MODESTO CITY COUNCIL
RESOLUTION NO. 2019-199

RESOLUTION APPROVING THE APPOINTMENT OF SAVANNAH WILLIAMS TO THE CITIZEN’S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE WITH A TERM EXPIRATION OF JANUARY 1, 2023

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

WHEREAS, Savannah Williams meets the requirements of the position and is willing to serve on the Citizens Housing and Community Development Committee, and

WHEREAS, the Appointments Committee met on April 11, 2019, and recommended appointment of Savannah Williams to the Citizens Housing and Community Development Committee.

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

1. Savannah Williams is hereby appointed to the Modesto Citizens Housing and Community Development Committee with a term expiration of January 1, 2023.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Citizens Housing and Community Development Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Madrigal, 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

(RIGHT HAND)

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE APPOINTMENT OF RACHEL HERNANDEZ
TO THE CITIZEN’S HOUSING AND COMMUNITY DEVELOPMENT
COMMITTEE WITH A TERM EXPIRATION OF JANUARY 1, 2023

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the
City Council to appoint members to various Boards and Commissions, and
WHEREAS, Rachel Hernandez meets the requirements of the position and is
willing to serve on the Citizens Housing and Community Development Committee, and
WHEREAS, the Appointments Committee met on April 11, 2019, and
recommended appointment of Rachel Hernandez to the Citizens Housing and Community
Development Committee.

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

1. Rachel Hernandez is hereby appointed to the Modesto Citizens Housing and
Community Development Committee with a term expiration of January 1, 2023.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the
appointed member of the Modesto Citizens Housing and Community Development
Committee.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of May, 2019, by Councilmember Madrigal, 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: _______________
STÉPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _______________
ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED BYLAWS FOR THE MODESTO CONVENTION AND VISITORS BUREAU

WHEREAS, the City desires to restore the CVB as an independent agency, and

WHEREAS, on December 4, 2018, by Resolution No. 2018-534, Council approved the Amended and Restated By-Laws, and

WHEREAS, on April 11, 2019, the Appointments Committee directed staff to amend the Bylaws and forward to the City Council for adoption, and

WHEREAS, the First Amendment to the Amended and Restated Bylaws have been developed and herein attached as “Exhibit A”.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Amended and Restated Bylaws for the Modesto Convention and Visitors Bureau, herein attached as Exhibit “A”.

2019/05/07/CED/JNarayan/Item 3 1 2019-201
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of May, 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, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
FIRST AMENDMENT TO THE AMENDED AND RESTATED BYLAWS OF MODESTO CONVENTION AND VISITORS BUREAU, INC.
A California Nonprofit Mutual Benefit Corporation

ARTICLE 1
NAME

The name of this corporation is: Modesto Convention and Visitors Bureau, Inc., (the “Corporation”).

ARTICLE 2
PURPOSE

The Corporation is a nonprofit mutual benefit corporation organized under the Nonprofit Mutual Benefit Corporation Law of California and shall be operated exclusively for non-profit trade or business development purposes within the meaning of Section 501(c)(6) of the Internal Revenue Code of 1986, as amended, and as set forth in the Articles of Incorporation. The specific purposes for which this Corporation was formed are: (1) To attract visitors to the area by promoting and marketing Modesto as a convention, sports, tourism, and leisure travel destination; (2) to provide coordination and leadership for the community and the visitor industry on matters relating to convention activity and tourism; (3) to gather community information designed to convey to opinion leaders and the public at large the status of the visitor industry; and (4) to work with local governmental agencies, private enterprise and other interested parties to structure suitable financing plans for the Corporation, and to implement those plans.

The Corporation shall be non-profit and non-partisan and shall neither participate in nor lend its support to the election of any candidate for public office.

ARTICLE 3
PRINCIPAL OFFICE

The principal office of the Corporation shall be located in the City of Modesto.

ARTICLE 4
MEMBERSHIP

The Board may provide for a manner in which individuals or businesses may become members of the Corporation, including the imposition of dues for such memberships. Any such program for membership shall be adopted by the Board by
resolution and shall not create “members” as that term is defined in California Corporations Code section 5056.

ARTICLE 5
DIRECTORS

Section 1. Initial Appointments to the Board of Directors.

The Board of Directors at the time of the adoption of these Bylaws consists of the City Council members of the City of Modesto. Subsequent to the adoption of these bylaws, that Board of Directors may appoint an entirely new Board, these appointments are referred to herein as the initial appointments to the Board of Directors, and shall consist of seven members who shall meet the qualifications and serve for a term as set forth below:

a. **Qualifications.** Each initial appointment to the Board of Directors shall be a resident of the City of Modesto or Stanislaus County, or an employee of a business located in the City of Modesto or its metropolitan area, however, at least a majority of the appointees must be residents of the City of Modesto. The appointments shall be selected so that the composition of the Board meets the following:

   i. Three Board members shall represent a major entertainment, restaurant, sports venue, or retail business or attraction in the City of Modesto and reside in Stanislaus County.

   ii. Two Board members shall represent the lodging industry within the City of Modesto and shall reside in Stanislaus County.

   iii. Two Board members shall be residents of the City of Modesto and may or may not be directly associated with the tourism, hospitality or entertainment industries, but shall have demonstrated an interest in the City.

b. **Term.** Three of the initial appointees to the Board of Directors shall serve until the January 1, following the date of their appointment and the remaining four shall serve until the following January 1. The term to be served by each initial appointee shall be determined by the Board of Directors making the appointment at the time of each such appointment. All subsequently appointed Board members shall meet the qualifications and serve on the Board as provided in the Sections below.
Section 2. Board of Directors – Appointment and Composition.

Appointments to the Board of Directors which are made after the initial appointments to the Board pursuant to Section 1., above, shall be made by a majority of the Board members. The Board of Directors shall consist of a minimum of seven (7) and a maximum of nine (9) Directors, as determined from time to time by the Board of Directors. No reduction in the number of Directors shall have the effect of removing a Director before his or her term expires.

Section 3. Qualifications.

Each Director shall be a resident of Stanislaus County, and shall be an owner or employee of a business located in the City of Modesto.

At least 50% of the Board members shall represent the hospitality industry including entertainment, attractions, food and beverage establishments, travel industry professionals, convention and meeting clients, and transportation representatives.

Section 4. Term of Office.

The term of office shall be set as of the first of January. Directors will be appointed for a term of two years and may serve a maximum of three consecutive terms. A director who has been appointed to fill an unexpired term of another director may, upon completion of that appointed term, serve three full, additional, two-year terms. Board members who have served three consecutive terms are eligible for re-appointment to the Board after a one year absence from the Board.

Section 5. Vacancies.

A vacancy on the Board shall exist on the occurrence of the following:

a. The resignation of any Director
b. The removal of any Director pursuant to Section 16, below
   c. The Director no longer meets the qualifications set forth in these Bylaws.

In the event of a vacancy, a replacement shall be appointed by a majority of the directors to serve the remainder of the term of the vacating Director.

Section 6. General Powers.

Subject to the provisions and limitations of the California Nonprofit Mutual Benefit Corporation Law, and any other applicable laws, the Corporation’s activities shall
be governed and managed, and all corporate powers shall be exercised by or under the Board’s direction.

Section 7. **Appointment of Chief Executive Officer.**

The Board has the power to appoint and remove, at the pleasure of the Board, the Chief Executive Officer (CEO), and to approve the compensation range and describe the powers and duties for that position.

Section 8. **Contracts.**

The Board may authorize any officer or officers to enter into any contract or execute and deliver any instrument on behalf of the Corporation and such authority may be general or confined to a specific instance.

Section 9. **Loans.**

No loans shall be contracted on behalf of the Corporation and no evidence of indebtedness shall be issued in its name unless authorized by resolution of the Corporation. The Corporation shall not lend any money or property to, or guarantee the obligation of, any Director or Officer of the Corporation.

Section 10. **Payment of Monies.**

All checks, drafts, and other orders of payment of money issued in the name of the Corporation within budget shall be signed by such officer or officers, agent or agents, and in such manner as shall be determined by resolution of the Board.

Section 11. **Deposits.**

All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such depositories as the Board may direct by resolution.

Section 12. **Meetings.**

The Board shall hold regular quarterly meetings in January, April, July, and October. The specific dates, times and location of these meetings shall be established from time to time by resolution of the Board. The agenda for each regular quarterly meeting shall include a fiscal report for the preceding quarter.

The Board may hold adjourned regular meetings at such additional times as may be designated by the Board.
Special meetings may be called by the Chair of the Board, or at the request of a third of the Directors.

Section 13.  Compensation.

The Board of Directors may establish a fee to be paid to directors for attendance at meetings. The amount of such fee shall not exceed $50.00 per meeting with a maximum of $50.00 per month, regardless of the number of meetings attended during the month, without the written approval of The City of Modesto. No director shall receive any other form of salary or compensation from the Corporation.

Section 14.  Agendas and Notice of Meetings.

Agendas for, and Notices of, regular and special meetings shall be prepared and given in the manner required by the Brown Act, found at California Government Code Section 54950 et seq.

Section 15.  Quorum and Voting.

A majority of Directors shall constitute a quorum for the transaction of business. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors unless the act of a greater number is required by statute, the Articles of Incorporation, or these Bylaws, in which case the act of such greater number shall be required to constitute the act of the Board. If a quorum is not present at any meeting, the Directors present may adjourn the meeting from time to time until a quorum shall be present.

Section 16.  Resignations and Removals.

a.  Resignation.  Any Member of the Board may resign from the Board or a committee at any time by giving notice to the Chair of the Board or the chair of the committee.

b.  Removal.  If any Member of the Board does not attend two consecutive meetings of the Board without the prior consent of the Chair of the Board, the Chair may remove such Member from his or her position on the Board subject to approval of a majority of the members of the Board of Directors. The Board of Directors may remove any member of any committee at any time with or without cause.
ARTICLE 6
OFFICERS

Section 1. Officers.

The officers of the Corporation shall be the Chair of the Board, the Vice-Chair of the Board, and the CEO. The Board may also appoint such other officers as the business of the Corporation may require.

Section 2. Election.

All officers, except the CEO, shall be elected by the Board from their own number and shall hold office for two years or until the end of their term, if their term ends prior to the expiration of two years and they are not reappointed to the Board.

Section 3. Positions and Responsibilities.

a. The Chair of the Board. The Chair of the Board shall: Preside at all meetings of the Directors; annually recommend to the Board of Directors a slate of committee chairpersons for appointment by the Board; and, perform such other duties as the Board of Directors shall from time to time designate. The Chair shall serve as an ex-officio member of all committees.

b. Vice-Chair.

The Vice-Chair of the Board shall, in the absence of the Chair, or in the event of his or her death, inability or refusal to act, assume the duties of the Chair. The Vice-Chair shall also perform such other duties as may be assigned by the Board of Directors.

c. Chief Executive Officer (CEO).

The CEO shall have general charge of the business of the Corporation and shall perform all duties delegated him or her by the Board of Directors.

ARTICLE 7
COMMITTEES

Section 1. The Executive Committee.

The Executive Committee will be comprised of the CEO, the Chair and Vice-Chair of the Board, two other members of the Board who are elected to the Executive Committee by majority vote of the Board and one member who is appointed by the City
of Modesto. The two members who are selected by the majority vote of the Board shall serve on the Committee for two years or until the end of their term on the Board, if their term ends prior to the expiration of two years and they are not reappointed to the Board. The term of the City appointee shall be determined by the City. The City appointee to the Committee shall be a non-voting member of the Committee but shall be entitled to participate fully in all Committee discussion.

The Executive Committee shall perform all duties delegated to it by the Board.

Section 2. Formation of Additional Committees.

The Board may establish other standing or ad hoc committees, in addition to the Executive Committee, as it determines from time to time, by resolution of the Board. The Chair of each such committee shall be selected by a majority of the Board. Committee members shall be appointed by a majority of the Board unless such appointment has been delegated by the Board to the Chair.

ARTICLE 8
FISCAL YEAR

The fiscal year of the Corporation shall be the calendar year July 1 through June 30.

ARTICLE 9
RECORDS AND REPORTS

Section 1. Records.

The Corporation shall keep adequate and correct books and records of accounts and minutes of the proceedings of the Board and committees. The minutes shall be placed in the minute book of the Corporation with copies sent to the City of Modesto upon approval of minutes by the Board. The Articles of Incorporation and Bylaws of the Corporation, with amendments to current dates, shall also be maintained at the principal office of the Corporation.

Section 2. Budget, Business Plan and Marketing Plan.

No later than June 1 of each year, the Corporation shall provide the City of Modesto with a proposed written Budget, Business and Marketing Plan for the next fiscal year.

Section 3. Annual Report.
The Board shall cause an annual report to be prepared at the end of each fiscal year. The report shall contain all of the information required by California Corporations Code Section 8321.

ARTICLE 10
LIABILITY AND INDEMNIFICATION

Section 1. Liability.

To the fullest extent allowed by law, there shall be no monetary liability and no cause of action for damages shall arise against any nonpaid Director, including a nonpaid Director who is serving as a nonpaid Officer or committee member of the Corporation.

Section 2. Contracts with Directors and Officers.

No Director of this Corporation, nor any person or entity in which a Director has a material financial interest, shall be interested directly or indirectly, in any contract of other transaction with the Corporation, unless the material facts regarding the Director’s financial interest are fully disclosed to the Board before consideration of the contract or transaction, are noted in the minutes, and are approved in good faith by a majority of the Board by a vote sufficient for that purpose without the vote of the interested Director.

Section 3. Indemnity.

To the fullest extent permitted by law, the Corporation shall indemnify the Directors and Officers, employees and other persons described in California Corporations Code Section 7237(a), including persons formerly occupying any such positions, against all expenses, judgments, fines, settlements, and other amounts actually and reasonable incurred by them in connection with any proceeding, as that term is used that section. For purposes of this Section, “expenses” shall have the meaning set forth in Section 7237.

On written request to the Board by any person seeking indemnification under Corporations Code Section 7237, the Board shall promptly decide under Section 7237(e) whether the applicable standard of conduct has been met and, if so, the Board shall authorize indemnification.

Section 4. Insurance.

The corporation shall have the right to purchase and maintain insurance to the fullest extent permitted by law on behalf of its Directors, Officers, employees and other
agents, to cover any liability asserted against or incurred by any Director, Officer, employee or agents in such capacity or arising from their status as such.

ARTICLE 11
AMENDMENTS

These bylaws may be amended at any meeting of the Board by a vote of a majority of the Board, except that any provision of the Bylaws which provides a requirement that the Corporation give a notice to, or obtain permission for an action from, the City of Modesto, may not be amended without the prior written approval of the City of Modesto.

3080139.1
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-202

RESOLUTION APPOINTING DENISE CROSBY, THOMAS LOPES, RODNEY CORDOVA, PERVEZ KHAN, BEHZAD (BERT) TABRIZI, LEE LUNDRIGAN, VICKEY CHU-HERMIS, CHRIS MURPHY, AND ATHINODOROS (THEO) CHRONIS TO THE MODESTO CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS

WHEREAS, the City has worked to restore the Convention and Visitors Bureau (CVB) as an independent agency, and

WHEREAS, in June 2018, by Resolution No. 2018-189, the Mayor and City Council were named as the Interim Board of Directors (BOD) of the CVB, and

WHEREAS, in December 2018, by Resolution NO. 2018-534, Council adopted the Amended and Restated Bylaws for the CVB, and

WHEREAS, on May 7, 2019, by Resolution No. 2019-201, Council adopted the First Amendment to the Amended and Restated Bylaws for the CVB (CVB Bylaws), and

WHEREAS, the CVB Bylaws define the eligibility requirements for the CVB BOD, and

WHEREAS, the BOD shall consist of a minimum of seven and a maximum of nine Directors, and

WHEREAS, Directors shall be a resident of the City of Modesto, Stanislaus County or an employee of a business located in the City of Modesto or its metropolitan area, with a majority of the appointees residing in Modesto, and

WHEREAS, at least 50% of the BOD shall represent the hospitality industry including entertainment, attractions, food and beverage establishments, travel industry professionals, convention and meeting clients, and transportation representatives, and
WHEREAS, the minimum BOD shall be composed of three members representing a major entertainment, restaurant, sports venue, retail business, or attraction; three members representing the lodging industry; and three members representing residents of City of Modesto who may or may not be directly associated with the tourism, hospitality or entertainment industries, but shall have demonstrated an interest in the City, and

WHEREAS, Directors will be appointed to serve until January 1, 2020 or the following January 1st, and may serve a total of three two-year terms, and

WHEREAS, on April 11, 2019, the Appointments Committee (Committee) recommended making appointments for nine Directors, and

WHEREAS, the Committee recommended the appointments of Denise Crosby, Rodney Cordova, Behzad (Bert) Tabrizi, Vickey Chu-Hermis, and Anthinodoros (Theo) Chronis to the CVB BOD for the term of May 8, 2019 to January 1, 2021, and

WHEREAS, the Committee recommended the appointments of Thomas Lopes, Pervez Khan, Lee Lundrigan, and Chris Murphy to the CVB BOD for the term of May 8, 2019 and to January 1, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Denise Crosby, Rodney Cordova, Behzad (Bert) Tabrizi, Vickey Chu-Hermis, and Anthinodoros (Theo) Chronis to the Modesto Convention and Visitors Bureau Board of Directors for the term of May 8, 2019 to January 1, 2021.

BE IT FURTHER RESOLVED that it hereby appoints Thomas Lopes, Pervez Khan, Lee Lundrigan, and Chris Murphy to the Modesto Convention and Visitors Bureau Board of Directors for the term of May 8, 2019 to January 1, 2020.
BE IT FURTHER RESOLVED that these appointments are made concurrently with the Council’s adoption of the 2019 Amended and Restated Bylaws for the Convention and Visitors Bureau on May 7, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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: 

STEPHANIE LOPEZ, City Clerk

(S 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 7th day of May, 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 votes:

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
COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment is necessary to recognize unbudgeted revenue in the amount of $85,000 from the Federal Highway Administration (DOT) for Project #100586 – 7th Street Bridge at Tuolumne River and amend the Eng/Design/Administration expense task. Additionally, the Local Match expense task in the project is being increased by $155,100 for the City's portion of match with Stanislaus County on the project. This increase in expense budget will be taken from Streets Capital Facility Fee Fund (3410) reserves.

HUMAN RESOURCES

A budget adjustment in the amount of $64,000 is needed to increase the "Interfund Charges - Service Credit Labor Charges" (45004) revenue account and increase the "Budget Only – Salary Adjustment – Increase" (51400) and "Budget Only – Benefit Adjustment – Increase" (51900) expense accounts by $64,000 to fully fund the Safety Officer position in the Insurance Administration Fund (5310), as approved by Council on July 10th, 2018 (Reso 2018-283). The Safety Officer position is half funded by the Insurance Administration Fund and half funded via direct charge agreements with public works and the utility funds. The item approved by Council on July 10th, 2018 did not include a fiscal resolution to allow the necessary $64,000 budget adjustments to fully fund the Safety Officer position or recoup half of the position’s expense from public works and the utility funds.

A budget adjustment in the amount of $500,000 is needed in the Workers Compensation Fund (5320) to cover unbudgeted claim payments for the remainder of FY2018-19. The funds for this increase will come from the Workers Compensation Fund Reserves.
HUMAN RESOURCES (CONT.)

A budget adjustment in the amount of $113,928 is needed to establish a transfer from the various funds listed in the table below to the Health (5360) Dental (5350) EAP (5380) and Vision (5390) Insurance Funds to account for previously uncollected employer dental, medical, EAP and vision contributions for periods of the time when an employee was on protected leave, from calendar year 2012 through June 2018.

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<th>Fund</th>
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<tr>
<td>0100 - General Fund</td>
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<td>1700 - Surface Transportation Fund</td>
<td>$5,814</td>
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<td>3220 - Infrastructure Financing Program Administration</td>
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<td>4100 - Water Fund</td>
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<td>4210 - Sewer Operations Fund</td>
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<td>4480 - Storm Drainage Fund</td>
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<td>4540 - Bus Fixed Route Max Operations Fund</td>
<td>$8,467</td>
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<tr>
<td>4890 - Compost Fund</td>
<td>$510</td>
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<td>4891 - Solid Waste Fund</td>
<td>$3,135</td>
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<td>4892 - Green Waste Fund</td>
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<td>5310 - Insurance - Administration Fund</td>
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<td>5400 - Fleet Management Fund</td>
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<td>5520 - Employee Benefits Administration Fund</td>
<td>$1,538</td>
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<td>5800 - P/R Building Services Fund</td>
<td>$46</td>
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<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$113,928</strong></td>
</tr>
</tbody>
</table>

POLICE DEPARTMENT

A budget adjustment is necessary to 1) recognize $50,000 in unbudgeted revenue in the Citation Processing Cost Center (19440) in the Parking Fines account within the Modesto Police Department, and reallocate $26,000 to the Services City Forces Non Labor expense account for increased costs related to a Direct Charge Agreement between the Finance Department and the Modesto Police Department; 2) Increase the Finance Department Citation Processing Cost Center (12450) Interfund – Admin Cost Non-Labor Direct Charge Agreement revenue and Criminal Justice Mandatory Fees expense account by $26,000. The increase in expense and revenue is a result of an increase in Parking Citation issuances.

PUBLIC WORKS

A budget adjustment is necessary to increase the Fleet Management Fund (5400) revenue (vehicle and equipment maintenance-Interfund account) and expense (professional services account) budget by $193,665 due to the increase in City vehicle and equipment rentals. As part of the new rental policy and to allow for more appropriate tracking of rentals, all expenses related to equipment and vehicle rentals are incurred within the Fleet Management Fund and are offset with revenue collected through the Fleet monthly O&M billing.
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
CLAUS ROAD PAVEMENT REHABILITATION – PHASE II PROJECT,
ACCEPTING THE BID, AND AWARDING A CONTRACT TO DSS COMPANY,
DBA KNIFE RIVER CONSTRUCTION, OF STOCKTON, CALIFORNIA, IN
THE AMOUNT OF $1,036,423 AND AUTHORIZING THE CITY MANAGER, OR
HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Claus Road
Pavement Rehabilitation – Phase II project, and City staff recommends approval by the
City Council, and

WHEREAS, the bids received for the Claus Road Pavement Rehabilitation –
Phase II Project were publicly opened at 11:00 a.m. on April 2, 2019, and later tabulated
by the Director of Community and Economic Development for the consideration of
Council, and

WHEREAS, the Director of Community and Economic Development has
recommended that the bid of $1,036,423 received from DSS Company, dba Knife River
Construction, of Stockton, CA be accepted as the lowest responsible and responsive bid
and the contract be awarded to DSS Company, dba Knife River Construction, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all
purchases, which meet or exceed $50,000 for material, equipment or contractual services
to follow the formal bid procedures. An award of $1,036,423 and agreement for
construction for Community and Economic Development Department to use DSS
Company, dba Knife River Construction, Stockton, CA, conforms to the Modesto
Municipal Code because the City complied with the formal bid procedures and DSS
Company, dba Knife River Construction, was the lowest responsive bidder.
NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Claus Road Pavement Rehabilitation – Phase II project, accepts the bid of DSS Company, dba Knife River Construction, of Stockton, CA, in the amount of $1,036,423 and awards DSS Company, dba Knife River Construction the contract for the Claus Road Pavement Rehabilitation – Phase II project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, 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 AUTHORIZING THE DIRECTOR OF UTILITIES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $103,643 (10% OF THE ORIGINAL CONTRACT PRICE) FOR THE CLAUS ROAD PAVEMENT REHABILITATION – PHASE II PROJECT

WHEREAS, the Claus Road Pavement Rehabilitation – Phase II project bids were publicly opened on April 2, 2019, and DSS Company, dba Knife River Construction, of Stockton California was the apparent low bidder with the amount of $1,036,423, and

WHEREAS, the contingency cost for the Claus Road Pavement Rehabilitation – Phase II project is estimated to be $103,643 10% of the original contract price, an amount which exceeds the Director’s authority for the project as enacted by Council Resolution No. 94-443 on July 19, 1994.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to approve change orders up to the cumulative amount of $103,643 (10% of the original contract price).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AMENDED AND RESTATED MEMORANDUM OF AGREEMENT WITH STANISLAUS COUNTY FOR THE PRELIMINARY ENGINEERING AND FINAL DESIGN PHASE OF THE 7TH STREET BRIDGE PROJECT IN AN AMOUNT NOT TO EXCEED $344,500 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF AGREEMENT

WHEREAS, the 7th Street Bridge at the Tuolumne River was built in 1916 and has a sufficiency rating of 2 on a scale of 1 of 100, with 100 being the best, and

WHEREAS, the bridge is listed as Structurally Deficient on the Caltrans Structures Maintenance and Investigation Local Bridge List, and

WHEREAS, the bridge requires reconstruction or replacement to meet standards for seismic events, and

WHEREAS, on April 5, 2011, by Resolution No. 2011-113, Council approved a Memorandum of Agreement (MOA) to facilitate the cooperation between the City of Modesto and Stanislaus County for the construction of the 7th Street Bridge, and

WHEREAS, the MOA obligated the parties to split costs for project planning throughout the Preliminary Engineering Phase (50% City and 50% County) with the intent to create a separate MOA for the Right-of-Way and Utility Relocation Phase and the Construction Phase of the project, and

WHEREAS, Preliminary Engineering is anticipated to be completed by July 2019 and Stanislaus County desires to move forward with developing project Plans, Specifications and Estimates (PS&E), and

WHEREAS, although not clearly indicated, it has been determined that the intent of the MOA was to include PS&E in the future.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amended and Restated Memorandum of Agreement with
Stanislaus County for the Preliminary Engineering and Final Design Phase of the 7th Street Bridge Project in an amount not to exceed $344,500.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Amended and Restated Memorandum of Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, 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 INSTALLATION OF A FIXED, PERMANENT COMMUNITY IDENTIFIER SIGN WITH THE CONSTRUCTION CONTRACT FOR THE SR-132 FREEWAY/EXPRESSWAY PHASE 1 PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS AND COOPERATIVE AGREEMENTS NECESSARY FOR THIS INSTALLATION AND MAINTENANCE

WHEREAS, the purpose of the State Route (SR) 132 West Freeway/Expressway - Phase 1 Project (PROJECT) is to improve regional and interregional circulation, relieve traffic congestion along existing SR132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, Phase 1 of the PROJECT is approximately four miles in length and will replace the existing 2-lane highway segment of SR132 along Maze Boulevard from SR99 to Dakota Avenue, and

WHEREAS, the Community Identifier resides on State of California property and within State of California right of way of the PROJECT, and

WHEREAS, the Community Identifier resides within the jurisdiction of lands of the County of Stanislaus within the State of California, and

WHEREAS, the City of Modesto will perform the maintenance of the Community Identifier on behalf of the County per a future SR-132 Freeway Maintenance Agreement between Caltrans and Stanislaus County, and

WHEREAS, the Community Identifier Sign was presented to the public at community meetings held on September 27, 2018 and November 8, 2018, and

WHEREAS, the proposed lifespan of the Project is 100 years, and
WHEREAS, the City of Modesto agrees to ensure maintenance of the Community Identifier, including timely graffiti removal/repair and removal (or restoration) at the end of its life span.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the installation of a fixed, permanent Community Identifier Sign with the construction contract for the State Route 132 Freeway/Expressway Phase 1 Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute all documents and cooperative agreements necessary for this installation and maintenance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH DOKKEN ENGINEERING, FOR PROFESSIONAL DESIGN SERVICES FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT BY $144,422 FROM $7,344,096 TO A TOTAL AMOUNT OF $7,488,518, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND 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, 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 January 22, 2019, by Resolution No. 2019-01, Council approved a First Amendment to the agreement with Dokken in the amount of $344,096, for a total contract amount of $7,488,518, and

WHEREAS, on April 16, 2019, Dokken Engineering submitted to the City a budget augmentation for additional tasks in the amount of $144,422, for a total contract amount of $7,488,518, and

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

Task 7.1: Bid Support (Hourly)
Task 17.1: Preparation and Caltrans Approval of Paleo Plan (Hourly)
Task 18.1: Bird Nesting Surveys for Tree Removals (Hourly)
Task 19.1: Foundation Investigation for 2 MID Poles (Hourly)

Task 20.1: On-Site Electrical Modifications (Hourly)

Task 20.2: Site Visit (Hourly)

Task 20.3: Building Demolition Sheet (Hourly)

Task 21.1: Coordination/Administration (Hourly)

Task 22.1: Revise Custom Design of 54” Sewer Vaults (Hourly)

Task 23.1: Fairy Shrimp Identification and Documentation (Hourly)

Task 23.2: Raptor and Burrowing Owl Survey (Pre-construction) (Hourly)

Task 24.1: Prepare Freeway Agreement Exhibit for SR-99 (Hourly)

WHEREAS, as Dokken Engineering has nearly completed the previously identified scope of services, a Second Amendment to the Dokken Engineering Agreement is needed to increase the contract by a total of $144,422.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment increasing the agreement amount with Dokken Engineering, for professional design services for the State Route 132 West Freeway/Expressway - Phase 1 Project by $144,422 from $7,344,096 to a total amount of $7,488,518.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Second 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 7th day of May, 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, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

BY: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-209

RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #100614 IN THE AMOUNT OF $144,422 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, by Resolution No. 2017-175, Council 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, 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 January 22, 2019, by Resolution No. 2019-01, Council approved a First Amendment to the agreement with Dokken in the amount of $344,096, for a total contract amount of $7,344,096, and

WHEREAS, on April 16, 2019, Dokken Engineering submitted to the City a budget augmentation for additional tasks in the amount of $144,422, for a total contract amount of $7,488,518, and
WHEREAS, as Dokken Engineering has nearly completed the previously identified scope of services, a Second Amendment to the Dokken Engineering Agreement is needed to increase the contract by a total of $144,422, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget needs to be amended by $144,422 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.

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 $144,422 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 7th day of May, 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, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-210

RESOLUTION APPROVING AN AGREEMENT WITH FLEET TIRE INC. DBA BRANNON TIRE, STOCKTON, CA FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS FOR AN ANNUAL COST NOT TO EXCEED $88,920 AND A TOTAL AMOUNT NOT TO EXCEED $444,600 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Council approved a purchasing agreement with Brannon Tires, Stockton, CA for the furnishing of tire recapping, flat repairs, tire mounting and balancing for the City’s Fleet of Vehicles; and

WHEREAS, and due to changes in the market conditions and continuous increasing prices for services and labor Brannon Tire officially notified the Purchasing Division that they would be terminating Agreement #84247 effective November 15, 2018; and

WHEREAS, Public Works, Fleet Division has an ongoing need for an hourly tire service for heavy and light duty work that current Fleet staff is unable to perform; and

WHEREAS, On March 26, 2019 Bids were formally opened with the City Clerk’s Office; and

WHEREAS, seven vendors downloaded the RFB, two vendors responded, one of which was a local vendor; and

WHEREAS, one vendor was considered non-responsive for not returning mandatory forms as outlined in the RFB, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to follow formal bid procedures; and
WHEREAS, the award of RFB 1819-30 for On-Site Tire Technician conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Fleet Tire Inc. dba Brannon Tire was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and agreement for an On-Site Tire Technician to Fleet Tire Inc., dba Brannon Tire, Stockton, CA for a two year agreement with three one-year extension options for an annual cost not to exceed $88,920 and a total amount not to exceed $444,600 over five years.

BE IT FURTHER RESOLVED, the City Manager, or his designee, to execute an 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 7th day of May, 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, 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 PURCHASE OF ONE 3/4 TON PICKUP TRUCK WITH SPECIFIC CONFIGURATIONS TO TOWNE FORD, REDWOOD CITY, CA FOR A TOTAL AMOUNT NOT TO EXCEED $28,974 AND TWO 3/4 TON PICKUP TRUCKS WITH SPECIFIC CONFIGURATIONS TO AMERICAN CHEVROLET, MODESTO, CA FOR A TOTAL AMOUNT NOT TO EXCEED $65,746, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, all three 3/4 ton pickup truck replacements will be used by the Wastewater Division; and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various departments; and

WHEREAS, on January 29, 2019 the Purchasing Division issued RFB 1819-358 for the purchase of three 3/4 ton pickup trucks with specific configurations on the City’s website; and

WHEREAS, on February 26, 2019 bids were formally opened in the City Clerk’s Office; and

WHEREAS, eleven companies downloaded the RFB, two vendors responded, one of which was a local vendor; and

WHEREAS, both bids were responsive and responsible; and

WHEREAS, under the two specific configurations for this bid the first vehicle configuration for one 3/4 ton regular cab long bed pickup one bidder responded and was lowest bidder; and

WHEREAS, the second vehicle configuration for two 3/4 ton extended cab short bed pickup one bidder responded and lowest bidder; and
WHEREAS, based on overall lowest responsive and responsible bids staff recommends awarding one ¾ ton regular cab long bed pickup to Towne Ford, Redwood City, CA; and

WHEREAS, based on overall lowest responsive and responsible bids staff recommends awarding two ¾ ton extended cab short bed pickups to American Chevrolet, Modesto, CA; and

WHEREAS, sufficient funds for three ¾ ton pickup trucks have been encumbered in the Fleet Replacement Fund: 5409.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the purchase of one 3/4 ton pickup truck to Towne Ford, Redwood City, CA and two 3/4 ton pickup trucks to American Chevrolet, Modesto, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager or her designee is hereby authorized to issue a purchase order for an estimated total cost $94,720.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, 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 ONE-TIME PURCHASE WITH MUNICIPAL MAINTENANCE EQUIPMENT (MME), SACRAMENTO, CA BY UTILIZING “PIGGYBACKING” UNDER THE COMPETITIVE BID PROCESS WITH NATIONAL JOINT POWERS ALLIANCE (NJPA), FOR SEWER VACUUM, HYDRO-EXCAVATION, AND STREET SWEEPER EQUIPMENT WITH RELATED ACCESSORIES AND SUPPLIES FOR A TOTAL AMOUNT NOT TO EXCEED $455,917, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER.

WHEREAS, sewer vacuum, hydro-exCAvation and street sweeper equipment with related accessories and supplies are replacement units and will be used by the Water Construction Division; and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various departments; and

WHEREAS, the hydro-excavator has the capacity to clean up large water leaks in emergency situations and is used to excavate around buried utilities such; and

WHEREAS, in reviewing the National Joint Powers Alliance (NJPA)/Sourcewell Request for Proposals (RFP) for Sewer Vacuum, Hydro-Excavation and Street Sweeper Equipment with Related Accessories and Supplies; and

WHEREAS, on December 21, 2017 thirty proposals were formally opened; and

WHEREAS, thirteen vendors were awarded contracts; and

WHEREAS, Modesto Municipal Code authorizes entities to rely on terms that have already been competitively bid “piggybacking” in certain situations; based on the review of the bidding process for National Joint Powers Alliance (NJPA)/Sourcewell, the City will “piggybacking” on their bid; and

WHEREAS, the Purchasing Manager has determined, pursuant to Section 8-3.204(d) of the MMC, that the process other than the formal bid procedure set forth in
Section 8-3.201 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, sufficient funds for Vac-Con Combination Sewer and Storm Drain Cleaner have been encumbered in the Fleet Replacement Fund 5409.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase agreement with Municipal Maintenance Equipment (MME) Sacramento, CA for the purchase of one Vac-Con Hydro-Excavation Combination Sewer and Storm Drain Cleaner.

BE IT FURTHER RESOLVED, that the Purchasing Manager or her designee is hereby authorized to issue a purchase order for an estimated cost of $455,917.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-213

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
DECLARING ITS INTENTION TO ESTABLISH THE MODESTO TOURISM
MARKETING DISTRICT (MTMD) AND FIXING THE TIME AND PLACE OF A
PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING
NOTICE THEREOF

WHEREAS, the Property and Business Improvement Law of 1994, Streets and
Highways Code § 36600 et seq., authorizes the City to establish business improvement
districts for the purposes of promoting tourism; and

WHEREAS, Modesto Convention and Visitors Bureau, lodging business owners,
and representatives from the City of Modesto have met to consider the formation of the
MTMD; and

WHEREAS, the Modesto Convention and Visitors Bureau has drafted a
Management District Plan (Plan) which sets forth the proposed boundary of the MTMD,
a service plan and budget, and a proposed means of governance; and

WHEREAS, lodging business who will pay more than fifty percent (50%) of the
assessment under the MTMD have petitioned the City Council to establish the MTMD.

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

1. The recitals set forth herein are true and correct.

2. The City Council finds that lodging businesses that will pay more than
fifty percent (50%) of the assessment proposed in the Plan have signed
and submitted petitions in support of the formation of the MTMD. The
City Council accepts the petitions and adopts this Resolution of Intention
to establish the MTMD and to levy an assessment on certain lodging
businesses within the MTMD boundaries in accordance with the Property
3. The City Council finds that the Plan satisfies all requirements of Streets and Highways Code §36622.

4. The City Council declares its intention to establish the MTMD and to levy and collect assessments on lodging businesses within the MTMD boundaries pursuant to the Property and Business Improvement District Law of 1994.

5. The MTMD shall include all lodging businesses located within the boundaries of City of Modesto, as shown in the map attached as Exhibit A.

6. The name of the district shall be Modesto Tourism Marketing District (MTMD).

7. The annual assessment rate is one percent (1%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than twenty-seven (27) consecutive days; stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty; stays by any officer or employee of the United States Government, or of a federal credit union, or of a state, county, city or other domestic public entity who pays rent in the discharge of official government business; stays by any officer or employee of a bank or insurance company who pays rent in the discharge of official bank or insurance company business; and stays pursuant to contracts executed prior to August 1, 2019. During the four (4) years and eleven (11) month term, the total assessment rate may be increased by the Owners’ Association up to a maximum of two percent (2%) of gross short-term rental revenue. The increase in any year shall not exceed one-half of one percent (0.50%) of gross room rental revenue.

8. The assessments levied for the MTMD shall be applied toward sales and marketing programs to market assessed lodging businesses in Modesto as tourist, meeting, and event destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which MTMD assessments are levied as long as they are used consistent with the requirements of this resolution and the Plan.

9. The proposed MTMD will have a four (4) year and eleven (11) month term, beginning August 1, 2019 through June 30, 2024, unless renewed pursuant to Streets and Highways Code §36660.

10. Bonds shall not be issued.

11. The time and place for the public meeting to hear testimony on establishing the MTMD and levying assessments are set for June 11, 2019,
EXHIBIT A
District Boundaries

Modesto TMD

TMD Boundaries

CIVITAS
at 5:30 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 1010 10th Street, Modesto CA 95354.

12. The time and place for the public hearing to establish the MTMD and the levy of assessments are set for June 25, 2019, at 5:30 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 1010 10th Street, Modesto CA 95354. The City Clerk is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code § 36623, no later than May 8, 2019.

13. At the public meeting and hearing the testimony of all interested persons for or against the establishment of the MTMD may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the proposed MTMD that will pay more than fifty percent (50%) of the estimated total assessment of the entire MTMD, no further proceedings to establish the MTMD shall occur for a period of one (1) year.

14. The complete Plan is on file with the City Clerk and may be reviewed upon request.

15. This resolution shall take effect immediately upon its adoption by the City Council.
The foregoing resolution was introduced and adopted at a regular meeting of the City Council held on the 7th day of May, 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: Council Members: Ah You, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Council Members: None

ABSENT: Council Members: Grewal, Ridenour

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-214

RESOLUTION APPROVING MODESTO AREA EXPRESS (MAX) FARE CHANGES TO THE HALF FARE FOR SENIORS/DISABLED AND OTHERS TO PROMOTE HIGH RIDERSHIP ON PUBLIC TRANSPORTATION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE CHANGES

WHEREAS, Transit Division staff frequently receive comments and suggestions from bus riders regarding the cost of the Modesto Area Express (MAX) bus system being a barrier to using MAX, and

WHEREAS, many bus riders rely on MAX and are eligible for the discounted senior/disabled pass program required by the Federal Transit Administration (FTA), and

WHEREAS, the FTA requires a half fare for seniors, disabled, and Medicare cardholders, and

WHEREAS, this fare change will provide people an incentive for using the bus more often, thus increasing ridership, and

WHEREAS, MAX extends this half fare to the 31-Day pass, but not to the 1-Day or the 7-Day Pass, and

WHEREAS, other categories should be added to the half fare discount, including veterans and youth (ages 5-18), and

WHEREAS, it is common in the transit industry to have youth in the half fare category with senior and disabled riders.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the fare change as shown on Attachment A.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to implement the fare changes of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, 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
## MODESTO AREA EXPRESS

### Urban Service

<table>
<thead>
<tr>
<th>Service</th>
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<tr>
<td>Cash Fares (one trip)</td>
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<td>Student</td>
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<tr>
<td>Half Fare (Senior/Disabled/Medicare/Veterans/Youth)</td>
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</tr>
<tr>
<td>Half Fare 7 Day Pass (Senior/Disabled/Medicare/Veterans/Youth)</td>
<td>$7.50</td>
</tr>
<tr>
<td><strong>Student Field Trips</strong></td>
<td></td>
</tr>
<tr>
<td>Student Field Trip - One Trip</td>
<td>$0.50</td>
</tr>
<tr>
<td>Student Field Trip - Day Pass</td>
<td>$1.00</td>
</tr>
<tr>
<td><strong>31 Day Passes (unlimited trips)</strong></td>
<td></td>
</tr>
<tr>
<td>Regular Pass</td>
<td>$58.00</td>
</tr>
<tr>
<td>Student Pass</td>
<td>$48.00</td>
</tr>
<tr>
<td>Half Fare 31 Day Pass (Senior/Disabled/Medicare/Veterans/Youth)</td>
<td>$29.00</td>
</tr>
<tr>
<td><strong>Ticket Books (50 Tickets)</strong></td>
<td></td>
</tr>
<tr>
<td>Regular</td>
<td>$100.00</td>
</tr>
<tr>
<td>Student</td>
<td>$75.00</td>
</tr>
<tr>
<td>Half Fare (Senior/Disabled/Medicare/Veterans/Youth)</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

### BART Express Commuter Service

<table>
<thead>
<tr>
<th>Service</th>
<th>Fare</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 Day Passes</td>
<td>$175.00</td>
</tr>
<tr>
<td>7 Day Passes</td>
<td>$50.00</td>
</tr>
<tr>
<td>One-Way</td>
<td>$14.00</td>
</tr>
<tr>
<td>Round-Trip</td>
<td>$16.00</td>
</tr>
</tbody>
</table>

### ACE Express Commuter Service

<table>
<thead>
<tr>
<th>Service</th>
<th>Fare</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Trip (No change proposed)</td>
<td>$3.00</td>
</tr>
<tr>
<td>20 Ride Ticket</td>
<td>$42.00</td>
</tr>
</tbody>
</table>

### MODESTO AREA DIAL-A-RIDE

<table>
<thead>
<tr>
<th>Service</th>
<th>Fare</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>$3.00</td>
</tr>
<tr>
<td>Ticket Book (10 Tickets)</td>
<td>$30.00</td>
</tr>
</tbody>
</table>

---

Note: The above fares are typical examples and may vary. For the most current information, please consult the official website or contact MODESTO AREA EXPRESS directly.
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-215

RESOLUTION APPROVING THE IMPLEMENTATION OF A NEW MODESTO AREA EXPRESS (MAX) COMMUTER ROUTE TO SACRAMENTO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE ROUTE

WHEREAS, the Amtrak service did not perform at performance levels satisfactory to Amtrak, and will be discontinued leaving a gap in service, and

WHEREAS, Modesto Area Express (MAX) can start operating a new route to Sacramento using a MAX commuter bus, and

WHEREAS, the service would be similar to the buses used for the commuter service to Bay Area Rapid Transit (BART) and Altamont Commuter Express (ACE), and

WHEREAS, the Transit Division has received some inquiries to operate a route that provides service between Modesto, Stockton and Sacramento to replace the service being stopped by Amtrak, and

WHEREAS, the Transit Division is still reviewing possible stops in Stockton and Sacramento, but plan to start operating the new route on January 1, 2020.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the implementation of a new MAX commuter route to Sacramento, CA.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to implement the new route.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, 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 SUBMISSION OF THE TRANSPORTATION DEVELOPMENT ACT (TDA) TRANSIT CLAIM TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) FOR FISCAL YEAR 2019-20 IN THE AMOUNT OF $13,529,650, AND A REGIONAL TRANSIT CLAIM IN THE AMOUNT OF $839,769

WHEREAS, the greatest portion of the City’s funding for the Transit Service Program is made available under the Transportation Development Act (TDA), which includes Local Transportation Fund (LTF) funds and State Transit Assistance (STA) funds, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the Finance Department that TDA funds have been apportioned by the State to StanCOG for allocation to public transit agencies pursuant to Article 4 of Chapter 4 of the California Public Utilities Code (PUC), and

WHEREAS, the City has prepared its TDA claim for Fiscal Year 2019-20 pursuant to these sections of the California PUC, and

WHEREAS, the City’s Transit TDA Claim for Fiscal Year 2019-20 is $13,529,650, and

WHEREAS, the City’s Transit TDA Claim for Fiscal Year 2019-20 for Regional Projects is $839,769, and

WHEREAS, the total Transit Operating Budget for Fiscal Year 2018-2019 is $20,848,610, and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99233.11 of the California PUC before any TDA funding can be released to the City.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of the TDA transit claim for Fiscal Year 2018-2019 to StanCOG in the amount of $13,529,650 and a Regional Transit Claim for $839,769.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, 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 ADJUSTMENTS TO VARIOUS AIRPORT RATES AND FEES FOR SPECIFIC ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT (AIRPORT), EFFECTIVE JULY 1, 2019, AND RESCINDING RESOLUTION NO. 2017-451

WHEREAS, the Modesto City-County Airport (Airport) is an enterprise fund and is expected to be self-supporting. The Airport has based it’s computing of fair market values from the National Consumer Price Index (CPI) for all Urban Consumers, West Urban Area published by the U.S. Department of Labor, Bureau of Labor Statistics, and

WHEREAS, the CPI revealed a deficiency in Airport Rates and Fees at Modesto City-County Airport thus the implementation of the increase to Airport rates and fees, and

WHEREAS, adjusting Airport Rates and Fees will increase revenue that will allow the airport to recover growing operational expenses and address deferred maintenance items.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves adjustments to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport as noted in Attachment A, attached hereto.

BE IT FURTHER RESOLVED that Resolution 2017-451 shall be rescinded on July 1, 2019 at 12 am.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on July 1, 2019.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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: Councilmember: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars and Storage Units as of July 2019

<table>
<thead>
<tr>
<th>Type of Hangar</th>
<th>Hangar Numbers</th>
<th>Monthly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small T-Hangars</td>
<td>A Units 2-12, B Units 2-9, C Units 2, 3, 7, D Units 2-5 &amp; 7-9</td>
<td>$184.03</td>
</tr>
<tr>
<td>(No electricity provided)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small T-Hangars</td>
<td>A Unit 1, C Units 4-6, D Unit 6</td>
<td>$215.48</td>
</tr>
<tr>
<td>(Electricity provided)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medium T-Hangars</td>
<td>B Units 1, 10, C Unit 8, D Unit 10</td>
<td>$229.14</td>
</tr>
<tr>
<td>(no electricity provided)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medium T-Hangars</td>
<td>C Unit 1, D Unit 1, E Units 1-10, F Units 1-10, G Units 1-8, 10, H Units 1-8, 10, J Units 1-10, L Units 1-10</td>
<td>$288.58</td>
</tr>
<tr>
<td>(electricity provided)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large T-Hangars</td>
<td>G Unit 9, H Unit 9, K Units 2-6, 8-11</td>
<td>$339.08</td>
</tr>
<tr>
<td>(Electricity provided)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Large Modified Box Hangar</td>
<td>K Unit 1</td>
<td>$412.40</td>
</tr>
</tbody>
</table>
Modesto City-County Airport Rates & Fees  
Effective July 1, 2019  
Attachment A

| Extra Large T-Hangars | $489.20 per month |
| (Electricity provided) | |
| Hangar I Units 1-8 | |
| Hangar K Unit 7 | |

| Storage Units | |
| Hangar G Storage Unit | $50.95 per month |
| Hangar H Storage Unit | $50.95 per month |
| Hangar I Storage Unit | $133.95 per month |
| Hangar J Storage Unit | $50.95 per month |
| Hangar L Storage Unit | $50.95 per month |

All T-Hangars leased under Section 1 subparagraphs (a) with no electricity which later have electricity installed will increase to the electricity provided rate with corresponding T-Hangar size.

(b) Corporate Executive Commercial Box Hangars

| Hangar 1 | $1,771.81 per month |
| Hangar 2 | $1,442.99 per month |
| Hangar 3 | $791.62 per month |
| Hangar 4 | $1,348.43 per month |
| Hangar 5 | $1,341.60 per month |
| Hangar 6 | $785.69 per month |
| Hangar 7 | $89.77 per month |
| (ground lease) | |

(c) Portable Hangars and Ground Lease

| Portable Hangars 1-14 | $72.49 per month |
| Ground Lease - Developed (per sq. ft.) | $.059 per month |
| Ground Lease – Undeveloped (per sq. ft.) | $.027 per month |
A five percent (5%) discount will be made in any of the above rental charges when a year’s lease is entered into and the year’s rental charges are paid in advance.

SECTION 2. AIRPORT KEYS

(a) Two (2) hangar keys and one (1) gate proximity card are included in initial lease
(b) $45.00 for each additional proximity card
(c) $45.00 for each additional hangar key

SECTION 3. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Aircraft less than 12,500 lbs. maximum certificated gross landing weight
   Permanent $47.82 per month
   Transient $7.88 per day
(b) Aircraft greater than 12,501 lbs. maximum certificated gross landing weight
   Permanent $80.68 per month
   Transient $15.63 per day

A five-percent (5%) discount will be made in the rental charges set forth in Section 1 subparagraphs (a), (b), and (c), when a year’s lease is entered into and the year’s rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (less than 12,500 lbs. of maximum certificated gross landing weight) for tie-down spaces as set forth in subsections (a) and (b) above. For every
two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 4. OFFICE SPACE. The monthly charge for office space(s) at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

<table>
<thead>
<tr>
<th>Building Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old Administration Building</td>
<td>$1.00 per sq. ft.</td>
</tr>
<tr>
<td>Utilities furnished by Airport</td>
<td></td>
</tr>
<tr>
<td>Office Building(s) 1 &amp; 2</td>
<td>$1.00 per sq. ft.</td>
</tr>
<tr>
<td>Utilities furnished by Tenant</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 5. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

(a) Ticket counter $1.00 per sq. ft.
(b) Other areas $1.00 per sq. ft.

SECTION 6. AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE.

Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

(a) All aircraft weighing less than 12,500 lbs. maximum certificated gross landing weight - $0.00 per landing
(b) All aircraft weighing greater than 12,501 lbs. maximum certificated gross landing weight – $1.13 per 1,000 pounds per landing
(c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged at the same rates applied to nonscheduled aircraft carrying cargo for hire.

(d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 7. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding “frequent flyers” or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

(a) Enplaned passenger by airline - $4.63 per ticketed passenger

SECTION 8. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

<table>
<thead>
<tr>
<th>Display Size</th>
<th>Display Only</th>
<th>Display &amp; Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5” x 9.5”</td>
<td>$20.00</td>
<td>$30.00</td>
</tr>
<tr>
<td>7.5” x 21”</td>
<td>$40.00</td>
<td>$60.00</td>
</tr>
<tr>
<td>19” x 21”</td>
<td>$50.00</td>
<td>$70.00</td>
</tr>
</tbody>
</table>

SECTION 9. MODESTO CITY-COUNTY AIRPORT BASED COMMERCIAL SERVICES Any person engaging in a commercial enterprise based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of $100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.
SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of seven cents ($0.07357) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 12. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of two hundred and no/100ths ($200.00) dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of ninety and no/100ths ($90.00) dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto ten percent (10%) of gross receipt for each vehicle rental. Additionally, the operators will be assessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle in Terminal Building Parking Lots at the Modesto City-County Airport/Harry Sham Field shall pay seven and no/100ths ($7.00) dollars per day or forty-two and no/110ths ($42.00) dollars per week.

SECTION 14. PENALTIES. A five percent (5%) per month penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees
are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 15. ADJUSTMENT OF RENTS, FEES AND CHARGES.

Rates and fees for the Airport may be adjusted from time to time by Resolution of the City Council.

For other than fair market value adjustments, said rents, fees, and charges shall be adjusted in the following manner: The base for computing the adjustment is the National Consumer Price Index for All Urban Consumers, West Urban Area, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), with a base year of 1982 – 1984 = 100 ("Beginning Index"). In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges.
RESOLUTION APPROVING THE CITY OF MODESTO SPONSORSHIP OF THE 21ST ANNUAL 2019 NORTH MODESTO KIWANIS GRAFFITI PARADE AND CAR SHOW, INCLUDING A WAIVER OF CITY PERMIT FEES, POLICE DEPARTMENT OVERTIME AND VEHICLE COSTS, STREETS DIVISION LABOR AND EQUIPMENT COSTS ESTIMATED TO BE $65,027, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY DOCUMENTS NECESSARY RELATED TO THE SPONSORSHIP

WHEREAS, the 21st Annual 2019 North Modesto Kiwanis Graffiti Parade and Car Show is a Modesto tradition, and

WHEREAS, the North Modesto Kiwanis have sponsored this event for the past 20 years, and

WHEREAS, in 2018 there were 1200 classic cars and 20,000 spectators that raised over $130,000 for support of local children charities through scholarships, grants, and multiple funding programs, and

WHEREAS, this annual event draws participants and spectators from miles around that benefit Modesto lodging, restaurants, and entertainment venues, and

WHEREAS, the sponsorship will include the waiver of City permit fees, Police Department overtime and vehicle costs, and Street Division labor and equipment costs, and

WHEREAS, the estimated expense to the City of Modesto to sponsor the 21st Annual 2019 North Modesto Kiwanis Graffiti Parade and Car Show is approximately $65,027.

NOW THEREFORE, BE IT RESOLVED by Council of the City of Modesto that it hereby approves the City of Modesto sponsorship of the 21st Annual 2019 North Modesto Kiwanis Graffiti Parade and Car Show including waiver of City permit fees,
Police Department overtime and vehicle costs, and Streets Division labor and equipment estimated at $65,027.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary documents related to the sponsorship.

The forgoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, 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 UNITED PAVEMENT MAINTENANCE, INC. OF HUGHSON, CA FOR THE PROJECT TITLED, “BUS TURNOUT S.R. 132/MAZE BOULEVARD” IN THE AMOUNT OF $74,000, PLUS $6,000, IF NEEDED, FOR AN AGREEMENT TOTAL NOT TO EXCEED $80,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Bus Turnout S.R. 132/Maze Boulevard Project installs a new bus turnout by Franklin Elementary School, on Modesto Area Express (MAX) Route 26, a heavily used bus stop that will give passengers a platform to board and alight the bus, and

WHEREAS, construction of this project relocated an existing stop near the Modesto Irrigation District (MID) canal and meet current Americans with Disabilities Act (ADA) standards at the new location, and

WHEREAS, on March 12, 2019, the project was advertised for bids, and

WHEREAS, on April 2, 2019, 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 $74,000 received from United Pavement Maintenance, Inc. of Hughson, 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, accepting the bid, and approving a construction contract with United Pavement Maintenance, Inc. of Hughson, CA for the
project titled, “Bus Turnout S.R. 132/Maze Boulevard” in the amount of $74,000, plus $6,000, if needed, for an agreement total not to exceed $80,000.

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 7th day of May, 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, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: [Signature]
ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE NEW TRAFFIC SIGNALS 2013 AT BELLHARBOUR AND FLOYD AT MILLBROOK AND PRESCOTT AT MT. VERNON PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $917,910 TO TIM PAXIN’S PACIFIC EXCAVATION, INC., OF ELK GROVE, CA

WHEREAS, in April 2010, City staff applied for and received Congestion Mitigation and Air Quality (CMAQ) funds to construct a new traffic signal at the following three intersections in the City: Roselle Avenue at Belharbour Drive, Floyd Avenue at Millbrook Avenue, and Prescott Road at Mount Vernon Drive, and

WHEREAS, construction of this project installed new traffic signals, including LED Street lighting at the intersections, and meets current Americans with Disabilities Act (ADA) standards, and

WHEREAS, the Capital Improvement Project (CIP) Task force has reviewed and approved the Prescott Road at Mount Vernon Drive traffic signal installation, and

WHEREAS, on December 8, 2015, Council approved by Resolution 2015-465 the installation of the traffic signals at Roselle Avenue at Belharbour Drive, Floyd Avenue at Millbrook Avenue, and Prescott Road at Mount Vernon Drive, and

WHEREAS, the Village I Specific Plan and Facilities Master Plans called for traffic signals on Floyd Avenue at Millbrook Avenue and on Roselle Avenue at Belharbour Drive, and

WHEREAS, staff worked with Stanislaus Council of Governments (StanCOG) and on May 8, 2017, additional CMAQ funds of $174,000 were added to the project to help
offset anticipated increases in construction costs. There were no other CMAQ funds available at that time, and

WHEREAS, in addition, on July 6, 2017 Council obligated $160,000 of Measure L funds for this project. An additional $100,000 of CFD Village One No. 2 funds was needed to help fund the traffic signals constructed at Roselle Avenue at Belharbour Drive, and

WHEREAS, bids were advertised July 17, 2017, and

WHEREAS, four bids were publicly opened on August 15, 2017, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, Tim Paxin’s Pacific Excavation, Inc., of Elk Grove, CA was the apparent low bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the New Traffic Signals 2013 project is hereby accepted as complete from said contractor Tim Paxin’s Pacific Excavation, Inc. of Elk Grove, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and authorize payments totaling $917,910.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE BUS MAINTENANCE FACILITY IMPROVEMENTS CANOPY STRUCTURE PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $579,911 TO DOCON, INC., OF CERES, CA

WHEREAS, on June 27, 2017, by Resolution No. 2017-248, Council awarded a contract to DOCON, Inc., for the construction of the Bus Maintenance Facility Improvements Canopy Structure, and

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

WHEREAS, the contractor received the Notice to Proceed with a first working day of August 14, 2017, and

WHEREAS, all contract and administrative work was completed by May 4, 2018, and

WHEREAS, the Bus Maintenance Facility Improvements Canopy Structure project has been completed by DOCON, Inc., of Ceres, CA, in accordance with the contract agreement dated June 27, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Bus Maintenance Facility Improvements Canopy Structure project as complete by DOCON, Inc., of Ceres, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $579,911 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 7th day of May, 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, 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 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO, UTILITIES DEPARTMENT AND THE COUNTY OF STANISLAUS, DEPARTMENT OF ENVIRONMENTAL RESOURCES, REGARDING ONSITE WASTEWATER TREATMENT SYSTEMS

WHEREAS, the State of California adopted Assembly Bill 885 on September 27, 2000, which required the California State Water Resources Control Board (Board) to adopt specific regulations or standards for the permitting and operation of onsite wastewater treatment systems (OWTS), commonly known as septic systems, and

WHEREAS, on June 19, 2012, the Board adopted the Water Quality Control Plan for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) which became effective May 13, 2013, and

WHEREAS, the OWTS Policy establishes low-risk siting and design requirements for septic systems and authorizes local agencies to submit a Local Agency Management Program (LAMP) to the Board for approval of alternate methods of siting and design to achieve the same purpose, and

WHEREAS, the County of Stanislaus (County), Department of Environmental Resources (DER) operates a program for the approval of the siting, design, operation, and maintenance of OWTS for individual residences within its Environmental Health Division and has adequate staffing and technical knowledge to meet the requirements of the OWTS Policy, and

WHEREAS, OWTS Policy Section 4.3 identifies Central Valley Regional Water Quality Control Board (Central Valley Board) as the designated Regional Board for the County, for purposes of reviewing and, if appropriate, approving new LAMPS and the
County submitted a LAMP to the Central Valley Board, which was approved on June 9, 2017, and was granted a conditional waiver of waste discharge requirements, and

WHEREAS, on March 14, 2017, the Stanislaus County Board of Supervisors approved amendments of Stanislaus County Code Sections 16.10.030 and 20.56.170, implementing the requirements of the LAMP, and

WHEREAS, the Stanislaus County Board of Supervisors delegated authority to the Director of DER to enter into agreements with local jurisdictions to provide services under the LAMP, and

WHEREAS, the Memorandum of Understanding (MOU) with Stanislaus County for OWTS will allow the City to avoid the lengthy and costly process of developing and obtaining Central Valley Board approval of a LAMP, and

WHEREAS, the City’s responsibility will be to provide information to the County on properties within the City that have OWTS, location of all nearby City wells, and information concerning the installation of a new well or abandonment of an existing well and the City will notify the County of any new building with an OWTS when a certification of occupancy is issued, and

WHEREAS, the County will be responsible for all regulatory oversight, reporting, permitting, inspections, and approvals of installation or destruction of the OWTS, and

WHEREAS, the City may terminate this MOU, with or without cause, upon ninety days with written notice.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the city of Modesto, Utilities Department and the County of Stanislaus, Department of Environmental Resources, regarding Onsite Wastewater Treatment Systems.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

[Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

[Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR TRANSPORTATION OF WASTEWATER GRIT TO BERTOLOTTI MODESTO DISPOSAL INC., CERES, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $45,000 AND A TOTAL AMOUNT NOT TO EXCEED $245,250 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City uses Republic Services, Inc., Forward Landfill (Forward), to dispose of Wastewater Screening and Grit, and

WHEREAS, Forward is located in Manteca, CA, and is the closest landfill to the City that is approved by the Central Valley Regional Water Quality Control Board to accept wastewater solids and the City must contract with a trucking company to move the City owned bins filled with the grit to Forward; the City currently uses Bertolotti Modesto Disposal Inc., and

WHEREAS, on November 13, 2018, the Purchasing Division issued RFB No.17189-38RB for Transportation of Wastewater Grit on the City’s website; prospective bidders were notified online of the bid opportunity and six companies chose to download the RFB document, however, no companies responded with a bid, and

WHEREAS, Purchasing reached out to the prospective bidders, including PSC Industrial Outsourcing, and requested quotes for the Transportation of Wastewater Grit and two vendors were still interested in bidding, but after multiple attempts, only one bid was received, and

WHEREAS, staff recommends the award of bid to Bertolotti Modesto Disposal Inc., Ceres, CA, for the furnishing of Transportation of Wastewater Grit for the Wastewater Division, and
WHEREAS, Wastewater averages two bins a week to be transported; with the cost at $406 per bin, staff is requesting a two-year agreement with three one-year extension options at the sole discretion of the City, and

WHEREAS, in anticipation of increases in CPI and fuel for years three, four and five, an increase of 5% per year has been included; Therefore, years one and two will be $45,000 each and years three, four and five will be for $51,750 each, making a not to exceed cost of $245,250 over five years, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(c) “Where the Purchasing Manager, in his or her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS, additionally MMC 8-3.204(d) states “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.”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and agreement for Transportation of Wastewater Grit to Bertolotti Modesto Disposal Inc., Ceres, CA for a two-year agreement with three one-year extension options, for an annual cost not to exceed $45,000 and a total amount not to exceed $245,250 over five years.
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 7th day of May, 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, 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 A REIMBURSEMENT AGREEMENT AMONG
BANK OF THE WEST, THE CITY OF MODESTO AND MODESTO PUBLIC
FINANCING AUTHORITY, AND A RELATED FEE LETTER AGREEMENT; A
SUPPLEMENT TO AN OFFICIAL STATEMENT; A REMARKETING AND
INTEREST SERVICES AGREEMENT BY AND BETWEEN MODESTO PUBLIC
FINANCE AUTHORITY AND RAYMOND JAMES AND ASSOCIATES, INC.;
AND AUTHORIZING CERTAIN OTHER ACTIONS RELATED TO
AUTHORITY’S LEASE REVENUE REFUNDING BONDS, SERIES 2008

WHEREAS, the City of Modesto is a charter city and municipal corporation duly
organized and existing under and by virtue of the Constitution and laws of the State of
California (the “City”); and

WHEREAS, the Modesto Public Financing Authority (the “Authority”) is
authorized under the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4,
Chapter 5, Division 7, Title 1 (commencing with Section 6584) of the California
Government Code, as amended (the “Act”), to lease and/or purchase real property and to
issue bonds for the financing and refinancing of public capital improvements whenever
there are significant public benefits; and

WHEREAS, the Authority previously issued its $65,170,000 original aggregate
principal amount of Modesto Public Financing Authority Lease Revenue Refunding
Bonds Series 2008 (the “2008 Bonds”), of which approximately $50,915,000 remain
outstanding as of September 1, 2019; and

WHEREAS, Bank of America, N.A., as the initial Credit Facility Provider
(“BofA”) issued its Irrevocable Transferable Letter of Credit dated August 28, 2008 (the
“Initial Credit Facility”) to provide credit support for the 2008 Bonds; and
WHEREAS, subsequently, on various occasions, the City requested BofA to extend the Stated Expiration Date of the Initial Credit Facility, and BofA agreed, most recently extending the Stated Expiration Date to June 22, 2019; and

WHEREAS, following a competitive solicitation and upon the advice of its municipal financial advisor, Public Financial Management, the City has determined that it is in its best interest to replace the Initial Credit Facility with a new letter of credit (the “Replacement Credit Facility”) provided by Bank of the West (the “BotW”); and

WHEREAS, in connection with the issuance of the Replacement Credit Facility, the City, the Authority and BotW will enter into a Reimbursement Agreement (the “Reimbursement Agreement”) and related Fee Letter Agreement (the “Fee Letter”); and

WHEREAS, the City and the Authority will prepare a supplement to the Official Statement for the 2008 Bonds describing certain material information regarding BotW and the substitution of the Replacement of Credit Facility (the “Supplement to Official Statement”); and

WHEREAS, in connection with the delivery of the Replacement of Credit Facility, the City has also determined, to facilitate the remarketing of the Bonds in the most cost-effective manner and upon the advice of its municipal financial advisor, to replace Merrill Lynch/BofA as dealer and remarketing agent for the Bonds and to appoint Raymond James & Associates Inc. as the new remarketing agent and to enter into a new Remarketing and Interest Services Agreement (substantially identical to the agreement with BofA) with Raymond James & Associates Inc.; and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in
connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

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

1. **Findings.** The City Council hereby specifically finds and determines that the actions authorized hereby constitute and are with respect to the public affairs of the City and that the statements, findings and determinations of the City set forth above and in the preambles of the documents approved herein are true and correct and that the consummation of the transactions contemplated therein shall result in significant public benefits to the City.

2. **Approval of the Reimbursement Agreement and Fee Letter.** The Reimbursement Agreement and related Fee Letter proposed to be executed and entered into by the City, in the forms presented at this meeting and on file with the City Clerk, are hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Reimbursement Agreement and Fee Letter in substantially said forms, with such changes therein as such officer executing the Reimbursement Agreement and Fee Letter may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.
3. **Approval of the Supplement to Official Statement.** The Supplement to Official Statement proposed to be executed and delivered by the City, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Supplement to Official Statement in substantially said form, with such changes therein as such officer executing the Supplement to Official Statement may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

4. **Approval of the Remarketing and Interest Services Agreement.** The Remarketing and Interest Services Agreement proposed to be executed and entered into by the Authority with Raymond James & Associates, Inc., in the form presented at this meeting and on file with the City Clerk, is hereby approved, in substantially said forms, with such changes therein as such officer of the Authority executing the Agreement may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

5. **Attestations.** The City Clerk is hereby authorized and directed to attest the signature of the City Manager and the Finance Director and to affix and attest the seal of the City, as may be required or appropriate in connection with the documents approved by this Resolution.

6. **Other Actions.** The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or desirable in order to consummate the transactions authorized hereby and to carry out, give effect to and comply with the terms
and intent of this Resolution, the Reimbursement Agreement, the Fee Letter, the Supplement to Official Statement and the Remarketing and Interest Services Agreement, and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

7. **Effective Date.** This Resolution shall take effect immediately upon its passage.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR BANKING SERVICES TO BANK OF THE WEST, MONTEREY PARK, CA, FOR A FOUR-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $30,691 AND A TOTAL AMOUNT NOT TO EXCEED $213,374 OVER SEVEN YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on July 2, 2013, by Resolution 2013-247, Council awarded the banking services agreement to Bank of America based on its determination that the City’s financial needs are best served by a full-service financial institution that provides day-to-day banking services in addition to a Direct Pay Letter of Credit (LOC) for its General Fund Lease Revenue Bonds, Series 2008 (Series 2008 Bonds), and

WHEREAS, the existing banking services agreement is for a two (2) year term and three (3) one-year extension options and the City exercised all three (3) one-year extension options and the Agreement is scheduled to expire on July 31, 2018, and

WHEREAS, on July 10, 2018 by Resolution 2018-276, the Council approved an amendment increasing the agreement amount with Bank of America Merrill Lynch, for the banking services by $51,034 from $460,000 to $511,034, and extending the term of the agreement from July 31, 2018 to June 30, 2019 to align the Letter of Credit termination date to the end of June 2019 in anticipation of a future Request for Proposal (RFP) for both of these services, and

WHEREAS, on November 9, 2018, the Purchasing Division issued RFP 1819-21 for Banking Services and Letter of Credit through PlanetBids, and

WHEREAS, on December 11, 2018, the proposals were formally opened in the City Clerk’s office, and
WHEREAS, five companies choose to respond, one of which was a local vendor, and

WHEREAS, the RFP categories were based on government banking experience, quality of customer service, ability to support product and service, financial strength in the banking market, and overall cost, and

WHEREAS, based on this evaluation review, it was determined by the committee that Bank of the West was ranked the highest overall.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and agreement for banking services to Bank of the West, Monterey Park, CA, for a four-year agreement with three one-year extension options, for an annual cost not to exceed $30,691 and a total amount not to exceed $213,374 over seven years.

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 7th day of May, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SIGNATURE)

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH BANK OF AMERICA MERRILL LYNCH FOR BANKING SERVICES BY $28,200 FROM $511,034 TO $539,234, AND EXTENDING THE TERM OF THE AGREEMENT FROM JUNE 30, 2019 TO DECEMBER 31, 2019; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on July 2, 2013, by Resolution 2013-247, Council awarded the banking services agreement to Bank of America based on its determination that the City’s financial needs are best served by a full-service financial institution that provides day-to-day banking services in addition to a Direct Pay Letter of Credit (LOC) for its General Fund Lease Revenue Bonds, Series 2008 (Series 2008 Bonds), and

WHEREAS, the existing banking services agreement is for a two (2) year term and three (3) one-year extension options and the City exercised all three (3) one-year extension options and the Agreement is scheduled to expire on July 31, 2018, and

WHEREAS, on July 10, 2018 by Resolution 2018-276, the Council approved an amendment increasing the agreement amount with Bank of America Merrill Lynch, for the banking services by $51,034 from $460,000 to $511,034, and extending the term of the agreement from July 31, 2018 to June 30, 2019 to align the Letter of Credit termination date to the end of June 2019 in anticipation of a future Request for Proposal (RFP) for both of these services, and

WHEREAS, on June 7, 2016 by Resolution 2016-243, the City approved a 3-year extension of the Letter of Credit for the Series 2008 Bonds at 60 basis points (0.60%) and a reduction in banking pricing modification by around 21% with Bank of America, and
WHEREAS, staff will be recommending awarding the proposal for a new banking services agreement to Bank of the West for Council to approve in May 2019; and the anticipated award date to bank of the West and the termination date of the current banking contract does not provide sufficient time for the transition of the many banking services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a second amendment increasing the agreement amount with Bank of America Merrill Lynch for banking services by $28,200 from $511,034 to $539,234, and extending the term of the agreement from June 30, 2019 to December 31, 2019.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the 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 7th day of May, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR CITYWIDE REGULATORY SAFETY TRAINING AND CONSULTATION TO DU-ALL SAFETY, FREMONT, CALIFORNIA, FOR A ONE-YEAR AGREEMENT WITH ONE ONE-YEAR EXTENSION OPTION, FOR AN ANNUAL COST NOT TO EXCEED $311,859 AND A TOTAL AMOUNT NOT TO EXCEED $623,718 OVER TWO YEARS, AUTHORIZING THE DIRECTOR OF FINANCE OR DESIGNEE TO APPROVE ADDITIONAL TRAINING AS NEEDED WITHIN THE NOT TO EXCEED AMOUNT, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT; AND APPROVING THE TERMINATION OF THE AGREEMENT WITH YORK SERVICES EFFECTIVE APRIL 20, 2019

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 (formerly Bickmore) as the City’s new Safety Consultant/Training Provider, and

WHEREAS, on January 22, 2019, by Resolution No. 2019-07, Council approved award of a contract for safety consultation and training services to York Risk Services, Sacramento, California, for an amount not to exceed $85,120 annually, and
WHEREAS, it became evident during interactions with the vendor that York’s training staff did not meet the expectations of City Risk Management or operations staff, and

WHEREAS, the selection committee reconvened and determined it is in the best interest of the City and its employees to terminate the agreement and re-award to the 2nd place vendor, Du-All Safety, and

WHEREAS, Du-All has demonstrated expertise in the areas of Risk Management and Safety and a solid understanding of the City’s organizational structure and program gaps, and

WHEREAS, Du-All Safety will provide mandatory safety training, prepare and 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 Du-All Safety, Fremont, California, for a one year agreement with one one-year extension option, for an annual cost not to exceed $311,859 and a total amount not to exceed $623,718 over two years.

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to approve additional training as needed within the not to exceed amount.

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.
BE IT FURTHER RESOLVED that the agreement between City of Modesto and York Services is terminated effective April 20, 2019.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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
RESOLUTION ACCEPTING THE “FEASIBILITY STUDY – PROPOSED CONVENTION CENTER HOTEL” BY HVS CONVENTION, SPORTS, AND ENTERTAINMENT AND FACILITIES CONSULTING, AND AUTHORIZING STAFF TO PROCEED WITH THE NEXT STEPS

WHEREAS, the 2006 Redevelopment Master Plan (Plan) provided updated goals and implementation strategies for the redevelopment project area, and

WHEREAS, the Plan identified that development should support the vision for downtown as the “commercial and cultural heart of the city” and prioritization of land use and economic development goals to attract new development, and

WHEREAS, the Plan identified target areas and catalyst and opportunity sites for development, and

WHEREAS, one catalyst site, identified for potential development of a new hotel with ground floor commercial and retail space, is the surface parking lot adjacent to the Modesto Centre Plaza (MCP), and

WHEREAS, the site is owned by the Redevelopment Successor Agency, which, prior to its dissolution in 2012, supported the downtown hotel concept, and

WHEREAS, in August 2018, the City issued an informal Request for Proposals (RFP) for a lodging and market study to explore the feasibility of an additional hotel adjacent to MCP, and

WHEREAS, on October 24, 2018, by City Manager authority, the City retained HVS Convention, Entertainment, Sports, and Facilities Consulting (HVS) to conduct the lodging and market study, and

WHEREAS, on January 22, 2019, HVS submitted the “Feasibility Study – Proposed Convention Center Hotel” (Study) to the City, and
WHEREAS, the Study, based on the hotel market and a feasibility analysis, concluded that a 200-room select service hotel with minimum function space and limited food service would be the most viable due to the subject property size, development costs, and steadily growing demand for this product in the larger area hotel market, and

WHEREAS, based on the findings, development of the proposed hotel are projected to yield $8.6 million in new direct spending, 106 new full-time jobs, and $1.2 million in annual tax revenue in a stable year, and

WHEREAS, the Study identified the following practical next steps to determine whether the proposed hotel can be developed including 1) Project Management, 2) Site Parameters, Valuation and Parking, and 3) Solicitation of Development Partner, and

WHEREAS, on April 12, 2019, the Economic Development Committee unanimously recommended forwarding the Study to Council and proceeding with the next steps.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the “Feasibility Study – Proposed Convention Center Hotel” by HVS Convention, Entertainment, Sports, and Facilities Consulting, and authorizing staff to proceed with the next steps.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Ah You, 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: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney