RESOLUTION APPROVING A THIRD AMENDMENT TO THE RESTATED LEGAL SERVICES AGREEMENT WITH ARATA, SWINGLE, VAN EGMOND & GOODWIN IN THE AMOUNT OF $150,000, FOR A TOTAL NOT TO EXCEED AMOUNT OF $650,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on June 24, 2014 by Resolution No. 2014-241, Council approved a standard legal services agreement with Arata, Swingle, Van Egmond and Goodwin (Arata), a Modesto based law firm, for representation of the City in numerous tort liability cases; and

WHEREAS, since their original agreement, Arata has handled 68 cases, the majority of the City’s tort cases involving dangerous conditions, trip and falls, sidewalk issues, trees and other related matters on an on-call basis; and

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

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

WHEREAS, on February 12, 2019, by Resolution No. 2019-56, Council approved a Second Amendment to the Restated Legal Services Agreement in the amount of $245,000, for a total agreement amount of $500,000; and

WHEREAS, the City is still in need of outside counsel services; and

WHEREAS, the City Attorney’s office has drafted a Third Amendment to the Restated Legal Services agreement with Arata, Swingle, Van Egmond and Goodwin.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin, in the amount of $150,000, for a total amount not to exceed $650,000 to continue representing the City of Modesto in tort matters, as provided in Exhibit A attached here to 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 at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Zoslocki, 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:  

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

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

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

RECITALS

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

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

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

WHEREAS, City and Attorney desire to amend the Restated Agreement for further service by increasing the previously approved amount of fees from $500,000 to $650,000.

NOW, THEREFORE, it is hereby agreed that the Restated Legal Services Agreement between the City of Modesto and Arata, Swingle, Van Egmond and Goodwin dated December 12, 2017 authorized by Resolution No. 2017-500, amended by Resolution No. 2018-328 and Resolution 2019-56 is amended as follows:

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

“The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the “Service”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of six hundred and fifty thousand dollars ($650,000).”

2. Entire Agreement. The parties to this Third Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 12, 2017, remain in full force and effect to the extent they are not in conflict with this Third 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 Third Amendment. No alteration to the terms of this Third 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 Third Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Third Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

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

**CITY OF MODESTO,**
A Municipal Corporation

By: __________________________________________

Print name: Joseph P. Lopez

Title: City Manager

**APPROVED TO AS FORM:**

By: _______________________________________

Adam U. Lindgren, City Attorney

**ATTEST:**

By: _______________________________________

Stephanie Lopez, City Clerk

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

________________________________________

Federal I.D. No.

________________________________________

State I.D. No.

________________________________________


TYPE OF BUSINESS ENTITY (check one):

_____ Individual/Sole Proprietor

_____ Partnership

_____ Corporation

_____ Limited Liability Company

_____ Other (please specify: ____________________)

________________________________________

Signature of Authorized Person

Title

________________________________________

Additional Signature (if required)

Title
RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP IN THE AMOUNT OF $215,000, FOR A TOTAL AMOUNT NOT TO EXCEED $245,000, FOR CONTINUED REPRESENTATION AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on February 2, 2019, the City entered into a standard Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of $30,000 for representation in the Perkins v. City of Modesto police case; and

WHEREAS, our office would like to add additional anticipated police matters, including use of force and the discharge of a weapon to this contract and increase the budget for continued representation; and

WHEREAS, the City Attorney’s office has drafted a First Amendment to the Legal Services agreement with Allen, Glaessner, Hazelwood & Werth, LLP for additional services.

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 Allen, Glaessner, Hazelwood & Werth, LLP in the amount of $215,000, for a total not to exceed amount of $245,000, and the addition of anticipated police matters, including use of force and the discharge of a weapon 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 at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Zoslocki, 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
FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment to the Legal Services (this "First Amendment"), is made and entered into on __ day of __ 2019 ("Effective Date"), by and between the CITY OF MODESTO, a California Municipal Corporation ("City"), and ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP ("Attorney"), located at 180 Montgomery Street, Suite 1200, San Francisco, California 94104. 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 litigation, trial counsel, legal advice, representation and assistance to City in relation to Perkins v. City of Modesto, et al.; 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 $245,000, and expanding the Scope of Work to include additional anticipated police matters, including use of force and the discharge of a weapon.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Allen, Glaessner, Hazelwood & Werth, LLP dated February 2, 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"): Perform such work that may be necessary and reasonable on the case of Perkins v. City of Modesto, et al., and additional anticipated police matters, including use of force and the discharge of a weapon, including but not limited to: trial counsel, discovery, pleadings, securing and working with experts, and participating in any pretrial negotiations.

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 two hundred forty-five thousand dollars ($245,000)."

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 February 2, 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.]
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 A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH BARTKIEWICZ, KRONICK & SHANAHAN, P.C. IN THE AMOUNT OF $50,000, FOR A TOTAL AMOUNT NOT TO EXCEED $142,300, FOR CONTINUED REPRESENTATION AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on December 6, 2016, by Resolution No. 2016-479, Council approved an agreement with Bartkiewicz, Kronick & Shanahan, P.C. (BKS) to provide legal services for the State Water Resources Control Board Substitute Environmental Document, in the amount of $57,300; and

WHEREAS, on July 11, 2017, by Resolution No. 2017-282, Council approved a First Amendment to the Legal Services Agreement with BKS for continued services in an amount not to exceed $35,000; and

WHEREAS, the City is currently seeking to overturn the State Water Resources Control Board’s action in approving the Bay-Delta Plan; and

WHEREAS, this is the suit challenging the State Water Board’s approval of regulatory changes that require that 40% of the flow of the Tuolumne River remain in the stream for fish; the regulations are known locally as the “water grab”; and

WHEREAS, the City Attorney’s office has drafted a Second Amendment to the Legal Services agreement with Bartkiewicz, Kronick & Shanahan, P.C., to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan, P.C., in the amount of $50,000, for a total amount not
to exceed $142,300 to continued representation, 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 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 13th day of August, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

This Second Amendment to the Legal Services (this “Second Amendment”), is made and entered into on ___ day of ___ 2019 (“Effective Date”), by and between the CITY OF MODESTO, a California Municipal Corporation (“City”), and BARTKIEWICZ, KRONICK & SHANAHAN, P.C. (“Attorney”), located at 1011 22nd Street, Sacramento, California 95816. 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 legal services for the State Water Resources Control Board Substitute Environmental Document; 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 $92,300 to $142,300.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Bartkiewicz, Kronick & Shanahan, P.C. dated December 6, 2016, is amended as follows:

1. Paragraph No. 3 “Compensation” is amended to state as follows:

“Consultant Services specifies the sum of ONE HUNDRED FORTY- TWO THOUSAND AND THREE HUNDRED DOLLARS ($142,300) as the total compensation, Consultant agrees to accept for performing all services and furnishing all staffing and materials for the project as well as performance by Consultant of all of its duties and obligations required in the Original Agreement.”

2. Entire Agreement. The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 6, 2016, remain in full force and effect to the extent they are not in conflict with this Second Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Second Amendment. No alteration to the terms of this Second Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.
3. **Authority.** The person signing this Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

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

**CITY OF MODESTO,**  
A Municipal Corporation

By: ________________________________

Print name: Joseph P. Lopez

Title: City Manager

**APPROVED TO AS FORM:**

____________________________________

Adam U. Lindgren, City Attorney

**ATTEST:**

____________________________________

Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]
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 A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH SLOAN, SAKAI, YEUNG AND WONG, LLP IN THE AMOUNT OF $50,000, FOR A TOTAL AMOUNT NOT TO EXCEED $250,000 FOR ADDITIONAL SERVICES AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on September 11, 2018, by Resolution No. 2018-386, Council approved a two year agreement with Sloan, Sakai, Yeung and Wong, LLP, in the amount of $200,000 for labor negotiations; and

WHEREAS, staff has requested to consult with Management Strategies Group (MSG), a division within Sloan Sakai Yeung Wong LLP; and

WHEREAS, MSG will help assess the City’s Risk Management Division within the Human Resource Department for best management practices; and

WHEREAS, the Risk Management Division oversees critical areas such as the City’s workers’ compensation program, disability interactive process, general liability program, loss control, recovery, commercial driver program, property insurance and contract insurance; and

WHEREAS, MSG’s assessment will benchmark the programs performance and needs and develop recommendations to improve performance from a cost and outcome basis; and

WHEREAS, the City Attorney’s office has drafted a First Amendment to the Legal Services agreement with Sloan, Sakai, Yeung and Wong, LLP for these additional services.

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 Sloan,
Sakai, Yeung and Wong, LLP in the amount of $50,000, for a total not to exceed amount of $250,000, and adding the additional scope of services to the Legal Services Agreement for Management Strategies Group (MSG), 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 at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

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

This First Amendment to the Legal Services Agreement (this “First Amendment”), is made and entered into on _ day of _ 2019 (“Effective Date”), by and between the CITY OF MODESTO, a California Municipal Corporation (“City”), and SLOAN, SAKAI, YEUNG & WONG LLP (“Attorney”), located at 1220 Seventh Street, Suite 300, Berkeley, California 94710. 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”) for legal advice, representation and assistance on matters involving labor negotiations; 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 $200,000 to $250,000, expanding the Scope of Work to include additional services from Management Strategies Group (MSG), a division within Sloan Sakai Yeung Wong LLP to assess the City’s Risk Management Division within the Human Resource Department for best management practices.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Sloan Sakai Yeung Wong LLP dated September 11, 2018, 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”):

   Labor Negotiations and services from Management Strategies Group (MSG), a division within Sloan Sakai Yeung Wong LLP to assess the City’s Risk Management Division within the Human Resource Department for best management practices.

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 (hereafter the “Service”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of two hundred and fifty thousand dollars ($250,000).”
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 September 11, 2018, 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.]
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 AN AGREEMENT WITH WILLDAN, FRESNO, CA, FOR TRAFFIC ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED $145,000 FOR UP TO ONE YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on June 21, 2019, staff solicited and formally advertised for a Request for Proposal (RFP) through Planet Bids (#1819-72) for traffic engineering consulting services, and

WHEREAS, on July 5, 2019, staff received six proposals, and

WHEREAS, two City staff members rated each of the proposals based on various categories and objectives, and

WHEREAS, from the ratings that were received, Willdan received the top score and was the firm selected, and

WHEREAS, staff negotiated a final Scope of Services and Cost Proposal with Willdan in an amount not to exceed $145,000 for up to one year, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Willdan, Fresno, CA, for Traffic Engineering Services in an amount not to exceed $145,000 for up to one year.

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 13th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE RESULTS OF THE “FINAL REPORT – CITY OF MODESTO, PROPOSITION 1B AUDIT” FOR THE STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT FROM THE CALIFORNIA DEPARTMENT OF FINANCE OFFICE OF STATE AUDITS AND EVALUATIONS, AND REMITTING $13,167 OF PROPOSITION 1B EXPENSES

WHEREAS, the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project included reconstruction of the Pelandale Avenue overcrossing, the SR-99 on and off ramps in new alignments, and construction of a southbound auxiliary lane, and

WHEREAS, the project was critical to enhancing safety, relieving congestion, and improving traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, Project funding sources include City of Modesto Capital Facilities Fees (CFF), Federal Funds, City Water Funds and the SR 99 Proposition (Prop) 1B Bond Savings funds for a total project cost of $54.1 million, of which $41.6 million Prop 1B is programmed for construction, and

WHEREAS, on April 25, 2017, by Resolution No. 2017-154, Council approved the SR 99 / Pelandale Avenue Interchange Reconstruction Project improvements as complete, and

WHEREAS, the project is currently in the final closeout process to submit all required documentation to Caltrans for project completion, and

WHEREAS, in November 2018, the City was contacted by the Department of Finance Office of State Audits and Evaluations that an audit would be conducted on the
SR 99/Pelandale Avenue Interchange Reconstruction Project of the Prop 1B funds used, and

WHEREAS, after an extensive review, the Department of Finance Office of State Audits and Evaluations provided a confidential draft report on April 15, 2019 for the City to review, and

WHEREAS, the report detailed they found one finding in which costs were expended outside the Caltrans Program guidelines, and

WHEREAS, $13,167 of professional engineering expenditures within the construction support expenditure category were outside the contract period, and

WHEREAS, according to the January 2018 Caltrans Local Assistance Procedures Manual (LAPM), Chapter 10.3, costs shall be allowable only if the cost is incurred and allowable in accordance with contract provisions. Expenditures incurred outside a contract period may not be enforceable, leading to ineligible project expenditures, and

WHEREAS, on April 25, 2019, the City responded to the Confidential Draft Report findings, in which the City stated these costs were within the scope of work of the contract and authorized by the City in an exigency to keep the project on the critical path and within the project delivery schedule to avoid potentially dire consequences. The City requested that the State consider these mitigating factors in preparing its final response, and

WHEREAS, on May 15, 2019, the Department of Finance Office of State Audits and Evaluations provided the “Final Report-City of Modesto, Proposition 1B Audit.” The report stated it reviewed the City’s response to the draft audit report and since the
City did not provide any additional supporting documentation to the contrary, the finding and recommendations will remain unchanged.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the results of the “Final Report – City of Modesto, Proposition 1B Audit” for the State Route 99/Pelandale Avenue Interchange Reconstruction Project from the California Department of Finance Office of State Audits and Evaluations and remitting $13,167 of Proposition 1B expenses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-371

RESOLUTION APPROVING A LETTER OF AGREEMENT AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND MODESTO POLICE MANAGEMENT ASSOCIATION (MPMA) FOR THE TERM OF JULY 1, 2017 THROUGH SEPTEMBER 3, 2019 TO CORRECT THE LANGUAGE IN SECTION 4, SALARY TO ADJUST THE AUGUST 20, 2019 EFFECTIVE DATE FOR A SALARY RANGE INCREASE TO AN EFFECTIVE DATE OF JUNE 25, 2019; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police Management’ Association (MPMA) for the term of July 1, 2017 through September 3, 2019 was approved by Resolution 2017-05, and

WHEREAS, the Modesto Police Officers Association (MPOA) and MPMA have been individual entities and have negotiated separately in previous years, and

WHEREAS, to create parity and consistency between the two associations, the decision was made to merge into one association under MPOA effective fiscal year 2019-20, and

WHEREAS, the City and the newly formed MPOA recently negotiated a new MOU with a term of July 1, 2019 through June 20, 2023 which includes both groups under one agreement, and

WHEREAS, the existing approved language in MPMA MOU states in Section 4, Salary:

Effective August 20, 2019, salary ranges shall be adjusted upward by an amount equal to the change in CPI-U, Western Cities for the twelve-month period ending March
2019. However, in no event shall the wage increase be less than two (2%) percent or more than four (4%) percent, and

WHEREAS, the CITY and MPOA have reached agreement in order to create parity and consistency between the two associations effective fiscal year 2019-20 by amending the effective date in Section 4, Salary to reflect:

Effective June 25, 2019, salary ranges shall be adjusted upward by an amount equal to the change in CPI-U, Western Cities for the twelve-month period ending March 2019. However, in no event shall the wage increase be less than two (2%) percent or more than four (4%) percent, and

WHEREAS, changes for a Letter of Agreement (LOA) which, upon execution, shall be attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto Police Management Association (MPMA), amending the Memorandum of Understanding which covers a term from July 1, 2017 through September 3, 2019, Section 4, Salary to reflect:

Effective June 25, 2019, salary ranges shall be adjusted upward by an amount equal to the change in CPI-U, Western Cities for the twelve-month period ending March 2019. However, in no event shall the wage increase be less than two (2%) percent or more than four (4%) percent and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

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 13th day of August, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

SEAL

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
Letter of Agreement
Between
City of Modesto
And
Modesto Police Management Association

The City of Modesto, hereby referred to as "City" and the Modesto Police Management Association, hereby referred to as "Union" execute this Letter of Agreement ("LOA") on this 13th day of August 2019 regarding the following:

The City and the Union agree effective June 25, 2019:

Article 4, Salary, Section (b) of the MOU is amended to change the effective date of the August 20, 2019 salary adjustment to June 25, 2019.

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

MODESTO POLICE MANAGEMENT ASSOCIATION
Dated: ________________
By: ______________________

CITY OF MODESTO
Dated: ________________
By: ______________________
RESOLUTION GRANTING SALARY CHANGES TO NON-SWORN UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES INCLUDING CHARTER OFFICERS AND EXECUTIVES AND UNREPRESENTED SWORN POLICE EMPLOYEES, AS OF JUNE 25, 2019, RESCINDING RESOLUTION NO. 2019-314, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES

WHEREAS, on June 25, 2019, by Resolution No. 2019-314, Council approved Class Range Tables and salary schedule changes for unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the adopted a Letter of Agreement with Modesto Police Management Association (MPMA) on August 13, 2019 which included changes in the effective date for previously approved August 20, 2019 salary increases, and

WHEREAS, the City desires to approve a change to the effective date of this salary adjustment, and

WHEREAS, salary ranges shall be adjusted upward by an amount equal to the change in CPI-U, Western Cities for the twelve-month period ending March 2019 effective June 25, 2019. However, in no event shall the wage increase be less than two (2%) percent or more than four (4%) percent; and

WHEREAS, the City desires to maintain competitive position with the labor market.

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

1. SALARY RANGES, RATES AND EFFECTIVE DATES. For Unrepresented Police Management employees, the City shall increase the salary schedule by 2.4%
percent effective June 25, 2019. The salary rates, salary ranges and salary steps as set forth in the following exhibits which are attached hereto and made a part hereof provide for amending the Police Management salary ranges. In addition, based on the results of the City’s most recent labor market study, the salary range for each of the benchmark classes listed in Exhibit X, along with any related classes, shall increase in accordance with the schedule and is set forth in these Exhibits.

1. **Exhibit "A"** entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective July 12, 2016."

2. **Exhibit "B"** entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective March 7, 2017."

3. **Exhibit "C"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Management/Confidential – Non-Sworn Unrepresented."

4. **Exhibit "D"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 Management/Confidential – Non-Sworn Unrepresented."

5. **Exhibit “E”** entitled “City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 25, 2018 Management/Confidential – Non-Sworn Unrepresented.”

6. **Exhibit "F"** entitled "City Of Modesto Class Range Table, Executive Management, Effective July 12, 2016" which includes Charter Officers.

7. **Exhibit "G"** entitled "City Of Modesto Class Range Table, Executive Management, Effective March 7, 2017" which includes Charter Officers.

8. **Exhibit "H"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Executive Management."

9. **Exhibit "I"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 - Executive..."
Management."

10. **Exhibit “J”** entitled “City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 25, 2018 – Executive Management.”


17. **Exhibit “T”** City of Modesto Schedule of Salary Ranges In City Service For FY 18/19, Effective April 16, 2019 – Unrepresented - Fire Chief

18. **Exhibit “V”** City of Modesto Schedule of Salary Ranges In City Service For FY 19/20, Effective June 25, 2019 – Unrepresented - Fire Chief

19. **Exhibit “W”** City of Modesto Schedule of Salary Ranges In City Service For FY 20/21, Effective June 23, 2020 – Unrepresented – Fire Chief

20. **Exhibit “Y”** entitled “City of Modesto Class Range Table, Fire
Management Classes, Effective July 12, 2016.

21. Exhibit “Z” entitled “City of Modesto Class Range Table, Sworn Fire Executive Management Classes, Effective July 12, 2016.


2. CHARTER OFFICERS. The salaries for the positions of the Charter Officers shall be as follows effective March 1, 2016:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>HOURLY</th>
<th>BI-WEEKLY</th>
<th>MONTHLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager</td>
<td>103.68</td>
<td>8,294.40</td>
<td>18,040.32</td>
</tr>
<tr>
<td>City Attorney</td>
<td>78.75</td>
<td>6,299.88</td>
<td>13,702.24</td>
</tr>
<tr>
<td>City Clerk</td>
<td>53.13</td>
<td>4,250.40</td>
<td>9,244.62</td>
</tr>
</tbody>
</table>
3. USE OF CLASSES. The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

4. POSITIONS. The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefor, to appoint employees in such number and in such classes in each department as may be necessary to properly operate the department under the Charter, ordinances and resolutions adopted by the City Council, including, but not limited to, creating additional positions to replace employees who are on disability leave or other leaves of absence.

5. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefor, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of such employee for the position.

6. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time, hourly or special positions in the Unclassified Service for which the City Manager is the appointing authority and which are not designated herein.

7. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A COMMERCIAL CANNABIS CULTIVATION 3A BUSINESS PERMIT FOR FARM 209 CULTIVATION, LOCATED AT 901 E. WHITMORE AVENUE, WITH APPROPRIATE CONDITIONS

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City’s regulatory framework for commercial cannabis uses, and

WHEREAS, the Ordinance establishes certain standards and criteria that apply to all potential commercial cannabis businesses, and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis business permits, and

WHEREAS, under Section 10-3.704(f), commercial cannabis business permits must be awarded by the City Council and such decisions are final and not subject to appeal, and

WHEREAS, the City Council held a properly noticed public hearing to consider the Farm 209 commercial cannabis cultivation 3A business permit application on August 13, 2019, and

WHEREAS, the City Council desires to issue commercial cannabis business permits to qualified operators at permitted locations that comply with state and local laws and regulations, enhance the diversity of the City’s economy, mitigate negative impacts, provide a variety of locations and types of cannabis businesses to the community, and best promote the public health, safety, and general welfare of Modesto residents and businesses.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed project application for a Commercial Cannabis Cultivation 3A Business Permit is exempt from further analysis under the California Environmental Quality Act under the existing facilities exemption in Regulation 15301 and that the proposed cannabis cultivation business is permitted under the current zoning code.

BE IT FURTHER RESOLVED by the City Council that a Commercial Cannabis Cultivation 3A Business Permit is issued to Farm 209 Cultivation, located at 901 E. Whitmore Avenue.

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of approval, including but not limited to the following:

1. City staff, with assistance from HdL Companies staff, will be authorized to access the business site / location during construction of tenant improvements in order to document various components of business operations, security systems, and/or any other points of concern.

2. Farm 209 Cultivation staff is required to submit a completed City of Modesto Wastewater Discharge Permit Application form within 30 days of beginning operations. City staff will conduct ongoing inspections as needed to verify wastewater discharge from the business.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of August, 2019, by Councilmember Grewal,
who moved its adoption, which motion being duly seconded by Councilmember
Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A COMMERCIAL CANNABIS MANUFACTURING 2-7 BUSINESS PERMIT FOR FARM 209 MANUFACTURING, LOCATED AT 901 E. WHITMORE AVENUE, WITH APPROPRIATE CONDITIONS

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City’s regulatory framework for commercial cannabis uses, and

WHEREAS, the Ordinance establishes certain standards and criteria that apply to all potential commercial cannabis businesses, and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis business permits, and

WHEREAS, under Section 10-3.704(f), commercial cannabis business permits must be awarded by the City Council and such decisions are final and not subject to appeal, and

WHEREAS, the City Council held a properly noticed public hearing to consider the Farm 209 commercial cannabis manufacturing 2-7 business permit application on August 13, 2019, and

WHEREAS, the City Council desires to issue commercial cannabis business permits to qualified operators at permitted locations that comply with state and local laws and regulations, enhance the diversity of the City’s economy, mitigate negative impacts, provide a variety of locations and types of cannabis businesses to the community, and
best promote the public health, safety, and general welfare of Modesto residents and businesses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed project application for a Commercial Cannabis Manufacturing 2-7 Business Permit is exempt from further analysis under the California Environmental Quality Act under the existing facilities exemption in Regulation 15301 and that the proposed cannabis cultivation business is permitted under the current zoning code.

BE IT FURTHER RESOLVED by the City Council that a Commercial Cannabis Manufacturing 2-7 Business Permit is issued to Farm 209 Manufacturing, located at 901 E. Whitmore Avenue.

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of approval, including but not limited to the following:

1. City staff, with assistance from HdL Companies staff, will be authorized to access the business site / location during construction of tenant improvements in order to document various components of business operations, security systems, and/or any other points of concern.

2. Farm 209 Manufacturing staff is required to submit a completed City of Modesto Wastewater Discharge Permit Application form within 30 days of beginning operations. City staff will conduct ongoing inspections as needed to verify wastewater discharge from the business.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Zoslocki

ABSENT: Councilmembers: None

ATTEST: **STEFANIE LOPEZ, City Clerk**

(SEAL)

APPROVED AS TO FORM:

By: **ADAM U. LINDGREN, City/Attorney**
RESOLUTION APPROVING A COMMERCIAL CANNABIS CULTIVATION 1A BUSINESS PERMIT FOR PATIENT CARE SERVICES OF CALIFORNIA, INC. (VIP), LOCATED AT 1404 N. CARPENTER ROAD, WITH APPROPRIATE CONDITIONS

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City’s regulatory framework for commercial cannabis uses, and

WHEREAS, the Ordinance establishes certain standards and criteria that apply to all potential commercial cannabis businesses, and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis business permits, and

WHEREAS, under Section 10-3.704(f), commercial cannabis business permits must be awarded by the City Council and such decisions are final and not subject to appeal, and

WHEREAS, the City Council held a properly noticed public hearing to consider the Patient Care Services of California, Inc. (VIP), commercial cannabis cultivation 1A business permit application on August 13, 2019, and

WHEREAS, the City Council desires to issue commercial cannabis business permits to qualified operators at permitted locations that comply with state and local laws and regulations, enhance the diversity of the City’s economy, mitigate negative impacts, provide a variety of locations and types of cannabis businesses to the community, and
best promote the public health, safety, and general welfare of Modesto residents and businesses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed project application for a Commercial Cannabis Cultivation 1A Permit is exempt from further analysis under the California Environmental Quality Act (CEQA) under the existing facilities exemption in Regulation 15301 and that the proposed cannabis cultivation business is permitted under the current zoning code.

BE IT FURTHER RESOLVED by the City Council that a Commercial Cannabis Cultivation 1A Business Permit is issued to Patient Care Services of California, Inc. (VIP), located at 1404 N. Carpenter Road.

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of approval, including but not limited to the following:

1. City staff, with assistance from HdL Companies staff, will be authorized to access the business site / location during construction of tenant improvements in order to document various components of business operations, security systems, and/or any other points of concern.

2. Patient Care Services of California, Inc. (VIP), staff is required to submit a completed City of Modesto Wastewater Discharge Permit Application form within 30 days of beginning operations. City staff will conduct ongoing inspections as needed to verify wastewater discharge from the business.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:**
- Councilmembers: Zoslocki

**ABSENT:**
- Councilmembers: None

[Signature]

**ATTEST:**

STEFANIE LOPEZ, City Clerk

(SEAL)

**APPROVED AS TO FORM:**

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE DEL RIO WELL 70 (REPLACING WELL 271) SURFACE IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH CONCO-WEST, INC., OF MANTECA, CA, IN THE AMOUNT OF $2,320,450 PLUS $185,636 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT OF $2,506,086 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Del Rio Well 70 (Replacing Well 271) Surface Improvements Project will enable the newly installed Del Rio Production Well (Well 70) to increase service reliability of the City’s water system as described in the 2010 Water System Engineer’s Report, and

WHEREAS, the existing Well 271 site is not large enough for a replacement well, and no property adjacent to the well site is available, and

WHEREAS, a portion of the parcel at the northwest corner of McHenry Avenue and Stewart Road was identified as a proposed replacement well site, and

WHEREAS, specifications have been prepared for the Del Rio Well 70 (Replacing Well 271) Surface Improvements Project, and

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

WHEREAS, on July 2, 2019 staff received bids from six companies that were responsible and responsive, including a bid from Conco-West, Inc., and

WHEREAS, the award of bid for the Del Rio Well 70 (Replacing Well 271) Surface Improvements Project conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and
WHEREAS, the Director of Utilities has recommended that the bid of $2,320,450 received from Conco-West, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Conco-West, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Del Rio Well 70 (Replacing Well 271) Surface Improvements Project and accepts the bid of $2,320,450 plus $185,636 (8%) for contingency (if needed) for a total amount of $2,506,086 and Awards Conco-West, Inc., of Manteca, CA, the contract for the Del Rio Well 70 (Replacing Well 271) Surface Improvements Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

[Signature]

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-377

RESOLUTION SUPPORTING INCLUSION AND EMBRACING DIVERSITY

WHEREAS, Modesto is a thriving, diverse and inclusive city.

WHEREAS, the City Council recognizes that mass violence, hate crimes and bigotry continue to take a tragic and unacceptable toll on our country, state and community.

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

1. The City denounces hate and hate crime.

2. The City condemns oppression, decries violence, supports inclusion, and embraces diversity.

3. The City opposes the use of words, images and ideologies that feed fear, hatred or intolerance.

4. We are committed to leading our community by civil, respectful, uplifting public discourse.

5. The City encourages our entire community to take this opportunity to join the City Council in support of this Resolution and for citizens and community leaders to unite to support tolerance and oppose hate.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney