MODESTO CITY COUNCIL
RESOLUTION NO. 2019-242

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH VAN DERMYDEN MADDUX TO CONTINUE ATTORNEY SERVICES FOR ADDITIONAL PROJECTS THAT INCLUDE CONFIDENTIAL INVESTIGATIONS INVOLVING EMPLOYEES IN THE AMOUNT OF $40,000, FOR A TOTAL NOT TO EXCEED AMOUNT OF $70,000 TO AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, On March 5th, 2019, the City entered into a standard legal services agreement with Van Dermyden Maddux for employment related legal counsel and advice, in an amount not to exceed $30,000; and

WHEREAS, the City has a need to continue attorney services for additional projects that include confidential investigations involving employees; and

WHEREAS, Costs for Van Dermyden Maddux will be absorbed in the fund, with a total not to exceed amount of $70,000; and

WHEREAS, the City Attorney’s office has drafted a First Amendment to the Legal Services agreement with Van Dermyden Maddux.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Legal Services Agreement with Van Dermyden Maddux to continue attorney services for additional projects that include confidential investigations involving employees in the amount of $40,000, for a total not to exceed amount of $70,000, as provided in Exhibit A attached hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to Exhibit A.

BE IT FURTHER RESOLVED, that the City Manager or his designee, are hereby authorized to execute the agreement, in a form approved by the City Attorney.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 28th 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
FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment to the Legal Services (this “First Amendment”), is made and entered into on 28th day of May 2019 (“Effective Date”), by and between the CITY OF MODESTO, a California Municipal Corporation (“City”), and VAN DERMYDEN MADDUX (“Attorney”), located at 899 Northgate Dr. Suite 210, San Rafael, CA 94903. City and Attorney are hereinafter collectively referred to as the “Parties,” and singularly as “Party”.

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement (“Agreement”) to provide employment related counsel and legal counsel and advice to City; and

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

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

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $30,000 to $70,000, expanding the Scope of Work to include confidential investigations and adding additional provisions requested by Attorney.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Van Dermyden Maddux dated March 5th, 2019, is amended as follows:

1. Section 1(a) of Paragraph 1, “Services,” is amended to state as follows:

“Scope of Work: Subject to the terms and conditions set forth in this Agreement, Attorney shall provide to City the following services ("Services"): Employment related legal counsel and advice and to perform legal services for City in the form of an impartial investigation regarding claims of potential employee misconduct. The Firm will perform these duties as an attorney at law for the purpose of facilitating the rendering of legal advice to City by its counsel. The Firm’s communications, work product, and the final report will be protected from disclosure pursuant to the attorney-client privilege, unless waived by the City.

Attorney shall not be compensated for services outside the scope of work identified under this Section unless prior to the commencement of such services: (i) Attorney notifies City and City agrees that such services are outside the scope of work under this Section; (ii) Attorney estimates the additional compensation required for these additional services; and (iii) City, after notice, approves in writing a Supplemental Agreement specifying the additional services and amount of compensation therefor.”
“**Limited Scope Agreement:** The scope of this attorney-client representation is limited. The Firm will perform an investigation as an attorney at law for the purpose of facilitating the rendering of legal advice to the City by its counsel. The Firm will not render a legal determination whether there were violations of any law or statute. The Firm will not act as an advocate or provide advice to City with respect to what employment actions, if any, should be taken as a result of the findings. The Firm will not represent City in any legal action or proceeding. It is expressly agreed that City will look to its regular legal counsel for such services, as well as for advice with respect to issues which may arise relating to the investigation. This includes, without limitation, the admonitions, if any, to be made to employees who are interviewed concerning confidentiality; the consequences of employee failure to cooperate in the investigation; the accessing of electronic and other data; document retention; litigation holds; appropriate interim employment measures pending investigation; compliance with the federal Fair Credit Reporting Act; and compliance with the California Investigative Consumer Reporting Agencies Act. City also agrees it will look to its regular outside counsel for advice with respect to issues of attorney-client privilege, scope of privilege, waiver, and work product in connection with the Firm’s services.”

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

“The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the “Service”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of seventy thousand dollars ($70,000).”

**Compensation for Post-Investigative Work.** This engagement shall be considered concluded after the Firm has provided a final investigation report in this matter. After the conclusion of this engagement, should a need arise for the Firm to respond to any subpoena or discovery, to provide testimony at deposition, trial or arbitration, or to otherwise perform services with respect to any matter relating to or arising out of this engagement, City shall compensate the Firm at a negotiated rate for time expended, including all required preparation time. City agrees to reimburse the Firm for all reasonable fees and costs incurred in obtaining necessary representation for such proceedings, including legal fees and costs that the Firm incurs in preparing for such proceedings. City shall also compensate the Firm at a negotiated rate for time expended in defending against any actual or threatened claim with respect to which the Firm is entitled to indemnification pursuant to this Agreement, below. If costs and/or expenses, including the costs of legal representation should reasonably be expected to exceed $5,000, City shall advance the funds to the Firm or the Firm’s designee.

3. **Paragraph 7, “General Provisions.”** Section(a) is amended to state as follows:

iv. As an independent contractor, the Firm has the right to determine the means, manner and findings related to the investigation. City agrees to allow the Firm full discretion to undertake the investigation and otherwise make findings without
influencing or interfering with the outcome. City understands and acknowledges that the Firm will exercise its independent judgment to make whatever findings it deems are warranted based on the evidence developed in the investigation, and that this Agreement is not dependent on the Firm’s making or failing to make any particular credibility determination, finding of fact, or conclusion.

2. **Entire Agreement.** The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated March 5, 2019, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority.** The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

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

**CITY OF MODESTO,**
A Municipal Corporation

By:__________________________________________

Print name: Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

__________________________________________
Adam U. Lindgren, City Attorney

ATTEST:

__________________________________________
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]
ATTORNEY:
VAN DERMYDEN MADDUX

____________________________________
____________________________________

Federal I.D. No.

____________________________________
State I.D. No.

____________________________________

TYPE OF BUSINESS ENTITY (check one):

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

____________________________________
Signature of Authorized Person

Title

____________________________________
Additional Signature (if required)

Title
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE UPGRADE TRAFFIC SIGNALS – 2013 PROJECT, ACCEPTING THE BID, AND AWARDING THE CONSTRUCTION CONTRACT TO ST. FRANCIS ELECTRIC, LLC, OF SAN LEANDRO, CALIFORNIA IN THE AMOUNT OF $736,450, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE CONTRACT

WHEREAS, in April 2010 the City applied for Congestion Mitigation and Air Quality (CMAQ) funds to upgrade the traffic signals at the following four intersections: 7th Street/G Street, 7th Street, H Street, 7th Street/I Street, and 9th Street/B Street in the City of Modesto, and

WHEREAS, on August 3, 2011, as per Resolution No. 2011-321, Council approved a new Capital Improvement Program project and accepted CMAQ funds in the amount of $77,000 for the Preliminary Engineering phase of this project, and

WHEREAS, on December 2, 2014, by Resolution No. 2014-511, Council amended the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget and accepted $577,750 in CMAQ funds for the Construction, Contingency, and Construction Administration phases of this project, and

WHEREAS, on May 12, 2015, by Resolution No. 2015-149, Council accepted an additional $210,101 in CMAQ funds for the Construction, Contingency, and Construction Administration phases of this project, and

WHEREAS, on July 5, 2017, by Resolution No. 2017-269, Council approved $175,000 of Measure L funds for the Construction, Contingency, and Construction Administration phases of this project, and

WHEREAS, the project was advertised for bids on April 2, 2019, and
WHEREAS, bids were publicly opened on April 30, 2019 pursuant to Modesto Municipal Code Section 8-3.403 and Modesto Charter Section 1307 and four responsive bids were received, and

WHEREAS, St. Francis Electric, LLC, of San Leandro, California, is the lowest responsive and responsible bidder, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $736,450 received from St. Francis Electric, LLC of San Leandro, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to St. Francis Electric, LLC.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Upgrade Traffic Signals – 2013 project, accepts the bid, and awards the construction contract to St. Francis Electric, LLC of San Leandro, California in the amount of $736,450.

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 28th 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 OF INTENTION TO ANNEX 3200 ROSELLE TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #17)

WHEREAS, pursuant to Chapter 2.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Article 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the “Resolution of Formation”), establish the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”), and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004 (“Resolution of Creation of Tax Zone #2), create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and
WHEREAS, pursuant to California Streets and Highways Code Section 3113.5, this Council did, by its Resolution No. 2005-566, adopted on November 9, 2005, direct that all prior modifications, amendments and annexations to the District be consolidated into a single map of the District, specifically all prior boundary maps and amendments thereto related to formation of the District and Annexation Nos. 1 through 10 to the District, and

WHEREAS, on November 23, 2005, said boundary maps were consolidated into a single map entitled “Consolidation of Boundary Maps of Community Facilities District No. 2004-1 (Village One #2)” and recorded with the County Recorder of the County of Stanislaus at Book 4 of Maps of Assessments and Communities Facilities Districts, at Page 33 (the “Consolidated Boundary Map”), and

WHEREAS, subsequent to the recordation of the Consolidated Boundary Map, additional territory was annexed to the District through Annexations Nos. 11, 12, 13, 14, 15 and 16, and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of additional certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits, and

WHEREAS, it is intended that the territory be annexed to Tax Zone #2.

NOW, THEREFORE, BE IT RESOLVED, by Council of the City of Modesto that the Council finds and orders the following:

1. The above recitals are true and correct.

2. The current boundaries of the District are shown on the Consolidated Boundary Map as supplemented by the map entitled “Annexation Map No. 11 of
Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 36, the map entitled “Annexation Map No. 12 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 42, the map entitled “Annexation Map No. 13 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 57, the map entitled “Annexation Map No. 14 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 98, the map entitled “Annexation Map No. 15 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at Page 52, and the map entitled “Annexation Map No. 16 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at page 67. The territory proposed to be annexed to the District (the “Territory”) is described in Exhibit A, attached hereto.

3. The boundaries of the Territory are also shown on the map thereof, entitled “Annexation Map No. 17 of Community Facilities District No. 2004-1 (Village One #2)”, City of Modesto, County of Stanislaus, State of California,” on file in the office of the City Clerk, which map is hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date
and adoption of this Resolution, file the original in her office and, not later than fifteen (15) days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

4. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

5. The special taxes to be levied in the District are set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory, except that the increase of the One-Time Facilities Special Tax component of the special taxes, as authorized by the Resolution of Creation of Tax Zone #2, shall be levied in the Territory.

6. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday July 2, 2019, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95354, such time being not less than 30 or more than 60 days following the adoption hereof.

7. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing.
and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

8. The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

9. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and not exempt from the special tax, or the owners of one-half or more of the Territory, file written protests against the proposed annexation, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Territory to the District, or to levy in the Territory the special taxes to be levied in the District, shall be taken for a period of one year from the date of the decision of the Council on the issues discussed at the hearing.

10. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-245

RESOLUTION ADOPTING THE ANNUAL INVESTMENT POLICY

WHEREAS, staff has identified the need to update the City’s Annual Investment Policy in order to continue to effectively invest funds in accordance with the principles of sound treasury management and applicable laws, and

WHEREAS, the City desires to adopt the Annual Investment Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the Annual Investment Policy.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future investments of funds, for future consideration by this City Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th 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 ADOPTING THE REVISED DEBT MANAGEMENT POLICY

WHEREAS, pursuant to the City of Modesto Debt Management Policy, last adopted on June 12, 2018, the City of Modesto is required to periodically review and update its Debt Management Policy to address changes to the primary objectives related to the City’s debt and financing related activities, and

WHEREAS, staff has identified the need to update the City’s Debt Management Policy in order to continue to maintain cost-effective access to the capital markets through prudent yet flexible policies; moderate principal and debt service payments through effective planning and project cash management; achieve the lowest cost of borrowing; and achieve the highest practical credit ratings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the revised Debt Management Policy.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future issuances of the City Debt, for future consideration by this City Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th 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 FIRST AMENDMENT TO THE AGREEMENT WITH MODESTO JUNIOR COLLEGE AND STANISLAUS COUNTY FOR A BUS PASS PROGRAM FOR THE MODESTO AREA EXPRESS FIXED ROUTE BUS SYSTEM FOR STUDENTS AT MODESTO JUNIOR COLLEGE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto operates the Modesto Area Express (MAX) bus system, and

WHEREAS, Stanislaus County operates the StaRT bus system, and

WHEREAS, college students are a demographic that utilize the bus due to their economic status, growing reluctance to use a personal vehicle and general focus on a sustainable environment, and

WHEREAS, on April 11, 2017, by Resolution No. 2017-136, Council authorized an agreement with Modesto Junior College (MJC) to provide rides for MJC students at no cost, in exchange for a flat annual fee, and

WHEREAS, MJC is willing to enter into an amendment to the agreement with the City and the County to for a bus pass program for all MJC students, and

WHEREAS, MJC will now pay a set amount of $150,000 per year of the agreement to the City’s MAX system, and

WHEREAS, the revenues from the MJC bus program will be budgeted for the operations of MAX’s fixed route system as part of the annual budget process.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to the agreement with MJC and Stanislaus County, commencing July 1, 2019 to provide a bus pass program for the MAX transit
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 28th 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 REJECTING ALL BIDS FOR THE SONOMA SANITARY SEWER TRUNK EXTENSION PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR BIDS AT A FUTURE DATE WITH AN AMENDED SCOPE OF WORK

WHEREAS, the bids received for the Sonoma Sanitary Sewer Trunk Extension Project were opened at 11:00 a.m. on April 16th, 2019, and later tabulated by the Director of Utilities for the consideration of the Council, and

WHEREAS, the project plan set advertised for bid included a break in the sewer trunk extension system at Sylvan Avenue and Aria Way due to a conflict with a 48-inch diameter MID irrigation main referred to as the Cavil Drain, and

WHEREAS, during the course of the bid phase, the design was re-evaluated and staff concluded that additional coordination with MID was necessary to ensure the sewer trunk is a continuous system able to serve proposed development, and

WHEREAS, the Utilities Department staff determined that it would be in the best interest of the City to reject all bids and re-advertise the project to include the scope of work related to the MID coordination to ensure competitive bids of the entire revised project scope.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Sonoma Sanitary Sewer Trunk Extension Project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project for bids with an amended scope of work.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th 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. 2019-249

RESOLUTION ACCEPTING THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $41,623,872 TO MYERS-RADOS, A JOINT VENTURE, OF SANTA ANA, CA

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) includes construction of a regional water supply project to deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a major component of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, Water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and its customers, and

WHEREAS, in order to achieve an expedited project completion by the December 2017 deadline, City staff selected the Design-Build (D-B) approach, which expedites the design and construction process by combining these services under a single entity, and

WHEREAS, on December 22, 2015, the City issued a Request for Qualifications (RFQ) to invite interested parties to submit their team’s D-B experience and qualifications to create a pre-qualified short-list of proposers, and

WHEREAS, on February 23, 2016, by Resolutions No. 2016-60, 61 and 63, the City Council approved the final short-list, authorized issuance of the Request for
Proposals (RFPs) and designated City Councilmember Bill Zoslocki as the Modesto representative to participate on the selection committee, and

WHEREAS, on March 2, 2016, RFPs were issued to the three D-B teams and proposals were received on May 2, 2016, and

WHEREAS, interviews were held on May 23, 2016, and on May 24, 2016, with the panel selecting Myers-Rados, a Joint Venture (MRJV), of Santa Ana, as the most qualified D-B team to design and construct the NVRRWP project, and

WHEREAS, the final negotiated D-B contract price for the construction of the NVRRWP pipeline and pump station is $40,860,428 and

WHEREAS on August 3, 2016, by Resolutions No. 2016-324, the City Council awarded a Design-Build Contract to Myers-Rados, Santa Ana, CA in the amount of $40,860,428 for the North Valley Regional Recycled Water Program Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the North Valley Regional Recycled Water Program project is hereby accepted as complete from said contractor Myers-Rados, Santa Ana, 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 $41,623,872, as is authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th 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