RESOLUTION APPROVING A SECOND AMENDMENT TO THE RESTATED LEGAL SERVICES AGREEMENT WITH ARATA, SWINGLE, VAN EGMOND & GOODWIN IN THE AMOUNT OF $245,000, FOR A TOTAL NOT TO EXCEED AMOUNT OF $500,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, by Resolution No. 2014-241, Council approved an agreement with Arata, Swingle, Van Egmond & Goodwin, in the amount of $200,000 to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases; and

WHEREAS, on December 12, 2017, by Resolution No. 2017-500, Council approved a Restated Legal Services Agreement in the amount of $130,000; and

WHEREAS, on August 14, 2018, by Resolution No. 2018-328, Council approved a First Amendment to the Restated Legal Services Agreement in the amount of $125,000, for a total agreement amount of $255,000; and

WHEREAS, the City Attorney’s Office is still in need of outside counsel services; and

WHEREAS, the City Attorney’s office has drafted a Second Amendment to the Restated Legal Services agreement with Arata, Swingle, Van Egmond and Goodwin.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin, in the amount of $245,000, for a total amount not to exceed $500,000 to continue representing the City of Modesto in tort matters, as provided in Exhibit A attached hereto and incorporated herein, and further
authorizes the City Attorney to execute such agreement in a form substantially similar to Exhibit A.

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

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
SECOND AMENDMENT TO RESTATED LEGAL SERVICES AGREEMENT

This Second Amendment to the Restated Legal Services (this "Second Amendment"), is made and entered into on ______ day of _______ 2019 ("Effective Date"), by and between the CITY OF MODESTO, a California Municipal Corporation ("City"), and ARATA, SWINGLE, VAN EGMOND AND GOODWIN, a Professional Corporation ("Attorney"), located at 1207 I Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the "Parties," and singularly as "Party".

RECITALS

WHEREAS, City and Attorney entered into a Restated Legal Services Agreement ("Agreement") to provide legal advice, representation and assistance to City in defense of tort claims, as assigned; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Restated Agreement for further service by increasing the previously approved amount of fees from $255,000 to $500,000.

NOW, THEREFORE, it is hereby agreed that the Restated Legal Services Agreement between the City of Modesto and Arata, Swingle, Van Egmond and Goodwin dated December 12, 2017 authorized by Resolution No. 2017-500, amended by Resolution No. 2018-328 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

   "The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the "Service"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of five hundred thousand dollars ($500,000)."

2. Entire Agreement. The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 12, 2017, remain in full force and effect to the extent they are not in conflict with this Second Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Second Amendment. No alteration to the terms of this Second Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.
3. **Authority.** The person signing this Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates stated below.

**CITY OF MODESTO,**
A Municipal Corporation

By:______________________________

Print name: Joseph P. Lopez

Title: City Manager

**APPROVED TO AS FORM:**

By:________________________________
Adam U. Lindgren, City Attorney

**ATTEST:**

By:________________________________
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]
ATTORNEY:
ARATA, SWINGLE, VAN EGMOND & GOODWIN,
a Professional Corporation

______________________________

Federal I.D. No.

______________________________

State I.D. No.

______________________________


TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other *(please specify: ____________________)*

______________________________

Signature of Authorized Person

______________________________

Title

______________________________

Additional Signature *(if required)*

______________________________

Title
RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR HILLGLEN PARKS SUBDIVISION, LOCATED AT THE INTERSECTION OF HILLGLEN AVENUE AND CADEN DRIVE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER’S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, NHC Holdings, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land consisting of 10.56 acres being subdivided into 62 residential lots and 3 Landscaping lots situated in the City of Modesto, known as the Hillglen Parks Subdivision ("SUBDIVISION"), and

WHEREAS, the City Engineer has verified that all required Public Improvements for this project have been satisfactorily completed and all inspection fees have been paid, and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the Public Improvements, which includes the water main, sanitary sewer main, storm drainage facilities, landscape and irrigation, street trees, sidewalk and ADA ramps, streets, curbs and gutters, and street lights, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of $189,444 for SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of $189,444 for SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $170,869.16 for SUBDIVISION, and
WHEREAS, the developer has requested that the improvements be accepted and
the securities be released, and
WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said Public Improvements as complete and has certified that the work covered has been satisfactorily completed.

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

1. The said Public Improvements constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion.

2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond in the amount of $189,444 for SUBDIVISION, upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the Payment Bond in the amount of $189,444 for SUBDIVISION, sixty (60) days after recordation of the Notice of Completion, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the Warranty Bond in the amount of $170,869.16 for SUBDIVISION one year and one day after the effective date of this resolution, provided no claim is made thereon.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour, Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-58

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR LINCOLN PARKS SUBDIVISION, LOCATED IN VILLAGE ONE AT THE SOUTH-WEST CORNER OF THE INTERSECTION OF KODIAK DRIVE AND LINCOLN OAK DRIVE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Modesto Mable, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land consisting of 9.52 acres, being subdivided into 58 residential lots and 4 landscaping lots known as the Lincoln Park Subdivision ("SUBDIVISION"), and

WHEREAS, the City Engineer has verified that all required Public Improvements for this project have been satisfactorily completed and all inspection fees have been paid, and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the Public Improvements, which includes: water main, sanitary sewer main, storm drainage facilities, landscape and irrigation, street trees, sidewalk and ADA ramps, streets, curbs and gutters, and street lights, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of $1,051,231 for SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of $1,051,231 for SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $105,123 for SUBDIVISION, and
WHEREAS, the developer has requested that the improvements be accepted and the Bonds be released, and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said Public Improvements as complete and has certified that the work covered has been satisfactorily completed.

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

1. The said Public Improvements constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion.

2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond in the amount of $1,051,231 for SUBDIVISION, upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the Payment Bond in the amount of $1,051,231 for SUBDIVISION, sixty (60) days after recordation of the Notice of Completion, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the Warranty Bond in the amount of $105,123 for SUBDIVISION one year and one day after the effective date of this resolution, provided no claim is made thereon.
The foregoing resolution was introduced in a regular meeting of the Council of
the City of Modesto held on the 12th day of February, 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,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour, Zoslocki

ATTEST:  

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING 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 in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:    Councilmembers:    None

ABSENT:  Councilmembers:    Zoslocki

ATTEST:  StepHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  ADAM U. LINDGREN, City Attorney
EXHIBIT A
FISCAL YEAR 2018-19

UTILITIES

A budget adjustment in the amount of $905,000 is necessary to establish project #101152, Colorado S&R Water Mains, in the Water CIP Fund (Fund 4180). This project will provide funding to replace the existing water main along Colorado Avenue generally bounded by Pelton Avenue to the South, South Avenue to the North, Roselawn Avenue to the East and Sutter Avenue to the West. The water line will be installed as a part of the Sutter Trunk realignment project which will install a 16" trunk line down Colorado Avenue. The existing water main along Colorado in this area is an old 4" undersized steel main which is prone to leaking and low pressures. The project will replace the existing system with City Standard water mains, valves and hydrants to improve system reliability, flows and pressures.

A budget adjustment in the amount of $2,123,700 is necessary to establish project #101153, Well 68 GAC Treatment, in the Water CIP Fund (Fund 4180). This project will install a treatment system for the Del Rio Well 68. The treatment system will be located within the Tank and Well site. The City recently constructed and tested Well 68 with water quality testing performed by the City’s design consultants. As a result, the presence of dibromochloropropane (DBCP) was found. Subsequent testing determined the DBCP concentration was above the maximum contaminant level (MCL) and also detected was 123 trichlorpropane (TCP). In order to mitigate the two contaminants, a granular activates carbon (GAC) adsorption treatment facility will be required to be constructed at the Del Rio Tank 14, Pump Station and Well 68 site.

A budget adjustment in the amount of $1,085,000 is necessary to establish project #101154, Sutter Avenue S&R Water Mains, in the Water CIP Fund (Fund 4180). This project will provide funding to replace approximately 3,747 LF of aged existing water mains within Stanislaus County generally bounded by Sunset Avenue on the East, Rouse Ave to the North, Sutter Ave on the West, and Pelton Avenue on the South. Existing water mains in this area are old, undersized steel mains which are prone to leaking and low pressures. This project will replace the existing system with City standard water mains, valves and hydrants to improve system reliability, flows and pressures.

A budget adjustment in the amount of $438,000 is necessary to establish project #101155, Litt Road Gas Extension, in the Water CIP Fund (Fund 4180). The project is a critical path project as it will install the required PG&E & Comcast infrastructure to serve the newly Water Corporation Yard Project. The Water Corporation Yard is currently under construction with a completion date of October 3, 2019. The gas line will need to be installed prior to final completion of the Water Corporation Yard where it will be extended approximately 3,300 LF from Sylvan Avenue.

A budget adjustment in the amount of $490,000 is necessary to establish project #101156, Colorado Sewer Main, in the Wastewater Fund (Fund 4210). This project will construct sewer main improvements along Colorado as part of the overall the River Trunk Realignment project. Stanislaus County is pursuing grant funding to reimburse City for construction costs.
<table>
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<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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<td>Project #101154 Expenditures</td>
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<td>$1,085,000</td>
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<td>Project #101155 Expenditures</td>
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<td>4210</td>
<td>Sewer Operations Fund (Wastewater)</td>
<td>Project #101156 Expenditures</td>
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<td>$490,000</td>
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RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE MELLIS PARK IMPROVEMENTS PROJECT AND AWARDING THE BID AND A CONSTRUCTION CONTRACT TO ANV CONTRACTORS, INC. OF ATWATER, CA, IN THE AMOUNT OF $323,390 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CONTRACT

WHEREAS, the existing pavilion, constructed in 1996 out of large wooden cross beams, was designed to shade the picnic tables and provide a vibrant area for both large groups and families to enjoy the park, and

WHEREAS, after sustaining 25+ years of weathering, the structure is deteriorating and will soon requiring demolition or replacement, and

WHEREAS, due to the high popularity of the park as a picnic destination, staff proposes to replace the wooden beam shade structure with a lighter and more durable, metal design, and

WHEREAS, the newly designed structure will greatly increase ADA accessibility as well as provide longevity to the shade structure, and

WHEREAS, the Mellis Park renovation is one of the projects approved in the 2018/19 CIP budget, and

WHEREAS, the project was advertised for bids on December 21, 2018, and bids from 8 contractors were publically opened on January 22, 2019 pursuant to City Charter Section 1307, and

WHEREAS, ANV Contractors, Inc. of Atwater, CA, was the responsible bidder with the lowest responsive bid at 4.99% below the Engineer’s Estimate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Mellis Park Improvements
Project and awards the bid and a construction contract to ANV Contractors, Inc. of Atwater, CA, in the amount of $323,390.

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

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROJECT PROGRAM BUDGET FOR PROJECT #101147 – MELLIS PARK PICNIC AREA RENOVATION AS OUTLINED IN ATTACHMENT A AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in order to fund construction, contingency, construction administration, City construction forces, and design support during construction plus City staff support for the Mellis Park Improvements Project, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2018-2019 Capital Improvement Program Budget for Project #101147 – Mellis Park Picnic Area Renovation as outlined in Exhibit A, attached hereto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: ____________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

ADAM U. LINDGREN, City Attorney
Attachment A – Budget Adjustment for Capital Project 101147 (Public Facilities Improvements – Mellis Park Project Activity 1321)

Fund 3170 – Capital Grants – HUD CIP Projects:

**Expense:**

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<th>Description</th>
<th>Increase/Decrease</th>
<th>Revised Budget Total</th>
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**Revenues:**

No Change
RESOLUTION APPROVING A PAYMENT TO THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION FOR STATE AND LOCAL SALES TAX OF $415,687 FOR THE PURCHASE OF FIVE ELECTRIC BUSES AND ASSOCIATED COSTS, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO SUBMIT THE PAYMENT

WHEREAS, in October 2015, the California Air Resources Board (CARB) released a notice to grantees to implement and administer Zero-Emission Truck and Bus Pilot Commercial Deployment Projects under the Air Quality Improvement Program (AQIP) and Low Carbon Transportation Greenhouse Gas Reduction Fund (GGRF) Investments, and

WHEREAS, on January 26, 2016, by Resolution 2016-23, Council approved joining a multi-agency partnership to apply for grant funds under the CARB’s Zero-Emission Bus Deployment Project, and

WHEREAS, on June 28, 2016, by Resolution 2016-278, Council accepted the grant award from the San Joaquin Valley Air Pollution Control District (SJVAPCD), and

WHEREAS, on June 26, 2018, by Resolution 2018-273, Council approved a grant agreement with the San Joaquin Valley Air Pollution Control District for $4,016,188, and

WHEREAS, on September 4, 2018, by Resolution 2018-378, Council approved the agreement with Proterra Inc. for $5,278,559, and

WHEREAS, the total cost for the agreement is $5,694,246, and

WHEREAS, the sales tax was inadvertently omitted from the original authorization, and

WHEREAS, the funds have been previously budgeted.
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a payment to the California Department of Tax and Fee Administration, for state and local sales tax of $415,687 for the purchase of five electric buses and associated costs, and authorizing the Finance Director, or her designee, to submit the payment.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE FISCAL YEAR 2017-2018 SINGLE AUDIT REPORT FOR THE CITY OF MODESTO FROM EXTERNAL AUDITORS HUDSON HENDERSON & COMPANY, INC

WHEREAS, the City of Modesto Single Audit reports are federally mandated by the provisions of the Federal Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), which requires an audit to be conducted for any non-Federal entity that expends $750,000 or more a year in Federal awards, and

WHEREAS, this audit was conducted by the City’s external auditors, Hudson Henderson & Company, Inc., and the main objectives were to ensure a fair presentation of the basic financial statements and the schedule of expenditures of Federal awards, and to also audit the City’s internal controls and compliance with legal requirements, with special emphasis on internal controls and legal requirements involving the administration of federal awards expended during the fiscal year, and

WHEREAS, as part of the City’s Fiscal Year 2017-2018 Single Audit report, three audit findings were reported for the Department and Transportation and Housing Urban Development.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2017-2018 Single Audit report for the City of Modesto.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE AUDITED FINANCIAL STATEMENTS AND VARIOUS AUDIT REPORTS FOR FISCAL YEAR 2017-2018 AUDITED BY EXTERNAL AUDITORS HUDSON HENDERSON & COMPANY, INC. FOR THE CITY’S COMPREHENSIVE ANNUAL FINANCIAL REPORT, ELEVEN COMMUNITY FACILITIES DISTRICTS AND VARIOUS JOINT POWERS AGENCIES

WHEREAS, pursuant to Section 1306 of the Charter of the City of Modesto, the City Council shall employ an independent certified public accountant who, at least annually, shall audit the books and records of the City of Modesto, and submit a final audit and report to the City Council as soon as practicable after the end of the fiscal year and

WHEREAS, the accounting firm of Hudson Henderson & Company, Inc., has completed their audit of the City’s financial statements for the fiscal year ended June 30, 2018, and has provided its opinion on these financial statements based on that audit, and

WHEREAS, the independent auditors also audited financial statements of eleven Community Facilities Districts and various Joint Powers Agencies, as required by their respective enabling legislations, and for which the City of Modesto serves as the financial administrator, and

WHEREAS, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2017-2018 annual audit reports for the City of Modesto, Community Facilities Districts, and various Joint Powers Agencies, as listed 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 accepts the Fiscal Year 2017-2018 annual audit reports for the City of
Modesto and other Joint Power Agencies, as listed in Exhibit A, which is incorporated by reference herein.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-64

RESOLUTION ACCEPTING THE FISCAL YEAR 2017-2018 ANNUAL AUDIT REPORTS

EXHIBIT A

City of Modesto:
2. GANN Limit Report FY 2017-2018
3. Community Facilities District Number 1998-2 (Carver-Bangs/Pelandale-Snyder)
4. Community Facilities District Number 2000-2 (Coffee-Claratina)
5. Community Facilities District Number 1998-1 (Enterprise Business Park)
6. Community Facilities District Number 2003-1 (Fairview Village)
7. Community Facilities District Number 2007-2 (Kiernan Business Park West)
8. Community Facilities District Number 1997-1 (North Beyer Park)
9. Community Facilities District Number 2002-1 (Northpointe)
10. Community Facilities District Number 2004-1 (Village One #2)
11. Community Facilities District Number 1996-1 (Village One)
12. Community Facilities District Number 2016-2 (Kiernan Business Park East #2)
13. Community Facilities District Number 2007-1 (North Beyer #2)

Other Agencies:
14. Stanislaus Drug Enforcement Agency (SDEA)
15. Abandoned Vehicle Abatement (AVA)
17. Tuolumne River Regional Park (TRRP)
18. Transportation Development Agency (TDA)
19. Transportation Development Agency (TDA) National Transit Database (NTD)
   Reporting Forms
RESOLUTION APPROVING THE AUDITORS’ REPORTS AND SCHEDULE OF
PASSENGER FACILITY CHARGE REVENUES AND EXPENDITURES FOR
FISCAL YEAR ENDED JUNE 30, 2018, PREPARED BY EXTERNAL
AUDITORS HUDSON HENDERSON & COMPANY, INC

WHEREAS, pursuant to Section 1306 of the Charter of the City of Modesto, the City Council shall employ an independent certified public accountant who, at least annually, shall audit the books and records of the City of Modesto, and submit a final audit and report to the City Council as soon as practicable after the end of the fiscal year and

WHEREAS, the accounting firm of Hudson Henderson & Company, Inc. has completed its Auditors’ Report and Schedule of Passenger Facility Charge Revenues and Expenditures, and

WHEREAS, the independent audit is applicable to the City’s Passenger Facility Charge program at the Modesto City-County Airport for the year ending June 30, 2018, and

WHEREAS, as part of the Independent Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures, one audit finding was reported.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Independent Auditors’ Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2018 for the City of Modesto.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvoid

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
RESOLUTION APPROVING THE FISCAL YEAR 2018-19 MAINTENANCE OF EFFORT TO FUND BOTH MEASURE L AND THE ROAD REPAIR ACCOUNTABILITY ACT - ROAD MAINTENANCE AND REHABILITATION ACCOUNT AND AMENDING THE FISCAL YEAR 2018-19 OPERATING BUDGET IN THE AMOUNT OF $1,538,605 TO BE FUNDED WITH FISCAL YEAR 2017-18 GENERAL FUND CARRYOVER FUNDS

WHEREAS, on November 6, 2016, the County voters approved Measure L, enacting a half-cent sales tax for 25 years to fund transportation improvements, and

WHEREAS, Section 9.03.01 of Measure L includes a Maintenance of Effort (MOE) requirement whereby local jurisdictions must contribute no less than its three-year average of annual expenditures from its general fund during the prior three fiscal years, and

WHEREAS, On April 28, 2017, the Governor approved Senate Bill No. 1, known as the Road Repair and Accountability Act of 2017, and

WHEREAS, the Act establishes a new Road Maintenance and Rehabilitation Account and a percentage of this new funding will be apportioned to eligible cities and counties for basic road maintenance, rehabilitation, and critical safety projects on local streets and roads systems, and

WHEREAS, the Act requires a local agency to meet the MOE requirement in order to receive funding and states that a city must maintain general fund spending for street, road, and high purposes at no less than the average of 2009-10, 2010-11, and 2011-12 fiscal years, and

02/12/2019/Finance/KCulbertson/Item 14

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WHEREAS, the City has confirmed with Stanislaus Council of Governments (StanCOG) regarding the Measure L MOE and confirmed the required amount for FY 2018-19 is $243,000 to meet the MOE requirement, and

WHEREAS, the City has confirmed with the State Controller’s Office regarding the Road Repair Accountability Act-Road Maintenance and Rehabilitation Account MOE and confirmed the required amount for FY 2018-19 is $1,538,605 to meet the MOE requirement, and

WHEREAS, the Fiscal Year 2018-2019 Operating budget must be amended to appropriate and transfer $1,538,605 from FY 2017-18 General Fund carryover funds to meet both the Measure L and Road Repair Accountability Act-Road Maintenance and Rehabilitation Account Maintenance of Effort FY 2018-19 requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fiscal Year 2018-19 Maintenance of Effort to fund both Measure L and the Road Repair Accountability Act-Road Maintenance and Rehabilitation Account and amends the Fiscal Year 2018-19 operating budget to appropriate and transfer $1,538,605 from FY 2017-18 General Fund carryover funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A CITY CONTRIBUTION PLAN FOR THE AWESOME SPOT PLAYGROUND (TASP) IN THE AMOUNT OF $380,000

WHEREAS, in 1968 the plot of land located at 3700 Beyer Park Drive was purchased with the intent to develop a community park for the enjoyment of the community, and

WHEREAS, in 1976 Council approved the master plan and the development of Beyer Community Park began in 1978, and

WHEREAS, in 1986, the play equipment at Beyer Community Park was installed, and was used and enjoyed by the community for more than 30 years, and

WHEREAS, in 2017 the City determined that the equipment had become a safety hazard and must be removed for the protection of the public, and

WHEREAS, in 2015, the community members and staff began the planning and design of a playground that would be considered “inclusive,” and provide accessibility to people of all ages with a wide range of physical abilities to be able to play together side-by-side, and

WHEREAS, in March of 2016, by Resolution No. 2016-103, Council approved a Grant and License Agreement with Shane’s Inspiration for the design services related to the development of an inclusive playground at Beyer Community Park that has been since officially titled “The Awesome Spot Playground” (TASP), and

WHEREAS, on June 5, 2018, By Resolution 2018-191, Council approved an updated fiscal sponsorship agreement with Valley Mountain Regional Center (VMRC) to
act as the non-profit sponsor of the project, and fund raising for the project began in earnest, and

WHEREAS, to date The Awesome Spot Playground Team has in hand or committed funding of approximately $819,000, and

WHEREAS, in June of 2018, at the request of the TASP Team during the budget hearings, City Council recognized the value of this playground for our community and agreed to consider direct funding of the project from the General Fund carryover from FY17/18 once the final budget numbers were determined in fall 2018, and

WHEREAS, at Council’s request, each City department considered the most feasible and appropriate way to support TASP development and prepared a contribution plan that would sponsor TASP for a total not to exceed $380,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a City contribution plan for The Awesome Spot Playground (TASP) in the amount of $380,000.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM BUDGET FOR PROJECT #100984 – THE AWESOME SPOT PLAYGROUND IN BEYER PARK, IN AN AMOUNT NOT TO EXCEED $92,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, in June of 2018, during the budget hearings, City Council recognized the value of The Awesome Spot Playground to our community and agreed to consider direct funding of the project from the General Fund carryover from FY17/18 once the final budget numbers were determined in fall 2018, and

WHEREAS, at Council’s request, each City department considered the most feasible and appropriate way to support TASP development, and

WHEREAS, staff prepared a contribution plan that would sponsor TASP for a total not to exceed $380,000, and

WHEREAS, $288,000 of the approved City contribution is currently budgeted in FY18/19 or will be budgeted in the proposed FY19/20 operating budgets, and

WHEREAS, the Fiscal Year 2018/2019 Capital Improvement Program Budget for Project #100984 – The Awesome Spot Playground in Beyer Park, must be amended in an amount not to exceed $92,000 as outlined in Attachment A.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018/2019 Capital Improvement Program Budget for Project #100984 – The Awesome Spot Playground in Beyer Park, in an amount not to exceed $92,000.

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 in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
Attachment A

Budget Adjustment Transferring General Fund Carryover to Capital Project 100984 (Awesome Spot)

Fund 0100 - General Fund Carryover Transfer

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Fund 3130 – Parks Fund:

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</tbody>
</table>

<table>
<thead>
<tr>
<th>Expense:</th>
<th>Increase/ (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>To: Expense Task: Construction</td>
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</tr>
<tr>
<td>Total: $92,000</td>
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