RESOLUTION ACCEPTING THE 2017 ASSISTANCE TO FIREFIGHTERS GRANT AWARD FOR PROCUREMENT OF SOURCE CAPTURE EXHAUST SYSTEMS IN THE AMOUNT OF $191,275 WITH A LOCAL MATCH OF $19,127 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN ANY GRANT RELATED DOCUMENTS

WHEREAS, the Department of Homeland Security (DHS), Federal Emergency Management Agency’s (FEMA) Grant Program Directorate implements and administers the Assistance to Firefighters Grant (AFG) program, and

WHEREAS, the purpose of the AFG program is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards by providing direct financial assistance to eligible fire departments for critically needed resources to equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience, and

WHEREAS, on January 23, 2018 by resolution number 2018-26 the Modesto City Council approved the submittal of an AFG application for the procurement of source capture exhaust systems, and

WHEREAS, on September 7, 2018, staff received notification from FEMA that the Modesto Fire Department has been awarded this grant in the amount of $191,275, and

WHEREAS, there is a local match requirement to this grant in the amount of $19,275 (10% of the grant award total) which will be absorbed by the Fire Department’s General Fund FY 18-19 Operating Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2017 Assistance to Firefighters Grant Award for the procurement of source capture exhaust systems in the amount of $191,275 with a local match of $19,127.
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to sign any grant related documents.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE ESTABLISHMENT OF A CAPITAL IMPROVEMENT PROJECT FOR THE 2017 ASSISTANCE TO FIREFIGHTERS GRANT AWARD, AND APPROPRIATING $210,402 TO SAID PROJECT WITH $19,127 COMING FROM THE FIRE DEPARTMENT GENERAL FUND OPERATING BUDGET

WHEREAS, the purpose of the Assistance to Firefighters Grant (AFG) program is to enhance the safety of the public and firefighters; and

WHEREAS, this direct financial assistance is provided to eligible fire departments for critically needed resources to equip and train emergency personnel to recognized standards; and

WHEREAS, this grant will improve the health and welfare of the City of Modesto firefighters; and

WHEREAS, the nature of the equipment to be procured and installed meets the thresholds for a Capital Improvement Project; and

WHEREAS, there is a local match requirement to this grant in the amount of $19,127; and

WHEREAS, the Fire Department has identified a total of $19,127 from its existing General Fund Operating Budget in order to meet the local match requirement of this grant and establish a Capital Improvement Project for the grant; and

WHEREAS, the funds will come from the Facilities & Fleet Cost Center (18610) account 53150 (Repair & Maintenance – Stations).

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 2017
Assistance to Firefighters Grant award, and appropriates $210,402 to said project, with $19,127 coming from the Fire Department General Fund Operating Budget.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION REJECTING ALL BIDS FOR THE DOWNEY COMMUNITY PARK PICNIC AREA RENOVATION PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE BIDS FOR THE PROJECT AT A FUTURE DATE WITH AN AMENDED SCOPE OF WORK

WHEREAS, the Downey Community Park Picnic Area Renovation Project will remove and replace the existing shade structure and paving at Downey Community Park; and

WHEREAS, the two bids received for the Downey Community Park Picnic Area Renovation Project were publicly opened at 11:00 a.m. on August 14, 2018, and later tabulated by the Utilities Department for the consideration of the Council; and

WHEREAS, Stockbridge General Contracting of Clovis, California was the apparent low bidder at 221.63% above the engineer’s estimate; and

WHEREAS, the Parks Planning and Development Division staff determined that the high bids was due to difficult bidding season and increasing cost of construction goods and services; and

WHEREAS, City staff recommends that the City reject the bids, make modifications to the scope of work and re-advertise the project for bid in late 2018 with the intention of attracting a higher number of contractors and more competitive bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bids received for the Downey Community Park Picnic Area Renovation Project.

BE IT FURTHER RESOLVED that staff is authorized to re-advertise bids for the project at a future date with an amended scope of work.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:
AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE CALIFORNIA OUTDOOR ENVIRONMENTAL EDUCATION FACILITIES GRANT PROGRAM AWARD IN AN AMOUNT OF $500,000 TO FUND CONSTRUCTION OF THE TUOLUMNE RIVER REGIONAL PARK (TRRP) RIVER PAVILION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AND UTILIZE THE GRANT AWARD

WHEREAS, the California Outdoor Environmental Education Facilities (OEEF) Grant Program is funded by The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40), and

WHEREAS, OEEF funds are made available on a competitive basis to provide assistance to local agencies and community-based organizations with regard to the development of outdoor environmental education facilities, and

WHEREAS, On August 8, 2017, by Resolution No. 2017-317 Council authorized the submittal of an application to the TRRP River Pavilion project in the amount of $500,000 from the California Outdoor Environmental Education Facilities Grant Program, and

WHEREAS, the City of Modesto has received notice from the California Outdoor Environmental Education Facilities (OEEF) grant administrators of an award to the City in the amount of $500,000 to fund construction of the TRRP River Pavilion Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it accepts the California Outdoor Environmental Education Facilities (OEEF) Grant in an amount of $500,000 to fund construction of the TRRP River Pavilion Project.
BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to accept and utilize the grant award from The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40).

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2018/2019 CAPITAL IMPROVEMENT PROGRAM BUDGET IN AN AMOUNT NOT TO EXCEED $507,500 TO FUND THE CONSTRUCTION OF THE TUOLUMNE RIVER REGIONAL PARK (TRRP) RIVER PAVILION PROJECT AND TO BUDGET EXPENDITURES AS OUTLINED IN ATTACHMENT A TO FUND THE PROJECT

WHEREAS, the California Outdoor Environmental Education Facilities (OEEF) Grant Program funded by The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40), was awarded in the Amount of $500,000 to fund the Tuolumne River Regional Park (TRRP) River Pavilion Project, and

WHEREAS, The TRRP River Pavilion Project is included in the TRRP Master Plan and is an important piece of the development of the regional park, and

WHEREAS, On August 8, 2017, by Resolution No. 2017-317 Council authorized the submittal of an application in the amount of $500,000 to the California Outdoor Environmental Education Facilities Grant Program for the TRRP River Pavilion project, and

WHEREAS, the City of Modesto has received notice from the California Outdoor Environmental Education Facilities (OEEF) grant administrators of an award to the City in the amount of $500,000 to fund construction of the TRRP River Pavilion Project, and

WHEREAS, The City Council shall consider amending the 2018/2019 Capital Improvement Program Budget to establish a new Capital project with the grant award to fund the development and construction of the TRRP River Pavilion Project in an amount not to exceed $507,500 as outlined in Attachment A.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018/2019 Capital Improvement Program Budget to establish a new capital project #101135 in an amount not to exceed $507,500 in revenue.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to budget expenditures as outlined in Attachment A to fund the construction of the TRRP River Pavilion Project.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________
          STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________
       ADAM U. LINDGREN, City Attorney
## Attachment A

### Budget Adjustment for Capital Project 101135 (TRRP River Pavilion)

**Fund 6710 – TRRP CIP:**

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<th>Expense</th>
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<th>Description of Account</th>
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<tr>
<td>6710-89999-101135 – Eng/Design/Admin</td>
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<td>6710-89999-101135 – Construction</td>
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<td>6710-89999-101135 – Construction Admin</td>
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<th>Revenue</th>
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<td>6710-89999-42201-101135</td>
<td>$500,000</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2018-429

RESOLUTION APPROVING THE SUBMISSION OF GRANT APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA), FOR 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE, OR OTHER STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND FILE ALL OTHER NECESSARY DOCUMENTS

WHEREAS, the Federal Transit Administration (FTA) has been a delegated authority to award Federal financial assistance for transportation related projects and,

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the City of Modesto, and may require the City of Modesto to provide the local share of the project cost and,

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA to be eligible for funding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is authorized to execute and file applications for Federal assistance on behalf of the City of Modesto with the FTA for Federal Assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the FTA. The City of Modesto has received authority from the State of California, Department of Transportation, the Designated Recipient, to apply for Urbanized Formula and Non-Formula Program assistance pursuant to Sections 5307 and 5339.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the FTA requires for awarding a federal assistance grant.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE SUBMISSION OF A PROJECT LIST FOR SENATE BILL 1 (SB1) ALSO KNOWN AS THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 FOR THE MODESTO AREA EXPRESS (MAX) BUS SYSTEM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND FILE ALL OTHER REQUIRED DOCUMENTS

WHEREAS, the City of Modesto is an eligible project sponsor and may receive State Transit Assistance (STA) funding from the State of Good Repair Account (SGR) now or sometime in the future for transit projects, and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations, and

WHEREAS, Senate Bill 1 (SB1) (2017) named the Department of Transportation (Caltrans) as the administrative agency for the SGR, and

WHEREAS, Caltrans has developed guidelines for the purpose of administering and distributing SGR funds to eligible project sponsors (local agencies), and

WHEREAS, a project list (Attachment 1 - SB1 City of Modesto Project List) has been developed to improve the conditions of the facilities, rolling stock and equipment needed to operate the Modesto Area Express (MAX) bus system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of the project list for the Road Repairs and Accountability Act of 2017 for the City of Modesto Transit Division.

BE IT FURTHER RESOLVED that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and
applicable statutes, regulations and guidelines for all State of Good Repair funded transit projects.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file all required documents of the State of Good Repair program and any Amendments thereto with the California Department of Transportation.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
Agency Information

Funding Fiscal Year: 2018-19

(Choose First) Regional Entity:

*Estimated SGR 99313 Allocation

Operator (Not required if you are the Regional Entity):
City of Modesto

*Estimated SGR 99314 Allocation

**Enter your total STA allocation in the blue box:

$ 32,364

The amount to be reported on will be listed in the grey box:

$ 4,834,638

$ 2,175,587

Agency Address:
1010 10th St Suite 4500

City: Modesto

Contact Name: Dero In
Contact Title: Transit Analyst

Contact Phone Number: 209-577-5317
Contact Email: dein@modestogov.com

*You can find your SGR allocation estimates on the letter from the California State Controller dated January 31, 2018:

**You can find your STA allocation estimates on the letter from the California State Controller dated January 31, 2018:
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<th>Useful Life if Applicable</th>
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*Not. Comments, Additional Information*
RESOLUTION REJECTING ALL BIDS FOR THE REPLACEMENT WELL 226 SUBSURFACE PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR BIDS AT A FUTURE DATE WITH AMENDED SPECIFICATIONS

WHEREAS, the bids received for the Replacement Well 226 project were opened at 11:00 a.m. on August 14th, 2018, and later tabulated by the Director of Utilities for the consideration of the Council, and

WHEREAS, staff determined that irregularities were contained within the technical specifications, and

WHEREAS, the irregularities found within the technical specifications relate to a requirement in submission of product information with the bid documents, and

WHEREAS, the Utilities Department staff determined that it would be in the best interest of the City to reject all bids and re-advertise the project with revised specifications.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Installation of Replacement Well 226 Subsurface project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project for bids with amended specifications.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-432

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE DEL RIO TANK NO.14, WELL NO.68 AND PUMP STATION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH MOUNTAIN CASCADE, INC. OF LIVERMORE, CA IN THE AMOUNT OF $7,510,835, PLUS 8% CONTINGENCY IN THE AMOUNT OF $600,867 (IF NEEDED) FOR A TOTAL AMOUNT OF $8,111,702 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, specifications have been prepared for the Del Rio Tank No.14, Well No.68 and Pump Station Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Del Rio Tank No.14, Well No.68 and Pump Station Project were opened at 11:00 a.m. on May 15, 2018 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $7,510,835 received from Mountain Cascade, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Mountain Cascade, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for the Del Rio Tank No.14, Well No.68 and Pump Station Project accepts the bid of $7,510,835 and awards Mountain Cascade, Inc. of Livermore, CA. the contract for the Del Rio Tank No.14, Well No.68 and Pump Station Project plus 8%, contingency in the amount of $600,867, if needed, for a total of $8,111,702.

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 in a regular meeting of the Council of 
the City of Modesto held on the 2\textsuperscript{nd} day of October, 2018, by Councilmember Ah You, 
who moved its adoption, which motion being duly seconded by Councilmember Grewal, 
was upon roll call carried and the resolution adopted by the following vote:

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

NOES:       Councilmembers:    None

ABSENT:     Councilmembers:    None

ATTEST:     

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH NV5, INC., OF MANTECA, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE DEL RIO TANK 14, WELL 68, AND PUMP STATION PROJECT FOR $1,000,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS UP TO A CUMULATIVE AMOUNT OF 12 PERCENT

WHEREAS, this project will construct a 0.25-million gallon steel water tank, a 1,000 gallon-per-minute (gpm) well production pump, a 2.45 million gallon-per-day booster pump station, and

WHEREAS, a 1.4 acre-foot retention basin, and a 16-inch transmission main installation from the intersection of St. John Road and Country Club Drive, south to Ladd Road, where it will tie into the tank site, and

WHEREAS, the project will increase service reliability, correct existing supply and pressure deficiencies of the City’s Del Rio water system, located northwest of the Modesto city limits, and

WHEREAS, due to the size and complexity of this project, staff recommends utilizing consultants to provide construction management and inspection services as well as design support during construction services for the anticipated 15-month construction phase, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), these agreements for professional services are exempt from the formal bidding requirements of Modesto Municipal Code 8-3.203, and
WHEREAS, for each consultant, the selection process followed the City’s policy, Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, 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 and inspection services for the construction phase, and

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

WHEREAS, for this project, Request for Proposals (RFP) were issued to the City’s four on-call firms who provide construction management and inspection services, and

WHEREAS, after careful review and evaluation by the selection committee, NV5, Inc., was selected as the most qualified firm for the Project, and

WHEREAS, NV5, Inc., demonstrated experience with multiple projects similar in scope and size.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with NV5, Inc., for Construction Management and Inspection Services for the Del Rio Tank No. 14, Well No. 68 and Pump Station Project in an amount of $1,000,000 for the identified scope of services.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and one or more amendments to this Agreement in a cumulative amount up to 12 percent of the original agreement amount.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Ah You, 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 AN AGREEMENT WITH CAROLLO ENGINEERS, INC., SACRAMENTO, CA, FOR ENGINEERING SERVICES DURING CONSTRUCTION FOR THE DEL RIO TANK NO. 14, WELL NO. 68, AND PUMP STATION PROJECT IN AN AMOUNT NOT TO EXCEED $453,921 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $45,392 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $499,313, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Del Rio Tank No. 14, Well No. 68, and Pump Station project will increase service reliability, correct existing supply and pressure deficiencies of the City’s Del Rio water system, and

WHEREAS, due to the size and complexity of this project, staff recommends utilizing consultants to provide construction management and inspection services as well as design support during construction services for the anticipated 15-month construction phase, and

WHEREAS, Carollo Engineers, Inc. (Carollo), is a part of the original design team, and provided the structural, architectural, mechanical and plumbing components for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project, and

WHEREAS, given the unique and specialized expertise required for design of tanks and pump stations, and Carollo being the Engineer-of-Record for the majority of the project, design support services from Carollo is required to ensure construction of the facilities meets the original design described in the plans and specifications, and

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

10/02/2018/Utilities/RDavalos/Item 13 1 2018-434
WHEREAS, in accordance with Modesto Municipal Code 8-3.204 Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Carollo Engineers, Inc., Sacramento, CA, for Engineering Services During Construction for the Del Rio Tank No. 14, Well No. 68, and Pump Station project in an amount not to exceed $453,921, for the identified scope of services, plus $45,392 for additional services, if needed, for a maximum total amount of $499,313.

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 in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Ah You, 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. 2018-435

RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $513,370 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND CIP TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE DEL RIO TANK 14, WELL NO. 68, AND PUMP STATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $513,370, in order to fund construction, contingency, construction administration, design support during construction plus City staff support for the Del Rio Tank No. 14, Well No. 68, and Pump Station 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 Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
Exhibit A

A total of $513,370 is being requested from Water Reserves to revise the budget of CIP project 100473 – Del Rio Water Tank.

### 100473 - Del Rio Water Tank

<table>
<thead>
<tr>
<th></th>
<th>PJTD BDGT</th>
<th>PJTD Actual</th>
<th>PJTD Commit</th>
<th>PJTD Available</th>
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<tr>
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<td>$7,399,999.00</td>
<td>-</td>
<td>-</td>
<td>$7,399,999.00</td>
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<tr>
<td>CTGY</td>
<td>$600,000.00</td>
<td>-</td>
<td>-</td>
<td>$600,000.00</td>
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<tr>
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<tr>
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<tr>
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<td>$311,115.35</td>
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<td>0.65</td>
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<tr>
<td>CCF</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$11,329,964.00</strong></td>
<td><strong>$1,604,908.94</strong></td>
<td><strong>$194,497.18</strong></td>
<td><strong>$9,530,557.88</strong></td>
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### AR Request vs BA Required

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<tr>
<th></th>
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<th>BA Required</th>
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<td>CTGY</td>
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<td>$268,343.46</td>
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<tr>
<td>ENV</td>
<td>-</td>
<td>(27,220.34)</td>
</tr>
<tr>
<td>LA</td>
<td>-</td>
<td>(0.65)</td>
</tr>
<tr>
<td>CCF</td>
<td>$50,000.00</td>
<td>$50,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$10,043,928.00</strong></td>
<td><strong>$513,370.12</strong></td>
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RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE HEADWORKS, DRYDEN BOX, AND INFLUENT FLUME IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH C. OVERAA & CO., RICHMOND, CA IN THE AMOUNT OF $16,972,000 PLUS $1,697,200 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT OF $18,669,200 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, specifications have been prepared for the Headworks, Dryden Box, and Influent Flume Improvements Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Headworks, Dryden Box, and Influent Flume Improvements Project were opened at 11:00 a.m. on May 15, 2018 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $16,972,000 received from C. Overaa & Co., be accepted as the lowest responsible and responsive bid and the contract be awarded to C. Overaa & Co.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for the Headworks, Dryden Box, and Influent Flume Improvements Project accepts the bid of $16,972,000 and awards C. Overaa & Co. of Richmond, CA the contract for the Headworks, Dryden Box, and Influent Flume Improvements Project plus $1,697,200 for contingency, if needed, for a total of $18,669,220.

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 in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE HEADWORKS, DRYDEN BOX AND INFLUENT FLUME IMPROVEMENTS PROJECT, IN AN AMOUNT NOT TO EXCEED $1,258,558 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $125,859 FOR ADDITIONAL SERVICES (IF NEEDED) FOR A MAXIMUM TOTAL AMOUNT OF $1,384,417, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the 2007 Wastewater Treatment Master Plan (WWMP) identified key deficiencies in the wastewater treatment system, and

WHEREAS, this project will address deficiencies at the primary wastewater treatment facility located on Sutter Avenue, and

WHEREAS, on November 4, 2014, by Resolution No. 2014-464, Council approved an agreement with Carollo Engineers, Inc., (Carollo) for the preparation of a Preliminary Design Report, which serves as the basis of design for the Project, and

WHEREAS, on March 1, 2016 by Resolution No. 2016-76, Council approved an agreement with Carollo for Final Design Services for the Headworks, Dryden Box and Influent Flume Improvements Project, and

WHEREAS, considering the size and complexity of the project, and that Carollo is the Engineer-of-Record for the project, Engineering Services During Construction will be needed from Carollo to ensure construction of the facilities meets the original design described in the plans and specifications, and
WHEREAS, Administrative Directive 3.1 allows for an accelerated selection process, if in the best interest of the City, where a consultant may be secured for specific projects to provide professional services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204 Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Carollo Engineers, Inc., for Engineering Services During Construction for the Headworks, Dryden Box and Influent Flume Improvements Project in an amount not to exceed $1,258,558, for the identified scope of services, plus $125,859 for additional services, if needed, for a maximum total amount of $1,384,417.

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 in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Madrigal, 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 AN AGREEMENT WITH WEST YOST ASSOCIATES, INC., OF DAVIS, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE HEADWORKS, DRYDEN BOX AND INFLUENT FLUME IMPROVEMENTS PROJECT IN AN AMOUNT OF $2,162,114, 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 2007 Wastewater Treatment Master Plan identified key deficiencies in the wastewater treatment system, and

WHEREAS, this project will address deficiencies in the primary treatment facilities at the Sutter Avenue Treatment Plant (Sutter Plant), and

WHEREAS, the Improvement Project includes upgrades to the Headworks facility, upgrades to Pumping Plant No.3, hydraulic improvements to the Influent Flumes, and construction of a new Dryden Box (in-ground concrete structure) which receives flows from the Cannery Segregation Trunk and the domestic wastewater River Trunk, and

WHEREAS, considering the complex nature of the scope of work, the project specifications contain qualification requirements for prospective contractors bidding the project, and

WHEREAS, these include requirements for project experience within Treatment Plant facilities, a construction value volume, and project manager experience, and

WHEREAS, the qualification requirements were reviewed by City Engineering and Construction Administration, 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 and inspection services for the
construction phase, and

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

WHEREAS, for the construction management and inspection services, a Request
for Proposals (RFP) was issued to the 3 on-call firms for construction management and
inspection services for this project, and

WHEREAS, after careful review and evaluation by the selection committee, West
Yost and Associates, Inc., was selected as the most qualified firm for the Project, and

WHEREAS, West Yost and Associates, Inc., has demonstrated experience with
multiple projects similar in scope and size.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves an Agreement with West Yost and Associates, Inc., for
Construction Management and Inspection Services for the Headworks, Dryden Box and
Influent Flume Improvements Project in an amount of $2,162,144 for the identified scope of services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the Agreement, and one or more amendments to this Agreement in
a cumulative amount up to 10 percent of the original agreement amount.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2\textsuperscript{nd} day of October, 2018, by Councilmember Madrigal, 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

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

(SEAL)

**APPROVED AS TO FORM:**

\begin{center}
By: \textit{Adam U. Lindgren, City Attorney}
\end{center}
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-439

RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $12,755,000 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE HEADWORKS, DRYDEN BOX AND INFLUENT FLUME IMPROVEMENTS PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $12,755,000, in order to fund construction, contingency, construction administration, design support during construction plus City staff support for the Headworks, Dryden Box And Influent Flume Improvements 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 in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2018, by Councilmember Madrigal, 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

Due to construction costs being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100737 “Headworks Improvements Project”, and CIP Account #100794 “Dryden Box & Influent Flume” and the total project costs need to be increased by $12,755,000.

To fund the above account, $12,755,000 will be transferred from Wastwater Fund CIP into CIP Projects #100737 “Headworks Improvements Project”, and CIP Account #100794 “Dryden Box & Influent Flume”
RESOLUTION APPROVING THE EXTENSION OF THE LOAN REPAYMENT SCHEDULE FOR A LOAN TO THE GENERAL FUND FROM THE EMPLOYEE BENEFIT FUND FOR THE ENTERPRISE RESOURCE PLANNING PROJECT LOAN TO JUNE 30, 2019 AND AMENDING THE FISCAL YEAR 2018-19 OPERATING BUDGET TO INCREASE THE FINAL PAYMENT FROM THE BUDGETED AMOUNT OF $75,000 TO $191,603 FOR THE LOAN REPAYMENT

WHEREAS, the City of Modesto implemented a new Enterprise Resource Planning (ERP) system, Oracle, in April of 2011, and

WHEREAS, the funding for the ERP system was sourced through various funds across the City that would benefit from the efficiencies gained through the systems implementation and use, and

WHEREAS, the General Fund was unable to cover the entire portion of its share of the cost of the project and City Council approved a loan from the Employee Benefits Fund (EBF) to the General Fund to pay for this portion, and

WHEREAS, the loan to the General Fund from the EBF was to be paid back within seven fiscal years with a final payment being made in Fiscal Year 2017-18, and

WHEREAS, the final payment that was scheduled to be made in Fiscal Year 2017-18 was not made in the full and final amount due to budgetary constraints in the General Fund, and

WHEREAS, the extension of the loan repayment schedule is necessary in order to ensure that the final payment is made for the loan between the General Fund and the EBF and an increase in the final budgeted payment from $75,000 to $191,603 is needed to ensure the loan is paid in full.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the extension of the loan repayment for a loan to the General Fund from the Employee Benefit Fund for the Enterprise Resource Planning project loan to June 30, 2019 and amending the Fiscal Year 2018-19 Operating Budget to increase the final payment from the budgeted amount of $75,000 to $191,603 for the loan repayment.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 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:  

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney