) for Painting at Water Well and Tank Sites, and

WHEREAS, on March 22, 2018, the Purchasing Division issued RFB No. 1718-59 for the Painting of Water Well and Tank Sites, and posted the RFB on the City’s website and formally advertised as required by law, and

WHEREAS, on July 24, 2018, bids closed and were opened in the City Clerk’s office, and

WHEREAS, eight companies chose to respond, and

WHEREAS, after reviewing the bids received and bid package, it was determined that staff needed to amend the original Scope of Services to ensure a more competitive process and eliminate ambiguity in the original scope. This determination was based on the significant price variances between vendors ($10,720 - $446,124), and

WHEREAS, further amendments may be needed to the Pricing Schedule and Bidding Process, and

WHEREAS, on August 8, 2018, Council approved Resolution No. 2018-317 approving the Water Well and Tank Sites Painting Services Agreement to be extended to December 31, 2018, and
WHEREAS, staff will work with the Finance Department to amend the Scope of Services to better define the project and Purchasing will work on updating the bid process.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby rejects all bids received for RFB No. 1718-59 for Painting at Water Well and Tank Sites.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to reissue the RFB at a future date, with an amended Scope of Services.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ___________________________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ___________________________

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING IMPLEMENTATION OF CHANGES TO VARIOUS EXISTING MODESTO AREA EXPRESS (MAX) ROUTE SCHEDULES EFFECTIVE JANUARY 1, 2019 AND JULY 1, 2019, AND AUTHORIZING THE TRANSIT MANAGER TO IMPLEMENT THE CHANGES

WHEREAS, to make the MAX system more efficient and productive, Transit staff recommends modifications to the schedules for various MAX routes, and

WHEREAS, transit staff distributed a survey to get further information on route performance and made modifications to the initial plan based on input received, and

WHEREAS, transit staff held two public meetings to discuss these routes, and made modifications to the initial plan based on input received.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves changes to various existing route schedules effective January 1, 2019 and July 1, 2019.

BE IT FURTHER RESOLVED, that the Transit Manager is hereby authorized to implement the changes.
The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2018, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________
          STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________
    ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE ANNUAL WATER RATE REVIEW AND ADOPTING 9% WATER RATE INCREASES TO BE EFFECTIVE JANUARY 1, 2019 FOR FISCAL YEAR 2018-19

WHEREAS, the City of Modesto provides water service to over 73,000 accounts consisting of residential, multi-family, commercial, and industrial customers located within the City of Modesto, as well as the communities of Salida, Empire, Grayson, Del Rio and portions of Ceres, Turlock and unincorporated Stanislaus County, and

WHEREAS, the City of Modesto’s water sources are groundwater and treated surface water purchased from the Modesto Irrigation District; and

WHEREAS, the City’s water utility is a self-supporting utility enterprise funded by customer revenues; and

WHEREAS, Modesto Municipal Code Section 11-6.05 authorizes Council, by resolution, to establish charges for metered water services, and Section 11-6.06 authorizes the Council, by resolution, to establish charges for unmetered water services; and

WHEREAS, Proposition 218 amended the California Constitution to establish a process that public agencies must follow when imposing new or increasing “property related fees” (Cal. Const. Article XIID); and

WHEREAS, water service fees are property-related fees and thus subject to Proposition 218’s procedural and substantive requirements; and

WHEREAS, the City engaged Bartle Wells Associates (“BWA”) in July 2015 to conduct a comprehensive review of the City’s water rates and charges in accordance with Proposition 218; and
WHEREAS, BWA prepared a report dated May 2016 entitled “City of Modesto Water Rate and Fee Study” (“Report”), containing analyses and recommendations for adjusting the City’s water rates and charges; and

WHEREAS, the Report analyzes the number of water customers, projections for customer growth, water revenues, water capital improvement programs, operations and maintenance needs, customer services costs, and volumetric use; and

WHEREAS, the Report concludes that the revenues generated under existing water rates are insufficient to meet water utility’s revenue requirements for fiscal year 2016-17 and subsequent years, given changes and new developments in the City’s water system, including new capital improvement projects identified in the soon to be completed Water Master Plan; and

WHEREAS, the Report recommends increasing the City’s existing water rates and charges, and makes certain recommendations for the City’s water services rates for the period beginning fiscal year 2016-17; and

WHEREAS, the Report demonstrates that the recommended rates do not exceed the reasonable cost of providing such service or regulatory activity and, as such, the proposed rates are not levied for general revenue purposes; and

WHEREAS, the Report also demonstrates that the recommended rates result in charges to property owners or ratepayers that do not exceed the proportionate cost of providing water services attributable to the parcel or persons; and

WHEREAS, the City mailed a notice of the public hearing, and notice of oral and written protest procedures against the proposed rate increases to all affected property owners and ratepayers in compliance with California Constitution Article XIII D, Section
6; at least forty-five days in advance of the public hearing at which this Resolution was considered; and

WHEREAS, on August 9, 2016, the City Council duly held the public hearing, and at its conclusion the City Clerk tabulated the number of written and oral protests received, if any, and reported that there was not a majority protest of the proposed rates by owners or authorized representatives of identified property owners or ratepayers receiving water services; and

WHEREAS, the City Council subsequently approved a new water rate structure in accordance with Proposition 218 by Resolution No. 2016-343 and adopted a five-year schedule of new maximum water service rates beginning in Fiscal Year 2016-17 and increasing those rates by up to 25.04% in Fiscal Year 2016-17; 11.08% in Fiscal Year 2017-18; 9.00% in Fiscal Years 2018-19 through 2020-21; and

WHEREAS, on December 12, 2017, by Resolution 2017-522, Council approved the annual review of water rates as required by Resolution 2016-343, which lowered the maximum water service rates for Fiscal Year 2017-18 from 11.08% to 9.00%, effective April 1, 2018; and

WHEREAS, City staff has recently conducted an annual review of the water rates as required by Resolution 2016-343 to ensure that the approved 9.00% increase for Fiscal Year 2018-19 meets the enterprise’s revenue needs based on anticipated expenses and the City’s policies; and

WHEREAS, upon review of the FY 2018-19 proposed Water Fund proforma, the City’s Budget Division agrees that the approved rate schedule increase of 9.00% in annual rate would allow the fund to maintain a minimum 1.5 debt service coverage ratio.
required by Council policy, and maintain a 2.0 debt coverage ratio in future years as recommended in the recent Fitch Rating review; and

WHEREAS, the Budget Division also recommends a 9.00% increase in water rates for FY 2018-19 based on the anticipated revenues and proposed operating and capital expenses for the upcoming fiscal years; and

WHEREAS, pursuant to amended Resolution 2004-627, the approved increase in water rates for Fiscal Year 2018-19 will become effective 90 days after completion of the annual review, unless the City Council directs otherwise, and Staff recommends the FY 2018-19 rate increase become effective on January 1, 2019.

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

1. WATER RATE SCHEDULE- METERED WATER RATES.

Metered ratepayers shall pay a water (volume) rate for water as follows, and the drought water rates shall be imposed when the State Water Resources Control Board imposes a mandatory conservation target that exceeds the City’s self-imposed conservation target.

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Current</th>
<th>FY2018/19</th>
<th>FY2019/20</th>
<th>FY2020/21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Meter Charges ($/month)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5/8 inch</td>
<td>$21.47</td>
<td>$23.34</td>
<td>$25.42</td>
<td>$27.73</td>
</tr>
<tr>
<td>3/4 inch</td>
<td>$21.47</td>
<td>$23.34</td>
<td>$25.42</td>
<td>$27.73</td>
</tr>
<tr>
<td>1 inch</td>
<td>$30.39</td>
<td>$33.48</td>
<td>$36.90</td>
<td>$40.72</td>
</tr>
<tr>
<td>1.5 inch</td>
<td>$52.71</td>
<td>$58.83</td>
<td>$65.62</td>
<td>$73.19</td>
</tr>
<tr>
<td>2 inch</td>
<td>$79.49</td>
<td>$89.25</td>
<td>$100.08</td>
<td>$112.16</td>
</tr>
<tr>
<td>3 inch</td>
<td>$164.30</td>
<td>$185.59</td>
<td>$209.19</td>
<td>$235.57</td>
</tr>
<tr>
<td>4 inch</td>
<td>$289.28</td>
<td>$327.55</td>
<td>$370.00</td>
<td>$417.42</td>
</tr>
<tr>
<td>6 inch</td>
<td>$588.33</td>
<td>$667.24</td>
<td>$754.78</td>
<td>$852.58</td>
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<tr>
<td>8 inch</td>
<td>$1,079.32</td>
<td>$1,224.95</td>
<td>$1,386.51</td>
<td>$1,567.01</td>
</tr>
<tr>
<td>10 inch</td>
<td>$1,704.21</td>
<td>$1,934.76</td>
<td>$2,190.53</td>
<td>$2,476.29</td>
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<tr>
<td>12 inch</td>
<td>$2,239.84</td>
<td>$2,543.16</td>
<td>$2,879.69</td>
<td>$3,255.67</td>
</tr>
</tbody>
</table>

Water Rate ($/ccf)
2. **WATER RATE SCHEDULE- UNMETERED WATER RATES.** The following contains the maximum water (volume) rate service charges for unmetered ratepayers. The drought water (volume) rate shall be imposed when the State Water Resources Control Board imposes a mandatory conservation target that exceeds the City’s self-imposed conservation target.

<table>
<thead>
<tr>
<th>Rate Code</th>
<th>DROUGHT Unmetered Fixed Charge ($/month)</th>
<th>Current</th>
<th>FY2018/19</th>
<th>FY2019/20</th>
<th>FY2020/21</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRO1 - 0 to 5,000 sq ft</td>
<td>$50.39</td>
<td>$54.39</td>
<td>$58.82</td>
<td>$63.65</td>
<td></td>
</tr>
<tr>
<td>PRO2 - 5,001 to 7,000 sq ft</td>
<td>$58.51</td>
<td>$62.87</td>
<td>$67.71</td>
<td>$72.95</td>
<td></td>
</tr>
<tr>
<td>PRO3 - 7001 to 11,000 sq ft</td>
<td>$74.54</td>
<td>$79.64</td>
<td>$85.29</td>
<td>$91.34</td>
<td></td>
</tr>
<tr>
<td>PRO4 - 11,001 to 17,000 sq ft</td>
<td>$98.50</td>
<td>$104.69</td>
<td>$111.55</td>
<td>$118.81</td>
<td></td>
</tr>
<tr>
<td>PRO5 - Over 17,000 sq ft</td>
<td>$110.58</td>
<td>$117.32</td>
<td>$124.79</td>
<td>$132.66</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>PRO1 - 0 to 5,000 sq ft</td>
<td>$48.77</td>
<td>$52.97</td>
<td>$57.61</td>
<td>$62.64</td>
<td></td>
</tr>
<tr>
<td>PRO2 - 5,001 to 7,000 sq ft</td>
<td>$56.23</td>
<td>$60.89</td>
<td>$66.01</td>
<td>$71.53</td>
<td></td>
</tr>
<tr>
<td>PRO3 - 7001 to 11,000 sq ft</td>
<td>$70.98</td>
<td>$76.52</td>
<td>$82.62</td>
<td>$89.11</td>
<td></td>
</tr>
<tr>
<td>PRO4 - 11,001 to 17,000 sq ft</td>
<td>$93.00</td>
<td>$99.87</td>
<td>$107.42</td>
<td>$115.37</td>
<td></td>
</tr>
<tr>
<td>PRO5 - Over 17,000 sq ft</td>
<td>$104.10</td>
<td>$111.65</td>
<td>$119.93</td>
<td>$128.61</td>
<td></td>
</tr>
</tbody>
</table>

3. **EFFECTIVE DATE.** This Resolution shall go into effect and be in full force and operation on or after January 1, 2019.
The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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:  

SEAL

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN INCREASE TO THE DISCOUNT AMOUNT OF THE WATER RATE ASSISTANCE PROGRAM FROM $10.00 PER MONTH TO $15.00 PER MONTH ON THE FIXED BASE WATER CHARGE FOR ALL CUSTOMERS ELIGIBLE FOR THE PROGRAM

WHEREAS, on November 8, 2016, by Resolution 2016-462, Council approved the Water Rate Assistance Program (WRA). The WRE currently offers a $10.00 per month discount off of the fixed base water charge for low income customers, and

WHEREAS, to provide relief to low income customers impacted by water rate increases who are eligible to participate in the WRA program, effective January 1, 2019 staff will increase the monthly discount from $10.00 per month to $15.00 per month off of the base water charge, and

WHEREAS, staff will review annually for potential increase to monthly discount amount based on relevant water rate increases, and

WHEREAS, funding for the WRA Program is revenue generated by the City Utility Billing and Collections Division from various delinquency charges with any increase in utilization of these programs to be paid for by continued budgeted revenue from these delinquency charges, and

WHEREAS, staff recommends increasing the amount of the discount from $10.00 per month to $15.00 per month off of the base water charge for the Water Rate Assistance Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the discount amount of the Water Rate Assistance
Program from $10.00 per month to $15.00 per month on the fixed base water charge for all customers eligible for the program.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 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: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE CITY OF MODESTO’S CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR PROGRAM YEAR 2017-2018; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE REQUIRED DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires entitlement grantees adopt a comprehensive, long-term plan for the use of its HUD funds, and

WHEREAS, the Five-Year Consolidated Plan, also referred to as the Strategic Plan, analyzes the City’s housing and community development needs, with a priority focus on low- and moderate-income individuals, households, and neighborhoods, and describes long-term strategies for meeting those needs, and

WHEREAS, HUD also requires entitlement grantees to submit a Consolidated Annual Performance Evaluation Report (CAPER) to HUD, and

WHEREAS, a CAPER describes how the City used its Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant funds in a particular fiscal year to address the needs and priorities established in the Consolidated Plan, and

WHEREAS, a notice informing the public of the availability of the Program Year 2017-2018 CAPER, and the start of the public comment period, was published in the Modesto Bee and Vida en el Valle on August 22, 2018, and

WHEREAS, the minimum 15-day public review comment period will close on September 25, 2018, and

WHEREAS, the Citizens’ Housing and Community Development Committee
(CH&CDC) considered the proposed CAPER on August 30, 2018, and recommended forwarding it to the City Council for approval, and

WHEREAS, a duly noticed public hearing was held by the City Council on September 25, 2018 at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, and

WHEREAS, any comments received during the 15-day public review period or during the City Council meeting will be incorporated into the final CAPER.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes approval of the 2017-2018 Consolidated Annual Performance Evaluation Report for the use of Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign any required certifications and documents for submittal to the U.S. Department of Housing and Urban Development.
The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2018, by Councilmember Ridenour, 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 ACCEPTING THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND GRANT, IN THE AMOUNT OF AT LEAST $100,000, FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND TO BE USED FOR POLICE OVERTIME, TRAINING, TECHNOLOGY, AND EQUIPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, in 1996 the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the purpose of the law is to provide additional resources for local law enforcement, and

WHEREAS, Supplemental Law Enforcement Services Fund (SLESF) monies cannot be transferred to, or intermingled with, the monies in any other fund except that monies may be transferred from the SLESF to the City’s General Fund to the extent necessary to facilitate the appropriation and expenditure of funds, and

WHEREAS, SLESF monies cannot be used to supplant existing budgeted funds, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto, for Fiscal Year (FY) 2018/2019, of at least $100,000, to be made in four installments of $25,000 each, and

WHEREAS, the monies should be used on police overtime, training, technology and equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the State Supplemental Law Enforcement Services Fund Grant, in
the amount of at least $100,000, from the State Supplemental Law Enforcement Services
Fund for police overtime, training, technology, and equipment.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, are
hereby authorized to execute the necessary program documents.

The foregoing documents were introduced at a regular meeting of the Council of
the City of Modesto held on the 25th day of September, 2018, by Councilmember Zoslocki,
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 APPROVING THE EXPENDITURE PLAN AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE FISCAL YEAR 2018/2019 MULTI-YEAR OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF AT LEAST $100,000 FOR THE CITY OF MODESTO’S ALLOCATION FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND

WHEREAS, for Fiscal Year (FY)-2018/2019 the City of Modesto shall receive a minimum of $100,000, from the State Supplemental Law Enforcement Services Fund, to be made in four installments of $25,000 each, and

WHEREAS, Supplemental Law Enforcement Services Fund (SLESF) monies cannot be transferred to, or intermingled with, monies in any other fund except that monies may be transferred from the SLESF to the City’s General Fund to the extent necessary to facilitate the appropriation and expenditure of funds, and

WHEREAS, SLESF monies cannot be used to supplant existing budgeted funds, and

WHEREAS, pursuant to Section 30063 (c) of the California Government Code, Council is required to hold a public hearing to consider and approve the SLESF Expenditure Plan, and

WHEREAS, the adopted FY 2018/2019 Police SLESF allocation in the amount of at least $100,000 will be applied to account number 1342-19998-42140-101139.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the expenditure plan.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to amend the fiscal year 2018/2019 multi-year operating budget to appropriate
revenues and expenditures of at least $100,000 for the City of Modesto’s allocation from the State Supplemental Law Enforcement Services Fund.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2018, by Councilmember Zoslocki, 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. LINDGREEN, City Attorney