RESOLUTION REAPPOINTING MS. STELLA BERATLIS AS THE CITY OF MODESTO’S POET LAUREATE WITH A TERM EXPIRATION OF JUNE 30, 2020

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

WHEREAS, on October 30, 2018, the Culture Commission unanimously recommended Stella Beratlis to serve a second two-year term as the City of Modesto Poet Laureate, and

WHEREAS, Ms. Stella Beratlis is qualified, is willing to serve another two years as the City of Modesto Poet Laureate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints Ms. Stella Beratlis as the City of Modesto Poet Laureate with a term expiration of June 30, 2020.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Poet Laureate, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27\textsuperscript{th} day of November, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING SECTION 3 AND 6 OF THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, in order to align with current Federal program guidelines and replace outdated program policies, Section 3 (Community Development Block Grant Program), and Section 6 (Homeowner Rehabilitation Program) of the Housing and Urban Development Policies and Procedures Manual are to be updated, and

WHEREAS, Section 3 (Community Development Block Grant Program) Section 3.3 addresses the requirement to execute written agreements for all CDBG funded projects, and

WHEREAS, Section 10.1 will provide a thoroughly detailed project description in the Integrated Disbursement and Information System (IDIS), and

WHEREAS, Section 15 will update the way the HUD award is maintained in a separate account by Catalog of Federal Domestic Assistance (CFDA) title number, HUD award identification number and year, and HUD’s agency name in accordance with 2 CFR 200.302(b)(1), and

WHEREAS, Section 6 (Homeowner Rehabilitation Program) Sections 8 and 9 of has been modified to specify the term of the grant agreement for single family residences to adhere to HOME policy terms, and

WHEREAS, Section 15 has been modified to reflect that all assisted projects will include the preparation of a detailed scope of work and an independent cost estimate, and
WHEREAS, Section 18 and 19 of the Homeowner Rehabilitation Program to specify that a written agreement must be entered into between the City and all homeowners receiving assistance, and

WHEREAS, on November 8, 2018, the Citizen’s Housing and Community Development Committee reviewed, approved and forwarded the revised Section 3 – Community Development Block Grant Program and Section 6 – Homeowner Rehabilitation Program to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends Section 3 and 6 of the Housing and Urban Development Policies & Procedures Manual.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:          STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-516

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE MODESTO ROTARY CLUB REGARDING THE PURCHASE, INSTALLATION AND DONATION OF A FULL-SIZE BASKETBALL COURT AT CATHERINE EVERETT PARK AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, Catherine Everett Park has no formal sport court area for basketball play, and

WHEREAS, the community wishes to replace the concrete paved area with a new full-size basketball court and replace the existing drinking fountain with an ADA compliant fixture, and

WHEREAS, in Spring 2017, staff met with members of the Modesto Rotary Club regarding the construction of the Catherine Everett Park Basketball Court, and

WHEREAS, in March 2018, meetings were held with Modesto Rotary Club members, community members and City staff to obtain agreement on the project scope, and

WHEREAS, the Modesto Rotary Club wants to enhance the neighborhood with the purchase, installation and donation of a new concrete paved basketball court, and ADA accessible drinking fountain, and

WHEREAS, City staff has prepared a Memorandum of Understanding (MOU) to allow the Modesto Rotary Club to install a new full-size concrete paved basketball court, and ADA accessible drinking fountain on City property in Catherine Everett Park, and

WHEREAS, the MOU outlines the terms of the agreement for both parties.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the Modesto Rotary Club and the City of Modesto.
Club and the City of Modesto regarding the purchase, installation and donation of a full-size basketball court at Catherine Everett Park.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING PAYMENT TO STORER TRANSIT SYSTEMS IN THE AMOUNT OF $390,000 FOR FIXED COST ADJUSTMENT FOR THE FISCAL YEAR 2016/2017 OPERATION OF MODESTO AREA DIAL-A-RIDE

WHEREAS, the City entered into an Agreement dated May 13, 2014, with Storer Transit Systems (Storer) to operate Modesto Area Dial-A-Ride (MADAR) for the purpose of providing paratransit service to seniors and qualified disabled persons within the Modesto urban area, and

WHEREAS, Storer is paid on the basis of the number of vehicle service hours its vans operate in service and the Agreement assumes a base number of vehicle service hours of 42,600 for a twelve month period, and

WHEREAS, paragraph 23(G) of the Agreement includes a provision that requires the City to compensate Storer for “significant differences between the number of vehicle service hours actually operated by (Storer) and the base number of vehicle service hours (42,600 hours),” and

WHEREAS, at the end of a twelve month period, the City must determine if there is a difference in vehicle service hours (either positive or negative) between the actual vehicle service hours billed and the base number of vehicle service hours. If the difference between the actual service hours billed and 42,600 is greater than 4,620 (10% of 42,600), then the consideration paid to Storer must be adjusted, and

WHEREAS, for the Fiscal Year 2016/17, Storer operated 36,042 billable hours which is more than 10% less of the specified 42,600 billable hours in the number of rides provided by the service, and
WHEREAS, the fixed cost adjustment was negotiated to be $390,000 to be paid to Storer by the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes payment to Storer Transit Systems in the amount of $390,000 for fixed cost adjustments for the fiscal year 2016/2017 operation of Modesto Area Dial-A-Ride.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th 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 AMENDING THE FISCAL YEAR 2018/2019 OPERATING BUDGET IN THE AMOUNT OF $390,000 TO FUND PAYMENT ISSUED TO STORER TRANSIT SYSTEMS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, Section G of the City’s May 13, 2014 agreement with Storer requires the City to cover Storer’s fixed costs during the prior contract year if the number of hours operated do not meet the standard established in Section G of the agreement, and

WHEREAS, the hours operated were below the established standard for the first year of the agreement, and

WHEREAS, pursuant to Section G of the agreement the City is obligated to issue payment to Storer in the amount of $390,000, and

WHEREAS certain budgetary transactions are necessary in the amount of $390,000 to operating cost center 53473 – Transportation Dial-A-Ride, to fund the payment to be issued to Storer as required by Section G, and

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

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

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th 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
Request for Budget Adjustment  
(Fiscal Year Operating Cost Centers)

Contact Person: Maria Garnica  
Telephone: 577-5249  
Submitting Department: PW - Transit  
Council Action Date:  
Resolution Number:  
Date Submitted by Dept: 10/16/2018

Fund Title: Bus Services - DAR  
Fiscal Year being Adjusted: 16/17

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|    |      |             |         |                |                   | $0              | Transportation Operating Contract Expenses |
| TO |      |             |         | $3,499,821     |                   | $390,000       | Transportation Operating Contract Expenses |
|    | 19   | 4520        | 53473   | 53350          |                |                | Transportation Operating Contract Expenses |
|    |      |             |         | $3,889,821     |                   | $0              | Transportation Operating Contract Expenses |

Justification for Budget Adjustment

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<td>Deputy Director (if needed)</td>
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<tr>
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<tr>
<td>City Manager</td>
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To be Completed by Finance Staff

Transfer Number:  
Completed By:  

Authorization:  
Signature:  
Date:  

RESOLUTION APPROVING A SOLE SOURCE PURCHASE AGREEMENT WITH MAINTENANCE CONNECTION, INC., DAVIS, CA FOR A SMARTPHONE ENABLED COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM THAT ENABLES BUILDING SERVICES TO EFFICIENTLY TRACK WORK ORDERS, FOR A ONE TIME COST OF $16,400 AND AN ANNUAL COST OF $4,278 FOR THE FIRST TWELVE-MONTH PERIOD, FOR AN ESTIMATED TOTAL COST NOT TO EXCEED $21,000, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASING AGREEMENTS

WHEREAS, Maintenance Connection Inc. is the sole provider for the maintenance support of the computerized maintenance management system for the City’s Building Services Division, and

WHEREAS, the Building Services Division has had Maintenance Connection in place since its initial purchase in 2005, and

WHEREAS, Maintenance Connection enables Building Services to track work order requests, schedule preventive maintenance inspections, improve labor productivity, reduce costly downtime, and make informed decisions about repair or replacement of city assets, and

WHEREAS, expanding the capabilities of the Maintenance Connection system benefits the City by enabling staff to improve customer service and maintenance with the MC Express mobile application and technician training, to identify and repair any system inefficiencies with a system audit, and to ensure rapid resolution of software issues with monthly technical support, and

WHEREAS, the cumulative cost for the existing Maintenance Connection system, including software licenses and technical support, has been $3,274 per year, for a total of $42,562 paid to Maintenance Connection from 2005 through 2018, and
WHEREAS, the total cost for the purchase of the MC Express system, a system audit, technician training, and a one-year term of hosting and licenses will be $20,873, 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 that the award of agreement to Maintenance Connection, Inc., should be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(b) because they are the sole provider of maintenance program for Maintenance Connection, and

WHEREAS, MMC 8-3.204(b) provides that a purchase may be exempted from the City’s formal bidding requirements where the Purchasing Agency’s requirements can be met solely by a single article or process and 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 a sole source Purchase Agreement with Maintenance Connection, Inc., Davis, CA, for a smartphone enabled computerized maintenance management that enables Building Services to efficiently track work orders, for a one time cost of $16,400 and an annual cost of $4,475, for an estimated total cost not to exceed $21,000.

BE IT FURTHER RESOLVED the Purchasing Manager, or her designee, is hereby authorized to issue the purchasing agreements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney

[Signature]
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-520

RESOLUTION APPROVING THE DELEGATED MAINTENANCE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), DISTRICT 10 FOR STREET SWEEPING SERVICES AND TREE MAINTENANCE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City and California Department of Transportation (Caltrans), District 10, have two longstanding on-going maintenance agreements, and

WHEREAS, this item is regarding the Delegated Maintenance Agreement ("Delegated Agreement") for street sweeping services and tree maintenance that supersedes the Original agreement from 1985, and

WHEREAS, the City performs maintenance work specifically delegated to it, on the identified State Highway route, and

WHEREAS, effective July 1, 2016, Caltrans took over maintenance of 25 state-owned facilities along the State’s Right of Way of State Highway Routes 99, 108, and 132, located within the City of Modesto, and

WHEREAS, staff reviewed the Delegated Maintenance Agreement for street sweeping services and tree maintenance and worked with Caltrans staff to make adjustments where needed, and

WHEREAS, this agreement will be retroactive to July 1, 2016, and Caltrans will reimburse the City for the actual cost of all routine maintenance work performed by the City as referred in Exhibit A.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Delegated Maintenance Agreement with (Caltrans), District 10 for street sweeping services and tree maintenance.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 27th day of November, 2018, by Councilmember
Kenoyer, who moved its adoption, which motion being duly seconded by
Councilmember Ridenour, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
DELEGATED MAINTENANCE AGREEMENT
FOR MAINTENANCE OF STATE HIGHWAY IN THE CITY OF MODESTO

THIS AGREEMENT is made effective this ______ day of _____________, 2018, by and between the State of California, acting by and through the Department of Transportation, hereinafter referred to as "STATE" and the City of Modesto; hereinafter referred to as "CITY" and collectively referred to as "PARTIES".

SECTION I

RECITALS

1. The PARTIES desire to provide that CITY perform particular maintenance functions on the State highways within the CITY as authorized in Section 130 of the Streets and Highways Code.

2. This Agreement shall supersede any previous agreement or amendments thereof with the CITY for maintenance of the portion of the STATE highways within CITY limits as identified in Exhibit A which is attached to and made a part of this agreement.

3. The CITY will perform such maintenance work as is specifically delegated to it, on the identified State highway routes, or portions thereof, all as hereinafter described under this agreement and Exhibit “A”. The Exhibit may be subsequently modified upon written consent of the PARTIES hereto acting by and through their authorized representatives. No formal amendment to this Agreement will be required.

4. The degree or extent of maintenance work to be performed, and the standards therefore, shall be in accordance with the provisions of Section 27 of the Streets and Highways Code and the then current edition of the State Maintenance Manual.

5. The functions and levels of maintenance service delegated to the CITY in the attached Exhibit “A” has been considered in setting authorized total dollar amounts. The CITY may perform additional work if desired, but the STATE will not reimburse the CITY for any work in excess of the authorized dollar limits established herein.

NOW THEREFORE IT IS AGREED:

SECTION II

AGREEMENT

1. The STATE will reimburse the CITY for the actual cost of all routine maintenance work performed by the CITY as delegated under Exhibit A to this Agreement. It is agreed that during any fiscal year, the maximum expenditure on any route shall not exceed the amount as shown in Exhibit A to this Agreement unless such expenditure is revised by an amended Agreement or otherwise adjusted or modified as hereinafter provided for.
1.1. The cost of operating and maintaining utility-owned and maintained lighting now in place at the intersection of any State highway route and any CITY street/road shall be shared as shown in Exhibit "A" which is attached and made a part of this agreement.

1.2. Upon written request by CITY the expenditure per route for routine maintenance work, as referred to in Exhibit "A", may be increased, decreased, redistributed between routes, or additional expenditures for specific projects may be made by STATE. However, such adjustments should be authorized in writing by the District Director or his authorized representative and accepted by in writing by CITY, Exhibit "A" need not be amended.

1.3. Additional expenditures or an adjustment of expenditures, once authorized shall apply only for the fiscal year designated therein and shall not be deemed to permanently modify or change the basic maximum expenditure per route as specified in Exhibit "A". An adjustment of any said maximum expenditure, either an increase or decrease, shall not affect other terms of the Agreement.

2. Exhibits "A" can be amended as necessary by written concurrence of PARTIES to reflect any future changes, deletion or additions or to ensure an equitable annual cost allocation.

3. The CITY will submit bills in a consistent periodic sequence (monthly, quarterly, semiannually, or annually). Bills for less than $500 shall not be submitted more than once each quarter. Bills must be submitted promptly following the close of STATE's fiscal year on each June 30th and should be coded according to the Caltrans HM Program Code as outlined in this Agreement. Bills submitted for periods prior to the last fiscal year will be deemed waived and will not be honored.

4. Maintenance services provided by contract or on a unit-rate basis with overhead costs included shall not have these above-mentioned charges added again. An actual handling charge by the CITY for the direct cost of processing this type of bill will be allowed. The CITY shall provide the STATE's Caltrans Area Superintendent a monthly sweeping schedule, in advance, and no less than 24-hours' notice prior to any sweeping activity involving STATE highways, or the STATE's right of way.

5. LEGAL RELATIONS AND RESPONSIBILITIES

5.1. Nothing in the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not PARTIES to this contract or to affect the legal liability of either PARTY to the contract by imposing any standard of care respecting the maintenance of State highways different from the standard of care imposed by law.

5.2. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction conferred upon CITY under this Agreement. It is understood and agreed that CITY will fully defend, indemnify, and save harmless STATE and all its officers and employees from all claims, suits, or actions of every name, kind and description brought forth under, including, but not limited to, tortuous, contractual, inverse condemnation or other theories or assertions of liability.
occurring by reason of anything done or omitted to be done by CITY under this Agreement.

5.3. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by STATE, under or in connection with any work, authority or jurisdiction conferred upon STATE under this Agreement. It is understood and agreed that STATE will fully defend, indemnify, and save harmless CITY and all its officers and employees from all claims, suits, or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this Agreement.

6. PREVAILING WAGES:

6.1. Labor Code Compliance - If the work performed on this Project is done under contract and falls within the Labor Code section 1720(a)(1) definition of a "public work" in that it is construction, alteration, demolition, installation, or repair; or maintenance work under Labor Code section 1771. CITY must conform to the provisions of Labor Code sections 1720 through 1815, and all applicable provisions of California Code of Regulations found in Title 8, Chapter 8, Subchapter 3, Articles 1-7. CITY agrees to include prevailing wage requirements in its contracts for public work. Work performed by CITY'S own forces is exempt from the Labor Code's Prevailing Wage requirements.

6.2. Prevailing Wage Requirements in Subcontracts - CITY shall require its contractors to include prevailing wage requirements in all subcontracts funded by this Agreement when the work to be performed by the subcontractor is a "public work" as defined in Labor Code Section 1720(a)(1) and Labor Code Section 1771. Subcontracts shall include all prevailing wage requirements set forth in CITY's contracts.

7. INSURANCE:

7.1. SELF-INSURED - CITY is self-insured. CITY agrees to deliver evidence of self-insured coverage providing general liability insurance, coverage of bodily injury liability and property damage liability, naming the STATE, its officers, agents and employees as the additional insured in an amount of $1 million per occurrence and $2 million in aggregate and $5 million in excess. Coverage shall be evidenced by a certificate of insurance in a form satisfactory to the STATE that shall be delivered to the STATE with a signed copy of this Agreement in a form satisfactory to STATE, along with a signed copy of the Agreement.

7.2. SELF-INSURED using Contractor - If the work performed under this Agreement is done by CITY's contractor(s), CITY shall require its contractor(s) to maintain in force, during the term of this agreement, a policy of general liability insurance, including coverage of bodily injury liability and property damage liability, naming the STATE, its officers, agents and employees as the additional insured in an amount of $1 million per occurrence and $2 million in aggregate and $5 million in excess. Coverage shall be evidenced by a
certificate of insurance in a form satisfactory to the STATE and shall be delivered to the STATE with a signed copy of this Agreement.

8. STATE costs and expenses assumed under the terms of this Agreement are conditioned upon the passage of the annual State of California Budget by the Legislature, the allocation of funding by the California Transportation Commission as appropriate, and the encumbrance of funding to the District Office of STATE to pay the billing by CITY.

9. TERMINATION - This Agreement may be terminated by timely mutual written consent by PARTIES, and CITY's failure to comply with the provisions of this Agreement may be grounds for a Notice of Termination by STATE.

10. TERM OF AGREEMENT - This Agreement shall become effective on the date first shown on its face sheet and shall remain in full force and effect until amended or terminated at any time upon mutual consent of the PARTIES or until terminated by STATE for cause.

PARTIES are empowered by Streets and Highways Code section 114 and 130 to enter into this Agreement and have delegated to the undersigned the authority to execute this Agreement on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this Agreement.
IN WITNESS WHEREOF, PARTIES hereto have set their hands and seals the day and year first above written.

THE CITY OF MODESTO

By: __________________________
    TED BRANDVOLD
    Mayor

Initiated and Approved

By: __________________________
    JOSEPH P. LOPEZ
    Interim City Manager

ATTEST:

By: __________________________
    STEPHANIE LOPEZ
    City Clerk

By: __________________________
    ADAM U. LUNGREN
    City Attorney

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: __________________________
    LAURIE BERMAN
    Director of Transportation

By: __________________________
    SAMUEL T. JORDAN
    Deputy District Director
    Maintenance
    District 10

As to Form and Procedure:

By: __________________________
    [Signature]
    Department of Transportation
EXHIBIT A

DELEGATION OF MAINTENANCE

Maintenance of State Highways in the City of Modesto

The specific maintenance function indicated below is hereby delegated to the CITY.

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<th>Route No.</th>
<th>Length Miles</th>
<th>Description of Routing</th>
<th>Program Delegated**</th>
<th>Maximum Annual Authorized Expenditure</th>
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</table>
| 99        | 1.11*        | 5th Street from L Street to H Street  
PM R16.121/R15.753  
6th Street from D Street to M Street  
PM R15.377/R16.22  
(1.11x$35.00 per curb mile x 24) | D                      | $932.00               |
| 108       | 9.70         | L Street from 9th Street to Needham  
PM R22.438/122.836  
K Street from 9th Street to Needham  
PM R22.438/R22.921  
Needham to McHenry Avenue  
PM 22.836/23.080  
But not including the intersection at McHenry Avenue  
McHenry Avenue to the North City Limits  
PM 23.086/26.510  
(440’ North of Coralwood)  
(9.70 x $35.00 per curb mile x 24) | D                      | $8,148.00             |
| 132       | 10.8         | Maze Blvd. from Carpenter Road East City Limits (Claus Road)  
PM 13.420/19.130  
(10x8 $35.00 per curb mile x 24) | D                      | $9,072.00             |

*Non-Add Mileage-Included in length of Route 99

*Program Delegated:  
(D) This program provides removal of litter and debris from roadway surfaces and roadsides by sweeping ping, and shall include responsibility for maintenance of trees.

TOTAL AUTHORIZED EXPENDITURE:  
$18,152.00
Exhibit A
Delegated Maintenance Agreement
City of Modesto Location Map - State Route 99

LEGEND:

DELEGATED SWEEPING (D)
RESOLUTION REJECTING ALL BIDS RECEIVED FOR REQUEST FOR BID NO. RFB 1819-06 FOR ASPHALT MATERIALS AND AUTHORIZING STAFF TO REISSUE A RFB AT A FUTURE DATE, WITH AMENDED ITEM DESCRIPTIONS

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids RFB 1819-06 for the purchase of Asphalt Concrete for the Public Works Department, Streets Division, and

WHEREAS, on September 11, 2018, bids closed and were formally opened in the City Clerk’s Office. Two companies chose to respond and both were local vendors, and

WHEREAS, after reviewing the bids and investigating large price discrepancies, staff has determined item descriptions need to be revised, and

WHEREAS, City staff recommends that the Council reject the bids received for the purchase of asphalt material, make modifications and re-advertise for the purchase of asphalt materials at future date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for Request for Bid No. RFB 1819-06 for asphalt materials.

BE IT FURTHER RESOLVED, that staff is authorized to reissue a RFB at a future date with amended item descriptions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDEGREN, City Attorney
RESOLUTION ACCEPTING THE TERTIARY BYPASS LINE IMPROVEMENTS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $212,772 TO MYERS-RADOS, A JOINT VENTURE, SANTA ANA, CA

WHEREAS, on December 12, 2017, by Resolution No. 2017-512, Council awarded a contract to Myers-Rados, a Joint Venture, for the construction of the Tertiary Bypass Line Improvements 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 January 16, 2017, and

WHEREAS, all contract and administrative work was completed by May 22, 2018, and

WHEREAS, the Tertiary Bypass Line Improvements project has been completed by Myers-Rados, a Joint Venture, in accordance with the contract agreement dated December 12, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Tertiary Bypass Line Improvements project is hereby accepted as complete by Myers-Rados, a Joint Venture, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $212,772 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 27th day of November, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

2018-522
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-523

RESOLUTION ACCEPTING THE NEW DEL RIO WELL 68 PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $580,019 TO ROADRUNNER DRILLING & PUMP COMPANY, INC., OF WOODLAND, CA

WHEREAS, on December 12, 2017, by Resolution No. 2017-516, Council awarded a contract to Roadrunner Drilling & Pump Company, Inc., of Woodland, CA, for the construction of the New Del Rio Well 68 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 January 16, 2018, and

WHEREAS, all contract and administrative work was completed by April 28, 2018, and

WHEREAS, the New Del Rio Well 68 project has been completed by Roadrunner Drilling & Pump Company, Inc. of Woodland, CA in accordance with the contract agreement dated December 12, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the New Del Rio Well 68 project is hereby accepted as complete by Roadrunner Drilling & Pump Company, Inc. of Woodland, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $580,019 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 27th day of November, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _______________

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE 2015-2016 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $1,527,041 TO ROLFE CONSTRUCTION, OF ATWATER, CA

WHEREAS, on May 24, 2016, by Resolution No. 2016-217, Council awarded a contract to Rolfe Construction, for the construction of the 2015-2016 Sanitary Sewer Collection System Replacement 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 August 14, 2017, and

WHEREAS, all contract and administrative work was completed by January 13, 2018, and

WHEREAS, the 2015-2016 Sanitary Sewer Collection System Replacement project has been completed by Rolfe Construction, Of Atwater, 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 2015-2016 Sanitary Sewer Collection System Replacement project is hereby accepted as complete by Rolfe Construction 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 $1,527,041 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 27th day of November, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE ROSELLE AVENUE WIDENING PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $3,432,609 TO DSS COMPANY, DBA KNIFE RIVER CONSTRUCTION OF STOCKTON, CA

WHEREAS, on February 7, 2017, by Resolution No. 2017-35, Council awarded a contract to DSS Company DBA Knife River Construction, for the construction of the Roselle Avenue Widening 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 April 3, 2017, and

WHEREAS, all contract and administrative work was completed by January 13, 2018, and

WHEREAS, the Roselle Avenue Widening project has been completed by DSS Company DBA Knife River Construction of Stockton, CA. in accordance with the contract agreement dated February 7, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Roselle Avenue Widening project is hereby accepted as complete by DSS Company DBA Knife River Construction of Stockton, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $3,432,609 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 27th day of November, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

2018-525
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE MODESTO AMTRAK NORTH PARKING LOT EXPANSION PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH GARRETT THOMPSON CONSTRUCTION, INC. OF MODESTO, CA, IN THE AMOUNT OF $441,900 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Modesto Amtrak North Parking Lot Expansion Project, and

WHEREAS, the bids received for the Modesto Amtrak North Parking Lot Expansion Project were opened at 11:00 a.m. on October 16, 2018 and

WHEREAS, the Director of Utilities has recommended that the bid of $441,900 received from Garrett Thompson Construction, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Garrett Thompson Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Modesto Amtrak North Parking Lot Expansion Project accepts the bid of $441,900 and awards Garrett Thompson Construction, Inc., of Modesto, CA, the contract for the Modesto Amtrak North Parking Lot Expansion 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 27th day of November, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney

11/27/2018/Utilities/RDavalos/Item 17
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-527

RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $103,645 TO BE TRANSFERRED INTO THE PROJECT FROM THE LOCAL TRANSPORTATION FUND IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE MODESTO AMTRAK NORTH PARKING LOT EXPANSION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF HIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $103,645, in order to fund construction, contingency, construction administration, design support during construction plus City staff support for the Modesto Amtrak North Parking Lot Expansion Project, and

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

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

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE 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 #101014 “Modesto Amtrak North Parking Lot Expansion Project”, and the total project costs need to be increased by $103,645.

To fund the above account, Local Transportation Revenues will be increased by $103,645 to CIP 101014 for the Modesto Amtrak North Parking Lot Expansion Project.
MODESTO CITY COUNCIL
RESOLUTION NO. 2018-528

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE AGREEMENT WITH PROPERTY SPECIALISTS, INC. (DBA CPSI) FOR ADDITIONAL RIGHT OF WAY SERVICES FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT IN THE AMOUNT OF $1,356,773, PLUS $135,677 FOR ADDITIONAL SERVICES (IF NEEDED), FROM $1,759,687 TO A NEW TOTAL AMOUNT OF $3,252,137, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE SECOND AMENDMENT

WHEREAS, the purpose of the Project is to improve regional and interregional circulation, relieve traffic congestion along existing State Route 132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, on August 8, 2017, by Resolution No. 2017-314, the City Council approved an Agreement with Property Specialists, Inc., (dba CPSI) to perform right of way consultant services for the State Route 132 West Freeway/Expressway - Phase 1 Project (Project) in a total amount of $808,500, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-84, the City Council approved a First Amendment to the CPSI agreement to increase the contract by $864,687, plus $86,500 for additional services, for a total contract amount of $1,759,687, and

WHEREAS, as the Project has progressed, additional needs to complete the project and specifically the right of way acquisition and gain project certification have been identified, and

WHEREAS, these additional needs are described by task as follows:

Task 1: Additional Appraisal and Acquisition Work
Task 2: Additional Environmental Testing
Task 3: Settlement and Conflict Resolution Work
Task 4: Broker Representation and Construction Management

Task 5: General Property Management

Task 6: Procurement and Construction Management

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to Agreement with Property Specialists, Inc. (dba CPSI) for additional right of way services for the State Route 132 West Freeway/Expressway - Phase 1 Project in the amount of $1,356,773, plus $135,677 for additional services (if needed), from $1,759,687 to a new total amount of $3,418,154.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Second Amendment to 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 27th day of November, 2018, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #100614 IN THE AMOUNT OF $1,492,450 FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT AND APPROPRIATION OF FUNDS FROM THE STREETS CAPITAL FACILITY FEES FUND RESERVES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

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

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

WHEREAS, on August 8, 2017, by Resolution No. 2017-314, the City Council approved an Agreement with Property Specialists, Inc., (dba CPSI) to perform right of way consultant services for the State Route 132 West Freeway/Expressway - Phase 1 Project (Project) in a total amount of $808,500, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-84, the City Council approved a First Amendment to the CPSI agreement to increase the contract by $864,687, plus $86,500 for additional services, for a total contract amount of $1,759,687, and

WHEREAS, as the Project has progress, additional needs to complete the project and specifically the right of way acquisition and gain project certification have been identified, and
WHEREAS, a Second Amendment to the CPSI Agreement to increase the contract by a total of $1,492,450 is needed, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget needs to be amended by $1,492,450 for the State Route 132 West Freeway/Expressway - Phase 1 Project and funds need to be appropriated from the Streets Capital Facility Fees reserve funds, and

WHEREAS, staff will seek reimbursement from the Regional Measure L funds managed by the Stanislaus Council of Governments (StanCOG) to cover the cost of this Second Amendment to the CPSI Agreement.

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 (CIP) Budget, project #100614 in the amount of $1,492,450 for the State Route 132 West Freeway/Expressway - Phase 1 Project and appropriates funds from the Streets Capital Facility Fees fund reserves.

BE IT FURTHER RESOLVED, that the City Manager or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 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
MODESTO CITY COUNCIL  
RESOLUTION NO. 2018-530

RESOLUTION ACCEPTING THE CODONI SEWER FORCE MAIN EMERGENCY REPAIR AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND AUTHORIZE PAYMENTS TOTALING $120,866 TO ROLFE CONSTRUCTION COMPANY OF ATWATER, CA

WHEREAS, the City was notified that the sewer force main on Codoni Avenue, south of Finch Road was leaking, and

WHEREAS, Collections crews excavated the location of the leak, made an emergency repair to the pipe and fittings and inspected the forcemain, and

WHEREAS, the sewer force main had suffered severe corrosion resulting in the deterioration of sections of the pipe and fittings which generated concern of environmental and safety risks to the public and businesses, and

WHEREAS, City staff initiated an expedited process to secure a Contractor to perform the repairs, and

WHEREAS, Section 8-3.102(e) of the Modesto Municipal Code allows the City Manager to approve and authorize contracts in the amount of $200,000 or less for projects that are of urgent necessity for the preservation of life, health and property, and

WHEREAS, the sewer force main required urgent repair in order to protect the public and businesses from potential harms as well as provide continued service to businesses, and

WHEREAS the Codoni Sewer Force Main Emergency Repair has been completed by Rolfe Construction Company of Atwater.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Codoni Sewer Force Main Emergency Repair are hereby accepted as complete
from said contractor, 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 authorize payments totaling $120,866, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 2018, by Councilmember Zoslocki, 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

ADAM U. LINDGREN, City Attorney