RESOLUTION APPROVING A MEMORANDUM OF JOINT POWERS AGREEMENT WITH STANISLAUS COUNTY FOR THE RIGHT OF WAY ACQUISITION AND UTILITY RELOCATION PHASE OF THE 7TH STREET BRIDGE PROJECT IN AN AMOUNT NOT TO EXCEED $344,100 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE MEMORANDUM OF JOINT POWERS 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, on May 7, 2019, by Resolution 2019-206, Council approved an Amended and Restated MOA with Stanislaus County to include Final Design for the development of plans, specifications and estimate, and
WHEREAS, Preliminary Engineering is anticipated to be completed by July 2019 and Stanislaus County desires to move forward with acquiring portions of real properties and relocating existing utilities within project limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Joint Powers Agreement with Stanislaus County for the right of way acquisition and utility relocation phase of the 7th Street Bridge Project in an amount not to exceed $344,100.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Memorandum of Joint Powers Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION DECLARING INTENTION TO CONSIDER AUTHORIZING CHANGES TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-2 (THE VINTAGE)

WHEREAS, on January 26, 2016, the City Council of the City of Modesto ("the City") adopted Resolution No. 2016-21 (the "Resolution of Intention") declaring its intention to establish City of Modesto Community Facilities District No. 2016-2 (The Vintage) ("CFD No. 2016-2"), pursuant to the Mello-Roos Community Facilities Act of 1982, Government Code Sections 53311 et seq. (the "Act"); and

WHEREAS, on March 8, 2016, the City Council adopted Resolution No. 2016-95 (the "Resolution of Formation") declaring the formation of CFD No. 2016-2 for the purpose of financing all costs associated with the creation of CFD No. 2016-2, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the community facilities district and administering the community facilities district (collectively, the "Incidental Expenses") and to pay the costs of the services listed in Appendix A of the Resolution of Intention; and

WHEREAS, by adopting the Resolution of Formation, the City Council declared its intention, subject to the approval of the qualified electors of the proposed community facilities district, to levy the proposed special taxes at the rates set forth in the Rate and Method of Apportionment of Special Tax (the "Original RMA") attached thereto as Attachment A; and

WHEREAS, on March 8, 2016, the City Council adopted Resolution No. 2016-
declaring the results of the election pertaining to CFD No. 2016-2, and determining
that the qualified electors had approved the Original RMA; and

WHEREAS, it has been determined that it is necessary and prudent to adjust the
maximum special taxes set forth in the Original RMA; and

WHEREAS, the Original RMA is proposed to be modified as set forth in the
Amended and Restated Rate and Method of Apportionment of Special Tax, attached
here to as Exhibit B to this Resolution and incorporated herein (the “Amended and
Restated RMA”); and

WHEREAS, the Act requires, as a condition to ordering the modification of the
rate and method of apportionment of the special tax for CFD No. 2016-2 to read as set
forth in the Amended and Restated RMA, that proceedings for consideration of the
proposed change be undertaken as prescribed by Government Code Sections 53331 and
53334 through 53338, inclusive; and

WHEREAS, the Developer desires by this Resolution to initiate the required
proceedings to consider the proposed modification of the rate and method of
apportionment of the special tax for CFD No. 2016-2 to read as set forth in the Amended
and Restated RMA.

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

1. In conformity with the provisions of Section 53331 of the Act, the City
Council finds, determines and declares that the public convenience and necessity require
the modification of the of the rate and method of apportionment of the special tax for
CFD No. 2016-2 to read as set forth in the Amended and Restated RMA, attached hereto
as Exhibit B.

2. These proceedings are being conducted with respect to CFD No. 2016-2. The boundaries of CFD No. 2016-2 and the proposed future annexation areas to the community facilities district are established as shown on the map designated “Boundary Map of Proposed City of Modesto Community Facilities District No. 2016-2 (The Vintage)”, a copy of which is on file in the Office of the City Clerk, and which was recorded in the Book of Maps of Assessment and Community Facilities Districts in the official records of the Office of the County Recorder of the County of Stanislaus in Book No. 5, at Page 42, as Instrument No. 2016-0009797-00.

3. There are no proposed changes to the list of services or facilities eligible for financing by CFD No. 2016-2. The proposed new rate and method of apportionment of the special tax for CFD No. 2016-2 is set forth in Exhibit B. Except for the changes to the rate and method of apportionment of the special tax for CFD No. 2016-2, no other changes are being made with respect to CFD No. 2016-2.

4. This City Council hereby fixes Tuesday, August 7, 2019 at 5:30 p.m., or as soon thereafter as the matter may be heard, in the Modesto City Council Chamber, 1010 Tenth Street, Modesto, California 95353 as the date, time and place for a public hearing to consider the proposed change to the rate and method of apportionment of the special tax for CFD No. 2016-2.

5. In conformity with Section 53335 of the Act, the City Clerk is hereby authorized and directed to cause the publication of a notice of hearing, containing the matters specified by Section 53335, one time in a newspaper in general circulation in the area of CFD No. 2016-2 no later than seven days prior to the date of the public hearing.
In addition to published notice, the City Clerk is authorized to provide for mailed notice of hearing by first-class mail, postage prepaid, in accordance with Section 53322.4 of the Act, to each landowner within the boundary of CFD No. 2016-2.

6. This Resolution shall take effect immediately upon its adoption.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: \[Signature\]

(SEAL)

APPROVED AS TO FORM:

By: \[Signature\]

ADAM U. LINDGREN, City Attorney
EXHIBIT A

Amended and Restated Rate and Method of Apportionment of Special Tax
APPENDIX A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-2
(VINTAGE MAINTENANCE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor’s Parcel in the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2016-2, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD, unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“Acre” or “Acreage” means the land area of an Assessor’s Parcel as shown on an Assessor’s Parcel Map, or if the land area is not shown on an Assessor’s Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

“Act” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

“Administrative Expenses” means any or all of the following: expenses incurred by the City in carrying out its duties with respect to CFD No. 2016-2, including, but not limited to, levying and collecting the Special Tax; the fees and expenses of legal counsel; charges levied by the County Auditor’s Office, Tax Collector’s Office, and/or Treasurer’s Office; costs related to property owner inquiries regarding the Special Tax; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

“Administrator” means the person or firm designated by the City to administer the Special Tax according to this RMA.

“Assessor’s Parcel” or “Parcel” means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number.

“Assessor’s Parcel Map” means an official map of the County Assessor designating parcels by Assessor’s Parcel Number.
"Assessor's Parcel Number" or "APN" means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"CFD" or "CFD No. 2016-2" means the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance).

"CFD Formation" means the date on which the Resolution of Formation to form CFD No. 2016-2 was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-2.

"Commercial Property" means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a commercial building, as determined by the City.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, the following:

- for Single Family Residential Property, all Parcels of Taxable Property for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year;
- for Multi-Family Property, all Parcels of Taxable Property for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year; and
- for Commercial Property, all Parcels of Taxable Property for which a building permit for construction of a commercial structure was issued prior to June 30 of the preceding Fiscal Year.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Final Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, et seq.) that creates individual lots on which a building permit can be issued for construction of residential units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.
“Land Use Class” means one of the three mutually-exclusive land use classes identified in Table 1 in Section C below and defined in this Section A.

“Maximum Special Tax” means the maximum special tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

“Multi-Family Property” means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units.

“Proportionately” means, for Developed Property, that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Taxable Property that is Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Property that is Undeveloped Property. For Taxable Public Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

“Public Property” means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; and (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“RMA” means this Rate and Method of Apportionment of Special Tax.

“SFR Lot” means an individual numbered lot which is in its final configuration and for which a building permit may be issued for a single family residential unit.

“Single Family Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure on an SFR Lot.

“Special Tax” means a special tax levied in any Fiscal Year to pay the Special Tax Requirement, as defined below.

“Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred in prior Fiscal Years.
“Taxable Property” means all Assessor’s Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section F below.

“Taxable Public Property” means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in prior Fiscal Years.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2016-2 that are not Developed Property.

B. DATA FOR SPECIAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) whether each Parcel of Taxable Property is Developed Property or Undeveloped Property, (ii) which Parcels are Commercial Property, Single Family Residential Property, and Multi-Family Property, (iii) the Acreage of each Parcel of Commercial Property and Multi-Family Property, and (iv) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

Table 1 below identifies the Maximum Special Tax assigned to all Parcels of Taxable Property.
TABLE 1
MAXIMUM SPECIAL TAXES
FISCAL YEAR 2015-16

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Fiscal Year 2015-16 Maximum Special Tax*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developed Property</td>
<td></td>
</tr>
<tr>
<td>Single Family Residential Property</td>
<td>$326 per SFR Lot</td>
</tr>
<tr>
<td>Multi-Family Property</td>
<td>$300 per Acre</td>
</tr>
<tr>
<td>Commercial Property</td>
<td>$300 per Acre</td>
</tr>
<tr>
<td>Undeveloped Property</td>
<td></td>
</tr>
<tr>
<td>Single Family Residential Property</td>
<td>$1,950 per Acre</td>
</tr>
<tr>
<td>Multi-Family Property</td>
<td>$300 per Acre</td>
</tr>
<tr>
<td>Commercial Property</td>
<td>$300 per Acre</td>
</tr>
</tbody>
</table>

*On January 1, 2016 and each January thereafter, the Maximum Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1

D. METHOD OF LEVY OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for that Fiscal Year. The Special Tax shall then be levied on all Parcels of Taxable Property as follows:

   **Step 1:** The Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;

   **Step 2:** If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Assessor’s Parcel of Undeveloped Property that is not Commercial Property within the CFD, up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;

   **Step 3:** If additional revenue is needed after applying the first two steps, the Special Tax shall be levied Proportionately on each Assessor’s Parcel of Taxable Public Property, up to 100% of the Maximum Special Tax assigned to each Parcel of Taxable Public Property.

E. COLLECTION OF SPECIAL TAXES

The Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Special Taxes through foreclosure or other available methods. The Special Tax shall be levied and collected in perpetuity unless and
until the City determines that the Special Tax no longer needs to be levied to pay Authorized Services and Administrative Expenses.

F. **EXEMPTIONS**

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels of Commercial Property that are Undeveloped Property and Parcels of Public Property, except Taxable Public Property, as defined herein.

G. **INTERPRETATION OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City’s discretion. Interpretations may be made by the City by resolution of the City Council for purposes of clarifying any vagueness or ambiguity in this RMA.

H. **ENFORCEMENT**

All delinquent Special Taxes billed off the County tax roll shall be subject to an immediate 10% penalty plus interest charges of 1.5% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City’s discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
ATTACHMENT B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-2
(VINTAGE MAINTENANCE)

AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor’s Parcel in the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2016-2, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD, unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“Acre” or “Acreage” means the land area of an Assessor’s Parcel as shown on an Assessor’s Parcel Map, or if the land area is not shown on an Assessor’s Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

“Act” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

“Administrative Expenses” means any or all of the following: expenses incurred by the City in carrying out its duties with respect to CFD No. 2016-2, including, but not limited to, levying and collecting the Special Tax; the fees and expenses of legal counsel; charges levied by the County Auditor’s Office, Tax Collector’s Office, and/or Treasurer’s Office; costs related to property owner inquiries regarding the Special Tax; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

“Administrator” means the person or firm designated by the City to administer the Special Tax according to this RMA.

“Assessor’s Parcel” or “Parcel” means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number.

“Assessor’s Parcel Map” means an official map of the County Assessor designating parcels by Assessor’s Parcel Number.

“Assessor’s Parcel Number” or “APN” means a unique number assigned to an Assessor’s Parcel by the County Assessor for purposes of identifying a property.
“Authorized Services” means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

“CFD” or “CFD No. 2016-2” means the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance).

“CFD Change” means the date on which the Resolution of Change for CFD No. 2016-2 was adopted by the City Council, thereby making this RMA the operative tax formula for the CFD.

“City” means the City of Modesto.

“City Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-2.

“Commercial Property” means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a commercial building, as determined by the City.

“County” means the County of Stanislaus.

“Developed Property” means, in any Fiscal Year, the following:

- for Single Family Residential Property, all Parcels of Taxable Property for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year;
- for Commercial Property, all Parcels of Taxable Property for which a building permit for construction of a commercial structure was issued prior to June 30 of the preceding Fiscal Year.

“Escalation Factor” means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

“Final Map” means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, et seq.) that creates individual lots on which a building permit can be issued for construction of residential units without further subdivision of the lots.

“Fiscal Year” means the period starting on July 1 and ending on the following June 30.

“Maximum Special Tax” means the maximum special tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

“Proportionately” means, for Developed Property, that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Taxable Property that is Developed Property. For
Undeveloped Property, "Proportionately" means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Property that is Undeveloped Property. For Taxable Public Property, "Proportionately" means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Public Property.

"Public Property" means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; and (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"RMA" means this Amended and Restated Rate and Method of Apportionment of Special Tax.

"SFR Lot" means an individual numbered lot which is in its final configuration and for which a building permit may be issued for a single family residential unit.

"Single Family Residential Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure on an SFR Lot.

"Special Tax" means a special tax levied in any Fiscal Year to pay the Special Tax Requirement, as defined below.

"Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred in prior Fiscal Years.

"Taxable Property" means all Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section F below.

"Taxable Public Property" means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in prior Fiscal Years.

"Tax Area" means one of the three mutually exclusive geographic areas defined below and identified in Attachment 1.

"Tax Area A" means the geographic area that: (i) at the CFD Change, was anticipated to be developed with low-density single family detached residential units, and (ii) is specifically identified as Tax Area A in Attachment 1 of this RMA.
“Tax Area B” means the geographic area that: (i) at the CFD Change, was anticipated to be developed with medium-density single family detached residential units, and (ii) is specifically identified as Tax Area B in Attachment 1 of this RMA.

“Tax Area C” means the geographic area that: (i) at the CFD Change, was anticipated to be developed with commercial land uses, and (ii) is specifically identified as Tax Area C in Attachment 1 of this RMA.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2016-2 that are not Developed Property.

B. DATA FOR SPECIAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) the Tax Zone within which each Parcel is located; (ii) whether each Parcel of Taxable Property is Developed Property or Undeveloped Property, (iii) the Acreage of each Parcel of Commercial Property, and (iv) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

Table 1 below identifies the Maximum Special Tax assigned to all Parcels of Taxable Property.
TABLE 1
MAXIMUM SPECIAL TAXES
FISCAL YEAR 2019-20

<table>
<thead>
<tr>
<th>Tax Area</th>
<th>Fiscal Year 2019-20 Maximum Special Tax*</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Developed Property $665.28 per SFR Lot</td>
</tr>
<tr>
<td></td>
<td>Undeveloped Property $5,281.13 per Acre</td>
</tr>
<tr>
<td>B</td>
<td>Developed Property $350.87 per SFR Lot</td>
</tr>
<tr>
<td></td>
<td>Undeveloped Property $3,880.83 per Acre</td>
</tr>
<tr>
<td>C</td>
<td>Developed Property $340.56 per Acre</td>
</tr>
<tr>
<td></td>
<td>Undeveloped Property $0 per Acre</td>
</tr>
<tr>
<td>All Tax Areas</td>
<td>Taxable Public Property The Maximum Special Tax that would have applied to the Parcel prior to the Parcel becoming Public Property (as determined by the City)</td>
</tr>
</tbody>
</table>

* On January 1, 2020 and each January thereafter, the Maximum Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.

D. METHOD OF LEVY OF THE SPECIAL TAX

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for that Fiscal Year. The Special Tax shall then be levied on all Parcels of Taxable Property as follows:

**Step 1:**
The Special Tax shall be levied Proportionately on each Parcel of Developed Property within all Tax Areas in the CFD up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;

**Step 2:**
If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property in Tax Areas A and B, up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;

**Step 3:**
If additional revenue is needed after applying the first two steps, the Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property, up to 100% of the Maximum Special Tax assigned to each Parcel of Taxable Public Property.

E. COLLECTION OF SPECIAL TAXES

The Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Special Taxes through foreclosure or
other available methods. The Special Tax shall be levied and collected in perpetuity unless and until the City determines that the Special Tax no longer needs to be levied to pay Authorized Services and Administrative Expenses.

F. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on: (i) Parcels of Undeveloped Property within Tax Area C, and (ii) Parcels of Public Property, except Taxable Public Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City’s discretion. Interpretations may be made by the City by resolution of the City Council for purposes of clarifying any vagueness or ambiguity in this RMA.

H. ENFORCEMENT

All delinquent Special Taxes billed off the County tax roll shall be subject to an immediate 10% penalty plus interest charges of 1.5 % as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City’s discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
RESOLUTION APPROVING THE PURCHASE AGREEMENT OF BALLISTIC VESTS TO ADAMSON POLICE PRODUCTS, LOS ALAMITOS, CA FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $62,800, AND A TOTAL AMOUNT NOT TO EXCEED $314,000; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department requires sworn officers and some civilian positions to wear ballistic vests; and

WHEREAS, these vests are intended for daily wear and an undergarment and an outer garment for special occasions; and

WHEREAS, custom fitted vests are provided at time of hire and current personnel are provided a replacement vest every five years; and

WHEREAS, on March 21, 2019 the Purchasing Division issued RFB 1819-42 for the procurement of ballistic vests for the Modesto Police Department on the City’s website; prospective bidders were notified online of the bid opportunity and twenty-three vendors downloaded the RFB; and

WHEREAS, on April 16, 2019 bids were formally opened in the City Clerk’s Office and two vendors responded and both were considered responsive and responsible; and

WHEREAS, Modesto Municipal Code Section 8.3203 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 1819-42 for Ballistic Vests conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Adamson Police Products was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and agreement for ballistic vests to Adamson Police Products, Los Alamitos, CA for a two-year agreement with three one-year extension options for an annual cost not to exceed $62,800 and a total amount not to exceed $314,000 over five years.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the agreement

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE PURCHASE OF ONE ANIMAL CONTROL TRUCK (ACO BODY) WITH SPECIFIC CONFIGURATIONS TO TOWNE FORD, REDWOOD CITY, CA FOR A TOTAL AMOUNT NOT TO EXCEED $67,836, AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, the animal control truck replacement will be used by the Police Department; and

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

WHEREAS, on February 26, 2019 the Purchasing Division issued RFB 1819-39 for the purchase of one animal control truck with specific configurations on the City’s website; and

WHEREAS, on April 23, 2019 bids were formally opened in the City Clerk’s Office; and

WHEREAS, two companies downloaded the RFB, one vendor responded: and
WHEREAS, one vendor was found responsive and responsible; and
WHEREAS, based on lowest responsive and responsible bid staff recommends awarding one animal control truck to Towne Ford, Redwood City, CA; and
WHEREAS, sufficient funds for one animal control truck 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 authorizes the award of bid for the purchase of one animal control truck to Towne Ford, Redwood City, CA.
BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the purchase order for an estimated total of $67,836.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:  

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE PURCHASING AGREEMENT FOR OFFICE SUPPLIES TO STAPLES, MODESTO, CA AS THE PRIMARY SUPPLIER BY UTILIZING THE COMPETITIVELY BID PROCESS WITH SOURCEWELL, FORMALLY KNOWN AS NATIONAL JOINT POWERS ASSOCIATION (NJPA); A PURCHASING AGREEMENT FOR OFFICE SUPPLIES TO OFFICE DEPOT, MODESTO, CA. AS THE SECONDARY SUPPLIER BY UTILIZING THE COMPETITIVELY BID PROCESS WITH NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NATIONAL IPA) & OMNIA PARTNERS; AND APPROVING A PURCHASING AGREEMENT FOR OFFICE FURNITURE TO WARDEN'S, MODESTO, CA. BY UTILIZING THE COMPETITIVELY BID PROCESS WITH NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NATIONAL IPA) FOR TWO-YEAR AGREEMENTS, WITH THREE ONE-YEAR EXTENSION OPTIONS FOR AN ANNUAL COST NOT TO EXCEED $250,000 FOR A TOTAL COMBINED AMOUNT COST OF $1,250,000 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENTS

WHEREAS, the City has utilized Office Depot since 1993 primarily to order office supplies and breakroom supplies with very minimal restrictions or regulations on the types of supplies being purchased; and

WHEREAS, during Fiscal Year 2017-2018 there were 3,330 different items purchased from the Office Depot website resulting in a spending of $231,878; and

WHEREAS, of the 3,330 items purchased through the Office Depot business account approximately 15% of the items could have been purchased from the current agreements that were competitively bid that the City has established with other vendors; and

WHEREAS, staff recommends approving a purchasing agreement with Staples, by utilizing the competitive bid process with Sourcewell for office supplies as a primary vendor; and
WHEREAS, staff recommends approving a purchasing agreement with Office Depot, by utilizing the competitively bid process with Omni Partners formerly NJPA for office supplies as a secondary vendor when the items needed cannot be found at the primary vendor; and

WHEREAS, staff recommends approving a purchasing agreement with Warden’s a local vendor; by utilizing the competitively bid process with National IPA for office furniture; and

WHEREAS, staff recommends utilizing the Central Sanitary Agreement #147851, approved by Council on August 8, 2018, by Resolution No. 2018-306 effective August 8, 2018 through August 7, 2020 for disinfectant wipes, disinfectant sprays, dish soap, cleaners, deodorizers, brooms, facial tissue, paper towels, cups, and air fresheners; and

WHEREAS, staff recommends utilizing the Fastenal Vending Agreement #149397, approved by Council on September 11, 2018, by Resolution No. 2018-393, effective October 1, 2018 through September 30, 2020 for batteries, safety gloves, and other safety items; and

WHEREAS, the City will implement a new Administrative Directive to standardize the purchase of office supplies and the purchase practices across the organization; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, however, exceptions to the formal bidding process are granted in MMC 8-3.204(d); 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 process 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes approving the purchasing agreement for office supplies to Staples, Modesto, CA as the primary supplier by utilizing the competitively bid process with Sourcewell, formally known as National Joint Powers Association (NJPA); a purchasing agreement for office supplies to Office Depot, Modesto, CA as the secondary supplier by utilizing the competitively bid process with National Intergovernmental Purchasing Alliance (National IPA) & OMNIA Partners; and approving a purchasing agreement for office furniture to Warden’s, Modesto, CA by utilizing the competitively bid process with National Intergovernmental Purchasing Alliance (National IPA) for two-year agreements, with three one-year extension options for an annual cost not to exceed $250,000 for a total combined amount cost of $1,250,000.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee is hereby authorized to execute the purchase agreements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 

(APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney)
RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR EDUCATION AND GOVERNMENT BROADCAST PRODUCTION SERVICES TO FINAL CUT MEDIA, OF MODESTO, CA, FOR A FIVE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $233,097 AND A TOTAL AMOUNT NOT TO EXCEED $1,584,701 OVER SEVEN YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto manages the Education and Government Channel, and

WHEREAS, the EG Channel provides a platform for live broadcasting and programming of City Council meetings, Board of Supervisor meetings, special events and other government meetings, and

WHEREAS, the City of Modesto requires an ongoing need to maintain and support the Education and Government Channel, and

WHEREAS, the City Manager authorized the distribution of formal Request for Proposals for the furnishing of Education and Government Broadcast Services, and

WHEREAS, the City issued RFP 1819-45 Education and Government Broadcast Services on the City’s website, and

WHEREAS, proposals were formally opened in the City Clerk’s office on March 12, 2019, and

WHEREAS, two (2) local companies chose to respond, and

WHEREAS, an evaluation committee comprised of five (5) City staff members and three (3) County staff members evaluated and graded the proposals, and

WHEREAS, Final Cut Media Inc., was ranked highest in total evaluation criteria and most responsive bidder, and
WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, the award of proposal and contract for the furnishing of Education and Government Broadcast Production Services for the Information Technology Department to Final Cut Media, of Modesto, California, conforms to the Modesto Municipal Code, 8-3.203 because they were the highest ranking proposer, and

WHEREAS, upon approval of this agreement a separate cost sharing agreement will be developed between the City of Modesto and Stanislaus County.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it awards the bid and agreement with Final Cut Media Inc., for a five-year agreement with two one-year extension options, for an annual cost not to exceed $233,097 and a total amount not to exceed $1,584,701 over seven years.

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 at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN INCREASE TO THE AGREEMENT WITH REMIX SOFTWARE, INC., SAN FRANCISCO, CA, FOR THE TRANSIT PLANNING AND SCHEDULING SOFTWARE UTILIZED BY MODESTO AREA EXPRESS BY $41,000 FROM $194,160 TO $235,160, TO ALIGN WITH THE APPROVED AGREEMENT

WHEREAS, on October 14, 2016, the City entered into an Agreement for $41,000 with Remix Software, Inc., for the transit planning software system for the Modesto Area Express bus system, and

WHEREAS, on January 23, 2018 by Resolution 2018-31, Council approved an amendment to the agreement with Remix Software of $194,160 which extended the agreement for transit planning for three years, and included a new scheduling module for the software, and

WHEREAS, during a recent review of an invoice from Remix Software, it was found that the original agreement of $41,000 was not included in the total amount authorized by the Council in Resolution 2018-31. That amount only included the amendment increase, and

WHEREAS, approval is needed to increase the approved amount and continue using the Remix software as described in the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves increasing the agreement amount with Remix Software, Inc., San Francisco, CA, by $41,000 from $194,160 to $235,160, for the transit planning and scheduling software utilized by Modesto Area Express to align with the approved agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-265

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR AS-NEEDED CONCRETE SERVICES AT MULTIPLE LOCATIONS THROUGHOUT THE CITY TO MACHADO & SONS CONSTRUCTION INC., TURLOCK, CA, FOR A FIVE YEAR AGREEMENT, FOR A TOTAL COST NOT TO EXCEED $525,659, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City operates the Modesto Area Express (MAX) bus system which includes 680 bus stops around Modesto, and

WHEREAS, as bus stops are ready to be improved with new benches, shelters, other amenities, or are in need of repair, concrete work is often needed to prepare the site, and

WHEREAS, on January 30, 2019, the Request for Bids (RFB 1819-26) was issued for the Bus Stop Curb, Gutter, Pad and Sidewalk Services, and

WHEREAS, the RFB sought a contractor to provide concrete services to locations primarily, but not limited to MAX bus stops, including work on curb, gutter, pad, sidewalk, taper, transition apron, including the fabrication and installation of handicap accessible ramps, on an “as needed” basis throughout the year, and

WHEREAS, on March 19, 2019, the City of Modesto received two bids, and

WHEREAS, Machado & Sons Construction Inc. was the lowest responsive and responsible bidder with their total cost not exceeding $375,659, and

WHEREAS, after confirming with the Purchasing Division that it was acceptable since the work was within the scope that was proposed, the Traffic Division added an additional $150,000 to the overall contract bringing the total cost to $525,659.
NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the award of bid and agreement for as-needed concrete services at multiple locations throughout the City to Machado & Sons Construction Inc., Turlock, CA, for a five year agreement, for total cost not to exceed $525,659.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

06/11/2019/PW/ABarth/Item 12 2 2019-265
RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT FOR THE DISPOSAL OF GRAY WATER FOR THE UTILITIES DEPARTMENT, WATER SERVICES DIVISION, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $66,150 FOR THE FIRST YEAR OF SERVICE, WITH ANNUAL INCREASES OF $0.01 PER GALLON ANNUALLY OVER THE FIVE YEAR PERIOD AND 15% CONTINGENCY FUNDS FOR POTENTIAL INCREASES, FOR A TOTAL NOT TO EXCEED $489,037 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto operates a water treatment facility in the community of Grayson, and

WHEREAS, this treatment facility provides safe and reliable drinking water for the residents of the community, and

WHEREAS, as part of the water treatment process, a waste brine is generated that needs to be disposed of on an as-needed basis. Brine waste has been delivered to East Bay Municipal Utility District (EBMUD) since initial operations of this treatment plant in 2007. Modesto’s wastewater treatment permit does not allow the disposal of this brine waste at its facility, and

WHEREAS, the City of Modesto entered into a contract purchase agreement No. 65944 with East Bay Municipal Utility District (EBMUD), by Resolution No. 2014-305 in 2014 for an estimated annual cost of $27,000 which equals $135,000 over a five year period, and

WHEREAS, on September 11, 2018, Council approved Resolution No. 2018-394, increasing the Purchasing Agreement with East Bay Municipal Utility District $73,710, for a new agreement total amount not to exceed $208,710, and
WHEREAS, the current purchase agreements for gray water disposal expires on August 5, 2019, and

WHEREAS, per Finance Policy and Procedures, staff reached out to other vendors to determine their ability to provide brine waste disposal services and established that the only facility receiving brine waste is EBMUD and staff completed a Bid Waiver to EBMUD for non-hazardous brine waste disposal, and

WHEREAS, per MMC Section 8-3.204 generally requires all purchases, in excess of fifty thousand dollars ($50,000) to follow formal bid procedures. However, MMC 8-3.204(b) provides that a purchase may be exempted from the City’s formal bidding requirement where the Purchasing Agency’s requirements can be met solely by a single article or process. Additionally, MMC 8-3.204(d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. Here, EBMUD should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b), since they are the only licensed facility in the surrounding area that can accept disposal of non-hazardous brine. Additionally, EBMUD should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(d) as they are a vendor qualified to accept non-hazardous brine, and

WHEREAS, based on historical and projected needs, fluctuating dissolved solid rates, and price increases, staff is seeking Council authority to approve the sole source agreement with EBMUD for the estimated projected costs listed below:
<table>
<thead>
<tr>
<th>Vendor</th>
<th>Year</th>
<th># Loads/Annually</th>
<th>Gallons/Truckload</th>
<th>Disposal Price/Gallon</th>
<th>Total Projected Disposal Cost</th>
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<td>EBMUD</td>
<td>Year 1</td>
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<td>6,300</td>
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<tr>
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<td></td>
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<td></td>
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<td><strong>15% Contingency Funds for Potential Increase</strong></td>
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<td><strong>$63,787.00</strong></td>
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<tr>
<td><strong>5-Year Estimated Needs</strong></td>
<td></td>
<td></td>
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<td></td>
<td><strong>$489,037.00</strong></td>
</tr>
</tbody>
</table>

Funds are budgeted in Water Fund Professional Services 4100-45050-53300.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source agreement with East Bay Municipal Utility District for the disposal of gray water for the Utilities Department, Water Services Division, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $66,150 for the first year of service, with annual increases of $0.01 per gallon annually over the five year period and 15% contingency funds for potential increases, for a total not to exceed $489,037 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 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 

(APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney)
RESOLUTION APPROVING THE AWARD OF BID FOR THE RENTAL OF
THREE DV-400C PUMPS FROM UNITED RENTALS, SALIDA, CA, IN AN
AMOUNT NOT TO EXCEED $100,000 TO ENSURE THE CITY HAS THE
NECESSARY EQUIPMENT TO MITIGATE ANY SERVICE DISRUPTIONS
DURING PEAK CANNERY DISCHARGE SEASON AND AUTHORIZING THE
PURCHASING MANAGER OR HER DESIGNEE, TO EXECUTE THE
PURCHASE ORDER

WHEREAS, in January 2012, West Yost Associates completed a draft of the
Cannery Segregation Line (CSL) and River Trunk Diversion Plan (Plan), and

WHEREAS, the Plan consisted of several elements: 1) a risk assessment, which
included a complete inspection of the CSL and a hydraulic analysis of CSL flows; 2) a
temporary bypass pumping plan in the event of a CSL failure; and 3) preliminary design
of permanent diversion structures, and

WHEREAS, through the use of Closed Circuit Television inspection and
hydraulic analysis, it was determined that the risk of CSL failure is low, yet still a
possibility, and

WHEREAS, in January 2015, an emergency bank repair was completed due to
significant bank erosion at the Tuolumne River; subsequently, staff developed a seasonal
bypass pumping plan to be used until capital improvements for reliability of the sewer
trunk system are completed, and

WHEREAS, on June 2, 2015, by Resolution No. 2015-180, Council approved the
rental bypass pumps from Rain for Rent in the amount of $100,000 and these pumps have
been rented from Rain for Rent each year since 2015, and

WHEREAS, in the event of a CSL failure, the Bypass Plan could quickly restore
service to CSL users, and
WHEREAS, staff recommends the City rent three bypass pumps to have them on standby at the local United Rentals yard, and

WHEREAS, not having this equipment on standby rental has the potential to result in a sanitary sewer overflow from either the domestic or CSL sewer trunks and the City would receive monetary penalties and civil liability enforcement actions from the State Water Resources Control Board, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; however, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, one exception, MMC Section 8-3-204(c) states that where the Purchasing Manager, in 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, an award of bid for bypass pumps by United Rentals, Salida, CA, conforms to the Modesto Municipal Code because there is an urgency for these pumps to be in place before the cannery season begins.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the rental of three DV-400c pumps from United Rentals, Salida, CA, in an amount not to exceed $100,000 to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season.

BE IT FURTHER RESOLVED the Purchasing Manager or her designee, to execute the purchase order.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

(Seal)

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE SENIOR CITIZENS CENTER & AIRPORT NEIGHBORHOOD COMMUNITY CENTER KITCHEN RENOVATION AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $435,253 TO JHK CONSTRUCTION, INC., ESCALON, CA

WHEREAS, the City’s Senior Citizens Community Center opened in 1968. Since then, there has been one major expansion to the building along with assorted minor updates to the facility including previously replacing the kitchen appliances in 1990, and

WHEREAS, the Senior Citizens Community Center serves as a hub of activity for residents of all ages in Modesto but its primary focus is to serve the needs of Modesto’s seniors, and

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, on June 14, 2016, Council, by Resolution No. 2016-254, approved the Program Year 2016-2017 Annual Action Plan (Plan), and

WHEREAS, included in the Plan was anticipated use of CDBG funds for Public Facility Improvements for the Senior Citizens Center (100865) and Airport Neighborhood Community Center (100868), and
WHEREAS, this project renovated the existing Senior Citizen’s Center kitchen providing new appliances, sinks, counters, and expanded the kitchen to accommodate the needs of the users of the facility, and

WHEREAS, on April 4, 2017, by Resolution No. 2017-119, Council awarded a contract to JHK Construction, Inc., for the construction of the Senior Citizens Center and Airport Neighborhood Community Center Kitchen Renovation Project, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of April 28, 2017, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed. The work is covered by a one-year warranty for any issues that could arise.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Senior Citizens Center & Airport Neighborhood Community Center Kitchen Renovation as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling $435,253 to JHK Construction, Inc., Escalon, CA.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT FOR A PERMANENT UTILITY EASEMENT TO THE MODESTO IRRIGATION DISTRICT (MID) FOR THE EXISTING AND FUTURE UNDERGROUND FACILITIES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE GRANT OF EASEMENT DOCUMENTS

WHEREAS, the Grogan Park (Tivoli) Production Well is in the final phase of construction and requires power to supply the well apparatus, and

WHEREAS, the Modesto Irrigation District (MID) has underground facilities installed in Grogan Park but lacks the necessary easements granting permission to provide extended facilities, and

WHEREAS, the City’s contractor, TNT Industrial Contractors, is currently constructing site improvements for the Grogan Park (Tivoli) Production Well, and

WHEREAS, MID has indicated to the City that in order for the well to receive power, a utility easement must be created to allow MID to service their current and future facilities in the area, and

WHEREAS, the City of Modesto and MID are mutually interested in resolving this prior oversight.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Permanent Utility Easement as depicted in the attached exhibit within the Grogan Park area.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the grant of easement documents for the Permanent Utility Easement on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
EXHIBIT “A”

EASEMENT DESCRIPTION

The land referred to herein below is situated in the City of Modesto, County of Stanislaus, State of California and is described as follows:

Being a portion of land described in the Grant Deed recorded September 27, 2006, as Document No. 2006-0143080, Official Records of said County, situate in the North half of Section 12, Township 3 South, Range 9 East, Mount Diablo Base & Meridian, more particularly described as follows:

COMMENCING from the centerline intersection of Litt Road and Sylvan Avenue as shown on Record of Survey 2012-0058929 recorded in Book 33 of Surveys at Page 24, Official Records of said County;

Thence Northerly along the centerline of said Litt Road, North 0°17’39” West, 429.01 feet to the beginning of a non-tangent curve, concave Northwesterly having a radius of 286.98 feet, to which point a radial line bears South 60°53’12” East;

Thence leaving said centerline of Litt Road Southwesterly along said curve through a central angle of 17°04’21”, an arc length of 85.51 feet;

Thence South 46°11’09” West, 107.71 feet to the POINT OF BEGINNING;

Thence continuing South 46°11’09” West, 31.13 feet to the beginning of a curve concave Southeasterly having a radius of 212.99 feet;

Thence Southwesterly along said curve through a central angle of 2°37’25”, an arc length of 9.75 feet;

Thence South 45°00’59” East, 103.70 feet;

Thence South 44°59’01” West, 4.50 feet;

Thence South 45°00’59” East, 13.00 feet;

Thence North 44°59’01” East, 12.00 feet;

Thence North 45°00’59” West, 13.00 feet;

Thence North 44°59’01” East, 2.50 feet;

Thence North 45°00’59” West, 93.71 feet;
Thence North 46°11'09" East, 30.67 feet;
Thence North 43°48'51" West, 10.00 feet to the POINT OF BEGINNING;
Containing an area of approximately 1501 Square feet.
A PLAT OF THE ABOVE DESCRIBED PARCEL(S) OF LAND IS ATTACHED HERETO AS EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

END DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the requirements of the Professional Land Surveyors' Act.

Stephen J. Pyle
Professional Land Surveyor
California No. 8385

7 May 2019
RESOLUTION APPROVING AN AGREEMENT TO PROVIDE FIRE PROTECTION SERVICES BETWEEN THE CITY OF MODESTO, THE CITY OF OAKDALE AND THE OAKDALE FIRE PROTECTION DISTRICT FOR A THREE-YEAR TERM, WITH A TWO-YEAR EXTENSION OPTION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Oakdale ("Oakdale") and the Oakdale Fire Protection District ("District") are currently in contract with Stanislaus Consolidated Fire Protection District that will expire June 30, 2019; and

WHEREAS, Oakdale and District approached the City of Modesto ("COM") to provide the following services within Oakdale’s and District’s jurisdictional boundaries: fire protection, prevention, suppression services, and related services such as emergency medical services, emergency preparedness, mitigation of hazardous materials incidents, and special operations including, but not limited to, confined space rescue, technical rescue and water rescue; and

WHEREAS, the initial term of the Agreement will be for three years, from July 1, 2019 through June 30, 2022, with the option of a two-year extension; and

WHEREAS, Oakdale and District will compensate COM for all services provided, pursuant to the terms and conditions of the Agreement; and

WHEREAS, in the event the Agreement is terminated, Oakdale and District intend to offer employment to COM Fire Department personnel affected by such termination; and
WHEREAS, the Agreement will generate approximately $14,566,064 in new revenue to the General Fund, with total anticipated expenses at $13,816,064 and net revenue at $750,000, over the three-year term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement to provide fire protection services between the City of Modesto, the City of Oakdale and the Oakdale Fire Protection District for a three-year term, with a two-year extension option.

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 11th day of June, 2019, by Councilmember Madrigal, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE SIDE LETTER TO THE MODESTO CITY FIRE FIREFIGHTERS ASSOCIATION MEMORANDUM OF UNDERSTANDING AS IT RELATES TO THE AGREEMENT TO PROVIDE FIRE PROTECTION SERVICES BETWEEN THE CITY OF MODESTO, THE CITY OF OAKDALE AND THE OAKDALE FIRE PROTECTION DISTRICT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Fire Fighters Association (MCFFA) expires on June 30, 2021, and

WHEREAS, representatives of the CITY and the MCFFA have met and conferred in good faith concerning vacation boards and minimum staffing, and

WHEREAS, the CITY and MCFFA have reached agreement on language changes for a Letter of Agreement (LOA) which, upon execution, shall be attached hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

ARTICLE 32, VACATION, SECTION (J) of the MOU is amended to provide the number of vacation shifts boards available per work shift shall be five (5) with the exception of all holidays listed in Article 30 where the available vacation boards shall be six (6), and

ARTICLE 18, MINIMUM STAFFING POLICY, SECTION (A) of the MOU is amended to provide Effective upon adoption of this agreement by the City Council, there shall be a minimum of three (3) employees per engine (Captain/Engineer/Firefighter), four (4) employees per non-tiller truck company per shift (Captain/Engineer/2 Firefighters), four (4) employees per tiller truck (Captain/2 Engineers/Firefighter) and
two (2) employees per Crash Fire Rescue (Captain/Engineer) and two (2) employees per engine company (Captain/Engineer) assigned to Oakdale Fire Protection District Stations 29 (Knights Ferry) or 30 (Valley Home). The airport/crash rescue unit may be unstaffed. Prior to implementing any reduction in force from daily staffing levels that are in effect at the time of adoption of this contract and/or any changes to the City’s current delivery platform, the City shall provide notice to MCFFA and meet and confer over the proposed change, and

ARTICLE 26, PROBATION, Lateral Firefighters, Engineers, and Captains hired through a contract for fire services shall serve a twelve (12) month probationary period and are exempt from the minimum four (4) weeks of training and competency test, and

WHEREAS, this contract amendment shall become effective upon ratification by the MCFFA and adoption by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the side letter to the Modesto City Fire Firefighters Association Memorandum of Understanding as it relates to the Agreement to provide fire protection services between the City of Modesto, the City of Oakdale and the Oakdale Fire Protection District.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Madrigal, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
Letter of Understanding

Between

City of Modesto

And

Modesto City Fire Fighters Association, IAFF Local 1289

The City of Modesto, hereby referred to as “City” and the Modesto Professional Firefighters, IAFF Local 1289, hereby referred to as “Union” execute this Letter of Understanding (“LOU”) on this 11th day of June 2019 regarding the following:

The City and the Union agree effective June 11, 2019 and for the term of the contract of Fire Protection Services with the City of Oakdale and the Oakdale Fire Protection District:

Article 18. MINIMUM STAFFING POLICY

1. Effective July 1, 2019 Article 18 Section A is amended to allow two (2) employees per engine company (Captain/Engineer) assigned to Oakdale Fire Protection District Station 29 (Knights Ferry) or Station 30 (Valley Home).

2. The parties recognize the extenuating circumstances of The Contract for Service Agreement between the City, Oakdale Fire Department, and the Oakdale Fire Protection District. Particularly, the time restraints associated with said agreement.

3. The Union is not now; nor will it enter into any future discussions with the City, in support of 2-0 staffing on any apparatus that Modesto Fire Department personnel staff. Regardless, it is solely because of the extenuating circumstances aforementioned, that the Union enters into this LOU.

4. Reserve, intern, or any unsworn person shall not supplement or replace staffing on any apparatus staffed with Modesto Fire Department personnel.

5. It shall be the intent of the City of Modesto to obtain 3-0 staffing for any and all 2-0 apparatus staffed with Modesto Fire Department personnel as soon as administratively and financially possible. Furthermore, LOCAL 1289 requests that staffing levels at Station 29 and or Station 30 be discussed at any and all bi-annual Review of Service and, or any and all Advisory Committee meetings; as outlined in Article IV Section 4.2 of the Agreement to Provide Fire Protection Services Between the City of Modesto, The City of Oakdale, and The Oakdale Fire Protection District.
Article 26. PROBATION

1. Lateral Firefighters, Engineers, and Captains hired through a contract for fire services shall serve a twelve (12) month probationary period and are exempt from the minimum four (4) weeks of training and competency test.

Article 32. VACATION

1. For the term of the contract of Fire Protection Services with the City of Oakdale and the Oakdale Fire Protection District, the number of vacation boards shall be five (5) with the exemption of all holidays listed in Article 30 where the available vacation boards shall be six (6)

2. Lateral Firefighters, Engineers, and Captains hired through a contract for fire services may have annual vacation time credited in advance, although all of the time may not be earned at the time the vacation starts.

This Letter of Understanding shall become effective upon ratification by the effective membership of the Union and by the Modesto City Council.

CITY OF MODESTO
By: ___________________________ Dated: ______________

MODESTO FIREFIGHTERS, IAFF Local 1289

By: ___________________________ Dated: ______________
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-272

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2019-20 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization; and

WHEREAS, classifications are being added to support a contract for fire services with the City of Oakdale and the Oakdale Fire Protection District; and

WHEREAS, position changes will be effective the pay period in which July 1, 2019 falls, (Pay Period beginning June 25, 2019).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2019-20 Operating Budget for various departments as follows:

1. Create one (1) Battalion Chief, nine (9) Fire Captains, nine (9) Fire Engineers, and seven (7) Firefighters in the Modesto Fire Department.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Madrigal, 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, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney