RESOLUTION APPROVING A FIFTH AMENDMENT TO THE LEASE AGREEMENT WITH MODESTO EXECUTIVE AIR CHARTER, INC., DBA SKY TREK AVIATION (“SKY TREK”), EXTENDING THE AGREEMENT FOR 20 YEARS, ADJUSTING THE SCHEDULE OF FEES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE AGREEMENT

WHEREAS, Modesto Executive Air Charter, dba Sky Trek Aviation, is a tenant of the City at the Modesto City-County Airport; and

WHEREAS, Sky Trek Aviation has a long-term ground Lease Agreement with the City that will expire in 2033; and

WHEREAS, Sky Trek Aviation and the City have executed four amendments to the Lease Agreement, by Resolution Nos. 2003-455, 2005-35, 2006-680, and 2007-564; and

WHEREAS, Sky Trek Aviation for the duration of its Lease Agreement with the City has remained in good standing; and

WHEREAS, Sky Trek Aviation and the City have agreed to amend the Lease Agreement fee schedule to bring the lease fees up to market rates beginning in 2029, and

WHEREAS, Sky Trek Aviation and the City agree to extend the Lease Agreement for an additional twenty (20) years; and

WHEREAS, Sky Trek Aviation and the City will both mutually benefit from these amendments to the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fifth Amendment to the Airport Lease Agreement with Modesto Executive Air Charter, Inc., dba Sky Trek Aviation, that extends the lease
agreement an additional twenty (20) years and amends the schedule of fees to bring the fees up to market rates beginning in 2029.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment to the Lease Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 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 PLANS AND SPECIFICATIONS, ACCEPTING THE BID, AND AWARDING THE CONSTRUCTION CONTRACT TO GEORGE REED, INC. OF MODESTO, CALIFORNIA IN THE AMOUNT OF $309,311 FOR THE BUS TURNOUT IMPROVEMENTS ON SOUTHBOUND DALE ROAD, SOUTH OF VENEMAN AVENUE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE CONTRACT

WHEREAS, in February 2012 the City applied for Congestion Mitigation and Air Quality (CMAQ) funds to provide a bus stop location on the west side of Dale Road, south of Veneman Avenue, where a bus can stop and not block southbound traffic flow, and

WHEREAS, this project is intended to reconstruct the existing bus stop in a location further to the west thus reducing the amount of congestion on Southbound Dale Road, and

WHEREAS, on December 11, 2012, by Resolution No. 2012-509, Council accepted CMAQ funds in the amount of $85,000 for Preliminary Engineering, and

WHEREAS, since the original acceptance of funds, the City Council has accepted additional CMAQ funds, Regional Surface Transportation Program (RSTP) funds, and Transportation Development Act (TDA) funds as necessary to fully fund this project, and

WHEREAS, on December 8, 2015 during Closed Session, staff received authorization to present the Appraisal Summary Statement and Summary of the Basis for Just Compensation to MS Portfolio, LLC and to negotiate the purchase of the property required for this project, and
WHEREAS, on April 26, 2016, Council approved a Purchase and Sale Agreement with MS Portfolio, LLC for partial acquisition of a 2,424 square foot portion of real property, located at 3401 Dale Road, in the amount of $86,200, and

WHEREAS, the City is ready to construct the Bus Turnout Improvements Southbound Dale Road South of Veneman Avenue project, and

WHEREAS, the project was advertised for bids on September 25, 2018, and

WHEREAS, bids were publicly opened on October 23, 2018 pursuant to Modesto Municipal Code Section 8-3.403 and Modesto Charter Section 1307 and four responsive bids were received, and

WHEREAS, George Reed, Inc. of Modesto, California, is the lowest responsive and responsible bidder, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $309,311 received from George Reed Inc. of Modesto, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to George Reed, Inc, 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 follow the formal bid procedures and an award of $309,311 and agreement for Construction for Community and Economic Development Department to use George Reed Inc., Modesto, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and George Reed Inc. was the lowest responsive and responsible bidder, and
WHEREAS, city staff and the City Manager recommend awarding the contract to George Reed, Inc. of Modesto, California.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications, accepts the bid, and awards the construction contract to George Reed Inc. of Modesto, California in the amount of $309,311 for the Bus Turnout Improvements Southbound Dale Road South of Veneman Avenue project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 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
RESOLUTION ACCEPTING FEDERAL REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) GRANT FUNDS IN THE AMOUNT OF $2,081,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY FEDERAL GRANT FUND DOCUMENTS

WHEREAS, the SR132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue, and

WHEREAS, on May 2, 2017, by Resolution No. 2017-175, Council authorized the appropriation of $4,000,000 in Streets Capital Facility Fees (CFF) reserve funds to the State Route 132 West Expressway project, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-85, Council authorized staff to engage in real property negotiation and acquisitions not to exceed $3,540,000 Million utilizing CFF funds, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-234, Council accepted $3,395,081 of Federal DEMO funds to be used for right of way acquisition, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-235, Council accepted $5,000,000 of Public Facility Fees (PFF) which was approved by the Stanislaus County Board of Supervisors at their May 22, 2018 meeting, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-237, Council increased the total amount of funding authorized for right of way acquisition to $11,935,081, and
WHEREAS, an additional $2,081,000 in Federal Regional Surface Transportation Program (RSTP) grant funds are available for property acquisition needed for the right of way phase of the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Federal Regional Surface Transportation Program grant funds in the amount of $2,081,000 for property acquisition needed for the right of way phase of the Project.

BE IT FURTHER RESOLVED, the City Manager or his designee, is authorized to execute the necessary RSTP grant funding documents and implement the acceptance and use of such funds for right of way acquisition.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13\textsuperscript{th} day of November, 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: 

\underline{STEPHANIE LOPEZ, City Clerk}

(SEAL)

APPROVED AS TO FORM:

By: \underline{ADAM U. LINDGREN, City Attorney}
RESOLUTION ACCEPTING REGIONAL IMPROVEMENT PROGRAM (RIP) GRANT FUNDS IN THE AMOUNT OF $500,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY GRANT FUND DOCUMENTS

WHEREAS, the SR132 West Freeway/Expressway – Phase I Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue, and

WHEREAS, on May 2, 2017, by Resolution No. 2017-175, Council authorized the appropriation of $4,000,000 in Streets Capital Facility Fees (CFF) reserve funds to the State Route 132 West Expressway project, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-85, Council authorized staff to engage in real property negotiation and acquisitions not to exceed $3,540,000 Million utilizing CFF funds, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-234, Council accepted $3,395,081 of Federal DEMO funds to be used for right of way acquisition, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-235, Council accepted $5,000,000 of Public Facility Fees (PFF) which was approved by the Stanislaus County Board of Supervisors at their May 22, 2018 meeting, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-237, Council increased the total amount of funding authorized for right of way acquisition to $11,935,081, and
WHEREAS, an additional $500,000 in Regional Improvement Program (RIP) grant funds are available for property acquisition needed for the right of way phase of the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Regional Improvement Program grant funds in the amount of $500,000 for property acquisition needed for the right of way phase of the Project.

BE IT FURTHER RESOLVED, the City Manager or his designee, is authorized to execute the necessary RIP grant funding documents and implement the acceptance and use of such funds for right of way acquisition.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 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 PROJECT (CIP) BUDGET FOR PROJECT #100614 UPON RECEIPT OF THE AUTHORIZATION TO PROCEED (E-76) FROM CALTRANS FOR THE FEDERAL REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND THE REGIONAL IMPROVEMENT PROGRAM (RIP) FUNDS IN THE TOTAL AMOUNT OF $2,581,000 FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS TO THIS RESOLUTION

WHEREAS, the SR132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-237, Council increased the total amount of funding authorized for right of way acquisition to $11,935,081, and

WHEREAS, an additional $500,000 in Regional Improvement Program (RIP) grant funds are available for property acquisition needed for the right of way phase of the Project, and

WHEREAS, an additional $2,081,000 in Federal Regional Surface Transportation Program (RSTP) grant funds are available for property acquisition needed for the right of way phase of the Project, and

WHEREAS, the Request for Authorization paperwork has been submitted to Caltrans for the RIP and RSTP funds and approval of the request (E-76) is expected at any time.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018-2019 Capital Improvement Project (CIP)
revenue and expense budget for project #100614 upon receipt of the Authorization to Proceed (E-76) from Caltrans for the Federal Regional Surface Transportation Program (RSTP) and Regional Improvement Program (RIP) funds in the total amount of $2,581,000 to continue the process of right of way acquisition for the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-504

RESOLUTION INCREASING FUNDING TO PURCHASE PROPERTY NECESSARY FOR RIGHT OF WAY TO SUPPORT THE CONSTRUCTION OF THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT UPON RECEIPT OF THE AUTHORIZATION TO PROCEED (E-76) FROM CALTRANS IN A TOTAL AMOUNT NOT TO EXCEED $14,516,081

WHEREAS, the SR132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-085, Council authorized staff to make offers, engage in real property negotiations and to purchase property in a total amount not to exceed $3.54 Million, and

WHEREAS, pursuant to Resolution No. 2018-085, the City Council authorized the Project Manager to recommend the amounts of just compensation for properties to be acquired for the Project, and authorized the Interim City Manager to establish the amounts of just compensation for such properties, based on approved appraisals, and

WHEREAS, pursuant to Resolution No. 2018-085, the City Council authorized the Interim City Manager to execute Purchase and Sale Agreements for properties that are acquired pursuant to the authority granted under said Resolution, and

WHEREAS, pursuant to Resolution No. 2018-085, the City Council delegated settlement authority for the purchase of properties for the Project to the certain designated City of Modesto staff, and

WHEREAS, pursuant to Resolution No. 2018-237, the City Council increased the total amount of funding authorized for right of way acquisition to $11,935,081,
and

WHEREAS, an additional $2,081,000 in Federal Regional Surface Transportation Program (RSTP) grant funds are available for property acquisition needed for the right of way phase of the Project, and

WHEREAS, an additional $500,000 in Regional Improvement Program (RIP) grant funds are available for property acquisition needed for the right of way phase of the Project, and

WHEREAS, the addition of $2,081,000 and $500,000 to the previously approved $11,935,081 increases the total amount authorized for right of way acquisition to $14,516,081.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto, that it hereby authorizes the increase of funding to purchase property necessary for right of way to support the construction of the State Route 132 West Freeway/Expressway Phase 1 Project upon receipt of the Authorization to Proceed (E-76) from Caltrans in a total amount not to exceed $14,516,081.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of November, 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 AMENDING THE FISCAL YEAR 2018-2019 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2018-19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2018-19 Annual Operating and Capital Improvement Project fund budgets as shown in Exhibit A, which is attached hereto and incorporated by reference herein.

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 resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 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
EXHIBIT A
FISCAL YEAR 2018-19

PUBLIC WORKS

A budget adjustment is necessary for the Geer Road Landfill Litigation project in the amount of $988,336. This adjustment is increasing the revenue and expense budget for the project based on the estimated legal expenses. The revenue for this project is generated from reimbursements from the insurance company for legal fees expended within the project.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Fund Name</th>
<th>Project Name</th>
<th>Current Budget</th>
<th>Increase</th>
<th>Revised Budget</th>
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<td>4895</td>
<td>Waste to Energy</td>
<td>Geer Road Landfill Litigation</td>
<td>$1,175,600</td>
<td>$988,336</td>
<td>$2,163,936</td>
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RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH RALPH ANDERSEN & ASSOCIATES, ROCKLIN, CA TO CONDUCT A CLASSIFICATION AND COMPENSATION STUDY AND REVIEW OF INTERNAL JOB AND SALARY ALIGNMENT, IN AN AMOUNT NOT TO EXCEED $150,000, FOR A TERM OF NOVEMBER 13, 2018 TO NOVEMBER 12, 2019 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in accordance with provisions of the City Charter and the City Personnel Rules (2.1 through 2.3), the City Manager has the duty to establish and maintain a Position Classification Plan, upon adoption of the City Council, and

WHEREAS, individual positions and groups of positions change over time due to advances in technology, changes in business practices and the changing needs of organizations, and

WHEREAS, it is a good business practice to periodically conduct a comprehensive study of the classification plan, and

WHEREAS, during negotiations with Modesto Confidential and Management Association (MCMA), the City agreed to conduct a comprehensive study of all positions by the end of the 2018 calendar year, and

WHEREAS, the City Manager authorized the Human Resources Department to issue a Request for Qualifications (RFQ) for completion of a classification and compensation study and review of internal job and salary alignment, and

WHEREAS, the award of proposals to conduct classification and compensation study and review of internal salary alignment to Ralph Andersen & Associates, Rocklin, CA conforms to Modesto Municipal Code 8-3.103.
NOV 7, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Professional Services Agreement with Ralph Andersen & Associates, Rocklin, CA to conduct classification and compensation study and review of internal job and salary alignment, for term of November 13, 2018 to November 12, 2019, in an amount not to exceed $150,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 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 PLANS AND SPECIFICATIONS FOR THE PROJECT TITLED, “HIGH FRICION SURFACE TREATMENT”, ACCEPTING THE BID, APPROVING A CONSTRUCTION CONTRACT WITH AMERICAN CIVIL CONSTRUCTORS WEST COAST LLC, OF BENICIA, CA, IN THE AMOUNT OF $212,200; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the High Friction Surface Treatment project, and applied at two curves along West Orangeburg Avenue and Scenic Drive where a loss of traction may occur, and

WHEREAS, the bids received for the High Friction Surface Treatment project were opened at 11 a.m. on September 25, 2018, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, staff has reviewed the bids and American Civil Constructors West Coast LLC, of Benicia, CA, was the lowest responsive and responsible bidder, and

WHEREAS, the Public Works Director and the City Manager have recommended that the bid of $212,200 received from American Civil Constructors West Coast LLC be accepted, and

WHEREAS, sufficient funds for The High Friction Surface Treatment project have been funded through the Highway Safety Improvement Program Grant, as well as local match thru Surface Transportation Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications, accepts the bid, and awards the construction contract to American Civil Constructors West Coast LLC of Benicia, CA, in the amount of $212,200 for the High Friction Surface Treatment Project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 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 A SECOND AMENDMENT TO THE AGREEMENT WITH BROWN AND CALDWELL, INC., RANCHO CORDOVA, CA, FOR DESIGN AND CONSTRUCTION SERVICES FOR THE REPLACEMENT WELL 226 PROJECT IN THE AMOUNT OF $86,413 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $17,520 IN ADDITIONAL SERVICES (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $369,452, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO THE AGREEMENT

WHEREAS, the Replacement Well 226 Subsurface Improvement Project proposes to drill a 1,500 gallon-per-minute well on a City of Modesto owned parcel at 2501 Brenner Way, Modesto, CA, in Stanislaus County, and

WHEREAS, it will replace existing Well 226 that was permanently decommissioned in accordance with state procedures in October 2016, and

WHEREAS, on February 7, 2017, by Resolution No. 2017-42, Council approved an agreement with Brown and Caldwell to provide design, bid and engineering during construction services for the Replacement Well 226 Project, and

WHEREAS, on August 2, 2017, by Resolution No. 2017-303, Council approved an amendment to the agreement with Brown and Caldwell to provide design, bid and engineering during construction services for the Replacement Well 226 Project, and

WHEREAS, during the design process, the Utilities’ Water Division requested several design changes to the well equipping to be in compliance with current NSF/ANSI 61 codes, and

WHEREAS, due to the requested design changes an amendment to the agreement is necessary.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Agreement with Brown & Caldwell, Inc., Rancho Cordova, CA, for Design and Construction Services for Replacement Well 226 in an amount not to exceed $86,413 for the identified scope of services, plus $17,520 for additional services, if needed, for a revised maximum total amount of $369,452.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 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]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE CURRENT LOCAL LIMITS REPORT FOR INDUSTRIAL AND COMMERCIAL WASTEWATER DISCHARGES AND RESCINDING RESOLUTION NO. 2006-022

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

WHEREAS, to ensure the safety of employees, public health and welfare, minimize impact to the San Joaquin River water shed, comply with regulatory and permit requirements, and to protect the collection and treatment processes, Environmental Services conducted a Local Limits analysis, and

WHEREAS, the analysis of Local Limits is required by the Environmental Protection Title 40 Code of Federal Regulations, General Pretreatment Regulations (40 CFR 403.5(c)(1)) and additionally, the City’s Wastewater Discharge Permit Order No. 2017-0064 and National Pollutant Discharge Elimination System Permit No. CA0079103, issued by the Central Valley Water Board, requires the City to annually report the status of our Pretreatment Program with descriptions of any significant changes, including Local Limits, and

WHEREAS, as a result of the recent sampling and analysis, the Maximum Allowable Headworks Loading (MAHL), established by Resolution No. 2006-022, no longer reflects the current Pollutants of Concern (POCs) and should be rescinded, and

WHEREAS, MAHLs were recalculated based on current data and compared with the average and maximum POC influent loading; the POCs analyzed were at or below the recommended thresholds, and
WHEREAS, implementation of Local Limits is not recommended by staff at this time, and

WHEREAS, the concentration and type of POCs within the influent fluctuates and the MAHLs that were established by Resolution No. 2006-022 are no longer representative of the type and concentration of current POCs; consequently, staff is recommending that Resolution No. 2006-022 be rescinded as it is no longer applicable, and

WHEREAS, staff is also recommending that sampling be performed midway through the City’s five-year Wastewater Discharge Permit and that MAHLs be recalculated to be used as an internal control to account for changes in POCs, and

WHEREAS, staff will bring forward a committee report specifying the specific Local Limits if required for any significant exceedance to MAHLs, in accordance with Environmental Protection Title 40 Code of Federal Regulations, General Pretreatment Regulations.

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Modesto accepts the current Local Limits Report for Industrial and Commercial wastewater discharges.

BE IT FURTHER RESOLVED, Resolution No. 2006-022 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 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. LINDGRENF, City Attorney
RESOLUTION ACCEPTING THE CANNERY SEGREGATION PUMP REPLACEMENT PROJECT (PROJECT NUMBER 100764) AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $2,644,788 TO MONTEREY MECHANICAL COMPANY, OF OAKLAND, CALIFORNIA

WHEREAS, on November 10, 2015, by Resolution No. 2015-440 Council awarded a contract to Monterey Mechanical Company for the construction of the Cannery Segregation Pump Replacement project, and

WHEREAS, staff provided the construction management, inspection, survey staking, and project administration, and

WHEREAS, all contract and administrative work was completed by July 3, 2018, and

WHEREAS, the Cannery Segregation Pump Replacement project has been completed by Monterey Mechanical Company of Oakland, CA, in accordance with the contract agreement dated November 10, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Cannery Segregation Line Pump Replacement project is hereby accepted as complete by Mechanical Company of Oakland, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $2,644,788 as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 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 ACCEPTING THE CANNERY SEGREGATION LINE DIVERSION STRUCTURE PROJECT (PROJECT NUMBER 100679) AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $1,438,594 TO GATEWAY PACIFIC CONTRACTORS, INC., OF SACRAMENTO, CA

WHEREAS, on May 24, 2016, by Resolution No. 2016-217, Council awarded a contract to Gateway Pacific Contractors Inc., for the construction of the Cannery Segregation Line Diversion Structure project, and

WHEREAS, staff provided the construction management, inspection, survey staking, and project administration, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of June 6, 2016, and

WHEREAS, all contract and administrative work was completed by October 1, 2018, and

WHEREAS, the Cannery Segregation Line Diversion Structure project has been completed by Gateway Pacific Contractors Inc., of Sacramento, CA in accordance with the contract agreement dated May 24, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Cannery Segregation Line Diversion Structure project is hereby accepted as complete by Gateway Pacific Contractors Inc., of Sacramento, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $1,438,594 as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 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 ACCEPTING THE RUMBLE SEWER TRUNK REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $2,545,256 TO ROLFE CONSTRUCTION, OF ATWATER, CA

WHEREAS, on March 28, 2017, by Resolution No. 2017-108 Council awarded a contract to Rolfe Construction Company for the construction of the Rumble Sewer Trunk Replacement project, and

WHEREAS, staff provided the construction management, inspection, survey staking, and project administration, and

WHEREAS, all contract and administrative work was completed by December 21, 2017, and

WHEREAS, the Rumble Sewer Trunk Replacement project has been completed by Rolfe Construction Company of Atwater, CA, in accordance with the contract agreement dated March 28, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Rumble Sewer Trunk Replacement project is hereby accepted as complete by Rolfe Construction Company of Atwater, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $2,545,256 as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 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

STEPHANIE LOPEZ, City Clerk
RESOLUTION ACCEPTING THE APPLICATION OF STAR NONEMERGENT TRANSPORTATION, LLC AND ISSUING A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF MODESTO

WHEREAS, Star Nonemergent Transportation, LLC has submitted an application to provide non-emergency medical transport within the City of Modesto, and

WHEREAS, Star Nonemergent Transportation, LLC has paid the required $1,000 filing fee and has provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03-3-9.04, and

WHEREAS, the Modesto Police Department has completed a background investigation regarding Star Nonemergent Transportation, LLC, per Modesto Municipal Code Section 3-9.05, and

WHEREAS, Council approval is required for Star Nonemergent Transportation, LLC to function as a non-emergency medical transport service within the City of Modesto, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on November 13, 2018, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to US Medical Transportation, Inc. for a non-emergency medical transport within the City of Modesto, and

WHEREAS, Modesto City Council finds that Star Nonemergent Transportation, LLC will serve the public convenience and necessity requirements.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the application of Star Nonemergent Transportation, LLC and issues a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 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