RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH DOKKEN ENGINEERING, FOR PROFESSIONAL DESIGN SERVICES FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT BY $344,096 FROM $7,000,000 TO A TOTAL AMOUNT OF $7,344,096, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT

WHEREAS, the purpose of the State Route 132 West Freeway/Expressway - Phase 1 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 May 2, 2017, by Resolution No. 2017-174, the City Council approved an agreement with Dokken Engineering for professional design services in the amount of $6,400,000, plus $600,000 for additional services, for a total contract amount of $7,000,000, and

WHEREAS, on December 18, 2018, Dokken Engineering submitted to the City a budget augmentation for additional tasks in the amount of $344,096, for a total contract amount of $7,344,096, and

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

Task 1.2: Coordination/Administration
Task 6.1: 100% Submittal Roadway Plans
Task 7.1: Bid Support (Hourly)
Task 12.4: TIGER and Other Grant Support
Task 14.1: BCS & ADL PS&E; Hazardous Materials Testing Coordination
Task 15.1: Staking Utilities and Right of Way (Hourly), and

WHEREAS, as Dokken Engineering has nearly completed the originally identified scope of services, a First Amendment to the Dokken Engineering Agreement is needed to increase the contract by a total of $344,096.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment increasing the agreement amount with Dokken Engineering, for professional design services for the State Route 132 West Freeway/Expressway - Phase 1 Project by $344,096 from $7,000,000 to a total amount of $7,344,096.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the First Amendment, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22\textsuperscript{nd} day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #100614 IN THE AMOUNT OF $344,096 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 purpose of the State Route 132 West Freeway/Expressway - Phase 1 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 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 May 2, 2017, by Resolution No. 2017-174, the City Council approved an agreement with Dokken Engineering for professional design services in the amount of $6,400,000, plus $600,000 for additional services, for a total contract amount of $7,000,000, and

WHEREAS, on December 18, 2018, Dokken Engineering submitted to the City a budget augmentation for additional tasks in the amount of $344,096, for a total contract amount of $7,344,096, and

WHEREAS, as Dokken Engineering has nearly completed the originally identified scope of services, a First Amendment to the Dokken Engineering Agreement is needed to increase the contract by a total of $344,096, and
WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget needs to be amended by $344,096 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 First Amendment to the Dokken Engineering 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 $344,096 for the State Route 132 West Freeway/Expressway - Phase 1 Project and appropriation of funds from the Streets Capital Facility Fees fund reserves.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND ALVERNAZ INVESTMENTS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY TO CONNECT TO THE CITY OF MODESTO’S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 212 CRATER AVENUE (APN: 038-026-008), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Alvernaz Investments, LLC, a California limited liability company owns commercial property located at 212 Crater Avenue which is located outside of Modesto City Limits and inside the City’s Sphere of Influence, and

WHEREAS, the property located at 212 Crater Avenue, is not connected to City’s sewer system and is requesting a sewer connection due to a failing septic system, and

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

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

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

WHEREAS, the property located at 212 Crater Avenue is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection, and
WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to provide sewer service to this property, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for sewer service for the property located at 212 Crater Avenue (APN: 038-026-008) in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve letter and execute the Outside Service Agreement for sewer service.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember Grewal,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

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

WHEREAS, in order to align with current program guidelines and replace older program policies, Section 6 (Homeowner Rehabilitation Program) need to be updated, and

WHEREAS, Section 25 of the Homeowner Rehabilitation Program Policies and Procedures has been added to address loan modification requests under certain circumstances, and

WHEREAS, on December 13, 2018, the Citizen’s Housing and Community Development Committee reviewed, approved and forwarded the revised Section 6 – Homeowner Rehabilitation Program Policies and Procedures 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 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 ANNUAL OPERATING AND CAPITAL IMPROVEMENT 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 budget 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]  
ADAM U. LINDGREN, City Attorney
EXHIBIT A

FISCAL YEAR 2018-19

FIRE DEPARTMENT

A budget adjustment is necessary for Project #100960 – AMR/General EMS to reduce the transfer in from General Fund by $11,040 as there will not be any more funds transferred from General Fund and increase the revenue for the American Medical Response Contract by $134,839 to recognize revenue received and expected to be received during the fiscal year. Additionally, the project expense budget is being increased by $204,125 to account for anticipated expenditures this fiscal year and balance the project revenue and expense budget.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Fund Name</th>
<th>Account - Revenue/Expense</th>
<th>Current Budget</th>
<th>Increase/ Decrease</th>
<th>Revised Budget</th>
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<tbody>
<tr>
<td>0180</td>
<td>Fire Department</td>
<td>Revenue - Transfer In from 0100 General Fund</td>
<td>$80,000</td>
<td>($11,040)</td>
<td>$68,960</td>
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<td></td>
<td>Unrestricted Non-Capital Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0180</td>
<td>Fire Department</td>
<td>Revenue – CS-PS-AMR Contract and Miscellaneous Revenue</td>
<td>$272,418</td>
<td>$134,839</td>
<td>$407,257</td>
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<td>Unrestricted Non-Capital Projects</td>
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<td></td>
<td></td>
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<tr>
<td>0180</td>
<td>Fire Department</td>
<td>Project #100960 Expenditures</td>
<td>$272,092</td>
<td>$204,125</td>
<td>$476,217</td>
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<tr>
<td></td>
<td>Unrestricted Non-Capital Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL  
RESOLUTION NO. 2019-06

RESOLUTION APPROVING AN AGREEMENT WITH ZOLL DATA SYSTEMS, INC. FOR HOSTED SERVER SERVICES FOR BOTH EPCR AND FIRERMS RECORDS MANAGEMENT AND REPORTING SOFTWARE IN AN ANNUAL AMOUNT OF $42,780, AND A ONE-TIME STARTUP FEE FOR PROFESSIONAL SERVICES AND TRAINING IN THE AMOUNT OF $12,000, FOR A TOTAL THREE-YEAR AGREEMENT NOT TO EXCEED $140,340 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Fire Department has been utilizing ZOLL’s FireRMS as the department’s records management system for more than 15 years; and

WHEREAS, when Modesto Fire joined the Joint Powers Authority, Modesto Regional Fire Authority (MRFA) in 2011, the servers were transitioned to being owned and operated by Stanislaus County’s IT Department (SBT); and

WHEREAS, in the four years since Modesto Fire Department has been re-established and the hosting of the ZOLL software servers has remained with SBT there have been numerous situations in which the time delays to address technical concerns has impeded reporting and operations; and

WHEREAS, this transition to a hosted environment has been reviewed with the Information Technology (IT) Department as well as the County Strategic Business Technology (SBT) Department and is the best route to ensure timely and appropriate resolution to problems with the ePCR program; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the MMC Section, MCC 8-3.204 (d), where the Purchasing Manager, in her discretion, determines
that a process other than the formal bid procedure set forth in Section 8.3-203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. Working directly with Zoll will eliminate approximately 200 hours of staff time in trying to work through third parties to resolve issues. The elimination of third parties will create an increase in department efficiencies and cost savings of staff time, estimated at approximately $15,000 per year; and

WHEREAS, funds have been identified to cover the annual cost of $42,780 for the three year contract; and

WHEREAS, the total cost of the three year contract will be $140,340.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with ZOLL Data Systems, Inc. for the hosted server services for both ePCR and FireRMS records management and reporting software in an annual amount of $42,780, and a one-time startup fee for professional services and training in the amount of $12,000, for a total three-year agreement not to exceed $140,340.

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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney)
RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR CITYWIDE REGULATORY SAFETY TRAINING AND CONSULTATION TO YORK RISK SERVICES GROUP, INC. A NEW YORK COMPANY, SACRAMENTO, CALIFORNIA, FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $85,120 AND A TOTAL AMOUNT NOT TO EXCEED $425,600 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City recognizes the right of all employees to a safe workplace and values the importance of education and training for all staff to ensure safe work practices are understood and adhered to, and to aid in recognizing and mitigating hazards in the workplace, and

WHEREAS, through an extensive and on-going safety needs assessment, the City has identified the need for citywide safety training and consultation services to achieve and maintain compliance with Federal, State, and local regulations, and

WHEREAS, the Purchasing Division issued Request for Proposals (RFP) 1718-13 for Safety Training and Consultant Services, and

WHEREAS, a selection committee comprised of staff representing pertinent divisions for citywide safety needs reviewed all proposals and vendor presentations, and

WHEREAS, the selection committee chose York Risk Services Group (formerly Bickmore) as the City’s next Safety Consultant/Training Provider, and

WHEREAS, York Risk Services Group will provide mandatory safety training, prepare/update written safety programs and provide additional guidance and consultation, and
WHEREAS, this agreement will authorize the necessary funds and authorities to provide continuous, ongoing mandatory training.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and agreement for citywide regulatory safety training and consultation to York Risk Services Group, Inc. a New York Company, Sacramento, California, for a two year agreement with three one-year extension options, for an annual cost not to exceed $85,120 and a total amount not to exceed $425,600 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE SUBMISSION OF THE CITY'S LOCAL TRANSPORTATION FUNDS FISCAL YEAR 2018-2019 CLAIM FOR NON-MOTORIZED PURPOSES (BIKE LANES AND PEDESTRIAN PATHWAYS) IN THE AMOUNT OF $187,909 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) funds have been apportioned by StanCOG for allocation to the City, and

WHEREAS, this Claim for Non-motorized Purposes is the formal request by the City to StanCOG to release its apportionment of LTF funds for non-motorized purposes during the current fiscal year, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of non-motorized projects (bicycle and pedestrian pathways), and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects, and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2018-2019 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code, and

WHEREAS, Council action authorizing submission of the claim is required by the rules and regulations governing the Transportation Development Act Funds, including StanCOG's approved Transit Cost Sharing Procedures, before any LTF funding can be released to the City.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes approves the submission of the City's Local Transportation
Funds Fiscal Year 2018-2019 Claim for Non-motorized Purposes (bike lanes and
pedestrian pathways) in the amount of $187,909 to the Stanislaus Council of
Governments (STANCOG).

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember Grewal,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: [Signature]
ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROJECT BUDGET TO FUND VARIOUS PROGRAM BUDGETS IN AN AMOUNT NOT TO EXCEED $187,909 IN REVENUE AND TO BUDGET EXPENDITURES AS OUTLINED IN ATTACHMENT A TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) funds have been apportioned by StanCOG for allocation to the City, and

WHEREAS, this Claim for Non-motorized Purposes is the formal request by the City to StanCOG to release its apportionment of LTF funds for non-motorized purposes during the current fiscal year, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of non-motorized projects (bicycle and pedestrian pathways), and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects, and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2018-2019 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code, and

WHEREAS, Council action authorizing submission of the claim is required by the rules and regulations governing the Transportation Development Act Funds, including StanCOG’s approved Transit Cost Sharing Procedures, before any LTF funding can be released to the City, and
WHEREAS, $187,909 is available to be budgeted into the 2018/2019 Capital Improvement Program Budget, and

WHEREAS, staff identified 3 projects to receive funding project: #100692 – Bike Lane Striping, #100813 – Virginia Corridor Phase VII, and 100599 – TRRP Gateway Phase 2 (See 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 Project budget to fund various program budget in an amount not to exceed $187,909 in revenue and to budget expenditures as outlined in attachment a to fund the project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, are 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
Attachment A

Budget Adjustment for LTF Non-Motorized Funds to Non-Capital Project 100692 (Bike Lane Striping), Capital Project 100813 (Virginia Corridor Phase VII), and Capital Project 100599 (TRRP Gateway Phase 2)

**Fund 1520 – LTF - Non-Motorized**

Expenses:

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<thead>
<tr>
<th>From:</th>
<th>Increase/ (Decrease)</th>
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</thead>
<tbody>
<tr>
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<td>$52,909</td>
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<tr>
<td>1520-71520-76710 (Transfer Out to Fund 6710)</td>
<td>$100,000</td>
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To:

Expense Task: 100692 – APPR Unit C (From 1520 Fund Balance) $35,000

**Fund 3140 – Capital Grants CIP Projects**

Expenses:

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<tr>
<td>Expense Task: 100813 – Eng/Design/Admin</td>
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Revenue:

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>3140-39999-61520-100813 (Transfer In from LTF- Non-Motorized Fund)</td>
</tr>
</tbody>
</table>

**Fund 6710 – JPA-TRRP Special Revenue Fund – CIP**

Expenses:

<table>
<thead>
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<th>To:</th>
</tr>
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<tbody>
<tr>
<td>Expense Task: 100599 – Eng/Design/Admin</td>
</tr>
<tr>
<td>100599 – Contingency-CIP</td>
</tr>
<tr>
<td>Total:</td>
</tr>
</tbody>
</table>

Revenue:

<table>
<thead>
<tr>
<th>To:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6710-39999-61520-100599 (Transfer In from LTF- Non-Motorized Fund)</td>
</tr>
</tbody>
</table>

Total Revenue/Expenses $187,909
RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH AARONSON MANAGEMENT GROUP, INC. (DBA STORYPOWERED) FOR PHASE II WORK ON THE CONVENTION AND VISITOR’S BUREAU TRANSITION TO AN INDEPENDENT AGENCY BY $50,000 FROM $102,000 TO A NEW TOTAL AMOUNT OF $152,000, EXTENDING THE TERM OF THE AGREEMENT FROM JANUARY 31, 2019 TO JUNE 30, 2019, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, in June 2015, the City Council adopted Resolution No. 2015-224 assigning the duties and functions of the Convention and Visitor’s Bureau (CVB) to the Community and Economic Development Department, and

WHEREAS, Resolution No. 2018-107 initiated the start of moving forward to have a fully functioning CVB, and restoring it as an independent agency, and

WHEREAS, steps toward restoring the CVB include hiring a consultant to oversee the transition and activities of the Convention and Visitor’s Bureau, establishing the Mayor and Council and the Interim Board of Directors, and drafting an agreement to provide funding from the Transient Occupancy Tax, using the previous agreement as a guide, and

WHEREAS, on March 27, 2018, the City executed an Agreement for Consultant Services with Aaronson Management Group, Inc. (DBA StoryPowered) (Agreement), to oversee Phase I of the CVB transition, and

WHEREAS, on September 4, 2018, by Resolution No. 2018-362, the City executed a First Amendment to the Agreement (First Amendment) to oversee Phase II of the CVB transition, and
WHEREAS, several unanticipated factors have affected Consultant’s ability to complete the balance of Phase II work as scheduled, and

WHEREAS, the City desires to amend the Agreement to extend the term from January 31, 2019 to June 30, 2019 to complete Phase 2 leading to the launch of a new Convention and Visitors Authority in mid-2019, and

WHEREAS, the cost of Phase II is $47,500 plus reimbursable expenses in an amount not to exceed $2,500, and

WHEREAS, funding for Phase II is budgeted in the Fiscal Year 2018-2019 Operating budget of the Convention & Visitors Bureau in the General Fund (0100-34300-53300).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to the Consultant Services Agreement with Aaronson Management Group, Inc. (DBA StoryPowered), for Phase II work on the Convention and Visitor’s Bureau transition to an independent agency, in an amount not to exceed $50,000, for a total agreement amount not to exceed $152,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby 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 22nd day of January, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney
RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR THE 2020 OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT IN THE AMOUNT OF $652,500, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the Modesto Police Department desires to undertake a certain project designated as the Selective Traffic Enforcement Program (STEP) grant from the Office of Traffic Safety (OTS), and

WHEREAS, the Police Department is seeking approval to apply for a grant in the sum of $652,500 from OTS, and

WHEREAS, acceptance of said $652,500 grant will increase enforcement for speed, DUI, and other special traffic enforcement operations, while also reducing collisions with speed, DUI, and special operations, and

WHEREAS, OTS will pay overtime for officers, training, and equipment to assist in traffic studies and other traffic related enforcement equipment, and

WHEREAS, the term of this grant will be from October 1, 2019, through September 30, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application for the 2020 office of traffic safety selective traffic enforcement program (step) grant in the amount of $652,500.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary application documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Signature)

ABSENT

Councilmembers: None

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANT AWARD IN THE AMOUNT OF $1,059,998 TO UPGRADE OF THE CITY OF MODESTO’S AUTOMATED TRAFFIC MANAGEMENT AND TRAFFIC SIGNAL SYSTEMS EQUIPMENT AND COMMUNICATIONS SOFTWARE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS.

WHEREAS, on May 25, 2018, staff applied for the construction portion of funds for the CMAQ and was approved by Caltrans to use the funds on June 11, 2018, and 

WHEREAS, the City of Modesto has received a CMAQ Grant in the amount of $919,996 for construction and $140,002 for preliminary engineering, a total grant of $1,059,998 for the upgrade of the City’s Automated Traffic Management and Traffic Signal Systems equipment and communications software, and 

WHEREAS, the City will be reimbursed for expenses covered by the CMAQ grant by Caltrans, and 

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Congestion Mitigation and Air Quality (CMAQ) Grant Funds in the amount of $1,059,998, to upgrade the City’s Automatic Traffic Management and Traffic Signal Systems equipment and communications software. 

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2018/2019 CAPITAL IMPROVEMENT PROGRAM BUDGET, PROJECT #100970 IN THE AMOUNT OF $919,996, TO UPGRADE THE CITY OF MODESTO’S AUTOMATED TRAFFIC MANAGEMENT AND TRAFFIC SIGNAL SYSTEMS EQUIPMENT AND COMMUNICATIONS SOFTWARE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on May 25, 2018, staff applied for the construction portion of funds for the CMAQ and was approved by Caltrans to use the funds on June 11, 2018, and

WHEREAS, the City of Modesto has received a CMAQ Grant in the amount of $919,996 for construction and $140,002 for preliminary engineering, a total grant of $1,059,998 for the upgrade of the City’s Automated Traffic Management and Traffic Signal Systems equipment and communications software, and

WHEREAS, the City will be reimbursed for expenses covered by the CMAQ grant by Caltrans, and

WHEREAS, certain budgetary amendments are necessary to complete the project.

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 adjust the capital project #100970 in the amount of $919,996 for revenue and expenses.

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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]  
ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH TIM PAXIN’S PACIFIC EXCAVATION, INC. OF ELK GROVE, CA, FOR THE PROJECT TITLED, “UPGRADE TRAFFIC SIGNALS 2015” IN THE AMOUNT OF $518,561, PLUS $52,000 FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL NOT TO EXCEED $570,561, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on April 15, 2015, City Staff applied for Highway Safety Improvement Program (HSIP) funds for preliminary engineering to upgrade Traffic Signals at the following three intersections in the City of Modesto: Dale Rd. at Veneman Ave., Kansas Ave. at Emerald Ave., and Paradise Rd. at Martin Luther King Dr., and

WHEREAS, construction of this project would upgrade the traffic signals at the specified intersections and meet current Americans with Disabilities Act (ADA) standards, and

WHEREAS, staff has worked diligently with Caltrans for project funding and approval, and

WHEREAS, on September 18, 2018, the project was advertised for bids and

WHEREAS, on October 16, 2018, bids were publicly opened pursuant to Modesto Municipal Code Section 8-3.403 and later tabulated by the Director of Public Works for the consideration of Council, and

WHEREAS, the Director of Finance and the City Manager have recommended that the bid of $518,561 received from Tim Paxin’s Pacific Excavation, Inc. of Elk Grove, CA, be accepted and awarded as the lowest responsive and responsible bid.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications, accept the bid, and award the construction contract for the project titled, "Upgrade Traffic Signals – 2015 to Tim Paxin’s Pacific Excavation Inc., of Elk Grove, CA in the amount of $516,561, plus $52,000, if needed, for an agreement total not to exceed $570,561.

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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________

ADAM U. LINDGREN, City Attorney

01/22/2019/PW/MMurphy/Item 17

2019-14
RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM BUDGET, IN THE AMOUNT OF $144,061 FOR PROJECT #100939 - UPGRADE TRAFFIC SIGNALS 2015 AND ESTABLISHING A TRANSFER FROM SURFACE TRANSPORTATION FUND (STF) TO THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on April 15, 2015, the City applied for the Highway Safety Improvements Program (HSIP) grant and was granted $100,000 for Preliminary Engineering, and

WHEREAS, on March 22, 2016, by Resolution 2016-105, Council authorized the budget adjustment to use these funds, and

WHEREAS, on June 30, 2016 staff applied for the construction portion of funds for the HSIP grant and was approved by Department of Transportation (Caltrans) to use the funds on July 28,2018, and

WHEREAS, on September 13, 2016, by Resolution 2016-348, Council authorized the budget adjustment for the use of these funds, and

WHEREAS, the City will be reimbursed for expenses covered by the HSIP grant by Caltrans, and

WHEREAS, additional funding is needed for the project as the construction bids came in higher than what is funded by the grant, and

WHEREAS, there are sufficient funds in the Surface Transportation Fund (STF) reserves to transfer into the project, and

WHEREAS, certain budgetary adjustments are required to complete the project.
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 adjust capital project #100939 and establish a transfer of funds from STF reserves to the project in the amount of $144,061.

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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH ITERIS, SANTA ANA, CA, FOR THE TRAFFIC SIGNAL SYSTEM ENGINEERING SERVICES PROJECT IN THE AMOUNT OF $218,378 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $31,622 FOR ADDITIONAL SERVICES (IF NEEDED), FOR AN AGREEMENT TOTAL NOT TO EXCEED $250,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City’s traffic signal system has effectively served the City for approximately 25 years and is nearing its useful life, and

WHEREAS, the City would like to update the traffic signal system to a state-of-art system to provide continuous operations and advance future goals of implementing connected and autonomous vehicles (CV/AV) technology with a focus on the Vehicle to Infrastructure component, and

WHEREAS, a state-of-the-art traffic signal system uses the latest infrastructure and computer technology that contains excess volume for hardware improvements and flexible computer software that allows for interchangeability from one technology to another, and

WHEREAS, on September 4, 2018, by Resolution No. 2018-380, Council approved Measure L projects which included Traffic Signal Analysis Study System Wide, and

WHEREAS, the Traffic Signal Analysis Study System Wide project consists of a qualified consultant to improve traffic signal equipment, traffic specifications, Advanced Traffic Management System (ATMS), traffic engineering operations, a 5-year plan, and funding options for the City, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering
Services for Capital Projects, Staff solicited and formally advertised for a Request for Proposal (RFP) through Planet Bids (#101125) for consulting services to review Traffic Signal System operations, and

WHEREAS, on September 18, 2018, Staff received two proposals for the Traffic Signal Analysis Study System Wide project, and

WHEREAS, three City of Modesto staff members, one City of Tracy staff member, and one Stanislaus County staff member rated each of the proposals based on various categories and objectives, and

WHEREAS, from the rating of the two proposals, Iteris received the top score, and

WHEREAS, staff negotiated a final Scope of Services and Cost Proposal with Iteris in an amount not to exceed $218,378 for the identified scope of services, plus $31,622 for additional services (if needed), for a maximum amount not to exceed $250,000, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) 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 Iteris, Santa Ana, CA, for the Traffic Signal System Engineering Services project in the amount of $218,378 for the identified scope of services, plus $31,622 for additional services (if needed), for an agreement total not to exceed $250,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING GRANT AWARDS FOR FEDERAL TRANSIT ADMINISTRATION SECTION 5307 TRANSIT FUNDS IN THE AMOUNT OF $5,257,527 AND FEDERAL TRANSIT ADMINISTRATION SECTION 5339 TRANSIT FUNDS IN THE AMOUNT OF $1,014,188, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT DOCUMENTS

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

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA to be eligible for funding under 49 U.S.C. Chapter 53, and

WHEREAS, the projects are also included in the 2018 Federal Transportation Improvement Program (FTIP) approved by Stanislaus Council of Governments (StanCOG), and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Credits, formerly known as “State Toll Credits”, in lieu of a local match, and

WHEREAS, the Section 5307 funds will be used for preventative maintenance, preventive maintenance for transit improvements, capital cost of contracting for Stanislaus County, and capital cost of contracting for Modesto, and

WHEREAS, the Section 5339 funds will provide funds to rehabilitate the Downtown Transit Center to improve the passenger experience to entice more people to use public transportation.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant awards for the FTA Section 5307 funds in the amount of $5,257,527 and FTA Section 5339 funds in the amount of $1,014,188.

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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE CAPITAL BUDGET FOR THE FISCAL YEAR 2018-19 TO ADJUST THE CAPITAL PROJECT 101095-FACILITIES IMPROVEMENTS TC PHASE 1 BUDGET IN THE AMOUNT OF $1,014,188 TO FUND THE CONSTRUCTION WORK FOR THE REHABILITATION OF THE DOWNTOWN TRANSIT CENTER

WHEREAS, the City of Modesto was awarded $1,014,188 in Federal Transit Administration (FTA) Section 5339 funds to fund transit related projects, and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Credits, formerly known as “State Toll Credits”, in lieu of a local match, and

WHEREAS, the funds will be used to fund the rehabilitation to the downtown Transportation Center, and

WHEREAS, a budget adjustment is necessary to appropriate the funds for construction work related to the rehabilitation of the downtown transit center capital improvement project 101095-Facilities Improv – TC Phase 1, and

WHEREAS, the Fiscal Year 2018-2019 capital 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 Fiscal Year 2018-2019 Capital 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
Exhibit A

Budget Adjustment for Federal Transit Administration (FTA) Section 5339 funds to Capital Improvement Project 101095.

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Increase/Decrease</th>
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<tbody>
<tr>
<td>4510-59999-42113-101095 -Federal Transit Administration- Capital Related</td>
<td>$1,014,188</td>
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<table>
<thead>
<tr>
<th>Expense</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project - 101095- Facilities Improv – TC Phase 1</td>
<td></td>
</tr>
<tr>
<td>- Task Construction</td>
<td>$1,014,188</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-19

RESOLUTION ACCEPTING THE AWARD FOR THE STATE OF GOOD REPAIR FUNDS IN THE AMOUNT OF $32,364 TO REHABILITATE THE DOWNTOWN TRANSIT CENTER, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT DOCUMENTS

WHEREAS, the City of Modesto is an eligible project sponsor and received State of Good Repair (SGR) funds in the amount of $32,364 to rehabilitate the Downtown Transit Center, 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 program, and

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

WHEREAS, a project list was developed and submitted to Caltrans 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 accepts the award in the amount of $32,364 in State of Good Repairs funds 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 at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature] STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature] ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE CAPITAL BUDGET FOR FISCAL YEAR 2018-19 IN THE AMOUNT OF $32,364 TO CAPITAL IMPROVEMENT PROJECT 101095-FACILITIES IMPROV-TC PHASE 1, TO FUND THE CONSTRUCTION WORK FOR THE REHABILITATION OF THE DOWNTOWN TRANSIT CENTER

WHEREAS, based on State of Good Repair estimates released the State Controller's Office on August 1, 2018 the City was eligible for $32,364 for Fiscal Year 2018-19, and

WHEREAS, State of Good Repair (SGR) funds are intended to be used for Transit projects in the three following categories 1. Replacement or rehabilitation of rolling stock, passenger stations, security equipment or maintenance facilities, 2. Preventative Maintenance, 3 New maintenance facilities or maintenance equipment, and

WHEREAS, the City intends to use the SGR funds to partially fund the rehabilitation of the Downtown Transit Center, and

WHEREAS, a budget adjustment is necessary to appropriate the funds for construction work related to the rehabilitation of the downtown transit center capital improvement project 101095-Facilities Improv – TC Phase 1, and

WHEREAS, the Fiscal Year 2018-2019 capital 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 Fiscal Year 2018-2019 Capital 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

SEAL

APPROVED AS TO FORM:

By: ________________________________

ADAM U. LINDGREN, City Attorney
Exhibit A

Budget Adjustment for State of Good Repair funds awarded to the City for the rehabilitation of the Downtown Transit Center Improvement Project 101095.

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>4510-59999-42114-101095 –Intergov- State- SB1-State of Good Repair</td>
<td>$32,364</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project - 101095- Facilities Improv – TC Phase 1</td>
</tr>
<tr>
<td>- Task Construction</td>
</tr>
<tr>
<td>$32,364</td>
</tr>
</tbody>
</table>
RESOLUTION APPROVING A PURCHASING AGREEMENT WITH MSC INDUSTRIAL SUPPLY CO., INC. BY UTILIZING THE COMPETITIVE BID PROCESS WITH NASPO VALUEPOINT FOR THE PURCHASE AND MAINTENANCE OF BIN STOCK ITEMS FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $110,000 AND A TOTAL AMOUNT NOT TO EXCEED $550,000 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASING AGREEMENT

WHEREAS, the Fleet Services Division and Wastewater Division have an ongoing need for the purchase and maintenance of bin stock items, including but not limited to, miscellaneous nuts, bolts, fasteners, bulbs, fuses, machine tools, welding supplies, consumable shop supplies, etc., for the repair and maintenance of the City’s specialized vehicles and equipment owned by the City of Modesto as well as specialized facilities and equipment repair as it relates to the treatment of wastewater in the City, and

WHEREAS, as repairs are made, miscellaneous nuts, bolts, fasteners, bulbs, fuses, machine tools, welding supplies and consumable shop supplies are needed throughout the work, and it is extremely cost effective to have a continuous stock of this type of material in order to not slow down work progress, and

WHEREAS, having a service maintain these bins is beneficial as we would spend many hours weekly monitoring usage, and

WHEREAS, these types of services are typical in repair and maintenance facilities, and the time spent ordering each consumable item when required would be cost prohibitive, and

WHEREAS, on August 14, 2018, the City Manager authorized the Purchasing Division to issue a formal Request for Bids (RFB). While researching to prepare for the
RFB, Purchasing staff discovered a Request for Proposal (RFP) issued by the State of Oregon for member states of the NASPO ValuePoint Cooperative Purchasing Program and other Purchasing entities, and

WHEREAS, the State of Oregon, on behalf of participating members of the NASPO ValuePoint Cooperative Purchasing Program and other Purchasing Entities, issued a RFP on 11/15/2017 to establish one or more Master Agreement(s) with qualified offerors, and the State of Oregon, NASPO ValuePoint Cooperative Purchasing Program and other Purchasing Entities successfully negotiated a contract and executed an agreement with MSC Industrial Supply Co., Inc., with an effective date of June 22, 2018 for an initial one-year term with four, one-year renewal options, and

WHEREAS, MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality.” In addition, MMC 8-3.202 (d) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings and interest of the City would be served, and for these reasons this purchase qualifies for an exemption from the formal bidding process, and

WHEREAS, sufficient funds have been budgeted and approved in Fiscal Year 18/19 in the following accounts with estimated amounts for each account:

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>PW – Fleet Vehicle &amp; Equip. Maintenance</td>
<td>No: 5400-32555-58105</td>
<td>$45,000</td>
</tr>
<tr>
<td>PW – Transit Maintenance</td>
<td>No: 4540-53244-58105</td>
<td>$10,000</td>
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<tr>
<td>UTL – Sutter Plant Maintenance</td>
<td>No: 4210-44313-53150</td>
<td>$11,000</td>
</tr>
<tr>
<td>UTL – Jennings Plant Maintenance</td>
<td>No: 4210-44314-53150</td>
<td>$10,000</td>
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<tr>
<td>UTL – Sewer Lift Stations</td>
<td>No: 4210-44315-53150</td>
<td>$12,000</td>
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<tr>
<td>UTL – Tertiary Treatment</td>
<td>No: 4210-44316-53150</td>
<td>$15,000</td>
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<tr>
<td>UTL – Stormwater Lift Stations</td>
<td>No: 4480-44311-53150</td>
<td>$7,000</td>
</tr>
</tbody>
</table>
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchasing agreement with MSC Industrial Supply Co., Inc. by utilizing i.e., "piggybacking" a competitively bid contact with NASPO ValuePoint, for the purchase and maintenance of bin stock items, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $110,000, and a total cost not to exceed $550,000 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, PLEASANTON, CA FOR ENGINEERING DESIGN SERVICES FOR THE SUTTER PLANT PARKING AND ENTRANCE PROJECT, IN THE AMOUNT OF $479,813, PLUS $47,981 FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL OF $527,794, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Sutter Facility Layout Plan identifies recommended improvements for access, traffic circulation and parking, and

WHEREAS, City staff is recommending the use of a consultant to increase project delivery efficiencies, and

WHEREAS, on October 4, 2016, by Resolution No. 2016-404, Council approved a prequalified list of consultants for Engineering Design Services for Wastewater and Storm Drain CIP projects, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement; However, staff proceeded through a RFP process pursuant to Administrative Directive 3.1, Selection Procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with West Yost Associates, Pleasanton, CA for Engineering Design Services for the Sutter Plant Parking and Entrance Project in an amount not to exceed $479,813, for the identified scope of services, plus $47,981 for additional services, if needed, for a maximum total amount of $527,794.

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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________________

SEAL

APPROVED AS TO FORM:

By: ________________________________

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH ATC GROUP SERVICES, FOR ON-CALL ENVIRONMENTAL SITE ASSESSMENT SERVICES FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, FOR A TOTAL NOT TO EXCEED AMOUNT OF $135,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department (Utilities) may need to purchase property to complete various Capital Improvement Program (CIP) projects, and

WHEREAS, a Phase I Environmental Site Assessment (ESA) needs to be prepared prior to the acquisition of real property, and

WHEREAS, purchase agreements may have time constraints, and projects may have short time lines, and

WHEREAS, on-call agreements will expedite the process, and

WHEREAS, an on-call list was established in 2015, which expired in 2018, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a request for Qualifications and Proposals was issued July 10, 2018, and

WHEREAS, responses were received from sixteen firms, and

WHEREAS, a selection committee consisting of the City’s Utilities staff evaluated the responses and met August 23, 2018 to discuss the evaluations and review ranking, and

WHEREAS, the committee recommended negotiating with the top two firms deemed most responsive and qualified to enter into one-year on-call agreements, not to
exceed $45,000 per year, with the possibility of two (2) one-year extension periods, at the sole discretion of the City, and

WHEREAS, no new budget allocation will be sought because the project-specific task orders under the agreement will be paid from existing CIPs, and

WHEREAS, ATC Group Services will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, ATC Group Services will perform no service until Utilities management has approved the proposed specific task order and a written Notice to Proceed (NTP) is prepared and sent to ATC Group Services prior to commencement of services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with ATC Group Services for On-call Environmental Site Assessment Services for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $45,000 per year, for a total amount not to exceed $135,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-24

RESOLUTION APPROVING AN AGREEMENT WITH GROUND ZERO ANALYSIS, INC., FOR ON-CALL ENVIRONMENTAL SITE ASSESSMENT SERVICES FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, FOR A TOTAL NOT TO EXCEED AMOUNT OF $135,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department (Utilities) may need to purchase property to complete various Capital Improvement Program (CIP) projects, and

WHEREAS, a Phase I Environmental Site Assessment (ESA) needs to be prepared prior to the acquisition of real property, and

WHEREAS, purchase agreements may have time constraints, and projects may have short time lines, and

WHEREAS, on-call agreements will expedite the process, and

WHEREAS, an on-call list was established in 2015, which expired in 2018, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a request for Qualifications and Proposals was issued July 10, 2018, and

WHEREAS, responses were received from sixteen firms, and

WHEREAS, a selection committee consisting of the City’s Utilities staff evaluated the responses and met August 23, 2018 to discuss the evaluations and review ranking, and
WHEREAS, the committee recommended negotiating with the top two firms deemed most responsive and qualified to enter into one-year on-call agreements, not to exceed $45,000 per year, with the possibility of two (2) one-year extension periods, at the sole discretion of the City, and

WHEREAS, no new budget allocation will be sought because the project-specific task orders under the agreement will be paid from existing CIPs, and

WHEREAS, Ground Zero Analysis, Inc. will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, Ground Zero Analysis, Inc. will perform no service until Utilities management has approved the proposed specific task order and a written Notice to Proceed (NTP) is prepared and sent to Ground Zero Analysis, Inc. prior to commencement of services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Ground Zero Analysis, Inc. for On-call Environmental Site Assessment Services for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $45,000 per year, for a total amount not to exceed $135,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AMENDMENT TO THE PURCHASING AGREEMENT WITH SUBSITE, LLC, PETALUMA, CA, FOR A CLOSED CIRCUIT TELEVISION (CCTV) EQUIPMENT RETROFIT BY $10,268, FROM $127,040 TO $137,308, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE AN AMENDED PURCHASING AGREEMENT

WHEREAS, the Utilities Department, Wastewater Division, maintains approximately 655 miles of sanitary sewer pipelines ranging in sizes from 4" to 96", and

WHEREAS, Wastewater Collections uses remotely operated CCTV systems to regularly inspect the wastewater pipelines, and

WHEREAS, CCTV inspection is used to determine the structural and maintenance condition of the pipelines and if the pipeline needs capital improvement, spot repairs, root control, FOG (Fats, Oils, and Grease) control, and/or increased cleaning frequency, and

WHEREAS, on September 11, 2018, by Resolution No. 2018-397, Council approved a purchasing agreement with Subsite, LLC, Petaluma, CA, for a cost not to exceed $127,040 for replacement CCTV equipment, and

WHEREAS, when staff started the process of entering the requisition for the purchase of the CCTV equipment, it was discovered that the funding was short by $10,268 due to cost of freight and sales tax; therefore, staff is requesting an increase to add $10,268 to complete the purchase of CCTV equipment from Subsite, LLC, Petaluma, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the purchasing agreement with Subsite, LLC,
Petaluma, CA, for a Closed Circuit Television (CCTV) equipment retrofit by $10,268, from $127,040 to $137,308.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH ROADRUNNER DRILLING & PUMP COMPANY, INC., OF WOODLAND, CA, FOR THE WELL 71 (REPLACING WELL 226) PROJECT, IN THE AMOUNT OF $629,609 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Well 71 (Replacing Well 226) Project, and

WHEREAS, on November 20, 2018 staff received bids from three companies that were responsible and responsive, including a bid from Roadrunner Drilling & Pump Company, Inc., and

WHEREAS, MMC 8-3.203 states that all purchases, in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for any purchase of fifty thousand dollars ($50,000) or less, shall follow formal bid procedures, and

WHEREAS, and the award of bid for the Well 71 (Replacing Well 226) Project conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Director of Utilities has recommended that the bid of $629,609 received from Roadrunner Drilling & Pump Company, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction Company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby consider approving the plans and specifications, accepting the bid and
awarding a contract to Roadrunner Drilling & Pump Company, Inc., of Woodland, CA for the Well 71 (Replacing Well 226) Project in the amount of $629,609.

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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $134,067 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE WELL 71 (REPLACING WELL 226) PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $134,067 in order to fund construction, contingency, construction administration, City construction forces, and design support during construction plus City staff support for the Well 71 (Replacing Well 226) 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
Exhibit A

Project costs were higher than initially budgeted for the project, thus an appropriation transfer in the amount of $134,067 is necessary to fund construction, contingency, construction administration, City construction forces, and design support during construction. Upon Council approval, this amount will be transferred into the project account from Water Fund Reserves to cover these costs, thereby amending the Fiscal Year 2018-19 Capital Improvement Program Budget.
RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR’S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE WELL 71 (REPLACING WELL 226) PROJECT FROM 10 PERCENT ($62,961) TO 25 PERCENT ($157,402) OF THE CONSTRUCTION CONTRACT AMOUNT

WHEREAS, on January 22, 2019, the City Council is concurrently awarding a $629,609 contract to Roadrunner Drilling & Pump Company, Inc., of Woodland, CA for the construction of the Well 71 (Replacing Well 226) Project, and

WHEREAS, given the nature of the project, additional work may be needed to address unexpected conditions that require changes in project scope, and

WHEREAS, the additional costs may exceed the Director’s authority for the project as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Well 71 (Replacing Well 226) Project from 10 percent ($62,961) to 25 percent ($157,402) of the construction contract price of $629,609 with Roadrunner Drilling & Pump Company, Inc, of Woodland, CA.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE LA LOMA PHASE 2B FIRE HYDRANT ADDITIONS PROJECT, ACCEPTING THE BID, AND AWARDING A CONSTRUCTION CONTRACT WITH ROLFE CONSTRUCTION COMPANY OF ATWATER, CA, IN THE AMOUNT OF $692,963 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the La Loma Fire Hydrant Additions Project, and

WHEREAS, on December 18, 2018 staff received bids from three companies that were responsible and responsive, including a bid from Rolfe Construction Company, and

WHEREAS, MMC 8-3.203 states that all purchases, in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for any purchase of fifty thousand dollars ($50,000) or less, shall follow formal bid procedures, and

WHEREAS, and the award of bid for the La Loma Phase 2B Fire Hydrant Additions Project conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Director of Utilities has recommended that the bid of $629,963 received from Rolfe Construction Company, be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction Company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby consider approving the plans and specifications for the La Loma Phase 2B Fire Hydrant Additions Project, accepting the bid and awarding a construction contract with Rolfe Construction Company of Atwater, CA in the amount of $629,963.
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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $300,000 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE LA LOMA PHASE 2B FIRE HYDRANT ADDITIONS PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $300,000 in order to fund construction, contingency, construction administration, City construction forces, and design support during construction plus City staff support for the La Loma Phase 2B Fire Hydrant Additions 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 22nd day of January, 2019, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember Grewal,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney
Exhibit A

Overall project costs are higher than what was budgeted for the project due to increased prices in asphalt and the requirement for night work on SR 132 by Caltrans, thus an appropriation transfer in the amount of $300,000 is necessary to fund construction, contingency, construction administration, City construction forces, and design support during construction from City Staff. Upon Council approval, this amount will be transferred into the project account (101111) from Water Fund Reserves to cover these costs, thereby amending the Fiscal Year 2018-19 Capital Improvement Program Budget.
RESOLUTION ACCEPTING THE TANK 6 RECOAT AND REPAIRS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $830,933 TO WEST COAST INDUSTRIAL COATINGS, INC., OF HEMET, CA

WHEREAS, on December 12, 2017, by Resolution No. 2017-514, Council awarded a contract to West Coast Industrial Coatings, Inc., of Hemet CA, for the construction of the Tank 6 Reccoat and Repairs 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 8, 2018, and

WHEREAS, all contract and administrative work was completed by November 26, 2018, and

WHEREAS, the Tank 6 Reccoat and Repairs project has been completed by West Coast Industrial Coatings, Inc., of Hemet, 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 it hereby accepts the Tank 6 Reccoat and Repairs project as complete by West Coast Industrial Coatings, Inc., of Hemet CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $830,933 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-32

RESOLUTION ACCEPTING THE FIRE STATION 11 GARAGE DOOR REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $49,756 TO SCOTT REDENBAUGH CONSTRUCTION, OF MODESTO, CA

WHEREAS, on February 6, 2018, by Resolution No. 2018-63, Council awarded a contract to Scott Redenbaugh Construction, of Modesto, CA, for the construction of the Fire Station 11 Garage Door project, and

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

WHEREAS, the contractor received the Notice to Proceed with a first working day of April 2, 2018, and

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

WHEREAS, the Fire Station 11 Garage Door project has been completed by Scott Redenbaugh Construction, of Modesto, CA in accordance with the contract agreement dated February 6, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fire Station 11 Garage Door project as complete by Scott Redenbaugh Construction, of Modesto, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $49,756 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: ____________________________

[Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

[Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A PURCHASING AGREEMENT WITH W.W. GRAINGER, INC., LAKE FOREST, IL, BY UTILIZING THE COMPETITIVE BID PROCESS WITH NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NATIONAL IPA), UNIVERSITY OF CALIFORNIA, OFFICE OF THE PRESIDENT, FOR MAINTENANCE, REPAIR AND OPERATION SUPPLIES FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $113,500 AND A TOTAL AMOUNT NOT TO EXCEED $567,500, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE AGREEMENT

WHEREAS, the City has had a blanket purchase order with W. W. Grainger, Inc. (Grainger) for the past several years for maintenance, repair and operation supplies, and

WHEREAS, over the last year, the Grainger blanket purchase order has needed to be increased to accommodate expenditures, and

WHEREAS, to control the expenditures, purchasing staff has determined that an agreement would better serve the needs of staff, and

WHEREAS, the City Manager authorized the Purchasing Division to issue a formal Request for Bids (RFB) for maintenance, repair and operation (MRO) supplies on November 2, 2018, and

WHEREAS, while researching to prepare for the RFB, Purchasing staff discovered that Grainger has an agreement through National IPA, and

WHEREAS, the University of California issued an RFP on January 31, 2018, to establish a national cooperative contract for MRO supplies and related services, and

WHEREAS, the University of California, National IPA, and Grainger successfully negotiated a contract with an effective date of July 1, 2018, for an initial five-year term with two additional one-year options, and
WHEREAS, Grainger offers MRO supplies through a National Market Basket of 1300+ items that were competitively bid and Site Specific Market Basket of 1000+ items offering discounts from 5% to 35% off catalog prices; other cooperative purchasing agreements included Grainger competitors, such as, Fastenal, MSC, and Mallory Safety. Staff reviewed pricing from other agreements on the Top 50 items, and determined that Grainger had the best pricing for MRO Supplies, and

WHEREAS, by utilizing Grainger through National IPA, staff will be able to purchase items conveniently at a competitive price. The City will also receive the following incentives:

- Annual Growth Incentive: 1% on 10%< prior year sales, 2% on 20%< prior year sales.
- E-commerce Rebate: 1% on 50%-74% sales through ecommerce, 2% on 75%< through ecommerce.
- Grainger Choice: 1% incentive paid on all Grainger Choice purchases if a minimum of 25% is met for total sales.
- Green product Incentive: 1% incentive paid on all Certified Grainger Green Product purchases if a minimum of 20% is met for total sales.

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, however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality,” and
WHEREAS, in addition, MMC 8-3.202(h) encourages joining with the State of California and other units of government in cooperative purchasing plans when the best interest of the City would be served; this purchase qualifies for the exemption from the formal bidding process as we are utilizing the University of California existing contract with competitive pricing and control of expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a purchasing agreement with W.W. Grainger, Inc., Lake Forest, IL, by utilizing the competitive bid process with National Intergovernmental Purchasing Alliance (National IPA), University of California, Office of the President, for maintenance, repair and operation supplies for a two-year agreement with three one-year extension options, for an annual cost not to exceed $113,500 and a total amount not to exceed $567,500.

BE IT FURTHER RESOLVED the Purchasing Manager, or her designee, is hereby authorized to issue the purchasing agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT WITH EAH HOUSING, INC., A NONPROFIT HOUSING CORPORATION, FOR THE TRANSFER OF A CITY-OWNED PARCEL ON 9TH STREET TO EAH HOUSING, INC. FOR THE CONSTRUCTION OF 74 AFFORDABLE MULTIFAMILY UNITS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ALL ACTIONS AND EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS RELATED TO THE DISPOSITION AND DEVELOPMENT AGREEMENT

WHEREAS, Archway Commons is collaboration between the City of Modesto and EAH Housing, Inc. (EAH) for 150-unit housing development for low-income families and seniors, and

WHEREAS, Phase I was completed in 2013 and the 76 units were fully leased and occupied immediately after completion, and

WHEREAS, Archway Commons Phase II proposes to acquire the site and develop 74 family affordable housing units; this is the final phase in a 150-unit combined, two phase project, and

WHEREAS, Phase II consists of nine, two-story wood framed buildings consistent with the Phase I design. As proposed, the anticipated Phase II unit mix includes (1) 1-BR/1-BA at 710 square feet, (52) 2-BR/1-BA each at 825 square feet, and (20) 3-BR/2-BA apartments each 1150 square feet, and

WHEREAS, the Developer's construction and operation of this development are not financially feasible without the City's financial assistance; it is therefore, recommended that the City transfers the Property to the Developer in accordance with the terms set forth in a Disposition and Development Agreement, to provide the Developer
with the Acquisition Loan, in consideration for the Developer's agreement to construct and operate the Development, and

WHEREAS, the amount of the Acquisition Loan provided pursuant to this Agreement does not exceed the amount of City's assistance necessary to make the Developer's acquisition of the Property and the construction and operation of the Development, as restricted by this Agreement, financially feasible, and

WHEREAS, in order to move forward with Phase II of the Project, the Developer needs additional time to secure non-City financing for Phase II, and

WHEREAS, this is crucial as the City’s HOME funds cannot be committed to Phase II until all other funding sources have been secured, and

WHEREAS, a DDA is essential for EAH and Phase II of the project, and

WHEREAS, this agreement will show the City’s commitment to the project and funding committed to the project and therefore allows EAH to leverage this funding with other sources of funding associated with the project, and

WHEREAS, the Phase II DDA is designed to grant the Developer an option to acquire the Property for a purchase price of One Million Three Hundred Eighty-One Thousand ($1,381,000), which will be paid through a carry-back loan (the "Acquisition Loan"), and

WHEREAS, the purchase price was established in accordance with a third-party appraisal.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a Disposition and Development Agreement with EAH Inc., a nonprofit housing
corporation, the transfer of a City-owned parcel on 9th street to EAH Inc. for the construction of 74 affordable multifamily units.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute any documents related to the Disposition and Development 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 22nd day of January, 2019, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST:  

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney

(SEAL)
RESOLUTION APPROVING A CAPITAL FACILITIES FEES EXEMPTION AGREEMENT IN THE AMOUNT OF $737,484, WITH EAH HOUSING, INC. FOR 74 SENIOR AND FAMILY UNITS, LOCATED AT 1101 CARVER ROAD, MODESTO, CA AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Capital Facilities Fees (CFF) Program was established in 1989, and

WHEREAS, the current CFF Policies and Procedures state, with respect to very low and low income housing exemptions, the total number of housing exemptions granted are not to exceed two percent (2%) of the cumulative total CFF program housing units, and

WHEREAS, the CFF Policies and Procedures also allows an applicant to submit an application and request CFF be waived on new affordable units for households earning sixty (50%) or less of the Area Median Income, and

WHEREAS, since 1989, a total of 18,826 residential building permits have been issued of which 680 were granted CFF exemptions, and

WHEREAS, on December 4, 2018, EAH Housing, Inc. (EAH) submitted a CFF Exemption Application for its project located at 1101 Carver Road, Modesto (Project), and

WHEREAS, the Project will provide 74 senior and family units, and

WHEREAS, the Project will be affordable to low and very low income households and will have a fifty-five year affordability covenant, and
WHEREAS, staff reviewed EAH's CFF Exemption Application and found it complies with the CFF Policies & Procedures as all 74 units will be affordable to very low and low income households.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Capital Facilities Fees Exemption Agreement in the amount of $737,484, with EAH, Housing Inc. for 74 Senior and Family Units, located at 1101 Carver Road, Modesto, CA.

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 22nd day of January, 2019, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney

01/22/2019/CEED/JNarayan/Item 32
RESOLUTION APPROVING A MID-YEAR RATE ADJUSTMENT TO THE MAXIMUM RATE SCHEDULE FOR CITY SOLID WASTE COLLECTION SERVICES FOR AN INCREASE OF $1.40 PER MONTH FOR RESIDENTIAL SERVICES, $2.38 PER CUBIC YARD PER MONTH FOR COMMERCIAL SERVICES, AND $22.79 PER PULL FOR INDUSTRIAL SERVICES RETROACTIVE TO JANUARY 1, 2019, AND RESCINDING RESOLUTION NO. 218-475 FOR THE OCTOBER 1, 2018 QUARTERLY FUEL ADJUSTMENT

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets the maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f (2) of the City’s Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as per the Agreements with the City’s garbage collection companies, and

WHEREAS, in June 2018, by Resolution No. 2018-242, Council approved the annual rate adjustment to the Maximum Rate Schedule for Solid Waste Services conducted by SCS Engineers, Inc. based on the haulers FY 15/16 audited financial statements, and
WHEREAS, during the rate hearing staff proposed a mid-year rate review utilizing the FY 16/17 audited financial statements with any adjustments to become effective January 1, 2019, and

WHEREAS, Council approved the proposal for a mid-year rate review by Resolution No. 2018-242, and

WHEREAS, Geer Road Landfill is jointly owned by the City of Modesto and Stanislaus County, and closure and post closure costs and maintaining financial assurances for the life of a closed landfill are the responsibility of the owners of the landfill. In order to ensure enough funds are available for continued and future post closure costs, the following fees are necessary: $0.15 per household per month on residential rates, $0.36 per cubic yard per month on commercial rates, and $4.12 per pull on industrial rates, and

WHEREAS, as part of the Solid Waste Rate Study, an analysis was conducted to determine a methodology for charging for additional garbage and organics recycling containers. It was found that the actual cost of service for collection of an additional garbage container was $13 per month, and the actual cost of service for collection of an organics recycling container was $8 per month, and

WHEREAS, staff analyzed this and discussed this with the garbage collection companies, the decision was made to only charge the actual cost of service for each additional garbage container at $13 per month for residential collection services, and $8 per month for each additional organics recycling container for residential collection services, and

WHEREAS, in FY 96/97 the City of Modesto went to a solid waste collection system for residential customers of two 96-gallon containers; one for garbage and one for yard waste. At the rate review for July 1, 1996, by Resolution No. 96-375, Council
approved the Charges for Garbage Service rate sheet. The rate sheet specified that existing customers with 60-gallon containers prior to July 1, 1996 would pay the existing rates, however new sign-ups for service or changes to service after July 1, 1996 would be charged the standard container rate regardless of the size of container, and

WHEREAS, Resolution No. 96-375 was rescinded at the next rate review but the “grandfathered rates” remained on the newly approved rate sheet and have continued to remain on the Maximum Rate Schedule for Garbage Service since 1996, and

WHEREAS, during the Solid Waste Rate and Fee Study the validity of continuing this practice was put into question and staff committed to research this rate. During this research staff discovered that this rate was only intended to be a temporary way to assist existing customers through the transition of the new collection system and was not intended to remain in place for 22 years, and

WHEREAS, there are approximately 500 customers receiving the grandfathered rate, which is $24.41 per month, a difference of $9.50 from the current standard container rate, and

WHEREAS, staff is recommending all residential customers who have standard container service pay the same rate as set forth on Attachment A, pursuant to the intent of the original rate sheet in July 1996 and that there no longer be a grandfathered 60-gallon container rate, and

WHEREAS, in September 2007, under US EPA Region 9 grant the City implemented a voluntary commercial food waste pilot program. To encourage businesses to participate a 25% reduction off the Maximum Monthly Rates for Detachable Container services was approved. There were 24 businesses participating at that time. Currently, there are 15 businesses still receiving the 25% discount, and
WHEREAS, in 2015, State Assembly Bill 1826, the Mandatory Commercial Organics Recycling law, was passed requiring all businesses that produced eight yards of organic waste per week, and multi-family residences with five or more dwellings, recycle their organic waste. Each year the State has reduced the threshold as to who must comply with this law, and

WHEREAS, effective January 1, 2019, all businesses that produce four or more cubic yards of regular waste per week will have to recycling any organic waste they produce. This encompasses most of the City’s businesses with commercial bin service. Staff is therefore recommending due to this mandatory law, that the 25% discount off the Maximum Monthly Rates for Detachable Containers be discontinued, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended, and

WHEREAS, the fiscal impact related to the proposed adjustments for residential, commercial and industrial garbage and recycling services will increase revenue over the next six months to the Geer Road Landfill Fund by $102,000, the General Fund by $51,500, and the Streets Fund by $24,000.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Maximum Charges for Garbage Services, as attached hereto, marked Attachment A, dated January 1, 2019, and incorporated herein by reference. Said Maximum Charges for Garbage Service shall include all other services as stipulated in the Service Agreements and shall become effective retroactive to January 1, 2019, and shall remain in effect until revised or rescinded by Council.

BE IT FURTHER RESOLVED, that Resolution No. 2018-475 for the October 1,
2018 quarterly fuel adjustment is hereby rescinded effective January 1, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
MAXIMUM CHARGES FOR GARBAGE SERVICE - JANUARY 1, 2019

STANDARD CONTAINERS - Maximum Monthly Rate

Standard container service includes the following:
- 1 container for garbage and 1 container for organics recycling picked up once a week
- 2 bulky item collections per year by appointment
- City tree maintenance; collection & composting of green waste and forestry materials
- Removal of illegally dumped items in streets and alleys
- Drop off program for household hazardous waste

<table>
<thead>
<tr>
<th>Base Rate</th>
<th>$ 28.83</th>
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</thead>
<tbody>
<tr>
<td>Recycling Fee</td>
<td>$ 0.41</td>
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<tr>
<td>Green Waste Fee</td>
<td>$ 4.82</td>
</tr>
<tr>
<td>Carpenter Rd Landfill Fee</td>
<td>$ 0.50</td>
</tr>
<tr>
<td>Geer Rd Landfill Fee</td>
<td>$ 0.15</td>
</tr>
<tr>
<td><strong>MAXIMUM MONTHLY RATE</strong></td>
<td><strong>$ 34.71</strong></td>
</tr>
</tbody>
</table>

Additional Garbage Container - $13.00 each per month picked up once a week
Additional Organics Container - $8.00 each per month picked up once a week

*Containers must be placed in a location set forth in Section 5-5.111 of the MMC.

DETACHABLE CONTAINERS - Maximum Monthly Rate

Weekly rental for Detachable Containers shall not exceed the rate for 1 pick-up per week for each size container.

<table>
<thead>
<tr>
<th>Base Rate</th>
<th>$ 34.18</th>
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<tbody>
<tr>
<td>Recycling Fee</td>
<td>$ 0.97</td>
</tr>
<tr>
<td>Green Waste Fee</td>
<td>$ 9.45</td>
</tr>
<tr>
<td>Litter Abatement</td>
<td>$ 0.59</td>
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<tr>
<td>Carpenter Rd Landfill Fee</td>
<td>$ 0.95</td>
</tr>
<tr>
<td>Geer Rd Landfill Fee</td>
<td>$ 0.36</td>
</tr>
<tr>
<td><strong>MAXIMUM RATE 1 CU YD</strong></td>
<td><strong>$ 46.50</strong></td>
</tr>
</tbody>
</table>
**Residential and Commercial Fuel Component adjustments** - The fuel component is set annually as part of the base cost. It is reviewed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency and a fuel factor based on the hauler’s audited financials at annual rate review each year.

**DROP BOX CONTAINERS – Maximum Rate Per Pick-Up**
Actual disposal charges are paid and negotiated directly between the customer and the garbage company. The garbage company will provide up to 40CY Drop Box containers for stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of $15.64 per ton is added to the disposal charges.

<table>
<thead>
<tr>
<th>Base Rate</th>
<th>$ 373.81</th>
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<tbody>
<tr>
<td>Recycling Fee</td>
<td>$ 14.07</td>
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<tr>
<td>Carpenter Rd Landfill Fee</td>
<td>$ 13.79</td>
</tr>
<tr>
<td>Geer Rd Landfill Fee</td>
<td>$  4.12</td>
</tr>
<tr>
<td><strong>MAXIMUM RATE PER PICK-UP</strong></td>
<td>$ 405.79</td>
</tr>
</tbody>
</table>

**Rental Fees**
- $0.85 per day up to 7-day maximum rental
- $3.00 per day for boxes kept 7 or more days without servicing
- $10.00 per day for boxes kept 21 or more days without servicing
COMPACTORS – Maximum Monthly Rate

Front Loader Compactors

<table>
<thead>
<tr>
<th>Container Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>3 CY</td>
<td>$418.50</td>
</tr>
<tr>
<td>4 CY</td>
<td>$558.00</td>
</tr>
<tr>
<td>6 CY</td>
<td>$837.00</td>
</tr>
</tbody>
</table>

Roll-Off Compactors

- 6CY to 40CY
- Hospital waste compactors
- Washing compactor
- Disposal Charge

** AB939 Green Waste Diversion Fee

EXTRA PICKUPS

Standard containers or equivalent
Detachable containers

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.

DETACHABLE CONTAINER ONLY

<table>
<thead>
<tr>
<th>REPLACEMENT AND CLEANING SERVICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
</tr>
<tr>
<td>$10.12</td>
</tr>
</tbody>
</table>

NOTATION: Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-37


WHEREAS, the City requests authorization to utilize the services of retired annuitant John Bear on a part-time basis, and

WHEREAS, changes in the California Public Employee Retirement System (CalPERS), requires that a retiree serve a 180 day waiting period prior to being allowed to work for a CalPERS agency with the following exceptions, and

WHEREAS, pursuant to Government Code TITLE 1. DIVISION 7. MISCELLANEOUS [6000.-7598.] CHAPTER 21. Public Pension Retirement Plans 7522.56(f)(1-4), section 7522.56 (f)(1) serves as the applicable exception for this request: “The employer certifies the nature of this employment and that the appointment is necessary to fill a critically needed position before 180 days has passed and the appointment has been approved by a governing body of the employer in a public meeting. The appointment may not be placed on a consent calendar.”, and

WHEREAS, CalPERS Publication 33 stipulates certain conditions must all be met in order for an appointment to move forward. These conditions are:

1. Appointee has specialized skills needed to perform work of limited duration or the employment is needed during an emergency to prevent stoppage of public business.

2. Temporary employment will not exceed 960 hours in a fiscal year (July 1st through June 30th).
3. The compensation cannot exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal an hourly rate.

4. Retired annuitants cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate, and WHEREAS, John Bear has worked for the City of Modesto for 18 years and possesses the expertise and skills necessary to alleviate any disruption to the operations of the Animal Control Unit, and

WHEREAS, given the knowledge and history with the City of Modesto, John Bear will assist in critical functions with the Animal Control Unit until such a time as vacancies can be filled, and

WHEREAS, the compensation will be on an hourly basis within the pay schedule of employees performing comparable duties, and cannot exceed the maximum monthly base salary paid to those employees. It will be calculated by dividing the monthly base pay by 173.333 to equal an hourly rate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the use of retired employee, John Bear on a part-time, as needed basis, for the purposes of assisting in the oversight of the Animal Control Unit of the Modesto Police Department beginning February 5, 2019 through July 22, 2019.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, 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 OF SUPPORT FOR FURLOUGHE U.S. GOVERNMENT EMPLOYEES AND FEDERALLY FUNDED BUSINESSES PROVIDING THE CITY MANAGER AUTHORITY TO TEMPORARILY SUSPEND LATE FEES AND OTHER PENALTIES RESULTING FROM LATE PAYMENT OF UTILITY FEES TO THE CITY OF MODESTO

WHEREAS, it has recently come to the attention of the City Council, that certain U.S. Government employees who are currently furloughed, will not be receiving a second consecutive pay check, and some continue to work for free; and

WHEREAS, the City Council believed that a Federal solution to this critical issue would have been reached before the posting of the January 22, 2019 City Council Meeting Agenda, however, the City Council is presently informed that furloughed U.S. Government employees will continue to not be paid for the indefinite future; and

WHEREAS, the City Council recognizes that U.S. Government employees provide critical services within and in the surrounding areas of the City of Modesto; and

WHEREAS, the services provided to the City of Modesto by furloughed U.S. Government employees are of an essential nature, and are necessary to protect the health, safety, and welfare of all Modesto residents; and

WHEREAS, financial constraints placed upon furloughed U.S. Government employees, having not received two successive pay checks, may cause them to seek other employment; and

WHEREAS, the City of Modesto recognizes that furloughed U.S. Government employees are vital to providing the services that residents and businesses of the City of Modesto require; and
WHEREAS, the City of Modesto, as one of the City’s utility providers, possesses the authority to temporarily stay late fees and other penalties resulting from utility usage, and wishes to do so for furloughed U.S. Government employees and federally funded businesses.

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

1. The City Manager is hereby authorized and directed to establish a policy to temporarily suspend late fees and other penalties including interruptions of service resulting from late payment of utility fees to the City of Modesto, to the extent provided by the Modesto Municipal Code and Charter, for those current U.S. Government employees and that have been and remain furloughed or unpaid.

2. This resolution shall remain in effect until the earlier of: (i) revocation by the City Manager following the resolution of the current partial Federal Government shutdown; (ii) after sixty (60) days; or (iii) upon the revocation of this resolution by the City Council.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd day of January, 2019, by Councilmember Grewal,
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